



# MI-CURE NEWS

A QUARTERLY PUBLICATION OF  
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## ATTENTION MI-CURE READERS

Please check the mailing label on your newsletter. If there is an asterisk (\*) after your name, you are receiving the *MI-CURE News* because at some point you contacted the American Friends Service Committee (AFSC) for assistance. Due to a recent policy change, we will no longer be sending the newsletter to individuals on the AFSC database.

If you would like to join MI-CURE, the following information may be helpful. Incarcerated people can join for free, but you must contact us to confirm your desire to join. For those of you who are not incarcerated, annual dues are \$10. You must send us a payment if you want to continue getting the newsletter.

Our address is MI-CURE, PO Box 2736, Kalamazoo, MI 49003-2736.

## DIFFERENT PERSPECTIVES ON PRISON LABOR

### Looking at Arizona

The *Arizona Republic* and KJZZ News recently completed a 15-month study of prison labor in Arizona prisons. While some features of that system may be unique, other features can undoubtedly be found in prison systems throughout the country. Below are some of their findings.

Using incarcerated workers, the The Arizona Department of Corrections, Rehabilitation, and Reentry (ADCRR) provides services to many cities, counties and local jurisdictions that most of those entities could not afford to provide for themselves. ADCRR Director David Shinn told legislators that, "If you were to remove (prisoner labor) from that equation, things would collapse in many of your counties." Despite dwindling prison populations, Shinn said, "while it doesn't necessarily serve the department ... to have these (prisons remain) open, we have to do it to support Arizona."

The study revealed that some incarcerated people are providing labor that most people don't recognize. They "make the custom woodwork at hip bowling alleys, they construct trusses, cabinets, wall frames at well-known private home developments and luxury apartment buildings, they work inside kennels for pet adoption shelters, they build confessionals in churches, they act as janitors and groundskeepers at schools – but are told to keep out of sight of

staff and students so no one knows they're there." They are often paid less than \$1 per hour, despite the fact that they must pay outside world prices for their needs.

The Arizona Correctional Industries (ACI) is a state-owned company run by the prison system that employs approximately 2,000 incarcerated people. These people either make products for sale to governmental agencies or private businesses or they are leased out to private companies that can't find workers on the free market. While these individuals are paid higher wages, the state takes a large amount to pay for room and board, utilities, and other expenses. Some pay as much as \$700 a month to live in the prison.

The department asserts that the jobs offered through ACI are its best recidivism reduction tools. The *Republic* and KJZZ studied the data and concluded that recidivism rates for ACI participants are not much better than for other incarcerated people.

### Captive Labor

The American Civil Liberties Union and the University of Chicago Law School Global Human Rights Clinic recently published "Captive Labor" a report on the Exploitation of Incarcerated Workers. They sought data from all fifty states and the Federal Bureau of Prisons. They also surveyed individuals who participated in prison work programs. Despite the fact that current and complete data on the subject is impossible to obtain, they identified many problems related to work in prison.

The report contains a detailed list of recommendations for making work safer, fairer, and more rehabilitative. Essentially, they are recommending that incarcerated laborers be treated as any other laborers. The highlights of those recommendations are summarized below.

### FORCED LABOR

- Repeal national and state constitutional provisions that allow involuntary servitude as punishment for a criminal conviction.
- Eliminate rules, policies, and procedures that punish people for refusal to work or for unsatisfactory work.
- Notify incarcerated individuals of their right to seek reasonable modifications due to a disability, and honor requests for exemptions related to illness, injury, disability or other physical or mental limitations.

### ARBITRARY AND DISCRIMINATORY WORK ASSIGNMENTS

- Comply with federal disability rights laws. All prison activities, programs, and services must be accessible to all incarcerated people with disabilities.
- Provide reasonable modifications to allow disabled persons to participate in desired programming.
- Adopt policies that require consideration of an individual's preferences when making job assignments, setting their workload, or changing their job.
- Permit incarcerated individuals to choose education, vocational or rehabilitative programming instead of work and receive equitable pay for enrollment in those programs.
- Adopt robust measures to eliminate discrimination, racial profiling, sexual harassment and abuse, and arbitrary decision-making in the allocation and supervision of workers on the job.
- Enact legislation that ensures that all incarcerated workers are protected under Title VII of the Civil Rights Act of 1964, requiring that any grievance related to discrimination in job allocation and treatment are responded to in an efficient and impartial manner.

