



MI-CURE NEWS

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INCARCERATION AND PUBLIC HEALTH

The American Public Health Association (APHA), the largest public health professional organization in the country, has taken “a stand against carceral systems as fundamentally antithetical to our nation’s health.” In October 2021, the organization adopted the policy statement, “Advancing Public Health Interventions to Address the Harms of the Carceral System.” After making a case for the elimination of jails, prisons, and detention centers, the policy statement concludes with the following action statements:

To move toward the abolition of jails, prisons, and detention centers and to build in their stead just and equitable systems that advance public health and well-being, APHA urges federal, state, tribal, territorial, and municipal governments and agencies, both during and after the COVID-19 crisis, to:

1. Immediately, urgently, and safely reduce the number of people incarcerated in jails, prisons, and detention centers, regardless of conviction, especially in light of pressing concerns related to COVID-19 transmission.
2. Immediately and urgently develop, implement, and support existing community-based programming interventions, including by using emergency funding, to address the medical and social needs of people who have been harmed by the criminal legal system. These people include individuals transitioning from incarceration, particularly those being released in response to COVID-19.
3. Reallocate funding from the construction of new jails and prisons to the societal determinants of health, including affordable, quality, and accessible housing, health care, employment, education, and transportation.
4. Remove policies and practices that restrict access to stable employment and housing for formerly incarcerated people, including immediately investing in housing for quarantine purposes after release from carceral settings.
5. Meet patient rights requirements for people with mental illness and substance use disorder to be in the least restrictive environment for care by redirecting funding and referrals from jails, prisons, and involuntary and/or court-mandated inpatient psychiatric institutions to inclusive, community-based living and support programs.

6. End the practice of cash bail and pretrial incarceration.

7. Develop, implement, and support noncarceral measures to ensure accountability, safety, and well-being (e.g., programs based in restorative and transformative justice).

8. Decriminalize activities shaped by the experience of marginalization, including substance use and possession, houselessness, and sex work.

9. Restore voting rights for all formerly or currently incarcerated people to ensure their basic democratic right to participate in elections.

Furthermore, APHA urges Congress, the Centers for Disease Control and Prevention, and the National Institutes of Health to:

10. Fund research on the effectiveness of alternatives to incarceration (e.g., transformative justice).

11. Put forth a set of recommendations that will decrease the population within carceral settings based on the principles of human rights and health justice.

Finally, APHA calls on state and local health departments to:

12. Provide accurate, timely, and publicly available data on incarcerated and released populations at the state and facility levels, as well as data on COVID-19 testing, positive and resolved cases, and mortality.

13. Advocate for and support the decarceration and defunding of all carceral facilities and systems.

SORA LITIGATION UPDATE

On February 2, 2022, The American Civil Liberties Union (ACLU) of Michigan filed a federal class action lawsuit against state officials over the latest version of the state’s sex offender registration law. As we have reported before, federal courts and the Michigan Supreme Court have repeatedly ruled that earlier versions of the law were unconstitutional. The ACLU is arguing that the version of the law that was enacted in 2021 is also unconstitutional. ACLU staff attorney Miriam Aukerman has said that the new law “still puts tens of thousands of people on this list automatically without any consideration of their individual circumstances. What we’re asking for is very simple: consider the facts in each case

before someone is tarred as a sex offender for life. Dying shouldn't be the only way a person can get off the registry."

Two other cases have also been filed challenging the law. All cases have been assigned to U.S. District Court Judge Mark Goldsmith who held a status conference on April 11 with attorneys involved in the cases. The first step will be to sort out issues related to class certification and appointment of class counsel. Briefing on the merits of the cases will not occur until the class issues are resolved. The court noted that it is dealing with pandemic-related backlogs in criminal cases, which is likely to slow the process.

