



MI-CURE NEWS

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MI-CURE, PO BOX 2736, KALAMAZOO, MI 49003-2736
(269) 383-0028 WWW.MI-CURE.ORG

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TRANSPARENCY AND ACCOUNTABILITY... AND FOOD SERVICE

Many large organizations may not be as transparent and accountable as citizens and advocates might like. MI-CURE has been working with other advocacy organizations associated with the Michigan Collaborative to End Mass Incarceration to examine those issues as they relate to the Michigan Department of Corrections. After considering all of the data that might be helpful in better understanding the MDOC, we concluded that the best approach to understanding this phenomenon would be to focus on just one issue. In doing so, we would examine the available data, identify data that may be missing or unclear and work to learn all we feel we need to know. We would then use the information we gathered to advocate for improved performance.

Based upon an informal survey of some incarcerated individuals and information shared with us and with others by mail from incarcerated people, we have decided to focus on the issue of Food Service. We have completed the following tasks:

- Reviewed information provided in relevant MDOC reports to legislators;
- Reviewed the Food Service Contract;
- Secured a copy of the commissary/secure pack offerings with pricing;
- Reviewed relevant policy directives;
- Studied the report, "Eating Behind Bars: Ending the Hidden Punishment of Food in Prison" by Impact Justice;
- Submitted an FOIA request for the MDOC menus and recipes;
- Began exploring how we might get assistance from academics who understand nutrition and institutional food service.

While the documentation listed above will play an important role in our understanding the system, we realize that there is other information that will not appear in formal documents but could add to our understanding of the system. If you would like to share information with us, please send it to the MI-CURE at PO Box 2736, Kalamazoo, MI 49003-2736.

Please do not send us the information we already have. Please do not send us information on the problems you may have experienced during the COVID pandemic. We understand that the pandemic caused many problems, but we will be focusing on food service during normal operations.

RALLY TO SUPPORT ENDING MASS INCARCERATION

The National Lifers of America, Inc. have organized a rally at the Capitol in Lansing for Thursday, October 14 from noon to 3:00 p.m. The keynote speaker will be Ingham County Prosecutor Carol Siemon. Everyone is welcome. It is suggested that you bring your own chair. Refreshments will be available.

HELPFUL INFORMATION REGARDING COVID-19

Through our partnership with Morehouse School of Medicine's National Covid-19 Resiliency Network, Dream Corps JUSTICE is working to ensure that justice impacted individuals and their families have access to new COVID 19 related resources to help reduce the negative impact of the pandemic on their communities. Some of these resources include: a symptom checker, COVID-19 test locator, vaccine finder, factsheets, and more. The National COVID-19 Resiliency Network provides awareness of culturally appropriate health education information and linkage to care, helping organizations and families recover from pandemic difficulties.

If you are a justice impacted individual, or you have a loved one currently or formerly incarcerated, go to www.msm.edu/ncrn for more information.

SECOND LOOK SENTENCING WHAT, WHY AND HOW?

Second look sentencing describes the process of examining someone's prison sentence after 10 or 15 or 20 years to determine if that sentence is still appropriate and to alter it if it is not.

There are a number of reasons why these examinations make sense. Those include the following:

- Society's norms change over time. For example, the long sentences we once imposed for some drug crimes, are not consistent with today's views.
- As people age, they no longer pose the public safety threat they did as young people.
- The cost of incarcerating the elderly is not sustainable.
- Crime survivors have diverse views. Not all desire long sentences for offenders. Furthermore, focusing solely on punishment ignores many

victim needs. As Daniell Sered has noted, “A survivor-centered system is not a survivor-ruled system.”

- Criminal careers are rather short (typically under 10 years). Incarcerating someone beyond that point accomplishes nothing.
- For some categories of crimes, crime rates peak in the teen years and gradually decline in the early 20s. Holding older individuals who have committed these crimes isn’t logical.
- There is no evidence that long sentences serve as a deterrent to crime.
- The cost of mass incarceration consumes resources that could be used for more effective public safety initiatives.
- Many sentences deserve a second look because they have been tainted by racial bias.