### WORK CONDITIONS AND LABOR PROTECTIONS

- Clarify the meaning of "employee" in all labor-related legislation to explicitly include incarcerated workers within that definition.
- Pass legislation to ensure that workers in prisons are paid prevailing wages and no less than the minimum wage, whichever is higher.
- Adopt policies that limit wage deductions to no more than 20% of a worker's wages, solely to cover legal obligations such as child support. Stop all deductions for room and board, costs of incarceration, prison capital improvement or construction funds, to support prison industries, or otherwise sustain and expand incarceration.
- Amend the Occupational Safety and Health Act (OSHA) and similar state laws to include correctional institutions operated by state and local governments as under the law.
- Take the actions necessary to ensure that incarcerated workers are covered for Social Security, Medicare, disability, unemployment insurance, Earned Income Tax Credit, and Child Tax Credit benefits.
- Allow incarcerated workers to organize and form or join labor unions, meet regularly, and form collective bargaining units.

### WORK PROGRAMS

- Provide incarcerated workers with marketable skills and training that will help them to find employment after release. Programs should provide vocational training in professions that are forecast for job growth.
- Expand post-secondary education in prisons.

### ACCESS TO REMEDIES

- Repeal the Prison Litigation Reform Act that currently limits access to courts.
- Eliminate burdensome administrative barriers from internal grievance processes.
- Ensure that complaints regarding unsafe conditions and abusive staff treatment are processed and addressed expeditiously.
- Recognize the right of incarcerated people to receive workers' compensation when injured or killed on the job.

### REENTRY POLICY

- Eliminate occupational licensing restrictions that categorically disqualify people with convictions.
- Adopt comprehensive fair-chance hiring laws or policies for public-sector employment.
- Pass ban-the-box legislation.

*Sources: "Arizona communities would 'collapse' without cheap prison labor, Corrections director says," by Jimmy Jenkins, Arizona Republic, July 15, 2022; "Republic, KJZZ investigation examines how prison labor works in Arizona," by Arizona Republic and KJZZ News, July 18, 2022; "Captive Labor," ACLU and the University of Chicago Law School Global Rights Clinic, 2022*

### GIVING VOICE TO THE INCARCERATED

"Let Me Tell You" is a storytelling initiative of the Michigan Collaborative to End Mass Incarceration, guided by the American Friends Service Committee and the University of Michigan's Prison Creative Arts Project and Carceral State Project. It is a collection of first-person stories about the experience and impact of long imprisonment in Michigan.

The group has worked with individuals in all of Michigan's prisons to gather those stories. Included in the collection are first-person stories of people on the inside—and the people they love. All stories received are being archived at the University of Michigan. The organizers believe that prison is designed to disconnect people from the rest of society, and that by listening to their stories, we begin to heal those connections.

There are multiple ways to access the stories. One method is by the various phases of incarceration. Those include the following:

- How did we get here? Each of us followed our own path to prison. While there may be similarities in some cases, each case is unique. If we are ever going to end mass incarceration, we need to understand what leads to incarceration. And, we need to consider what we can do as individuals and as members of society to change those trajectories.

- What did we find when we got to prison? The prison experience is different for everyone. It is influenced by factors such as one's personality, abilities and/or disabilities, support or lack of support, and access to programming or denial of programming. If we insist on locking people up, we owe it to ourselves to consider how to make that experience as fruitful as possible.
- We're creative! We are not just people who have been convicted of a crime. And, we don't want you to measure us only by the worst thing we've ever done. Many of us are very creative, inventive, imaginative, and talented.
- We are not who we were when we were convicted. Some of us came to prison when we were very young; others when we were older. In many cases, we have changed a great deal. That may be the result of participation in programming, self-study, mentor(s), supportive family or friends, or just the impact of aging.
- The changes we'd like to see. Many of us have been here for a long time. We've seen changes in the system – and we've identified changes we would like to see in the system.

