MI-CURE NEWS

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PRISON PHONES

Activity in Michigan

Worth Rises is a national organization working with stakeholders in various states and jurisdictions to make communications free for incarcerated persons (prisons and jails). Here in Michigan, advocates are launching a campaign, with the support of Worth Rises, to bring free communications to incarcerated persons in Michigan.

Join us, or, if you are incarcerated, encourage your loved ones to join us for an information session on this campaign and learn more about how to get involved on February 28, from 7:00 to 8:30 p.m. Participants can register for the ZOOM here https://bit.ly/connectingfamiliesmi. Also, feel free to send us information about the importance of communications with your family and loved ones. How do you communicate? How often? Does it put you or your family in financial hardship? What are creative ways you have stayed connected to your communities throughout your incarceration? Mail information to Connecting Families MI c/o AFSC, 124 Pearl Suite 607, Ypsilanti, MI 48197.

Rate Caps

In August, the Federal Communications Commission imposed new per-minute rate caps on phone calls from jails and prisons. Interstate call rates are capped at 12 cents per minute for prisons and 14 cents per minute for jails with an average population of 1,000 or more. The cap for smaller jails remains at 21 cents per minute. These rates apply to intrastate rates as well, unless the provider can segregate the cost of intrastate from those of interstate (a feat that does not appear to be feasible). There is no longer a separate cap for collect calls, which are rare.

GTL Settlement for Confiscated Deposits

Global Tel*Link has agreed to "establish a $67 million fund to reimburse customers whose deposits were taken by the company from April 2011 to this past October after being deemed inactive…" The company had argued that customers were warned with a recorded message that "balances that remain unused may expire after 90 days." Plaintiffs successfully argued that the message had been removed in early 2014, prior to the lawsuit being filed. In the proposed settlement, GTL will extend the inactivity period to 180 days, will fully disclose the policy to customers, and will give customers 30 days' advance notice before taking the money from an account. U.S. District Judge Amy Totenberg must approve the settlement.

Attorney-Client Phone Calls Recorded

It began with incarcerated individuals suspecting, for several years, that their phone calls with attorneys were being recorded. In 2019, prosecutors handed over attorney-client phone calls during discovery. Then several more phone calls appeared in discovery information. The Brooklyn Defender Services office then demanded an audit which revealed that more than 1,500 protected jailhouse phone calls had been recorded, affecting at least 353 defendants' cases. The phone company (Securus) claimed that the problem was not widespread and that an automated message warned of the recording. Defense attorneys reported they were not aware of the recording.

Lawsuits have now been filed against Securus in California, Kansas, Louisiana, Maine, Missouri, Texas, and Wisconsin. Global Tel Link (GTL) has also been accused of recording phone calls in Florida, California, and Maine. Prosecutors were discovered to have listened to privileged communications.

Securus and GTL have reportedly quietly settled lawsuits "without meaningful accountability." The companies have pointed out that a number must be registered as private in order to avoid recording. "Securus' audits in New York, however, revealed more than 100 Brooklyn defense attorney phone numbers did not wind up on the do-not-record list despite requests for privacy. Defense attorneys in Maine, California, and Texas have raised similar objections, and some private defense attorneys have waited for over a year to end up on a jail's call list in New Orleans , according to a report produced by Court Watch NOLA, a non-profit."

Some large agencies did not universally monitor calls until the mid-to early 2000s. Now it is being suggested that governments pass legislation to bar companies and departments from monitoring calls between incarcerated people and their support networks altogether.

Sources: "FCC Takes Further Action on Prison and Jail Phone Rates," by Chuck Sharman, Prison Legal News, September 1, 2021; "$67 million settlement reached in Atlanta suit over jail phone calls," by Bill Rankin, The Atlanta Journal-Constitution, December 6, 2021; "Prison Phone Companies Are Recording Attorney-Client Calls Across the US," by Ella Fassler, Vice, December 13, 2021

CHALLENGING POLICIES RELATED TO SEX OFFENSES

Do you have a conviction for failing to register under SORA?