The Sentencing Project recommends second look legislation incorporate the following features:

1. Instituting an automatic sentence review process within a maximum of 10 years of imprisonment, with a rebuttable presumption of resentencing. Subsequent hearings should occur within a maximum of two years.
2. Anticipating and intentionally monitoring and addressing racial and other disparities in resentencing. Discretionary resentencing decisions may be impacted by the race and other characteristics—such as educational level, mental health status, and gender—of the incarcerated individual or their victim. For example, disparities in both sentencing and in prison discipline driven by racial bias will impact eligibility for resentencing and must therefore be accounted for in any resentencing policy, practice, or law.
3. Appointing legal counsel to represent individuals through the resentencing process.
4. Placing decision-making authority within an entity willing to make an evidence-based assessment of whether an individual’s release would pose an unreasonable public safety risk. In some jurisdictions, judges or judicial panels, rather than parole boards, may be better insulated from political aversions to resentencing.
5. Establishing assessment criteria and training, and requiring written explanations for resentencing denials. Ensure that resentencing decisions balance the desire for punishment from some crime survivors with societal goals of advancing safety, achieving justice, and protecting human dignity.
6. Enabling crime survivors to provide input and ensuring that the resentencing process is transparent to them. Invest in restorative justice services to support crime survivors and in rehabilitative programming in prisons and reentry programming outside of prisons to promote success for those who are resentenced.

Source: “A Second Look at Injustice,” by Nazgol Ghandoosh, Ph.D., The Sentencing Project, 2021

WHEN IS A PROSECUTOR PROGRESSIVE?

In a recent article in *The Atlantic*, Darcy Covert, staff attorney at the King County Department of Public Defense in Seattle, argues for a broader definition of the term “progressive prosecutor.” She observes that progressive prosecutors today are refusing to prosecute people accused of low-level offenses. They are promoting diversion programs and replacing hardline assistants with reform-minded staff. They are creating conviction integrity units and collecting data related to the racial composition of those prosecuted.

Covert, however, argues that these actions will not deliver on the promises made by many of these prosecutors to end mass incarceration and bring fairness to the system. Since most people in prison are there for committing violent crimes, refusing to prosecute minor crimes won’t end mass incarceration. Diversion programs that impose onerous rules and penalties for those who slip up are not going to help individuals with mental illness, addictions, or problems associated with poverty. Because they are operating in an adversarial system, it is difficult for prosecutors to remain neutral when determining innocence or deciding how much punishment is needed. Gathering and publishing data regarding racial disparities will not fix the problems, “because transparency is not a cure for the disparities the data show.”

Covert’s suggestion is that, “If you are a prosecutor committed to transforming the criminal legal system, support the reallocation of power away from your office – by your office, and by the legislature and the courts.”

Since people who commit serious crime are driven by circumstances such as trauma and mental illness, consider treatment for them, rather than incarceration. Push for reallocating funds from the prosecutor’s office to social services and the indigent defense system. Work for the elimination of mandatory minimum sentences and other laws that enable coercive plea bargaining. Advocate for systems that prevent racist juries and end traffic stops for minor violations.

“The progressive-prosecutor’s movement’s supporters should ask more of prosecutors who claim that they are committed to reform... Systemic change requires shrinking the power those offices hold.”

Source: “The False Hope of the Progressive-Prosecutor Movement,” by Darcy Covert, The Atlantic, June 14, 2021

A SHORT HISTORY OF PELL GRANTS FOR PERSONS WHO ARE INCARCERATED

In 1982, when incarcerated people were eligible for Pell Grants, 27,000 were enrolled in 350 college-prison programs – 9% of the U.S. prison population. By the early 90s, more than 770 college programs operated in approximately 1,300

prisons. In 1991, 13.9% of people in state prisons had taken a college-level course. During the 1993-94 school year, incarcerated people received less than 1% of the Pell Grants issued: \$35 million of \$5.6 billion. The Government Accountability Office reports that no applicant that was eligible for a Pell Grant ever lost the grant to someone who was incarcerated.

In 1994, Congress ended Pell Grants for incarcerated individuals. By 1997, only 8 college programs were operating in prisons. All of them had to locate their own funding. That same year, 9.9% of people in state prisons had taken a college-level course. By 2004, only 7.3% of people in state prisons had taken a college level course while incarcerated. In 2014, just 2% had earned an associate's degree and 1% had earned a bachelor's degree.

In 2015, the Obama administration initiated the "Second Chance Pell" pilot program. In the first three years of its operation, more than 17,000 individuals in 28 states earned 4,500 certificates, postsecondary diplomas, associate's degrees, and bachelor's degrees.