The other method of accessing the stories is by subject matter, including views of women, change and growth, creativity, family, food, freedom dreams, friendships, life in prison, memories, mental health, solutions, and spirituality.

The website can be found at [letmetellyoumi.org](http://letmetellyoumi.org). If you want more information on the project or would like to know how to submit your own story, contact the project at the following address:

Let Me Tell You  
c/o American Friends Service Committee  
124 Pearl St, Suite 607  
Ypsilanti, MI 48197

A second project gives voice to the formerly incarcerated. "From the Numbers," is a new project launched by Safe & Just Michigan in partnership with Muskegon-based Fresh Coast Alliance and Lester Young of Path2Redemption. This storytelling project features the faces and voices of nine formerly incarcerated people who share their stories of what led them to prison and their work to turn their lives around. Those stories can be found at <https://www.safeandjustmi.org/our-work/from-the-numbers/>.

In just over a month, videos featured in the project have been viewed nearly 20,000 times. The project is designed to change the hearts and minds of Michiganders about the people with a criminal record who are their neighbors and co-workers. While the overview video has received the most views, site visitors are urged to watch more than just that. Each of "From the Numbers" nine participants shared their

own, personal stories of mistakes made, loss and redemption, and they all deserve to be heard.

The "From the Numbers" page also contains a wealth of information on incarceration in Michigan; talking points to help you discuss criminal justice reform with friends and family, faith communities or business leaders; infographics that you can share; and much more.

### OPEN MI DOOR UPDATE

The Open MI Door (OMD) campaign is working to address the use of solitary confinement in Michigan and we wanted to share some exciting updates about the campaign.

In May, we gathered in Lansing for Citizens for Prison Reform's Legislative Education Day. We held a press conference and heard powerful pleas for reform from legislators, solitary survivors and their families. We brought our model solitary cell exhibit and thanks to our friends from the National Religious Campaign Against Torture (NRCAT) we were also able to bring an immersive solitary virtual reality experience to share with the community.

As the OMD campaign has traveled this summer we have been collecting Messages of Hope to send to individuals inside solitary confinement.

Our model solitary cell exhibit even made it all the way to Baltimore to the Unlock the Box convention. Organizations from 19 other states gathered at the annual convention, all of whom are working to address the use of solitary confinement.

The OMD campaign has also partnered with the End of Isolation Tour (EIT) to bring The BOX to Detroit on August 9th and 10th. We would love to have solitary survivors, families, advocates and allies to join us in Detroit for this special event.

The BOX is a play written by Sarah Shourd, a survivor of solitary confinement, in collaboration with other survivors. It is a play about collective resistance and personal transformation inspired by stories in U.S. prisons collected through years of in-depth correspondence and visits with incarcerated people across the country.

We invite you to share this information with your families or outside supporters. If they are interested in attending this event, they can visit [endofisolationtour.org](http://endofisolationtour.org) and use the promo code DETROIT50 to save 50% on their tickets. Limited comp tickets available upon request, please email [contact@openmidoor.org](mailto:contact@openmidoor.org). Visit [openmidoor.org](http://openmidoor.org) for more information.

### PRISON PROGRAMMING

We at MI-CURE are convinced that prisons are safer and more productive when there is a lot of meaningful programming. People are generally happier when they are learning, growing, being challenged, or producing something

meaningful. All of those can be important contributors to an individual's success when released from prison.

An informal survey of our readers several years ago reinforced the importance of having a wide variety of programming. There was no single program that was meaningful to all participants. At the same time, it seemed that every program worked for some of the participants. Some individuals reported that they learned something in every program in which they participated, and they were grateful for the opportunities.

Of late, we have encountered reports of unique programs in a number of prison systems. They remind us that creativity, courage, and cooperation can produce some pretty remarkable results. Below are some of those programs.

