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STATE REPRESENTATIVE

Michigan Department of Corrections Professionals Comment on Lifer Paroles

February 2014

As corrections professionals who have each had decades of experience, we support prompt and thorough consideration by the Michigan Parole Board of prisoners serving parolable life terms. We also support eliminating the authority of successor sentencing judges to prevent a lifer's parole.

We have known hundreds of lifers. We have watched many of them grow from immature young people in their teens and twenties into middle-aged adults. We have seen them come to appreciate the magnitude of the harm they have done to others, to feel shame for their past behavior and regret for the waste of their own lives. And we have known many who, over time, consciously transformed themselves into responsible members of the prison community. They have gained as much education as they could, worked hard at whatever institutional jobs they were assigned and tried to mentor younger prisoners. They have taken advantage of every opportunity available to demonstrate that they are worthy of release.

Many of the lifers who have now served 25, 30, even 35+ years were sentenced by judges who thought they would earn parole long before now. When these men and women were sentenced in the 1960s, '70s and '80s, lifers became eligible for parole after serving 10 years. They were interviewed after serving seven and seen regularly by the board every few years thereafter. Board members got to know individual prisoners and encouraged them to make specific changes in their behavior. The lifers were given realistic goals and reason to hope. The common expectation was that, as a practical matter, most lifers could earn release after serving between 12 and 18 years.

As both statutes and parole board practices were altered, we watched the treatment of the parolable lifers change well after they were sentenced. The current parole process does not encourage the board to get to know individual lifers well. On the contrary, after one initial interview after 10 years, the law now requires no more than a review of the person's file once every five years. Lifers are not assessed for their actual risk, like other prisoners. They are not given an explanation of why the board has no interest in their cases.

We are aware that many people who are not familiar with the criminal justice system believe that, because they received life sentences, these prisoners must be "the worst of the worst." In fact, they are no different than prisoners who received very long minimum and maximum sentences for similar offenses. Because Michigan judges have the option of choosing "life or any term of years" for a range of serious crimes, the primary difference between people who receive sentences of 10-20 years, 20-40 years or parolable life is often the identity of the sentencing judge. The lifers are treated differently not because they are different but because of the sentence the judge chose to impose. Thousands of prisoners who committed equally serious crimes have come and gone while these lifers continue to wait for parole policies to change again.

Even when the board has decided to conduct a public hearing on a parolable lifer's case, the possibility of parole is often blocked by an objection from the successor to the original sentencing judge. While we appreciate the importance of judicial input, we do not see the purpose in permitting a judge who has no personal familiarity with the case or the prisoner to override the parole board's process. We agree with the Michigan Judges Association that the statutory power of successor judges to object to a lifer parole should be limited to giving input for the parole board's consideration but not the exercise of a veto.

People who have worked with these prisoners on a daily basis and know them well are often baffled by their inability to gain release. We all know lifers personally who have been left to sit in lower security prisons, growing older and, in many cases, seriously ill. Ironically, the less risk they pose to the public due to age and poor health, the more costly they become to house. Taxpayers are paying roughly $200,000 for every decision to continue a lifer's incarceration for another five years and they are often getting virtually no increased safety for their money.

We believe that the majority of the more than 850 parolable lifers who are currently eligible for release could become productive members of society during the years they have left. No one values their freedom more than a lifer who has been given a second chance. Their recidivism rates are miniscule.

We urge that every parole-eligible lifer be given a fair and thorough review, as expeditiously as possible, and that those who present little risk to the public be afforded the meaningful opportunity for parole that was anticipated when they were sentenced decades ago.

Signed*

Perry Johnson, Director, 1955-1988
Robert Brown, Jr., Director, 1961-1999
Patricia Caruso, Director, 1988-2010
William Hudson, Parole Board Chair, 1962-1991
Gary Gabry, Parole Board Chair, 1992-1996
Barry McLemore, Deputy Director, 1987-2007
Donald Houseworth, Assistant Deputy Director, 1972-1992
JoAnn Bach, Regional Prison Administrator, 1973-2002
Rudy Stahlberg, Regional Prison Administrator, 1962-1994
Charles Anderson, Warden, 1956-1986
Henry Grayson, Warden, 1966-2002
Carol Howes, Warden, 1978-2012
Barry Mintzes, Warden, 1970-1982
Janette Price, Warden, 1977-2004
Pamela Withrow, Warden, 1976-2001
Richard Stapleton, Administrator, Office of Legal Affairs, 1977-2011
Robert Aguirre, Parole Board Member, 2009-2011
Laurin' Thomas, Parole Board Member, 2007-2011
Gary Kasenow, Administrative Law Judge, Parole Board, 1972-2010
Ken Aud, Area Manager, 1977-2008
Kathleen Schaefer, Program Manager, 1976-2002
Robin Welke, Assistant Deputy Warden, 1990-2006
Carla Costner, Resident Unit Manager, 1985-2001
James Ghastin, Resident Unit Manager, 1980-2006
Gerda O'Brien, Resident Unit Manager, 1987-2005
George Walter, Physical Plant Division Manager, 1973-2002
Gail Light, Public Information Director, 1975-2002

*Titles reflect highest position with MDOC; dates reflect total years of service