Sources: "ACLU Sues State Officials for the Fourth Time over Unconstitutional Michigan Sex Offender Registration Act," ACLU Press Release, February 2, 2022; ACLU email notice, April 11, 2022

Editor's remarks: Paul Reingold, retired University of Michigan clinical law professor and an ACLU of Michigan cooperating attorney on the case has been quoted: "Michigan's registry is one of the largest in the country, it costs taxpayers millions of dollars annually, and it has no demonstrable public safety benefit for anyone. Registries don't work because they sabotage people's efforts to successfully reenter society, make it harder for victims to report abuse, impose an impossible burden on law enforcement, and divert resources from prevention programs. The research is clear: registries undermine public safety and needlessly waste taxpayer money."

The other reason that registries don't work is that the vast majority of sexual offenses involve people who are known to the victim – family members, family friends, trusted mentors, etc. Rarely are these people on the registry.

While we are extremely grateful for the attorneys who challenge these ineffective and hurtful laws to try to make them more reasonable, we are convinced that the only effective solution is to abolish the registries completely. The money saved should be reinvested in public education and treatment aimed at ending the problem.

NEW JERSEY MUST PROVIDE SPECIAL EDUCATION IN PRISONS

The New Jersey Department of Corrections and the New Jersey Department of Education recently reached a settlement in a class action lawsuit involving incarcerated persons who were eligible for special education but were not receiving the services. State and federal law entitles young people the right to a public education while in prison. "Students with disabilities are guaranteed special education classes and services until they turn 21, even if they are in an adult prison."

One feature of the settlement is that current and formerly incarcerated persons in New Jersey can receive up to \$8,000 for every year between 2015 and 2020 that they failed to get special education services while in prison. The money can

only be used for "educational, vocational or reentry programs."

In addition, the state agreed to make the following changes:

- Identifying students who are eligible for special education, then developing Individual Education Programs (IEPs) and other education plans for them.
- Providing at least four hours of instruction per day in a regular classroom setting, with limited exceptions.
- Limiting the use of "cell study," in which students learn in prison cells, and providing the opportunity for in-person instruction even in those circumstances.
- Prohibiting the use of worksheets as the primary method of instruction.
- Providing interpreters and translation services for students with disabilities who are not fluent in English.

A court-appointed external monitor will oversee the changes for the next five years.

The litigants were assisted by the American Civil Liberties Union of New Jersey, the Arc of New Jersey, Disability Rights Advocates, and the New York-based law firm Proskauer Rose.

Sources: "Ex-inmates can get up to \$8K for each year they didn't get special ed classes in N.J. prisons court says," by Kelly Heyboer, NJ.com, March 10, 2022

PRISON PHONE DEVELOPMENTS

Governor Whitmer's budget proposal included \$14.8 million for prisoner programming, special equipment and telephone costs. That would be enough to replace the prison phone commission income the department has been using for programming and would come close to providing enough funds for free phone calls. The legislature has not yet completed budget negotiations.

The Miami-Dade Board of County Commissioners passed an ordinance to make all jail communication free. It will go into effect as soon as July. Miami joins the cities of New York, San Francisco, San Diego, Los Angeles, Louisville, and Milwaukee and the states Connecticut and Virginia in providing free calls. Active campaigns to promote free phone calls are working in California, Massachusetts, Michigan, New York, and Oregon.

Source: Worth Rises

JUDGES AS AGENTS FOR REFORM

Michigan Supreme Court Chief Justice Bridget McCormack has recently written an article arguing that judges are ethically obligated to work to improve the judicial system.

Like many systems, the criminal-legal system is complex with many stakeholders and no single responsible individual.

Successful change of such systems requires the participation of all stakeholders. Judges have unique information about the system because of the volume and breadth of cases they handle and because so many cases involve self-represented litigants. They have a perspective that is different from other system participants.

Canon 1 of the Model Code of Judicial Conduct states that “A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” But Justice McCormack does not believe that the Canon prohibits judges from participating in reform efforts. The question to be answered is “how and under what circumstances they can do so.”