The State Appellate Defender Office is starting a project to work with eligible people to vacate failure to register convictions under the Michigan Supreme Court's decision in Betts and the federal Does litigation. Whether a conviction can be vacated is fact- dependent. Generally, you will be eligible if the underlying sex offense took place before July 1, 2011 and you either violated the safety zones or you violated the 2011 version of SORA.

If you think you may qualify, email or mail the following information to SADO:

- Name under which you were convicted
- MDOC number, if any
- Date of underlying sex offense
- Date of registration violation
- Nature of violation (i.e. failure to change address, safety zone violation, etc.)
- County/judge for registration violation conviction
- Email/phone/current address

Email: SORA@sado.org
Address: ATTN: SORA Project, State Appellate Defender Office, 200 N. Washington, Suite 250,
Lansing, MI 48913

Recent Research

Academics from the University of Central Florida, Florida International University, and the University of Miami recently reported on their study that concluded that sex offender registries are not effective in deterring crime or protecting citizens. Their study consisted of summarizing 25 years of research and 474,640 formerly incarcerated individuals who had committed sex offenses and concluded that the policies do not reduce sexual or non-sexual recidivism.

There are real consequences that result from the false sense of safety created by the registries:

- There is "a net-widening effect, making more registrants eligible for considerably longer periods of time even though individuals convicted of sexual offenses age out of crime, as do others.
- The "policies use a 'one size fits all' approach and misallocate resources and supervision to offenders with lower risk levels." The registries are a fiscal burden for states.
- The registries "continue to label and stigmatize individuals after they have served their time. Subsequent dehumanization disrupts any meager attempts to reintegrate the person back into society."

A more effective approach to this issue requires that we recognize an uncomfortable truth. Individuals who commit sex offenses are usually not strangers. They are more often the most trusted figures in our lives – loved ones, babysitters, coaches, teachers, and close family friends. Registries will not help to identify these people.

Legal Challenge to Michigan's Registry

The American Civil Liberties Union of Michigan recently provided the following update from the *Does III* Legal Team:

"With the start of the new year, we know that many of you are anxious for news about the upcoming challenge to the latest version of Michigan's Sex Offenders Registration Act. So, we wanted to give you an update. The legal team has been working with a team of experts to develop the evidence we will need. This includes demonstrating that registries are ineffective or counterproductive, that convictions are poor predictors of risk, and that the risk of reoffending drops dramatically over time, meaning that lengthy registration terms are pointless. We are pleased to report that the expert reports are close to complete and should be finalized soon.

"The legal team has also been working on developing the claims we will bring. We are focusing on the need for individual consideration and will argue that registrants should have a path off the registry. We also will be bringing another ex post facto challenge against retroactive application of the law and will challenge the extension of registration terms. We will be seeking class certification—meaning that if the court agrees, the case will be on behalf of everyone on the registry.

"This will be a substantial piece of litigation, and we are pleased with how it is coming together. Because the stakes are high—we know how devastating registration is for the tens of thousands of people on the registry—we want to put together as strong a case as we can. Please know that we are working non-stop to put together the best possible case on your behalf. We hope to file relatively early in 2022. Thank you for your patience, and best wishes for the New Year."

The Does III Legal Team, December 29, 2021

Sources: "Opinion: Sex offender registry laws don't work. Here's what might," by Meghan M. Mitchell, Kristen M. Zgoba, and Alex R. Piquero, Tampa Bay Times, December 16, 2021

THE CASE FOR MORE PRISON OVERSIGHT

Most European Union countries have a government entity called a "National Preventive Mechanism" that is responsible for inspecting all places of confinement and publicly reporting on conditions. Those reports lead to discussions among policymakers and corrections officials on issues dealing with human rights and the dignity of people who are incarcerated. On the contrary, prisons and jails in the U.S. are in remote locations, allow limited access, and restrict information about what is happening in the facilities.