Research has established the value of education in the prison setting. "Among incarcerated people who earned a GED, recidivism rates within three years decreased 14% for those under 21, and 5% for those over 21. But when people took college-level courses, there was an even stronger correlation: a 46% lower rate of recidivism compared with those who did not." Clint Smith discovered in his research that individuals who take classes gain a "sense of community, a sense of purpose, a sense of identity, and a sense of hope" that "play a profound role in shaping both the time people spend in prison and their life after being released."

It is worth noting that a Pell Grant costs less than \$6,000 per year.

Congress has passed legislation to reinstate Pell Grants for those who are incarcerated. It will not go into effect until 2023. Smith argues that restoring college education opportunities in prisons to previous levels as swiftly as possible is not "just an economic imperative, but a moral one."

"Restoring Pell Grants – And Possibilities – for Prisoners,"
by Clint Smith, *The Atlantic*, March 11, 2021

GOOD TIME MAKES GOOD SENSE

Michigan spends over 2 billion taxpayer dollars on corrections each year, and it is the **only** state that offers no form of early release for those incarcerated in prison. Michigan Justice Advocacy (MJA), with the help of their legal team, White & Case, LLP & Clancy Advisors, PLC, has helped develop a bill to bring a Good Time credit system back to the state.

Michigan is currently one of only six states that does not offer any sort of Good Time credit. The proposed bill would create incentive for incarcerated individuals to earn

time off of their sentence in the form of thirty days of credit for thirty days of good behavior. These credits would apply retroactively, which would provide critical relief in Michigan's overcrowded prisons, creating a safer environment both for corrections officers and those who are incarcerated. This bill would apply to any incarcerated person who has a length of time associated with their sentence and does not apply to those who are serving a life sentence. While MJA hopes to offer the opportunity for early release through Good Time, each incarcerated person would still sit before a parole board to determine a release date; they are not automatically released.

MJA strongly believes that victims' voices are paramount in this discussion. To that end, studies show that the majority of victims of violent crime actually support credit systems that reward good behavior with a reduction in sentence. Additionally, victims would be kept apprised of the incarcerated individual's accrued Good Time. Statistics have demonstrated time and time again that positive incentive for behavioral growth reduces the likelihood of recidivism, and MJA's most ardent hope is that this bill will create a safer society. MJA plans to introduce this bill to the House and Senate after the summer recess.

MJA is currently spreading the word about Good Time across the state at local events and farmers markets through their summer campaign to educate people on the importance of this policy and legislation.

For more information, or if you would like to participate as a volunteer or donate to the cause, visit mijustice.org, or follow MJA on social media @mijusticeadvocacy or write to Michigan Justice Advocacy, PO Box 2814, Ann Arbor, MI 48106.

DRUG USE IN JAILS AND PRISONS PARTICULARLY DEADLY

Between 2001 and 2018, the number of people who have died of drug or alcohol intoxication in the nation's state prisons increased by more than 600%. In county jails, the increase was 200%. (More recent data was not available.) While it is true that overdose deaths outside of prisons have increased as well, there are factors that may make the situation in prisons more deadly.

People in prison may be more likely to self medicate because they are bored, isolated, and have unmet mental and physical health needs. They may be more reluctant to seek help or find available help inadequate. Other incarcerated people may be reluctant to call for help because that is tantamount to snitching.

It doesn't help that this country incarcerates so many people for substance use problems and then fails to provide them with adequate treatment. Suboxone and methadone are particularly effective in treating opioid abuse, but few prisons and jails provide them. Joseph Rich, an infectious disease and addiction doctor who has cared for patients in Rhode Island

prison system for almost 30 years said, “When we incarcerate people, we stop their daily intake of opioids. It doesn’t stop completely, but it stops enough that they lose their tolerance – which puts them at much higher risk for overdose and death (when they do use).” Rich argues for treatment with medications. “If we treat people, there’s going to be a decreased demand to bring illicit drugs in. Even if it does get in, people are going to be protected from overdose because that’s what these medications do.”