Some might argue that judges are trained to preside over court proceedings and make decisions in cases, but are not trained to administer or participate in policymaking. Similar arguments were made when problem-solving courts were introduced and judges took on roles similar to social workers and psychologists. Those courts and the judges’ roles are widely accepted now.

Another source of discomfort is that some judges feel that engaging in out-of-court activities is inappropriate. McCormack argues that judges are public servants, the public has a right to know them, and the judges have an obligation to know what is happening in the community.

She acknowledges that judges cannot engage in political campaigns or solicit funds for any organization. They must be careful not to advocate on an issue that might come before the court. They can, however, educate and inform legislators, the legal profession, and the public. They can “serve as an officer, director, trustee, or nonlegal advisor of an organization or governmental agency concerned with the law, the legal system, or the administration of justice.”

“A judge’s decision-making is only as good as the legal system in which it takes place, and the administration of justice is undermined when the system itself is unjust.” For that reason, judges are obligated to work to improve the legal system.

“We do not have the luxury of sitting back, passively observing, recognizing problems, and doing nothing. That approach does not make us impartial; it makes us complicit.”

Source: “Staying off the Sidelines: Judges as Agents for justice System Reform,” by Bridget Mary McCormack, The Yale Law Journal, 24 October 2021

FELONY MURDER

The Sentencing Project and Fair and Just Prosecution recently published a review of felony murder laws in the U.S. The laws are applied in two circumstances: (1) when a person commits a felony that unintentionally results in someone’s death and (2) when someone participates in a felony and a partner intentionally kills someone without their knowledge or

consent. An individual charged with felony murder will be treated as if the death was intentional.

Two states, Hawaii and Kentucky have no felony murder law. Six states require some proof of a culpable mental state related to the murder itself. (Michigan introduced this requirement in 1980, but did not apply it retroactively.) Some courts have ruled that the use of a firearm is enough to justify a felony murder charge. Forty-two states and the District of Columbia have felony murder laws that do not require any evidence of intentionality.

The Sentencing Project and Fair and Just Prosecution recommend that felony murder statutes be repealed in all U.S. jurisdictions. Until that happens, they urge the following changes to current laws and practices:

1. Impose less serious punishment for felony murder than intentional murder.
2. Prohibit felony murder charges related to felonies with an extremely low risk of death, e.g. robbery, burglary, and drug law violations.
3. Do not use charging and plea practices that exacerbate racial and ethnic disparities.
4. Repeal felony murder for accomplices, youth, and emerging adults.
5. Insist on meaningful intent requirements related to the killing, not just the underlying felony offense.
6. Allow judicial review of sentences for individuals who pled to a lesser crime when threatened with a murder sentence under a felony murder law.

In addition to limiting extreme sentences, the report notes that there should be a system for reconsidering previously imposed lengthy sentences. That should be done by providing second chances for individuals who have served lengthy periods of incarceration. The report also includes a Model Felony Murder Policy for Prosecutors’ Offices.

Source: “An On-Ramp for Extreme Sentencing FELONY MURDER,” by the Sentencing Project and Fair and Just Prosecution, March 2022

PUNITIVE EXCESS

The Brennan Center recently published a collection of essays dealing with the “era of punitive excess.” One of those essays calls for a reckoning of the harms caused by excess punishment. The authors (Jeremy Travis and Bruce Western) argue that the reckoning must begin with recognizing the fictions that stand in the way of needed changes. Those fictions include the following:

- Punishment keeps us safe
- Justice is found in courtrooms
- Conflicts are best resolved through an adversarial process
- Harmed parties need retribution
- Prisons are places for rehabilitation
- Punishment ends once one leaves prison

- The wealthy and the poor receive equal treatment under the law
- Monumental racial disparities were necessitated by patterns of crime and demanded by communities of color.

The authors go on to argue that there are three reckonings that must occur. First is a “historical project that confronts decades of penal harm that punctuated centuries of structural racism.” Second is a political dynamic where community representatives powered by communities that have suffered at the hands of punitive excess have a central role in disrupting the status quo. The third reckoning must “engage the public officials who have driven the justice juggernaut.”

