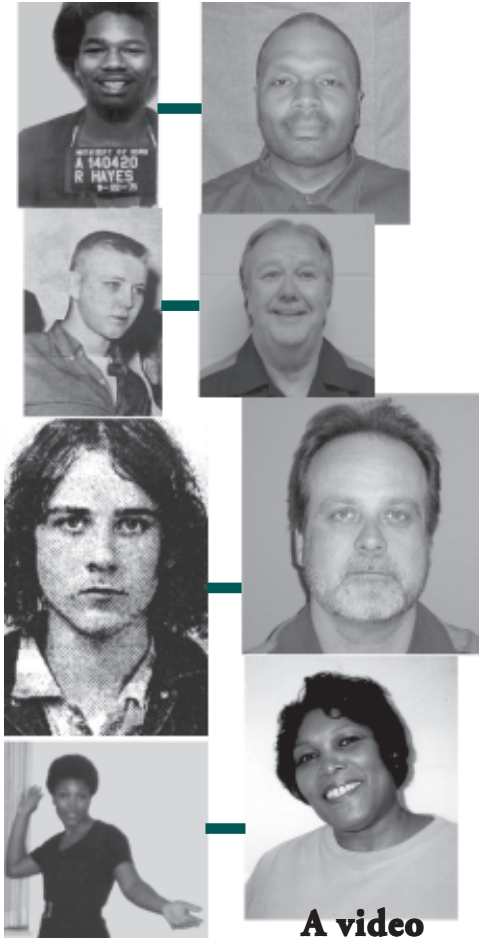


Restoring fairness to Michigan's parole system

# The meaning of "life"



**A video presentation**

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*"I scratch my head and I ask myself: what more can (a prisoner) do to get released from prison?"*



*Dale Daverman, great nephew of the victim of a parolable lifer for whom he is now advocating release*

### What can be done?

- Restore the requirement for personal interviews before the decision whether to proceed to public hearing is made.
- Once a lifer is eligible for parole, review him or her every two years.
- Use the parole guidelines to assess the risk of releasing parolable lifers as is done with other prisoners.
- Require the board to provide written reasons, tied specifically to each lifer's individual facts, when it decides not to proceed to public hearing.
- Permit the prisoner to appeal a "no interest" decision to the courts if the prisoner scores "high probability of release" on the parole guidelines.
- Establish a special lifer review board to assess parolable lifers who have served 15 years and non-parolable lifers who have served 25 with the authority to grant parole or recommend commutation.



*"Parole was presumed as soon as someone demonstrated the ability to get along . . ."*



*Robert Brown Jr., director of the Michigan Department of Corrections, 1984-1992*

### **What is parolable life?**

There are two kinds of life sentences in Michigan. Life without the possibility of parole is mandatory for the crime of first-degree murder. Parolable life is one alternative judges can choose for other serious offenses, including second-degree murder, armed robbery and first-degree criminal sexual conduct. These parolable lifers become eligible for release after serving 10 years for a pre-October 1992 offense or 15 years for later crimes. Historically, judges, prosecutors and defense attorneys believed lifers who worked hard and behaved well in prison could earn their release in 12, 14 or 16 years and many did. In those days, judges often chose a life term in the belief that it was more lenient than a sentence with a long minimum and maximum.



*"If we believe in change and if we believe in justice then we're not being fair and we're not being just . . ."*



*Gary Gabry, chair of the Michigan Parole Board, 1992-1997*

### **How has it been changed?**

The current parole board releases very few parolable lifers, treating them as if they had committed first-degree murder and are serving life without parole. Instead of assessing parolable lifers like other parole-eligible prisoners and releasing those who are not currently dangerous, the board now assumes that "life means life." Of the 850 lifers now eligible for parole, many are serving decades longer than judges intended. Even the review process has changed. While board members used to interview lifers every two years, now they must only conduct a file review once every five years. The board never has to explain its reasons and its decisions cannot be appealed. The rules have been drastically changed long after people relied on them to set sentences and negotiate guilty pleas.



*"The cost of maintaining prisoners, their aging — these are factors that ought to be taken into consideration."*



*Donald Martin, Ingham County Prosecutor, 1986-1996*

### **Who are our parolable lifers?**

Of the parole-eligible lifers:

- Half were convicted of second-degree murder
- Most were relatively young when they committed their crimes; nearly 30% were 20 or younger
- They are much older than the prison population generally. The median age is 49.
- Nearly 58% are African-American.
- Many are first-time offenders. Two-thirds are serving their first Michigan prison terms.
- Most have good institutional records.
- They have served 22 years on average, though many would not even receive life under today's sentencing guidelines.

