

# THE MEANING OF "LIFE"



More information about the  
parolable lifers

Prepared by

**CAPPS**  
CITIZENS ALLIANCE ON  
PRISONS & PUBLIC SPENDING

# About CAPPs

The Citizens Alliance on Prisons and Public Spending, a non-profit public policy organization, is concerned about the social and economic costs of prison expansion. Because policy choices, not crime rates, have caused our prison population to explode, CAPPs advocates re-examining those policies and shifting our resources to public services that prevent crime, rehabilitate offenders and address the needs of all our citizens in a cost-effective manner.

To achieve these goals, CAPPs develops data-driven proposals for reducing the prison population while ensuring public safety. In 2003, CAPPs analyzed the Michigan Department of Corrections' database and learned that more than 17,000 people -- one-third of all Michigan prisoners -- had served their minimum sentences and were eligible for parole. In a ground breaking research report, *The high cost of denying parole: an analysis of prisoners eligible for release*, CAPPs examined these prisoners and concluded that 7,200 could reasonably be placed on parole at a savings to taxpayers of \$145 million.

Among the groups of parole-eligible prisoners that CAPPs assessed were the parolable lifers. Further research on these lifers led to another report, *No way out: Michigan's parole board redefines the meaning of "life"* and to the video, *The meaning of "life": Restoring fairness to Michigan's parole system*.

*"We are men and women who made a bad decision 10, 20, 30 and 40 years ago. They call us violent people. Violent since when?"*

—Reynaldo J. Rodriguez, 149675 - 27 years

# Life sentences in law and practice

## What the “lifer law” says

In 1941, Michigan enacted MCL 791.34(6), “the lifer law”, which creates two classes of prisoners serving life terms.

- Life without parole is mandatory for people convicted of first-degree murder. These prisoners can only be released if they receive a commutation or pardon from the governor.
- For most other serious offenses, such as second-degree murder, armed robbery, and first-degree criminal sexual conduct, the judge can impose either a term of years, for which the judge picks both the minimum and the maximum sentences, or “parolable” life.
  - A person sentenced to a parolable life term for an offense committed before October 1, 1992 becomes eligible for release after serving 10 years.
  - If the offense occurred on or after October 1, 1992, the person must serve 15 years.
  - A person serving parolable life for delivering drugs must serve either 15, 17.5 or 20 years depending on the presence of certain statutory factors.
- The lifer law places several extra conditions on the parole process for lifers.
  - The sentencing judge or that judge’s successor must be given 30 days to file written objections. If the judge objects, the parole board cannot grant parole.
  - Before making a final decision, the parole board must conduct public hearings, at which people can speak for or against the prisoner’s release.
  - The parole period must be at least four years.

## How the lifer law used to work

Judges who imposed parolable life sentences in the

1960s, ‘70s and ‘80s meant for prisoners to have a meaningful chance at release. They typically thought parole was likely after 12 or 14 or 16 years.

- Many thought life was less harsh than a long term of years because the lifer would become parole-eligible sooner.
- When imposing a life term, judges often told defendants to work hard and earn their release.
- Two-thirds of the judges who responded to a survey said the availability of parole was a factor in choosing to impose a life term.

Plea bargains that reduced a sentence from life without parole to parolable life were believed to have value by prosecutors, defense attorneys, judges and defendants because release on parole was assumed to be a real possibility.

It was generally understood that once a parolable lifer served the minimum time required by statute, he or she would be assessed for release like any other parole-eligible prisoner, based on institutional conduct, program participation, and current risk of re-offending. Parole board interview practices confirmed this impression.

- The parole board began interviewing lifers well before they had served their 10 years to get acquainted with the person and offer advice about how to achieve parole.
- Lifers were always interviewed regularly and frequently. In 1982, the lifer law was amended to require a first interview at four years and every two years thereafter.

For decades, the pool of parolable lifers did not grow much because people were regularly released.

- In 1974, all 18 lifers who were eligible for parole were released.
- In 1981, 10 lifers convicted of second-degree murder were paroled after serving an average of 14.3 years.
- Even commutations of mandatory life sentences used to be common. In 1973, there were 21.

## How application of the lifer law has changed

By the mid-1980s, both commutations and lifer paroles were much less common. This was partly because of “tough on crime” attitudes and partly because the parole board was so overloaded with cases that it tended to put lifers on the back burner.

In 1992, the parole board was changed from seven corrections professionals to 10 political appointees with little corrections experience. Parole grant rates dropped for all prisoners, but parolable lifers were hit especially hard.