“We recognize that the road to dismantling systems of injustice is long and that progress is not linear. We also believe that dismantling the sturdy architecture of punitive excess will require more than marginal reforms.”

Source: “Beyond the Era of Punitive Excess: Reckoning with our overreliance on excessive punishment requires a commitment to truth-telling,” by Jeremy Travis and Bruce Western, Brennan Center for Justice, April 5, 2022

UPDATE ON MICHIGAN’S INDIGENT DEFENSE SYSTEM

The 2021 annual report of Michigan’s Indigent Defense Commission (MIDC) cites progress in a number of areas. The commission approved plans for all 120 trial court systems that include training for assigned counsel, initial interviews by attorneys within three business days from assignment, funding for experts and investigators, and counsel at first appearance and other critical stages of the proceedings.

The MIDC offers one training course to help meet the training requirements. The course covers all trial skills and (in 2021) was expanded to include sentencing advocacy. The commission also approved and published *Guidelines for Trainers and Training Providers* and worked with local partners to develop training programs and evaluate the effectiveness of training.

The following statistics reflect efforts to ensure effective communication between defense counsel and defendants:

- 94% of systems now have confidential meeting space for in-custody clients in courts and jails.
- 96% of systems employ attorneys that meet with their incarcerated client within 3 business days.
- 97% of systems now have confidential meeting space at court for out-of-custody clients.

Progress in the use of experts and investigators are reflected in the following:

- Since FY19, local use of expert and investigative services has increased by 49% statewide.

- 16 systems employ 29 investigators on their public defender staff.
- 12 systems employ 21 social workers and client advocates on their public defender staff.

The annual report contain the following data regarding meeting the standard of counsel at first appearance and other critical stages:

- Statewide, about 90% of people using counsel at arraignments are represented by indigent defenders.
- Michigan indigent defenders represent nearly three-quarters of all people charged with felony offenses.
- The MIDC partnered with the Right to Counsel (R2C) program at American University and the Urban Institute to select Barry County as a site for one of the first-ever, wide scale cost-benefit analysis of counsel at first appearance. This study will continue through 2022.

The standard that requires public defense systems to function independently from the judiciary was approved in October 2020. Trial court systems submitted plans to address this standard beginning in April 2021. Funding was distributed beginning in October 2021, with most systems expected to implement these plans by early May 2022.

The Indigency Standard is even more recent, being approved in late October 2021. The standard provides guidelines for determining who is eligible for defense funding and how to determine if someone must repay defense costs. “With this new standard, defendants are presumed to be indigent if they are receiving personal public assistance or earn an income less than 200% of the federal poverty guidelines. The standard also allows defendants to ask for re-screening at any time during the case due to a change in circumstances. This standard was approved ... on October 28, 2021, and plans for compliance are due in April 2022. Implementation is expected in the Spring of 2023.”

Eight Michigan counties had public defender offices prior to the implementation of MIDC standards. In 2021, 32 public defender offices covered 38 Michigan counties. More than 70 trial court funding units began using managed assigned counsel administrators. Most of these changes were designed to prepare for the judicial independence standard.

Source: “Annual Impact Report,” Michigan Indigent Defense Commission, 2021

FAMM CALLS FOR MORE PRISON OVERSIGHT

In a April 29 email, Families against Mandatory Minimums (FAMM) recently called on its members and supporters to ask lawmakers to create and support independent prison oversight. Below is a copy of that email:

“Conditions in prisons across the country are worse than ever. Most prisons are overcrowded, understaffed, and unsafe for both incarcerated people and staff. Many prisons lack

adequate medical and mental health care, rehabilitative programming, opportunities to visit with family, and even quality food. When problems arise, families can't get information about their loved ones or what is being done to solve the issue. This lack of information leaves families scared, frustrated, angry, and unable to help their incarcerated loved ones--and they face these problems every single day. Prisons are expensive and cost taxpayers billions, but there is no transparency or accountability in the way they operate.