We used to rely on courts to provide oversight in response to judges finding violations against cruel and inhumane punishment. That approach was reactive, kicking in only after serious problems occurred. That approach is much less effective now. Narrow interpretations of the Eighth Amendment and implementation of the Prison Litigation Reform Act, reduced the potential for favorable court rulings and ensuing oversight. When oversight is implemented, it lasts only until conditions are considered constitutional. It does not press for best practices or continuing humane treatment.

"In 2008, the American Bar Association called on every jurisdiction to statutorily establish an independent government body to conduct routine, preventive inspections of prisons, jails, and other detention facilities and to produce public reports about conditions inside these institutions." They argued that the entity must be independent of the corrections agency and have unannounced access to every part of a facility. The goal is to complement oversight by courts, legislative bodies, accreditation bodies, etc.

Oversight entities are not enforcers. They shine a light on what is happening. They can be a form of informal social control over staff activities. They can identify troubling practices and share best practices. It is up to the correctional leaders, legislators, and governors to correct problems.

There are positive developments. "Since 2010, at least six statewide prison oversight bodies, three statewide jail oversight bodies, and nine local jail oversight bodies have been newly created or significantly strengthened adding to a relatively short list of those oversight entities of longer standing." There are advocacy efforts to encourage other oversight entities. In 2018, Washington state created an ombudsman's office. It has been credited with drawing attention to the challenges of managing COVID, helping the system reduce its use of emergency restraint chairs, addressing concerns about poor food quality and highlighting issues related to incarcerated women.

Michele Deitch concludes her views with the following: "As legal scholar Michael Mushlin has so eloquently written, Kafka noted this same phenomenon in his story "in the Penal Colony"; the simple presence of an outside observer changes what happens inside a prison environment. It also can show *us* who we really are. Our extraordinarily punitive prisons and jails are this way because we have allowed them to become so; it is time for us to feel shame about that – and to take the urgent and necessary steps to prevent future harm."

Kathleen Dennehy, former Massachusetts Department of Corrections commissioner has written, "The secrecy inherent in prisons can lead to physical abuse, sexual abuse, medical and mental health consequences, and in extreme cases, even death." She also notes that this country has historically relied upon the courts in a reactive mode that allows situations to spin out of control before being addressed.

Dennehy is advocating for a "permanent, independent Inspector General for Corrections" in Massachusetts, with the power to review in-custody deaths and deaths that occur within six months of a prisoner's release, allegations of excessive use of force, inmate grievances, and staff discipline. She would like to see corrections officers certified (or decertified) as part of oversight reform.

The Boston Globe editors concluded, "What happens behind prison walls ought not to be shrouded in secrecy or mystery. It's time to consider a better way – and that better way must include independent oversight of a department that has been a law unto itself for far too long."

And in Michigan

Senate Bill 487 has been introduced to create a community oversight committee for Women's Huron Valley prison. The committee will report to the Governor's Executive Office and will review conditions of confinement complaints that include everything from problems with food and nutrition to systemic issues with health care services. If you want to help, contact Senator Roger Victory (or encourage your loved ones to contact him) to urge him to schedule a judiciary committee hearing on the bill. Contact information for Senator Victory is as follows SenRVictory@senate.michigan.gov or (517) 373-6920, or PO Box 30036, Lansing, MI 48909-7536.

Sources: "Independent Oversight Is Essential for a Safe and Healthy Prison System," by Michele Deitch, Brennan Center for Justice, November 3, 2021; "Correction Department cries out for oversight," by the Editorial Board, The Boston Globe, December 1, 2021

EXAMINING THE ROLE OF THE PROSECUTOR

Michigan exonerations

In 2021, the Wayne County Prosecutor's Conviction Integrity Unit (CIU) helped to release six people from prison. In 2020, that number was thirteen. The CIU currently has 1,800 requests for investigations, 30 active investigations, and 1,000 open cases. The Attorney General's statewide CIU was founded in 2019. It has contributed to at least one release.

According to the National Registry of Exonerations' 2020 report, Michigan had the second-highest number of exonerations that year. Wayne Count ranks in the top 10 counties for the number of releases (48).