### **Wood Working**

The Maine State Prison is a maximum-security institution where every incarcerated person is required to hold a job. The most popular job is the prison industries program where men create bowls, birdhouses, tables, and other furniture from wood. Despite the fact that the program has 10,000 tools, there have been no incidents in the program. All tools are bar-coded and signed out for use. No residents leave until all tools are returned. Around 100 to 130 of the 650 people incarcerated in the prison work six to seven hours a day, five days a week, earning \$2.80 per hour. Each is required to save 10% of the pay.

Finished products are sold at retail prices in a showroom about five miles from the prison. More than 600 items are for sale. Annual sales of \$1.4 to \$1.7 million fund the program. No taxpayer dollars are required.

### **Skateboards for Kids**

For three years, the founder of Fresno Skateboard Salvage has been routinely delivering art supplies and salvaged skateboard decks to three California prisons as part of a partnership with the California Department of Corrections and Rehabilitation. Incarcerated artists take about six months to paint the skateboard decks with super heroes, sports icons, and pop culture. When completed, the decks are auctioned off to help fund a program to provide underprivileged kids with skateboards and helmets. So far, more than 800 skateboards and helmets have been provided to kids – many funded by the artwork of the incarcerated men.

### **College Programming in Maine Prisons**

Forty men at the maximum-security prison in Warren, Maine are currently enrolled in college classes taught primarily by University of Maine faculty. The classes earn credits toward undergraduate, and in a few instances, graduate degrees. These are men convicted of violent crimes and serving the longest sentences. When the Maine Department of Corrections Commissioner Randy Liberty is asked why he offers these individuals free high school and college

education, he responds, "I believe our job is to redeem and to reform and to release them better than when they arrived."

The program began with a \$2 million grant from the Sunshine Lady Foundation run by Doris Buffett. Incarcerated individuals are also eligible for Pell Grants and can receive assistance from families. More than 100 graduates have been released on Liberty's watch; only 5% have been incarcerated again. He is convinced that education programs do not raise the cost of incarceration, but that warehousing people is the real cost.

### **Northwestern Behind Bars**

In January, Northwestern University began offering classes to incarcerated students who had completed their associate degrees at Oakton Community College. According to Thomas Gibbons, dean of the School of Professional Studies, "Northwestern is the first top 10 university in the nation to offer a degree-granting prison education program." Provost Kathleen Hagerty predicted, "We will see more of the nation's elite universities award bachelor's degrees to incarcerated people in the future because it is the right thing to do, and I'm so proud that we are one of the first." Jennifer Lackey, Director of the Northwestern Prison Education Program observed, "Provost Hagerty saw Northwestern emerging as a national leader in rethinking what justice demands of a university, and she has worked tirelessly and compassionately to make it a reality."

### **College Education in California Prisons**

Fresno State University is now offering a program in two California prisons (Valley State Prison and Central California Women's Facility) that will lead to a bachelor's degree in social science. The degree program has been accredited by the Western Association of Schools and Colleges. Fresno State instructors will offer face-to-face coursework. The program will be funded through the California Department of Corrections and Rehabilitation. Beginning in the fall of 2023, students will be eligible for Federal Pell Grants. "The State of California already offers associate degree programs from community colleges in 33 of the state's 34 prisons and has more than 15,000 students enrolled in face-to-face and correspondence college programs as of fall 2021."

### **Freedom Libraries**

Freedom Read Libraries "are the brainchild of 2021 MacArthur Fellow and Yale Law School graduate Reginald Dwayne Betts, who was sentenced to nine years in prison at age 16." The libraries, which are placed in prison housing units, are intended to empower people through literature to imagine new possibilities for their lives. The libraries "have been carefully curated through consultations with thousands of poets, novelists, philosophers, teachers, friends, and voracious readers, resulting in a collection of books that are not only beloved but indispensable." "The... collection emphasizes new books (along side classics), works by writers of color and



by women; a library in which every reader can find joy, belonging, and new possibilities.”

“The libraries are handcrafted out of wood and curved to contrast the straight lines and bars of prisons as well as to evoke Martin Luther King, Jr.’s line about the ‘arc of the universe’ bending ‘toward justice.’” The nonprofit Freedom Reads works with leaders of Departments of Corrections in hopes of bringing the 500-book collection into multiple prisons in every state in the country and Puerto Rico. They started with Massachusetts, Louisiana, and Connecticut.