“Independent prison oversight would improve prison conditions by allowing for:

- Unannounced prison inspections by objective, professional oversight staff;
- Public reports and recommendations for improving prison conditions;
- A confidential place for families, staff, and incarcerated people to bring complaints;
- Resolution of reoccurring prison complaints;
- More transparency and accountability to taxpayers, incarcerated people, and their families.

“Families, people in prison, lawmakers, and taxpayers need to know what is happening in our prisons, and prison officials need to be held accountable for making improvements when needed.

“Help us make prisons more transparent and accountable by asking your lawmakers to create and support independent prison oversight.”

EXPANSION OF FEDERAL SECOND CHANCE OPPORTUNITIES

On April 26, 2022, the Biden-Harris administration announced a number of initiatives aimed at improving opportunities for formerly incarcerated people. Some of those are directed to people convicted of federal crimes. Other changes will impact people serving time in state prisons. Below is a summary of the changes.

- The Department of Justice and the Department of Labor will partner to invest \$145 million over fiscal year 2022-23 to provide job skills training and individualized employment and reentry plans for people incarcerated in the Bureau of Prisons (BOP) facilities.
- The Department of Labor will provide \$85 million in grants to support education and training, paid work experience, mentorship, and leadership development to justice-involved youth and young adults.
- The Department of Labor will provide \$55 million in grants for job training, pre-apprenticeship programs, digital literacy training, and pre-release career counseling for justice-involved adults.
- The Small Business Administration (SBA) will remove barriers to accessing business capital and loans that are based on irrelevant criminal history.
- The Office of Personnel Management (OPM) will remove barriers to federal employment for formerly incarcerated people.
- The Department of Transportation is expanding access to jobs for formerly incarcerated individuals.
- The Bureau of Justice Assistance (BJA) has hired two formerly incarcerated people. One will work with the Department of Education on educational policy in carceral settings and upon reentry.
- The OPM has published detailed guidance for applicants with arrest and conviction records who are interested in federal employment. They are also hosting interactive sessions to assist with the process.
- The Department of Veterans Affairs will automate information sharing with the Social Security Administration and the BOP to accelerate benefit restoration and reduce the administrative burden for veterans.
- The Veterans Administration will work to increase the number of state prisons and jails that use the Veterans Reentry Search Service to help them identify veterans in their custody and connect them with reentry services.
- The Department of Health and Human Services is proposing to establish a Special Enrollment Period of six months post-release for people who missed an enrollment period while incarcerated, reducing potential gaps in coverage and late enrollment penalties.
- The Department of Housing and Urban Development has begun a review of regulations and guidance to determine how to increase inclusion of people with arrest and conviction records.
- The Education Department (ED) will select an additional 73 schools to expand Second Chance Pell grants to thousands of incarcerated people.
- The ED will also make policy changes to help incarcerated people get out of loan default so they can access Pell Grants.
- The Department of Commerce will provide \$60 million to states and Puerto Rico for digital literacy and equity programs for the underserved, including incarcerated and formerly incarcerated persons.
- The ED published guidance to localities on how to divert young adults from the criminal justice systems and in aiding incarcerated people to locate educational opportunities.
- The Department of Labor has new resources for justice-involved job seekers, reentry service providers, and employers to learn about federal employment incentive programs.
- The Equal Employment Opportunity Commission's landing page centralizes resources on the use of arrest and conviction records in employment decisions.
- The BJA is partnering with the Council of State Governments to launch the national Reentry 2030

campaign. They will work with state leaders to set public reentry goals directed at better economic mobility and outcomes for individuals leaving prison, parole, or probation by 2030.

- The BJA's Reentry Toolkit for local reentry coalition leaders and community leaders allows assessment of existing reentry efforts and opportunities to strengthen outcomes.

Also on April 26, Biden announced that he was commuting the non-violent federal drug sentences of 75 people and pardoning three people.