- The new board adopted the policy that “life means life” and said “something exceptional must occur” for the board “to request the sentencing judge ... to set aside a life sentence.”
- The board now says the only difference between parolable and non-parolable life terms is “who makes the final release decision.” That is, whether the board is considering a parole or the governor is weighing a commutation, the same standard applies. The MDOC lumps non-parolable and parolable lifers together when it talks about there being nearly 4,800 lifers in the system.
- In reviewing parolable lifers, the board does not even calculate parole guidelines scores. For other prisoners, these scores are used to determine the statistical risk that they will re-offend. If the prisoner has a high enough score, the board must have a “substantial and compelling reason” to deny release.
- In 1999, the board persuaded the legislature to change the process for reviewing lifers.
  - Now a personal interview by a single board member is only required when the prisoner has served 10 years. After that, just the prisoner’s file must be reviewed every five years. The board has complete discretion to decide if it ever sees the prisoner face-to-face again.

- Unlike other prisoners, the board is not required to give a lifer any explanation of why it has decided against parole.

No matter how many years a parolable lifer has served, how exemplary the person’s prison record is, or what the sentencing judge actually intended, the parole board regularly denies release once every five years after just examining a file. The board is not required to explain its decision to anyone and the prisoner has no right to appeal.

## Why “life means life” is wrong

The board is single-handedly rewriting the lifer law, which creates a critical distinction between parolable and non-parolable life terms. Despite the legislature’s clear intent to the contrary, the board is treating parolable lifers as if they had all committed first-degree murder.

The board’s current policy unfairly changes widely relied-on practices many years after the prisoner was sentenced. Prisoners who were told by judges, defense attorneys and prior parole board members that they would be released in 12 or 14 years if they behaved well and worked hard are now being told they must die in prison.

The board is keeping prisoners for decades longer than sentencing judges expected or intended. Many judges would not have imposed life terms had they known parole would not be a real option.

Plea bargains based on life terms being parolable are made worthless if all life terms are treated the same.

People sentenced before 1984 did not have the benefit of sentencing guidelines designed to curb excessive

*“I’m not considered a human being. Having spent 30+ years maturing, growing and working to change, I’m now faced with a board that doesn’t even wish to see me.”*

—Robert Otto Bryan, 137462 ~ 31 years

sentences by individual judges and prevent racial disparity. Many current lifers would not receive life terms under today's guidelines. Many have served far more time than other people with similar backgrounds who committed similar crimes.

By not using parole guidelines and not even bothering to see lifers in person, the board is not making meaningful assessments of whether people are safe to release. Instead it is denying parole based on the sentence, not on any characteristic of the person.

Many lifers present no risk to the public now and would get very high parole guidelines scores.

- Many were young when they committed a single serious offense and have matured into responsible adults after serving decades in prison.
- Many have worked hard to obtain an education or vocational skills and could be productive members of the community.
- Many have the support of family and friends who would help them readjust.
- Many have excellent institutional records

and have been "model" prisoners.

Every time a lifer is denied release for another five years, it costs taxpayers at least \$112,000. As they get older and increasingly in need of medical care, lifers become safer to release and more expensive to incarcerate. Keeping someone who commits a crime at age 20 until they die at age 75 costs taxpayers an average of over \$1.5 million.

For more information about the history of the lifer law and the way it has been interpreted by the courts and the parole board see:

*What Should 'Parolable Life' Mean? Judges Respond to the Controversy*, a report on a survey of Michigan judges published by the Prisons and Corrections Section of the State Bar of Michigan in January 2002, and

*No way out: Michigan's parole board redefines the meaning of "life."*, published by CAPPs in 2004.

Both are on the CAPPs website, [www.capps-mi.org](http://www.capps-mi.org).

*"I was never told by the court or prosecutor that in my plea everything I had just agreed to was all subject to change over the years . . . and I may never see the board again in this life time or be able to appeal."*

-- Arthur Thomas, 131044 ~ 26 years



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# Who are Michigan's lifers?

A snapshot of Michigan prisoners taken on May 6, 2003 shows 4,572 people serving life terms.

- 2,629 are serving life without parole for first-degree murder. Of these, 365 have served more than 25 years.
- 1,943 are serving parolable life terms. Of these, 834 have served enough time to be currently eligible for parole.

The facts about the 834 parole-eligible lifers suggest that they are especially good candidates for parole.

- Many were young when they committed their offenses and are now middle-aged adults, well past their crime-prone years. The median age at time of offense was 24.
  - √ Two-thirds were 28 or younger.
  - √ 218 were 20 or younger.
  - √ 72 were ages 15 to 17.
- They have had a very long time to reflect on their offenses and their hopes for the future.
  - √ The average time served is 22 years.
  - √ 270 have served more than 25 years.
  - √ 97 have served more than 30 years.
- Many parolable lifers are first-offenders who committed one very serious crime. Two-thirds are serving their first Michigan prison term.
- The vast majority have excellent institutional records. They have completed all the programs available to them, get along with officers, work supervisors and other prisoners, and have not had misconduct citations for years.