In connection with the establishment of a library at the Arkansas Valley Correctional Facility in Colorado, the Colorado Department of Corrections Executive Director Dean Williams, said, “It is critically important for our incarcerated population to have purpose behind the walls. Inmates having access to education, the arts, literature, music and other positive pursuits can provide purpose for the individual, but also collectively helps change the culture inside prisons. If we are serious about reducing recidivism and increasing the safety of our facilities, then we have to continue to look at ways to expand access to the outside world and help those men and women coming back to reenter society better prepared and more inspired than when they came to us.”

*Sources: “Maine State Prison inmates work with tools making products for sale,” by Phil Hirschhorn, WMTW, May 4, 2022; “Incarcerated artists in Central Valley prisons use their talents to give local kids the gift of skateboarding,” California Department of Corrections and Rehabilitation News Release, June 21, 2022; “Maine State Prison offers education to inmates in the name of public safety,” by Phil Hirschhorn, WMTW, May 23, 2022; “Celebrating the community behind prison education program success,” by Erin Karter, Northwestern Now, June 7, 2022; “Incarcerated Students in Central Valley Prisons can Earn Bachelor’s Degree through Fresno State Partnership, California Department of Corrections and Rehabilitation News Release, June 29, 2022; “Freedom Library to Open in Colorado Prison,” Press Release, July 1, 2022; [freedomreads.org](http://freedomreads.org)*

### **MDOC STAFFING PROBLEMS**

In February, Heidi Washington, Director of the Michigan Department of Corrections said at a Senate committee hearing that there were approximately 770 staff vacancies in the department. Now, that figure is 900; 1 in 6 positions are vacant. According to MDOC spokesperson Chris Gautz, the department loses about 50 corrections officers every month due to retirement or other reasons.

Several factors contribute to the problem. Raising wages in other areas of the economy make the \$19-an-hour starting wage less attractive. Corrections officers are working 80-hour weeks with mandatory overtime. The nature of corrections limits the flexibility that many employees prefer. A 2019 study of MDOC employees found that 41 percent of corrections officers at male facilities met the criteria for post traumatic stress disorder (nearly 7 times higher than the

national average in the general population). A quarter met the criteria for alcohol abuse. Corrections employees averaged nearly five suicides a year from 2016 through 2018 – a rate more than twice the national average. These figures are consistent with other states.

Employees who commented for this article described the toll of 16-hour shifts stacked one after another and the challenges associated with being understaffed. The work schedule leaves little time for sleep, let alone enjoying one’s family.

Michigan is increasing pay in an effort to attract and retain corrections officers – as are other states. Beginning in October, pay rates will rise 5% across the board, at a cost of \$47 million. This will be the biggest increase in Michigan history. Among the 50 states, Michigan’s corrections officers and jailers rank 12<sup>th</sup> in salary; an officer with 5.5 years of experience makes about \$61,000 per year. Mandatory overtime can increase that by tens of thousands of dollars. Benefits include a 401k retirement plan; health, dental, and vision insurance; 12 weeks paid parental leave, at least 13 paid vacation days; and 13 paid sick days per year.

*Source: “Michigan prison staffers quitting in droves. Will 5% raises make them stay?” by Ted Roelofs, Bridge, July 26, 2022*

## **SEX OFFENDER ISSUES**

### **DOES III Litigation**

The American Civil Liberties Union of Michigan recently provided an update on the legal challenges to Michigan’s sex offender registry laws. Portions of that update are printed below.

Judge Goldsmith has certified the class in *Does III*. That means that everyone who is on Michigan’s sex offender registry is automatically part of the case. You do not need to do anything to be part of the case. The decisions in the case will automatically apply to you. The *Does III* litigation team has been appointed class counsel.

In addition to certifying a class of all registrants, the Court certified several sub-classes. Decisions about a subclass will automatically apply to all registrants who meet the definition for the subclass. You may or may not be in a subclass, and you could be in more than one subclass. The subclasses have specific legal claims that apply to them. The subclasses are:

- Pre-2011 ex post facto subclass: people required to register based on offenses from before July 1, 2011.
- Retroactive extension of registration subclass: people who were retroactively required to register for life.
- Barred from petitioning subclass: people who have been on the registry 10 years and meet certain criteria for petitioning but cannot petition for removal after

10 years (usually because they are Tier II or III registrants, or are juveniles).