Source: "FACT SHEET: Biden-Harris Administration Expands Second Chance Opportunities for Formerly Incarcerated Persons," April 26, 2022

SHORTS

NACDL President on the Supreme Court's Failure to Address Naked Racial Prejudice: "On Monday, the Supreme Court refused to hear the case of Kristopher Love, a Black man convicted and sentenced to death in Texas by the vote of a juror who believes that 'non-white races' are statistically more violent than whites. Six of nine justices did not find that this expression of racial hatred sufficiently undermined the integrity of the verdict to merit their review. This human and social tragedy, and others like it, will continue to divide our nation until and unless we demand real diversity at every level in our state and federal courts. A diverse judiciary, with lived experience mirroring our communities, would and will appreciate the profound injustice of allowing a racially prejudiced juror to judge another. A house divided cannot stand and divided we are if our courts – despite the Bill of Rights, Equal Protection, and common decency – empower the naked racial prejudice of a juror whose authority derives from the court who administered the oath to him."

Source: Press Release, National Association of Criminal Defense Lawyers, April 20, 2022

Holistic Defense: The Kalamazoo County public defender's office has opened a one-stop shopping hub called The Village to help defendants with a variety of services. Josh Hilgart, executive director of the Kalamazoo Defender said, "We work together as a team to solve those clients' collateral issues that might otherwise impede their transition away from the criminal justice system." More than 25 organizations participate, including Michigan Works! Southwest, Integrated Services of Kalamazoo, Recovery Institute of Southwest Michigan, Kalamazoo Valley Community College, and Bronson Healthcare. Some providers meet with clients at the Village offices. Other providers serve clients virtually or at the provider's office. Service providers meet every other week to share resources and their latest programming. That ensures that they can help clients by referring them to helpful programs.

Source: "College Partners with Kalamazoo Defender Office," KVCC FOCUS, March 2022

Legislation introduced to provide oversight of Missouri prisons: In the past year, Missouri state representative Kimberly Ann Collins has made over 80 "pop up" visits to the state's prisons. Legislators have full access at any time. Those visits have convinced her that there is rampant abuse of incarcerated people. She has now introduced a bill to create an oversight committee for the Department of Corrections. The committee would consist of eight people, including two state legislators, an individual appointed by the DOC, a formerly incarcerated person, a member of the clergy, a criminal justice professor, a doctor, and a lawyer. The committee would have the authority to "investigate complaints related to incarcerated persons' health, safety, welfare and rights." Sixty people spoke in support of the bill at a recent hearing. No one spoke in opposition.

Source: "Following More Missouri Prison Violence, Rep. Collins Seeks Reform," by Ryan Krull, Riverfront Times, April 13, 2022

Expanding Voting Rights: Advocates in Connecticut, Illinois, Oregon, New Jersey, and New York have been urging legislators to allow incarcerated people to vote. While none of the efforts have been successful yet, the work continues. Maine and Vermont are currently the only states that allow people to vote while in prison. The Sentencing Project has "partnered with the student-led Chilean coalition (Fundacion Proyecto Reinsercion) to host a virtual strategy session on expanding voting rights across the Americas." Participants of the meeting included Common Cause, Campaign Legal Center, Stand Up America, the State Innovation Exchange and state organizers from California, Connecticut, Illinois, Michigan, New York, Virginia, and Washington, DC.

Source: "#SecondChanceMonth: Unlock the Vote," The Sentencing Project, April 11, 2022

Lynching is now a federal offense: On March 8, 2022, after 122 years and 250 attempts, Congress passed a bill to make lynching a federal crime. The President signed the bill into law on March 29. Congressman Bobby Rush remarked, "Today is a day of enormous consequence for our nation... the House has sent a resounding message that our nation is finally reckoning with one of the darkest and most horrific periods of our history, and that we are morally and legally committed to changing course."