Source: “Behind bars, drug use is rampant and uniquely deadly, new data shows,” by Beth Schwartzappel and Jimmy Jenkins, The Marshall Project in partnership with NPR, July 15, 2021

DENTAL CARE IN MICHIGAN PRISONS

Current MDOC policy states that incarcerated individuals cannot receive dental care in the first two years of their prison term unless the need is urgent. Being toothless is not urgent. Many report that they were given the choice of living in pain or agreeing to have a salvageable tooth extracted. MDOC spokesman Chris Gautz reportedly claimed that the department’s dental care does not violate the Constitution’s ban on cruel and unusual punishment. He believes the care is “far better than what the majority of the prisoners received prior to entering prison.”

Detroit-based lawyer Daniel Manville is suing the MDOC over the two-year wait for dental care that he describes as “barbaric.” The MDOC’s response to the lawsuit is that the prison dentists take care of urgent problems and that overall, they do more fillings than extractions. Attorneys for the state, however, wrote, “Being without a few, several, many or all of one’s teeth is not, in and of itself, an urgent dental condition.”

The lawsuit is not expected to go to trial until next year.

Source: “‘I Have No Teeth’: Michigan Prisoners Say Long Wait to See Dentist is Inhumane,” by Keri Blakinger, The Marshall Project in partnership with NBC News, July 22, 2021

OPEN MI DOOR UPDATE

As we have reported before, the Open MI Door (OMD) campaign was launched in January of 2020 to advocate for alternatives to solitary confinement in Michigan. The group defines solitary confinement as isolation for more than 20 hours per day without meaningful human contact – for more than 15 consecutive days. OMD is working with the national Unlock the Box campaign, which is supporting efforts in 18 states.

Since its inception, OMD has...

- Conducted four webinars with solitary survivors, impacted family members, and experts in the subject.
- Met with Corrections Staff and MDOC Administration, to explore alternatives to the current system.

- Met with Director Washington to hear her plans for changing the system.
- Created and submitted to department administrators a list of changes that could be made relatively quickly to improve the system.
- Held three public education events, including one at the Capitol. They used their model segregation cell to help people gain a sense of what living in this space is like.
- Received over 7,000 signatures on their petition, and received support from organizations signing on to the position statement.

The group is grateful for individuals who have shared their experiences, insights, and art. The material was used to create an exhibit that resulted in articles in *Rolling Stone* and *Esquire*. If you would like more information, would like to volunteer to help with the campaign, or would like to share information with with them, the contact information is as follows:

Email address: info@micpr.org
 Website: openmidoor.org
 Mailing Address: Open MI Door
 P.O. Box 80414
 Lansing, MI 48910.

SHORTS

Michigan Supreme Court Issues SORA Ruling: The Michigan Supreme Court issued a ruling on July 27, that the state’s sex offender law adopted in 2011 cannot retroactively be applied to a registrant convicted two years earlier. The court ruled in *Michigan v. Betts* that the law was punitive and “bore resemblance to the traditional punishments of banishment, shaming, and parole because of its limitations on residency and employment, publication of information and encouragement of social ostracism.” The court also found the law “appeared retributive” and “appeared excessive.” The decision largely aligns with a prior federal court ruling that found the 2011 changes unenforceable because they amounted to unconstitutionally retroactive punishment. No final federal order has been issued in that case yet and no changes in registration requirements have been issued.

Sources: “Michigan Supreme Court Declares Sex Offender Laws Are Punitive,” Alliance for Constitutional Sex Offense Laws, July 27, 2021; “Supreme Court says 2011 changes to sex offender law cannot be applied retroactively,” by Beth LeBlanc, The Detroit News, July 27, 2021

California Changes Procedure for Challenging Felony Murder Convictions: In 2019, California passed a law that permitted a murder conviction only for someone who intended to kill and directed and aided in it or acted with “reckless indifference to human life.” In response, hundreds of incarcerated people challenged their convictions and qualified for legal representation. Most state appellate courts, however, refused to require a court-appointed attorney until a lower court decided whether the challenge could proceed. The California Supreme Court has now ruled that incarcerated

people who are challenging this type of conviction are entitled to an attorney to help them with the initial hearing.