Addressing police misconduct

A Houston "police officer with 35 substantiated misconduct complaints was the lead witness in a driving-while-intoxicated case that led to a 25-year sentence. That defendant was later exonerated." The Baltimore State's Attorney's Office requested that nearly 800 convictions be vacated. All relied on testimony or investigations by officers with misconduct charges. Such cases are not rare.

While most police officers are hard working and honest, it is also true that police misconduct is often ignored. Prosecutors in Ramsey County, Minnesota and Bernalillo County, New Mexico are among a few prosecutors who are doing something about it. They have created police disclosure lists and are taking steps to ensure the integrity of convictions by disclosing problematic behavior to the defense. The Institute for Innovation in Prosecution at John Jay College of Criminal Justice recently published its *Tracking Police Misconduct Action Guide,* which contains 11 recommendations to create and maintain police disclosure lists that are fair to defendants and protect due process rights of police.

The proposed federal George Floyd Justice in Policing Act would have included a national registry of police misconduct, but that legislative effort has stalled. In the meantime, prosecutors throughout the country can take steps to create their own databases.

Charging fewer misdemeanor cases

When he took office a year ago, Los Angeles District Attorney George Gascon directed prosecutors to press charges for 13 categories of low-level misdemeanors only if there were extenuating circumstances. In the cases covered, charges have been filed just 13% of the time, compared to 89% of the time under his predecessor. Gascon also limited sentencing enhancements and district attorneys' attendance at parole hearings.

Progressive academics and community groups claim the changes are necessary. Harvard law professor Alexandra Natapoff notes that misdemeanor charges can seriously impact defendants. They "… can ruin their credit, it can disable their ability to get a job, or a loan, or housing. There's a whole world of consequences that far outstrip the seriousness of the underlying offense." Studies of similar changes in Suffolk County Massachusetts had "a pretty beneficial effect on public safety" according to New York University researcher Anna Harvey.

Others are strongly opposed to the changes. Former L.A. County DA Steve Cooley asserts that the changes have "taken valuable tools away from law enforcement officers. He has created a situation where neighborhoods will deteriorate."

And on a positive note

Progressive prosecutors are introducing new policies. Los Angeles DA George Gascon established an independent panel to review use-of-force cases that were not pursued by his predecessors. District Attorneys in Travis County, Texas and Westchester County, New York reopened police misconduct and use-of-force cases. In Wasco County, Oregon, the DA initiated an independent investigation of hundreds of cases involving an officer disciplined for lying. The State Attorney in Florida's Ninth Judicial Circuit created a database to prevent untrustworthy officers from testifying. District Attorneys in Multnomah County, Oregon and Colorado's 1st Judicial District have established units that look at both innocence claims and past extreme sentences. Washtenaw County, Michigan Prosecutor Eli Savit has implemented policies to end charging of consensual sex work, possession of buprenorphine and methadone, and contraband cases that stem from non-public safety traffic stops. The DA in Georgia's Western Judicial Circuit ended prosecution of simple possession of marijuana.

The author of this article is hopeful that President Biden will create a Presidential Task Force on 21st Century Prosecution to promote more of these innovations.

Prosecutor-Initiated Resentencing

Prosecutor-Initiated Resentencing (PIR) is an innovation that began in California. Today, Illinois, Oregon, and Washington state have passed similar laws. New York, Minnesota, and Massachusetts are considering bills. More than 100 people have been released through this process. Thousands more could be eligible if more of the country's approximately 2,400 prosecutors had that option.

Research has shown that people age out of crime and that recidivism rates decline with age. "The PIR process includes a meticulous review of an incarcerated person's history, rehabilitation and in-prison behavior, as well as robust reentry planning. It also considers mitigating factors from the person's childhood and develops safeguards for the future."

What can be done about rogue prosecutors?

In a recent article in *The Atlantic*, Rory Fleming argues that the U.S. Justice Department (DOJ) has the authority to challenge rogue prosecutors, just as it does police departments. The authority is outlined in the Violent Crime Control and Law Enforcement Act of 1994. Using a pattern-or-practice investigation, the DOJ would conduct a preliminary inquiry. If they found sufficient evidence of wrongdoing, they would contact the office and prepare a "findings letter" outlining violations. The DOJ then offers training to improve protocols or negotiates a binding legal document that outlines changes to be made. If the office refused to cooperate, the DOJ could file a complaint in federal court.