- Non-sex-offense subclass: people who are the registry but did not commit a sex offense.
- Plea bargain subclass: people who pled guilty and were retroactively subjected to SORA even though it didn't exist at the time of their plea, and people whose registration terms were extended beyond those in effect at the time of the plea.
- Post-2011 subclass: people required to register based on offenses on or after July 1, 2011.

The next step will be more briefing about the merits of our claims.

### The Real Monsters

In a recent article, Emily Horowitz details the harm created by the nation's sex offender registry laws. In a forthcoming book, *From Rage to Reason: Why We Need Sex Crime Laws Based on Facts, Not Fear*, she provides even greater detail about "what happens when our society gets drunk on punishment." She does not question the necessity of prosecution and accountability. What she does challenge is the civil and criminal punishment beyond that meted out by the courts.

Her article concludes: "A broader question that might arise is why we should care about those who have done terrible things to others. After all, society tells us, they made a choice to do something that caused their predicament. Yet the reality is that registries do absolutely nothing to deal with the scourge of sexual harm. They don't make us safer. They're merely a punitive tool of social control that subjects millions to cruelty and harm that then spreads to their families and communities. Denying so many people an opportunity to be a part of our polity and a chance to thrive, while paying lip service to a carceral notion of public safety, disserves the rest of us. By making monsters out of them, we reveal who the real monsters are."

Source: "The Real Monsters: Sex offender registries don't make us any safer. Abolishing them would," by Emily Horowitz, *INQUEST*, June 3, 2022

### CASH BAIL REFORM IN DETROIT'S 36<sup>TH</sup> DISTRICT COURT

Detroit's 36<sup>th</sup> District Court is the busiest district court in the nation's Blackest city. In July, the court joined the ACLU of Michigan, the National ACLU, and the law firm of Covington & Burling in announcing a settlement to a federal class-action lawsuit filed on behalf of seven Black plaintiffs in 2019. The lawsuit alleged that court discriminated against low-income people who were unable to post bail, and didn't have attorneys representing them at bail hearings.

Plaintiffs argued that people who were unable to pay cash bail were kept in pre-trial detention. That often resulted in

disrupted housing, loss of employment, and broken families. The system disproportionately impacts people of color.

The agreement reached will limit the use of cash bail with the following reforms:

- The court will release a defendant on a personal recognizance bond, with some conditions, unless there is evidence that the person is a flight risk or a danger to the public. If the individual is considered a risk, the court will consider "non-cash conditions" such as protective orders or probation.
- The court will assume that anyone making less than 200% of the federal poverty guidelines cannot pay cash bail.
- Individuals will have access to a court-appointed lawyer at arraignment.
- Defendants who miss an initial hearing for most misdemeanor cases will have the hearing rescheduled, rather than be subject to an arrest warrant.
- When cash bail is used, the court will ensure that the amount is affordable.

The parties also agreed on rules that would trigger a bail redetermination hearing in the event that a bail goes unpaid. That could lead to the bail being reduced or withdrawn altogether.

Phil Mayor of the ACLU of Michigan remarked, "This is a historic day for Detroit and a day that will be important for justice in the city for years to come." William McConico, chief judge of the 36<sup>th</sup> District Court said, "No longer will being poor result in disparate justice. This agreement preserves judicial discretion, while ensuring that judges are exercising that discretion lawfully and wisely."

Sources: "Detroit's 36<sup>th</sup> District Court to limit the use of cash bail after settling lawsuit," *Bridge Magazine*, July 15, 2022; "Cash bail reforms address racial inequality," by Aaron Morrison, *Associated Press, Kalamazoo Gazette*, July 13, 2022; *ACLU of Michigan email*, July 15, 2022

### SHORTS

**Jury Service in Michigan:** Individuals with a felony conviction cannot currently serve on a jury in Michigan. However, if the conviction is set aside, a person is able to serve. When the record has been expunged, the individual can and should answer "no" to the felony question on the jury questionnaire. Given recent changes that make it easier to expunge a record, more people should now be eligible to serve on juries. That is important if we are to achieve the diversity we need in our justice systems.