Source: "California Court Requires Lawyers in Murder Case Challenges," by Associated Press, July 26, 2021

The Plea Tracker: The Wilson Center for Science and Justice at Duke Law School is designing a system to collect extensive data on the components that factor into plea agreements. In partnership with district attorneys in Durham County, NC and Berkshire County, MA, they will gather and analyze patterns and sequences of criminal cases to better understand the process. In addition to the basic information about each case, they will be gathering information about the demographics of the defendants and victims, risk assessments, and the availability of treatment programs. The Plea Tracker will monitor prosecutors' procedures and hold them accountable by determining any racial inequalities or inconsistencies in cases. Will Crozier, the Wilson Center Research Director, said, "The lessons learned from this project will undoubtedly have an impact on our understanding of how justice is negotiated, and I think will result in a better understanding of how progressive prosecution can improve the criminal justice system."

Source: "Plea Tracker: What the Wilson Center Hopes to Learn from Plea Negotiations," by Elizabeth Garabedian, Davisvanguard.org, July 19, 2021

Recently Appointed New York City Prison Official Was Formerly Incarcerated: Stanley Richards is executive vice president of the Fortune Society, a New York City nonprofit that serves incarcerated people and those who have been released. He has also served on a New York City prison system supervisory board. He was recently named Deputy Commissioner where his duties will be to oversee the prison system's inmate programs, day-to-day operations, and an assistance program for correctional staff and their families. Prior to his impressive career, Richards was incarcerated in New York for 7 years.

Source: "Stanley Richards, former Rikers inmate, appointed to head of New York prison," Goodworknews.com, July 4, 2021

New Jersey Will House Incarcerated Based on Gender Identity: As a result of a lawsuit settlement, New Jersey will now place individuals who identify as transgender, intersex, or nonbinary in a prison that is consistent with their gender identity, rather than the sex at birth. Staff will be required to use appropriate pronouns and are prohibited from harassing or discriminating against someone because of gender identity. All corrections officers, regardless of rank, must sign an acknowledgement that they have read the policy. The agency will provide training related to the changes. In addition, the department will provide gender-affirming undergarments, clothing, and other property and medical and mental health care that are medically appropriate. Transgender individuals will be able to shower separately and will not be strip searched or patted down by officers of the opposite sex.

Connecticut and California (by law) and Rhode Island, New York City, and Massachusetts (by policy) assign people to prisons based upon gender identity.

Source: "New Jersey Prisoners Will Be Placed Based on Gender Identity Under A New Policy," by Jaclyn Diaz, NPR, June 29, 2021

Connecticut Becomes the First State to Make Prison Phone Calls Free: Connecticut Governor Lamont has signed legislation that will make all communication in state prisons and youth detention facilities free, prohibit the state from collecting any revenue from communication services and prohibit visits from being replaced by communication technology. (Connecticut does not have county jails, so the change affects anyone incarcerated in the state.) In addition the budget bill ensures that each individual is allowed a minimum of 90 minutes of call time per day. The changes are expected to save Connecticut families more than \$12 million annually, before fees and taxes. The effective date of the legislation is October 2022, though the budget bill is likely to move that to July 2022.

House Majority Leader Jason Rojas commented, "Incarcerated individuals and their families shouldn't be burdened by exorbitant costs to simply keep in contact with each other. We cannot understate the importance of staying connected to family. We know that incarcerated individuals can maintain the vital connections that will ease their transition back to society. This bill corrects a regressive policy that senselessly indebts families and turns the revolving door of recidivism. As our state focuses on criminal justice reform, it could not be more timely."

The cities of New York, San Francisco, San Diego, and Los Angeles already provide free calling to those who are incarcerated.

Source: Press Release, Worth Rises, June 17, 2021

Resident of D.C. Jail Elected to Office: Washington, D.C. uses advisory neighborhood commissions (ANCs) to advise the government on public policy matters that affect the neighborhood. The seat on one of those ANCs has gone unfilled. That seat represented the local jail. The group Neighbors for Justice solicited help from the Department of Correction (which helped candidates make videos for their campaigns), the board of elections, and other agencies to conduct an election at the jail. Five incarcerated people ran for the position. On June 15, Joel Caston, who is incarcerated at the jail, was elected to represent those incarcerated at the jail as well as residents at the Harriet Tubman Women's Shelter, and residents of the Park Kennedy apartments – a high-end development in the area.