Historically, this process has been used to address problems with police departments. However, in 2016, the Obama administration did begin a pattern-or-practice investigation against the Orange County, California district attorney's office.

Fleming argues that in the past several decades, the Supreme Court has provided concrete guideposts that prosecutors must follow. Those include giving defendant's legal team access to any evidence that suggests the client's innocence, prohibition on striking prospective jurors on the basis of race, and using jailhouse informants to coax confessions from suspects without the presence of their attorney.

Sources: "Innocent people jailed for decades – Michigan prosecutors seek to correct past errors," by Minnah Arshad, Detroit Free Press, December 28, 2021; "Police misconduct needs to be tracked by prosecutors and acted on," by John Choi, Allissa Marque Heydari, and Raul Torrez, nbcnews, October 26, 2021; "Misdemeanors Can Haunt a Person for Life: Why LA's DA Stopped Charging Many of Them," by Aaron Mendelson, LAist, December 6, 2021;"How (Some) Prosecutors Changed the Face of Justice in 2021," by Miriam Aroni Krinsky, The Crime Report, December 7, 2021; "Opinion: Thousands of incarcerated people deserve to come home. Here's how prosecutors can help," by Hillary Blout, Washington Post, December 13, 2021;"How to Go After Rogue Prosecutors," by Rory Fleming, The Atlantic, December 29, 2021

HOW MIGHT JUDGES IMPROVE OUR CRIMINAL JUSTICE SYSTEMS

Retired U.S. District Court Judge Nancy Gertner has recently written a paper offering some preliminary ideas about how the selection, training, work, and evaluation of judges impacts our criminal justice systems. Since she served on the federal bench, her perspectives reflect that system, but we believe that many of her opinions could apply to state and local courts as well.

We should be selecting judges with diverse experience. The majority of judges are former prosecutors or corporate attorneys. Very few have experience as defense attorneys or civil rights attorneys. Gender and racial diversity are important as well.

Training for federal judges currently focuses primarily on rules and sentencing guidelines, though those guidelines are now supposed to be advisory. "Training about the impact of trauma, exposure to violence, poverty, and lack of access to schools, healthcare, employment etc. should be required. They should hear from scientists about the neuroscience of trauma, addiction, and adolescent neurodevelopment; from sociologists about the social and cultural contexts of men and women they are sentencing, from health professionals about the social determinants of health." At the same time, they need to understand the risk of viewing the problems of defendants from Black and Latinx communities as so complex that they are beyond a judge's consideration. She also believes that training should include material about the criminal justice systems of other countries.

Gertner argues that courts should conduct sentinel event audits, similar to those conducted by health care professionals when a death or serious injury involves a patient. These might occur when there is a wrongful conviction, recidivism, or unexpected tragic event. She suggests that perhaps recidivism should not be the measure of success, but rather family, job, or reintegration. She wonders if judges should be required to review what happened to people sentenced to lengthy sentences. Was it justified? How much did it disrupt the defendant's life? What else might have been done? She suggest that there should be a statistical analysis of a judge's sentencing to identify racial bias, if any. And, she is preparing to submit her own sentencing for such a review.

Gertner believes that concerns over judicial neutrality may prevent engagement with the community and an understanding of its needs and resources. That also means that judges are seldom held accountable in a meaningful way. They may be overturned on appeal, criticized for too light a sentence, or challenged when someone commits another crime. But, nothing is said when a sentence is too harsh, someone they sentenced succeeds in creating a good life, or when the judge shows humanity and compassion.

When Gertner received her training as a new judge, she was encouraged not to write opinions unless necessary. It would slow down case management and she wouldn't be able to handle as many cases as other judges. She believes, "Opinion writing is the way for judges to reflect new narratives, to shine a light on the humanity of the defendants, and the inhumanity of the criminal legal system."