"Congress passes Historic Bill Making Lynching a Federal Hate Crime," by Theodore R. Johnson, thebulwark.com, March 8, 2022

Involuntary Servitude: In 2018, Colorado voters approved an amendment to prohibit slavery and involuntary servitude in all circumstances. In February, attorneys filed a class-action lawsuit on behalf of incarcerated individuals claiming that the Department of Corrections is violating that amendment. Incarcerated individuals report that they have lost "earned time" (which delays parole eligibility) and were placed in more restrictive housing units, because they refused prison work assignments. Some refused work assignments due to health concerns. Kamau Allen, a lead organizer for the Abolish Slavery National Network, was quoted, "People, no

matter where you are, no matter if you are free or incarcerated, you should never be forced to work at the threat of punishment. It's extremely concerning to know you could spend a longer amount of time in prison for simply deciding not to work – especially when it comes to your own health.”
Source: “Prisoners allege forced labor violates Colorado’s anti-slavery law,” by Allison Sherry, CPR News, February 15, 2022

In March, the **California** Assembly passed a bill that would eliminate involuntary servitude in the state for any reason. If the state Senate passes the bill, the measure will be on the November ballot. If approved, California will join Colorado, Utah, and Nebraska in outlawing slavery.

Source: “California Assembly Advances Involuntary Servitude Amendment,” by Adam Beam, Associated Press, USNEWS.COM, March 21, 2021

First Statewide Prison Radio Station: On March 1, Colorado initiated the nation’s first statewide prison radio station. The station is a project of the University of Denver Prison Arts Initiative (DU PAI). Programming is created by incarcerated producers in three prison studios. Prior to its going public, Inside Wire: Colorado Prison Radio operated on a closed circuit TV network reaching 14,000 incarcerated listeners in all Colorado prisons. The station broadcasts music, stories, news, and entertainment. DU PAI staff member Ryan Conarro serves as General Manager and Program Director. “Inside Wire’s 24-hour program schedule includes a weekday morning music show out of (the Limon Correctional Facility) and a weekly show ‘Up to the Minute with Dean Williams,’ billed as ‘an unfiltered conversation between residents and the (Colorado Department of Corrections) executive director.’”

Executive Director Williams was quoted, “It’s important that through programs like Inside Wire, incarcerated people have the opportunity to maintain a sense of connection with each other, with the community and have a purpose and focus in their life while they are serving their time.”

Source: “Colorado will have the 1st statewide prison radio station in US history,” by Alexander Kirk, 9News, March 1, 2022

Death Penalty: More than 50 elected prosecutors from throughout the U.S. recently signed a statement pledging to refuse to seek the death penalty against people “with intellectual disabilities, post-traumatic stress disorder, histories of traumatic brain injury, or other intellectual or cognitive challenges that diminish their ability to fully understand and regulate their own actions.” In addition, they promised to support efforts to identify individuals on death row in their jurisdictions with these challenges and to seek commutations or other “just resolutions.” They also pledged to “support efforts to overturn existing death sentences in cases that feature a colorable claim of innocence, racial bias, egregiously inadequate or negligent defense counsel, discovery violations, or other misconduct that render us unable to stand by the sentence in good faith.” Finally, they pledged to refuse to “seek the death penalty against individuals with cognitive

impairments or otherwise diminished culpability. And we further commit to work toward the elimination of our nation’s failed death penalty system, once and for all.”

As a preamble to the pledge, the group noted that the U.S. was one of only 18 countries to use the death penalty in 2020. We are the only Western democracy and the only country in the Americas to use it. Instead of executing the “worst of the worst,” we execute the “unluckiest of the unluckiest” – “people who endured sexual abuse and other unspeakable trauma as children; people with long histories of severe mental illness or traumatic brain injuries, including people struggling with PTSD after serving in the military; people who committed crimes during a psychotic break they can’t even remember; people who, because of incomplete cognitive development or other intellectual disability, have never been able to fully function as adults; people with trial lawyers so derelict in their duties and obligations that they never bothered to uncover long histories of illness and trauma.”

