



American Friends Service Committee

Michigan Criminal Justice Program

124 Pearl St., Suite 607 · Ypsilanti, MI 48197 · 734-761-8283 · www.prisoneradvocacy.org

RE: American Friends Service Committee's Support for HB 5273

July 13, 2016

The American Friends Service Committee's Michigan Criminal Justice Program advocates for and with people living in Michigan's prisons around a myriad of issues. With the information we glean from people most directly impacted by the system, we work for systemic changes through supporting the creation of humane and fiscally smart policy, public awareness campaigns, and providing education for both young advocates and people in prison.

AFSC's Michigan Criminal Justice Program supports House Bill 5273. HB 5273 would eliminate the authority of successor judges to prevent the parole board from releasing a parolable lifer (by amending MCL 791.234(8)(c)). The bill will still permit successor judges to have their input considered by the parole board but would no longer allow them to exercise veto power.

Over the years we have worked with many, many men and women serving parolable (and non-parolable) life sentences. Over the last years, we have witnessed people who were sentenced to life with the possibility of parole denied the parole board's movement towards parole because of the veto power of a successor judge. Often these vetoes have been accompanied by one line of rationale for the veto, "I object." At times, this rationale runs directly contrary to the intentions of the sentencing judge.

By the time the parole board moves a person to a public hearing, the members of the board have spent many hours mulling over the facts of the case and the merits of the person they are deciding on giving the chance for a public hearing. A successor judge, with what seems like limited time spent reviewing the history of the case (at least this is what is exhibited in the meager rationale, "I object"), abruptly stops a process that already has multiple filters for discretion embedded within it.

Even after a person goes through a public hearing, the person is by no means guaranteed a parole. It is just one more step in a complicated process towards potential freedom. A disconnected, successor judge—who need not provide much of a rationale for his/her decision—is a completely unnecessary and burdensome element to the process.

The parole board does not move unworthy or questionable prisoners to a public hearing. Rather, by granting a public hearing the parole board has seriously vetted a case they are

much more familiar with than a successor judge with no recollection of the case at hand. To watch someone who has served 38 or 40 or 45 years in prison finally get a chance at freedom because the board decides to move the person to a public hearing and then all of it falls apart because of one judge's usually uninformed decision, can be painful for everyone connected to the case, is unjust, and it is simply unnecessary.

In a time when the legislature and taxpayers are concerned about overspending on prisons, this procedural legislation could help eradicate a barrier to the release of some of our most expensive prisoners—people who have lived in prison for many, many years and are costly due to complicated health care issues.

The decision to parole or not to parole should be left in the hands of the parole board.

I urge you to support HB 5273. If you have questions or concerns about this or if you are interested in learning more about how successor judge judicial vetoes have impacted individual prisoners, feel free to contact AFSC at nholbrook@afsc.org, dtitus@afsc.org or 734-761-8283.

Sincerely,

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