She cites the following example by Judge John Gleeson in *United States v. Vasquez (2010)* that begins: "When people think about miscarriages of justice, they generally think big, especially in this era of DNA exonerations, in which wholly innocent people have been released from jail in significant numbers after long periods in prison. As disturbing as those cases are, the truth is that most of the time miscarriages of justice occur in small doses, in cases involving guilty defendants. This makes them easier to overlook. But when they are multiplied by the thousands of cases in which they occur, they have a greater impact on our criminal justice system than the cases you read about in the newspapers or hear about on 60 Minutes."

Gertner concludes: "The way to change is to hold all of the players in the criminal legal system accountable – including judges, to effect a true reckoning."

Source: "Reimagining Judging," by Nancy Gertner, Executive Session on the Future of Justice Policy, January 2021

SELECTING JURIES

In 1986, in the case of *Batson v. Kentucky*, the U.S. Supreme Court ruled that a prosecutor may not use peremptory challenges (dismissing a potential juror without a valid reason) to exclude jurors solely on the basis of race. Since then, lawyers have found ways to evade the court's decision. For example, an attorney might ask, "Have you ever had a bad encounter with the police?" Or, she might ask, "Do you trust the police?" Since many people of color have had bad encounters with police, such questions can lead to their dismissal from the jury pool.

Elisabeth Semel, a director of the Death Penalty Clinic at the University of California Berkeley School of Law claims, "In every study that I know of that has been done across the country, looking both in state courts and in federal courts,

there has been a universal finding. The exercise of racially discriminatory peremptory strikes remains an ever present feature of the jury selection system."

Due to several high-profile trials lately, in which the jury pool was dominated by White people, the issue of jury selection is getting more attention. Some states have taken steps to address the problem.

In 2018, the Washington Supreme Court adopted rules to require the judge (in response to an attorney's objection to a peremptory challenge) to consider if "an objective observer could view race or ethnicity as a factor in the use of the peremptory challenge." An objective observer is defined in the rule as someone who "is aware that implicit, institutional and unconscious biases, in addition to purposeful discrimination, have resulted in the unfair exclusion of potential jurors in Washington state."

California has passed legislation to implement Washington's solution. Arizona's high court has abolished peremptory challenges altogether. Courts in Connecticut and New Jersey are studying the issue.

There are other factors that limit people of color from serving on juries. Depending upon the jurisdiction, the pool may come from registered voters or licensed drivers – people who remain at one address for a long period of time or a group that tends to be more white. Some jurisdictions may exclude individuals with felony convictions. The juror pay system may make it impossible from some to miss work.

Lila Silverstein, an appellate public defender in Washington has made the following comments about the changes there: "Anecdotally, we are seeing that lawyers are being much more careful about exercising peremptory challenges to exclude jurors and that judges are sustaining objections to peremptory challenges much more frequently than they did before. On the appellate level, there have been several cases over the last few years where the courts are reversing convictions where lawyers exercised inappropriate peremptory challenges." Despite more than forty challenges, there had never been a reversal for racial discrimination in jury selection prior to the rule change.

Source: "Many juries in America remain mostly white, prompting states to take action," by Emmanuel Felton, Washington Post, printed in Kalamazoo Gazette, January 7, 2022

CORRECTIONAL HEALTH CARE FROM AN INSIDER'S PERSPECTIVE

Rachel Bedard and Zachary Rosner are both physicians who work in the New York City jail system. Both have provided health care and mental health care as well as substance use treatment for hundreds of detained people. Both have advocated for compassionate releases. They recently co-authored an article about the challenges of that work.

"Knowing that jails are fundamentally sites of harm, our work as physicians is best framed as harm reduction."

The best part of the job is providing sensitive, accessible health care and providing treatment that people have long needed and were long denied in the community. The worst part is witnessing without being able to intervene effectively.

The two physicians define "jail-attributable deaths" as "those caused by actions taken inside the walls of the facility." "Examples of jail-attributable deaths include suicides related to jail incarceration where suicide watch was not effectively implemented; homicides that result from intensification of violence and conflict within jail walls; and overdoses that result when people who use drugs have access to an unregulated drug supply or cannot access medications to treat opioid or other substance dependence. Deaths that result from medical disease may be jail-attributable if the correctional system's interference or neglect resulted in misdiagnosis or delayed or inappropriate treatment."