They also noted the racial bias in the system. Since 1976, 44% of the executions in the U.S. have been people of color. Currently, 58% of those on death row are people of color. Most death penalty cases (76%) involve white victims though only half of all murder victims are white.

“At least 186 people on death row have been exonerated over the last half-century; for every nine people who have been executed since 1976, at least one condemned person has been exonerated.”

“Joint Statement from Elected Prosecutors Pledging to Work towards the Elimination on the Death Penalty,” Fair and Just Prosecution, February 2022

Probation and Parole Fees: Massachusetts’ governor Charlie Baker submitted a budget proposal that will eliminate probation and parole fees. The state currently charges \$50-\$65 per month, beginning in the seventh month of probation. Individuals on parole pay an \$80 monthly supervision fee after the first year of parole. Fees can be waived if they create “substantial financial hardship.” The Massachusetts Trial Court (which includes the state’s Probation Service) and the Boston Bar Association each recommended eliminating those fees years ago (in 2016 and 2017, respectively). A special legislative commission studying structural racism issued a similar recommendation in 2021.

California’s Governor Gavin Newsom signed a law in 2020 that prohibits county sheriffs and police from charging defendants a variety of fees, including for parole supervision. New York Governor Kathy Hochul has proposed elimination of the state’s monthly \$30 fee for parolees.

Source: “Baker seeking to halt probation and parole fees in ‘progressive proposal,’” by Matt Stout, The Boston Globe, January 31, 2022

Violence Prevention: Dorothy Johnson-Speight is founder of the Philadelphia-based, violence prevention organization Mothers in Charge. She started the organization after her son was murdered in 2001. The organization offers anger

management courses, a 24-hour grief hotline, grief support, anti-bullying programs and positive decision-making training.

In a recent opinion piece she shared her views on the work. She notes that there has always been less violence in communities with steady employment, community engagement, safe housing, affordable health care, and quality schools. She is grateful for other groups throughout the country who are working to reduce violence and is optimistic that things are starting to change.

The most important point she makes is that these organizations need long-term funding. A two-year grant does not provide enough time for a program to take root and become sustainable. She shares the following analogy: “A single dose of insulin won’t cure a diabetic, and so won’t a single grant to a community organization. Maintaining physical health is a lifelong process, and so is the effort to support and sustain community-based violence prevention and intervention programs.”

Source: “Community-based violence prevention works, but it needs sustained support,” Opinion by Dorothy Johnson=Speight, The Philadelphia Inquirer, January 17, 2022

New degree program operating at Muskegon: Hope College and Western Theological Seminary have created a satellite campus of Hope College at the Muskegon Correctional Facility (MCF) where they will offer a degree in “Faith, Leadership, and Service.” Twenty students were

enrolled this fall; 20 students will be added each fall until 80 are enrolled in the fall of 2024. The first cohort is expected to complete their degrees as early as May 2025. Incarcerated individuals who are interested can apply to the college and, if accepted, will be transferred to MCF.

Source: “Prison program from Hope, Western Theological Seminary get official approval,” by Mitchell Boatman, The Holland Sentinel, November 18, 2021

MDOC to revise religious practices: The U.S. Department of Justice and the Michigan Department of Corrections have reached an agreement that will lead to changes in worship and religious activities. The prison system will no longer require a minimum of five people for religious services, it will not prohibit religious practices of Hindus, Yorubas, Hebrew Israelites, and Thelema practitioners (unless there is evidence of a specific related security risk), and it will provide kosher food for Passover meals for Jewish prisoners who do not eat a kosher diet year-round.

Source: “Feds prompt Michigan to revise religious practice restrictions on prisoners,” by Melissa Nann Burke, The Detroit News, November 4, 2021

WITH SYMPATHY

Since publication of our last newsletter, we have learned of the deaths of MI-CURE members and supporters Kevin Cottingham – 138245, Rev. Don DeYoung, and Lacey Jay Fondren – 132038.