Sources: "Five Inmates Will Run for ANC Seat in Ward 7 Tuesday," by Derrick Ward, NBCWashington.com, June 13, 2021; "DC Jail inmate elected to one of the District's ANC board positions," by Nick Boykin, WUSA9, June 16, 2021

North Dakota working to introduce new model for prison housing: The North Dakota prison system is partnering with

MILPA and the Vera Institute of Justice to establish a housing unit at the Bismarck State Penitentiary that is modeled after prisons in Germany and Norway. Discussions are just beginning on how to design the new facility. Incarcerated individuals and staff will have input into the design. The facility will house individuals under the age of 25. There will be a ratio of eight staff members and older mentoring incarcerated individuals to each younger incarcerated individual. The philosophy of the unit is that treating incarcerated people with dignity while holding them accountable is a more effective and humane rehabilitation strategy than punishing them and forcing them to live in the restrictive housing that is prevalent in most U.S. prisons. David Krabbenhoft, director of the ND Department of Corrections does not view this as a pilot project. He sees it as the system's future. He said, "We hope this is going to be transformative for our system, and the result of that is you're going to see less people coming back to prison. Public safety remains our top priority, but we do believe that our residents here need to have the appropriate place at the table when we're talking about it... (W)hat better way to understand how people have ended up where they have?"

Source: "North Dakota prison system looks to bring 'humanity' to state pen with revamped housing unit," by Jeremy Turley, The Dickinson Press, June 11, 2021

South Carolina Court Ends Lifelong Registry: South Carolina's Supreme Court has ruled unanimously that requiring a sex offender to register for life without prior judicial review is unconstitutional. According to the ruling, the practice "violates due process because it is arbitrary and cannot be deemed rationally related to the General Assembly's stated purpose of protecting the public from those with a high risk of re-offending." "The lifetime inclusion of individuals who have a low risk of re-offending renders the registry over-inclusive and dilutes its utility by creating an ever-growing list of registrants that is less effective at protecting the public and meeting the needs of law enforcement. There is no evidence in the record that current statistics indicate all sex offenders generally pose a high risk of re-offending." The court will allow the state 12 months to implement the ruling, allowing time for the legislature to make changes to address the current lack of judicial review.

Source: "Court nixes South Carolina's lifetime sex offender registry," by Meg Kinnard, Associated Press, June 9, 2021

Minnesota Stops Separating Mothers and Newborns: In July, Minnesota became the first state to end the practice of separating incarcerated mothers from the newborns. Prison officials now place women who are pregnant or have just given birth into community alternatives such as halfway houses. There, the women will be supervised and will be provided treatment for the duration of the pregnancy and for up to a year after birth. Governor Tim Walz commented, "The first-in-the-nation Healthy Start Act does what's right for mothers and their children by keeping them healthy, and keeping them together. This historic bill was made possible by the tireless, bipartisan work of the Department of Corrections, legislative leaders, advocates, and mothers who shared their stories and fought for the wellbeing of their kids."

Source: "Minnesota to become 1st state to stop separating moms in prison from newborns," by Kyle Hicks, thedenverchannel.com, June 9, 2021

Ohio Prison System to Pilot Body Cameras: The Ohio Department of Rehabilitation and Correction is piloting body cameras for guards at Chillicothe Correctional Institution and the supermax Ohio State Penitentiary, as well as parole officers. They have requested proposals from four companies and will make a selection after trying them out for 45 days. The program is expected to both reduce assaults on staff and improve staff accountability.

Source: "Ohio prison system to pilot body worn cameras for guards," by Associated Press Columbus, June 6, 2021

Michigan AG Announces Charges Against Law

Enforcement Officers: Michigan Attorney General Dana Nessel is charging four law enforcement officers with crimes as a result of investigations by her Public Integrity Unit. One Washtenaw County deputy was charged with one misdemeanor count of assault and battery and one felony count of misconduct in office by a public official. A second Washtenaw County deputy was charged with providing favors for incarcerated women in exchange for them exposing themselves. A Hartford police officer was charged with two misdemeanor counts of assault and battery and one felony count of misconduct in office by a public official. A Gogebic County Sheriff's deputy was charged with one misdemeanor count of assault and battery and one felony count of misconduct in office by a public official.

Source: "AG charges four law enforcement officers with various misdemeanors and felonies," by Nathan Clark, mlive.com, June 4, 2021

AG's Conviction Integrity Unit Scores First Exoneration: Gilbert Lee Poole, Jr. became the first person exonerated by the 2-year-old Attorney General's Conviction Integrity Unit. Mr. Poole was wrongfully convicted of murder in 1989 and has spent more than 30 years in prison. Attorney General Dana Nessel pointed out that having the statewide Conviction Integrity Unit "means we can go into any county in the state, and when we find a wrongfully convicted person is spending their life behind bars, we can do something about it." The unit performs its work by looking for new evidence that will completely exonerate the individual.