They struggle to consider whether COVID-19 deaths should be considered jail-attributable. They suggest that the early deaths, when little was known about the disease and testing was not available were likely not attributable to jails. They also suggest that the failure of decision makers to decarcerate overcrowded facilities and to refuse vaccine mandates for staff may make later infections more jail-attributable.

Bedard and Rosner have witnessed the potential of reform efforts to improve health care – and the fragility of those efforts – all between 2015 and 2019. Health care reforms were made at the same time that the jail system halted the use of solitary confinement and decreased the jail population. The health care system expanded the use of medication-assisted treatment for all interested patients with an opioid-use disorder. Mental health treatment improved with the elimination of solitary confinement and the introduction of high-intensity treatment units. The jail clinics recruited strong clinician-leaders, expanded the use of electronic health records, and devoted resources to managing diseases like HIV and hepatitis C. Teams of clinicians, social workers, and reentry planners worked to promote compassionate releases. The results: there were only three in-custody deaths in 2019; from 2018-2020 there were no overdose deaths in custody; deaths due to diseases like HIV and hepatitis C were rare.

Of course, all of this worked because the corrections department had strong standards for detainee movement, cleanliness, nutrition, crowding, access to counsel and visitors, and access to the outdoors. When those standards break down, when understaffing occurs, when patients are not brought to the clinic for appointments or to get testing, there is no way for health care to compensate.

That is what happened in 2021, for several reasons. By November 2021, there had been 12 in-custody deaths and two deaths related to serious self-harm in jail that occurred within days of the individuals being released. These physicians are obviously troubled by any deaths in custody. "Unfreedom at

the end of life, like unfreedom during birth, is oppression that diminishes our collective spirit and puts the patient involved at risk. No one should be born unfree; no one should die unfree… The beginning and the end of life are periods of intense vulnerability, connection, and meaning-making. They hold the potential for grief, reconciliation, and expressions of love. And they are periods where care for the body is critically needed, where tenderness is imperative. Even in the best of circumstances, incarceration makes tenderness nearly impossible."

The authors explain that a core tenet of social medicine is that health and wellbeing are complex products of the social, political, economic, and environmental context within which a person exists. They proceed to argue that, "Perhaps more than any other area of medicine… correctional medicine embodies the truth of social medicine both as a concept and a practice. Prisons and jails are human-made institutions: powered by systems rife with racial and economic biases, built with inorganic bars, blocks, and barbed wire, constrained by artificial scarcity, run each day under the threat of force and violence. These are the environments, which in their default state, contribute to individual and social illness. Having mitigated risk over years, we know that much of that damage can be averted. Harm reduction, however, doesn't dismantle. It can, to a limited degree, enable. And it cannot turn oppression into care."

Source: "Treating Unfreedom," by Rachael Bedard and Zachary Rosner, Inquest, November 10, 2021

FOR WRITERS WHO ARE INCARCERATED

If you are a writer who is incarcerated, you may be interested in the following new book *The Sentences that Create Us: Creating a Writer's Life in Prison* by PEN America.

The book is described as a road map for incarcerated people and their allies to have a thriving writing life behind bars—and shared beyond the walls—that draws on the unique insights of more than fifty contributors, most themselves justice-involved, to offer advice, inspiration and resources.

With generous support from The Andrew W. Mellon Foundation, PEN America will be donating and distributing 75,000 copies of the book in classroom sets to as many prison libraries nationwide as possible, as well as to higher education and creative writing programs working with justice-involved communities.

The book can be ordered at the website https://pen.org/prison-writing/the-sentences-that-create-us/. Please do not contact MI-CURE about ordering the book for you. We are not able to do that.