**Massachusetts Expands Ballot Access:** In Massachusetts, the only people legally prevented from voting are those who are in prison with a felony conviction. Unfortunately, many local officials do not understand the laws, leading to people in jail being denied the right to vote. This spring the legislature passed and the governor signed the VOTES Act, which will

address the problem when it becomes effective on January 1, 2023.

Under the new law, the secretary of the commonwealth (the state's chief elections officer) must

- Prepare posters explaining voting rights and procedures for all jail officials
- Prepare written forms for those inside who may be eligible to vote.

Jails must:

- Display the posters in prominent locations inside the facility
- Make the written forms available to eligible voters.
- Ensure the receipt, private voting (where possible) and return of mail ballots for incarcerated people
- Prohibit jail staff from opening and inspecting any completed mail ballots (unless there is reasonable suspicion of a prohibited activity)
- Track the number of incarcerated people who sought to vote
- Track any complaints related to voting issues and the outcomes of those requests

*Source: "New Massachusetts Law Requires Jails to Expand Ballot Access," by Khawla Nakua, BOLTS, July 22, 2022*

**Mississippi Begins Air Conditioning its Prisons:** Forty-eight air conditioning units have been installed at the Mississippi State Penitentiary at Parchman. Those cover 40% of incarcerated population. The remainder of the prison will be air conditioned by the spring of 2023. After that, the state's other prisons, Central Mississippi Correctional Facility and Southern Mississippi Correctional Institution, will be air conditioned. Temperatures at Parchman have reportedly reached 145 degrees; with air conditioning, the goal is to keep temperatures at 78 degrees. In addition to promoting the health and safety of those incarcerated, it will make it easier to recruit staff.

*Source: "After 121 scalding Mississippi summers, Parchman prison is getting air conditioning," by Mina Copuz, Mississippi Today, July 19, 2022*

**Spokane Behavioral Health Unit Reduces Demand on Jails and Hospitals:** Spokane, Washington's Behavioral Health Unit (BHU) is designed to handle situations in which people are in crisis. The goal of the unit is to divert people from the criminal justice system or the emergency room. The unit is part of the Spokane Police Department. Each co-responder unit consists of one law enforcement officer or deputy and one clinician. The clinicians are employed by Frontier Behavioral Health.

Responder units typically spend 30-45 minutes on a call, compared to 15 minutes spent when police respond. In the past year, the following results were reported:

- Four out of five people aided by responder units did not end up in jail or the hospital.

- One percent of the people were arrested and 5.5% were diverted from arrestable offenses. In these cases, there was probable cause to arrest but they were connected to other resources for care.
- Sixteen percent were detained because they were homicidal, suicidal, or gravely disabled and unable to care for themselves. They were evaluated and given time to get on their feet or on their medications.
- Of 5,364 calls, none resulted in force beyond handcuffing.
- Many of the calls were suicide calls where the unit was able to provide prevention services.

*Source: "Spokane Police's behavioral health unit frees up jail and ER space in 2021, report says," by Julien A. Luebbbers, The Spokesman-Review, July 15, 2022*

### **An Overlooked Opportunity for Returning Citizens:**

Shelby County, Tennessee recently passed the Fair Chance to Serve ordinance to provide individuals with a criminal record an opportunity to volunteer on local boards and commissions. Individuals no longer have to disclose a criminal record when applying to serve. County Commissioner Van Turner said, "We're in the business of making the penal system go out of business." Commissioner Mick Wright said, "We shouldn't make it difficult for ex-offenders to reintegrate in society. Candidates who have been through the justice system have paid their debt to society and have been thinking about ways to turn their lives around. They will bring different perspectives and expertise to serve our communities."