Source: "Michigan's Conviction Integrity Unit Investigates Past Mistakes in State's Prosecution to Learn From Them," by Nora Rhein, Detroit Today, June 1, 2021

Illinois Bans Deceptive Interrogations: Illinois has become the first state ever to pass legislation to prohibit law enforcement officers from using deception while interrogating individuals under the age of 18. Commonly used tactics that are now banned include making false promises of leniency and making false claims about the existence of incriminating evidence. The bill, which is intended to reduce false confessions, was supported by the Office of Cook County State's Attorney, the Illinois Chiefs of Police, and the Illinois State's Attorney Association. House Minority Leader Jim Durkin was quoted, "Our criminal justice system should not

be guided by a conviction, but rather it should be guided by advancement of the truth. Deception can never be utilized under any condition in our criminal justice system and particularly against juveniles. I say this as a lawyer, legislator and former prosecutor.”

The Oregon legislature is considering similar legislation. A bill is pending in the New York legislature that would ban deception in the interrogation of young people and adults. *Source: “Historic Deception Bill Passes Illinois Legislature, Banning Police from Lying to Youth During Interrogations,” by Innocence Staff, Innocence Project, May 30, 2021*

Incarcerated Man Presents Academic Paper Virtually:

Glenn Conley II, who is incarcerated at the Wilkinson County Correctional Facility in Mississippi, recently presented a paper on Anne Moody at the annual conference of the Western Association of Women Historians. Moody was a civil-rights pioneer who wrote *Coming of Age in Mississippi*. She grew up in Mississippi and died in 2015 at the age of 74. Using the Nooks platform on a laptop under the supervision of staff, Conley shared his research with scholars from several universities.

Source: “Mississippi Inmate Presents Academic Paper Virtually,” by CN Staff, CorrectionalNews.com, May 25, 2021

Ballot Proposals Guide Criminal Justice System:

Pittsburgh voters amended the city charter to ban city police from serving a warrant without announcing themselves (often called a no-knock warrant). Unofficial results showed the measure passed with 81% of voters supporting it. Allegheny County (which includes Pittsburgh) voters approved a second ballot measure that bans the use of solitary confinement in the county jail except in cases of lockdowns, medical or safety emergencies, and protective separation requests. The unofficial tally showed nearly 70% of voters approving the proposal.

Source: “Pittsburgh, Allegheny County voters approve no-knock warrant ban, solitary confinement restrictions,” by Tom Davidson, Tribune Review, May 19, 2021

San Francisco Jail to Pilot Allowance System: The San Francisco City jail has announced that it has begun to provide a \$10 monthly allowance to incarcerate people who have been in jail for 30 days or more and have had an average commissary balance of less than \$10. The money will allow individuals to buy necessities like food and hygiene products. Sheriff Paul Miyamoto was quoted, “This is an investment in a safer community. When we give justice-involved people the resources and a sense of agency over their lives, we help them get through their time in jail and provide support to successfully and safely re-enter society.” Treasurer Jose Cisneros said, “As a city we should invest in the most marginalized populations in our community, not profit off of them.” Last year, the city was the first to provide free phone calls and to end markups on commissary items for inmates. This is a pilot program and is believed to be the first of its kind in the U.S.

Source: “San Francisco Jail Pilot Program To Provide Disadvantaged Inmates With Allowance,” sanfrancisco.cbslocal.com, May 18, 2021

Sentencing Individuals with Mental Illness: The State of Washington recently passed legislation that will allow judges to issue non-prison sentences to people with mental illness under certain circumstances. The crime cannot be a serious violent offense or a sex offense. The person must be willing to participate in the alternative sentence and the court would have to determine that the individual would benefit from the community-based supervision and treatment. The views of the victim of the crime would also be considered.