OPEN MI DOOR UPDATE

The Open MI Door campaign is kicking off 2022 with much gratitude to all inside who have kept us informed, as well as those on the outside who have joined the Family Support group and the movement to address the use of solitary. We are planning events for 2022 to educate, bring awareness and gain media attention for our cause. Legislative Education Day with the cell on the Capital lawn will be held this spring to inform legislatures and ask them to take action. We are looking to hold presentations for organizations, churches, and college campuses. The OMD petition is close to reaching our goal of 10,000 signatures. Please ask your family and friends to visit the website (https://bit.ly/EndSolitaryMI) to sign the petition and learn more about our campaign.

We are excited to announce an invitation from Prison Radio to individuals inside to share their experiences, poetry, essays, or written word. This is a platform that will allow greater involvement from inside and will amplify voices from segregation. We hope those who are in or have been in solitary confinement can share their prior or current living situations with us through this powerful platform. Collect calls are taken and they will also set up an account if needed.

Correspondents can call us at 415-648-4505, addressed to Noelle Hanrahan, at any of the available times:

- Sunday, 6 to 9 p.m. EST
- Monday, 4 to 9 p.m. EST
- Tuesday, 6 to 9 p.m. EST
- Wednesday, 4 to 9 p.m. EST
- Friday, 4 to 9 p.m. EST

Together we can bring change and look forward to building out the OMD campaign!

SHORTS

Will Michigan End Juvenile LWOP? Senate Bills 848, 849, 850, and 851 have been introduced to prohibit sentencing juveniles to life without parole. Safe and Just Michigan (SJM) is among the organizations tracking these bills and will use social media to keep interested individuals informed of any progress. Concerned individuals who are not incarcerated should contact SJM to receive timely updates. The website is www.safeandjustmi.org; the email address is info@safeandjustmi.org.

Evidence Review in Colorado: The Innocence Project at the University of Colorado and the Colorado Bureau of Investigation will review the cases of 51 people currently serving prison sentences where faulty hair analysis could be an issue. The cases involve visual hair comparisons, which are not as accurate as DNA comparisons. The convictions being reviewed occurred between 1976 and 1995. The first step will be to review court records for potentially inaccurate testimony. If found, that may trigger DNA testing.

Anne-Marie Moyes, director of the Innocence Project noted, "The science is ever changing. We continue to have scientific progress in all areas. In forensics, when that progress happens and if it shows that some of the type of evidence that was previously admitted wasn't reliable then that's the very place where (law enforcement and defense attorney) partnerships should exist so we can together make sure, looking backwards, that no mistakes were made."
Source: "51 prisoners will have their cases reviewed for

potential wrongful convictions over hair analysis," by Allison Sherry, CPR News, November 29, 2021

Rethinking How Crime is Reported: The newspaper, *Arizona Republic,* has recently performed a serious review of how they have handled crime reporting. That has led them to commit to serious changes.

Instead of focusing solely on crimes in certain neighborhoods, they will report on the "richness of lived experiences" in those neighborhoods. They will no longer report on issues that reporters individually might find interesting or solely on what they are told by authorities.

They will report the entire story with context, including what led to the crime and who was impacted. They will follow the story to its conclusion in the courts and its impact on the broader community.

They will be conscious of the effects of their work on bias and stereotypes. They will print mug shots only when they may help to identify potentially dangerous people.

They will attempt to gauge a story's importance from the community and their audience, rather than themselves, police, or other news outlets. They will focus on crime trends and stop reporting on minor and nonviolent crimes unless they are related to a larger trend that impacts the community significantly. They will work to untangle systems of power and how that power is used.

They will focus on making crime coverage a fair and equitable representation of the community and its neighbors. They intend to hire staff that reflect the makeup of the community. They will seek transparency in their reporting.
Source: "Our crime coverage is changing because Arizona is changing – and because it has to," by P. Kim Bui, Arizona Republic, August 2, 2021.

WITH SYMPATHY

Since publication of our last newsletter, we have learned of the deaths of MI-CURE members and supporters Jim Anderson, James E, Hayton – 119908, Howard Hughes – 111097, Richard "Malik" Ingram – 209539, Lee Keaton – 113420, and Raymond Matlock – 171147.