*Source: "Fair Chance to Serve ordinance passes in Shelby County," by Lakiya Scott, FOX13Memphis, June 16, 2022*

### **Innocence Lawyer Appointed Federal Judge:**

Nina Morrison has been approved by the U.S. Senate to serve as a federal judge in Brooklyn, New York. Since 2002, she has worked at the Innocence Project in New York. During that time, she has helped about 30 wrongly convicted people to be freed from prison or death row. Innocence Project co-founder Barry Scheck said, "Nina's work on exoneration cases has infused her with a passion for justice but also humility and a holistic view of the criminal and civil legal systems." She will be the second openly LGBT+ judge in the Eastern District.

*Source: "U.S. Senate confirms Innocence Project lawyer Morrison to be federal judge," by Nate Raymond, Reuters, June 8, 2022*

**Transgender Affirming Surgery:** The American Civil Liberties Union (ACLU) has announced a settlement agreement with the Federal Bureau of Prisons (BOP) which will lead to the BOP providing a woman with the gender-affirming surgery she needs. The Bureau has also committed to establishing target timelines for considering requests for gender-affirming treatment for all trans people in federal custody.

*Source: ACLU, June 7, 2022*

**Arizona Prison System Health Care Litigation:** In 2012, the ACLU of Arizona, the Arizona Center for Disability Law, and the law firm of Perkins Cole LLP filed a lawsuit based upon

persistent reports of fatally inadequate medical care by the prison system's medical provider. The Arizona Department of Corrections, Rehabilitation, and Reentry (ADCRR) agreed to a settlement in 2015 by taking steps to improve care in the prisons – an agreement others claim the department has failed to meet. In 2018, a federal magistrate fined ADCRR \$1.4 million. The U.S. District Court Judge Roslyn Silver held the department in contempt in February 2022, and fined it \$1.1 million for failing to meet medical care benchmarks. More recently, the judge ruled that the ADCRR has been flouting the terms of the previous settlement. The judge concluded, "No legitimate humane system would operate in this manner."

Tod Wilcox, medical director of the Salt Lake County Jail System, wrote, "A system that allows this level of sustained incompetence and cruelty, and fails to take decisive action to determine the causes of these myriad and horrific breakdowns and to ensure that the people involved in this case are thoroughly retrained and/or separated from service is morally bankrupt."

In addition, Silver ruled that the prison system's use of solitary confinement violates the Eighth Amendment. There are "thousands of prisoners in restrictive housing units where they are not provided adequate nutrition, nor are they provided meaningful out-of-cell time for exercise or social interaction. Defendants' treatment of prisoners in restrictive housing units results in the deprivation of basic human needs. For years, Defendants have known of the deficiencies, highlighted by Court intervention and direction, and refused to take meaningful remedial action."

The court committed to finding an expert to help craft an injunction to alleviate the unconstitutional conditions. *Source: "Federal Judge Rules Gruesome Medical Neglect in Arizona Prisons Violates Eighth Amendment," by C. J. Ciaramella, Reason, July 1, 2022*

#### **Limiting Solitary Confinement:**

**Connecticut:** Governor Lamont of Connecticut has signed legislation to significantly limit the use of solitary confinement in the state's prisons. Solitary confinement will be limited to 15 consecutive days. An independent prison oversight committee will monitor its use.

**Maine:** Maine claims to have the smallest number of people in restrictive housing in the country. It now has only 16 cells, where typically fewer than half are in use. There, the focus is reportedly on rehabilitation, counseling, and programming; each individual has a case worker. Individuals in restrictive housing are allowed out of cells for four to seven hours a day and may lift weights and exercise outside. They have full-time access to a tablet for real-time texting to family members, access to a phone, and a television with 120 cable channels. Individuals remain there from 3 to 18 months with evaluations every 90 days.

*Sources: "Victory in Connecticut," Unlock the Box, May 14, 2022; "Maine state prison officials say they've reduced solitary confinement to a memory," by Phil Hirschhorn, WMTW, June 1, 2022*

#### **WITH SYMPATHY**

Since publication of our last newsletter, we have learned of the deaths of MI-CURE members and supporters Gordon Bigalke, Nathan Edwards – 132106, George Petersen – 237683, and Patricia Ann Zavoda.