Source: “New Program will give judges more leeway in sentencing felons with mental illness,” by Pepper Fisher, Radio Pacific, May 17, 2021

Former Prosecutor Disbarred for Withholding Evidence:

When Dennis Allen and Stanly Mozee were tried in 2000 for the murder of a pastor, Dallas County Prosecutor Richard E. Jackson failed to reveal that witnesses could not pick the suspects out of a lineup, neither of the men matched the descriptions provided to investigators, and prosecutors had brokered secret deals with jailhouse informants for favorable testimony. It would be 14 years before the two men were exonerated based on an extensive review by the Innocence Project and the county prosecutor’s office. It was even longer before Jackson was disbarred from practicing law in Texas. “In an April 11 order, the Supreme Court of Texas revoked his bar card, saying his ‘professional misconduct’ was ‘conclusively established for all purposes.’” Jackson chose to resign, rather than face official discipline. According to the Innocence Project, Jackson is just one of four prosecutors disbarred for misconduct that led to a wrongful conviction.

Source: “Dallas prosecutor disbarred for withholding evidence that could have cleared men of murder charges,” by Derek Hawkins, The Washington Post, May 15, 2021

Older Incarcerated People Mentoring Younger

Incarcerated People: Colorado recently passed legislation to allow housing of older incarcerated people in the Youthful Offender Services prison. That prison houses violent or high-level felony offenders ages 14 to 19, with a current population of 183. The goal is to have inmates design a program with a sense of community. Adult, older mentors are currently designing the program and signing up to serve as surrogate older siblings or uncles to the younger inmates. Some of the mentors will eventually be transferred to the youth prison and begin working with staff and young people to develop how the facility will look and operate. Department of Corrections Executive Director Dean Williams commented, “When the men and women behind the walls make a decision that they want life to be different there, that they want it to be better there, we all win. And public safety wins because prisons now have more meaning, more intention and more purpose, instead of them thinking negatively this is an encouraging place.”

Source: “Here’s how a new Colorado law will allow prisoners to positively influence younger inmates,” by Tracy Harmon, The Pueblo Chieftain, May 11, 2021

Providing Rehabilitative Services Prior to Guilty Plea:

Some individuals involved in misdemeanor offenses in Washtenaw County will be offered treatment for mental health and substance use problems prior to pleading guilty to a crime. If they complete the program, which generally takes six months, the charges will be dismissed. Chief Assistant Prosecuting Attorney Victoria Burton-Harris was quoted, "I have watched defendants plead guilty with the hopes of a later dismissal, only to turn around and lose everything – their job, housing, and sometimes even their ability to stay in this country. If we truly want to stop people from cycling through our criminal legal system, we should be smart and address the root cause of the reason they entered it." Individuals with domestic violence, stalking, child abuse, and drunk driving will not be eligible for the program. The program will begin in an Ann Arbor District Court, before being expanded to other county courts.

Source: "Washtenaw County program offers rehabilitation services to offenders before guilty plea," by Amber Ainsworth, FOX@ Detroit, May 3, 2021

STAR Program Frees Police to Do Their Jobs: On June 1, 2020, Denver initiated its Support Team Assisted Response (STAR) program. Since then, a mental health clinician and a paramedic have been traveling around high-demand neighborhoods of the city during weekdays, responding to low-level incidents like trespassing and mental health episodes. In the first six months, the team responded to 748 incidents; none required police or led to an arrest. The Chief of Police Paul Pazen is planning to expand the program so it can address calls throughout the community every day of the week at all hours.

The program is not funded with money reallocated from policing. Rather additional funds are used to help harmless residents get the help they need while allowing police to focus on crime and traffic safety.

Source: "In the first six months of health care professionals replacing police officers, no one they encountered was arrested," by David Sachs, Denverite, February 2, 2021

Higher Education in Maine State Prison: In 2006, the University of Maine at Augusta (UMA) and the Maine Department of Corrections began offering a degree program at the Maine State Prison. Since then, 130 individuals have graduated from the program. With a grant from the Sunshine Lady Foundation, there is now a dedicated physical space with improved technology for the program. Recently, the Andrew W. Mellon Foundation, through its Future of Higher Learning in Prison grant program, awarded UMA a \$941,000 grant to support the Prison Education Partnership.

Source: "UMA, DOC open Doris Buffett Higher Education Center at Maine State Prison," by Griffin Stockford, NEWS CENTER Maine, March 18, 2021

WITH SYMPATHY

Since publication of our last newsletter, we have learned of the death of MI-CURE members and supporters Nathan Colbert, Harold Fisher – 146058, David Goldstick, Charlotte Holton, Larry Ives, and Maria Krushelnitska.