The offenses committed by the 834 parole-eligible lifers are:

	No.	Percent
Second-degree murder	426	51.1%
Criminal sexual conduct	156	18.7%
Armed robbery	107	12.8%
Other assaultive crimes	117	14.0%
Drugs > 650 grams	23	2.8%
Non-assaultive (habitual offenders)	5	0.5%

The parolable lifers are being treated far more harshly than most people convicted of similar offenses. The 2002 MDOC Statistical Report provides a basis for comparison.

- Of 3,660 people in prison for second-degree murder:
  - √ 724 (20%) were serving parolable life
  - √ 625 (17%) had minimum terms of more than 25 years
  - √ 986 (27%) had minimum terms of 15 years or less
  
- Of 4,151 people in prison for first-degree criminal sexual conduct
  - √ 322 (8%) were serving parolable life
  - √ 436 (11%) were serving minimum terms of more than 25 years
  - √ 2,487 (60%) had minimum terms of 15 years or less
  
- Of 4,505 people in prison for armed robbery
  - √ 200 (4%) were serving parolable life
  - √ 193 (4%) had minimum terms of more than 25 years
  - √ 2,953 (66%) had minimum terms of 10 years or less

*“Those who have served 25 or more years are no longer thinking like criminals. They are thinking about jobs and employment, pension plans, health insurance, education and being productive citizens.”*

-- Anthony Johnson, 125208 ~ 28 years

# Do you feel safer because these men and women are behind bars?

Reynaldo Rodriguez, 149675  
Parole eligible since 1986

When Reynaldo Rodriguez is again considered for parole in 2008, he will have served 32 years for a crime for which his sentencing judge expected him to serve 10. The judge, in fact, wrote the parole board several letters supporting Rodriguez' release.

The crime – second-degree murder – occurred in 1976 when Rodriguez shot and killed a man he thought was going for a gun and with whom there was a history of a family feud. At the time, Rodriguez was a 20-year-old husband and father in Saginaw who was working as a service representative for Pitney Bowes.

At sentencing, the judge offered Rodriguez the choice of 15 to 30 years or life. In those days, the soonest Rodriguez could have gotten paroled on a 15 year minimum was 12 1/3 years, whereas the life sentence was expected to result in serious parole consideration at 10 years. Rodriguez chose life. Under today's sentencing guidelines, the recommended minimum would be between 12 and 20 years.

Rodriguez' prison record has been exemplary. He completed his GED, took college classes and completed a course in auto mechanics. He worked many years for prison industries, earning high praise from supervisors and sending his wages home for his son. When he completed two years of group psychotherapy in 1984, the psychologist's assessment was strongly positive.

The board finally held a public hearing for Rodriguez in 1994. There was strong support for his release and no opposition. Inexplicably, the board decided against parole based on the facts of the shooting -- facts it had known all along. The board has never



shown interest in Rodriguez again. In 2003, it didn't even bother seeing him in person.

Monica Ann Jahner, 151946  
Parole eligible since 1989

Monica Jahner was sent to prison in 1977 for conspiracy to murder her step-mother. The man who actually attacked, but failed to kill, the victim received a maximum sentence of four years in exchange for his testimony against Jahner. Jahner maintains her only role had been to give the man money at the request of her father, who moved to the Bahamas and has never been charged. At the time of the crime, Jahner, 22, was working in her father's drapery shops and had no previous criminal history.

The Livingston County judge was required by law to impose a life sentence for conspiracy to murder. However, when Jahner appealed, the Michigan Supreme Court held that although her life term was mandatory it was nonetheless parolable. On the assumption this distinction had practical significance, the court said Jahner would be eligible for parole after 10 years.

Jahner compiled an impressive prison record and is well regarded by administrators and staff. She completed two years of psychotherapy, earned her bachelor's degree and received an excellent evaluation in assaultive offender programming. In 1991, Warden Carol Howes wrote a letter on Jahner's behalf to the parole board that said, in part: "Further incarceration of Ms. Jahner would serve no meaningful purpose other than to punish. She has already involved herself in every institutional program available to her. Her continued incarceration is a significant burden to taxpayers. The



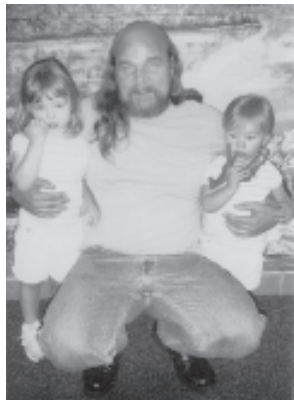
longer her incarceration, the more difficult it will be for her to begin a new life on the outside.” Nonetheless, the board has continued Jahner until 2006, when she will be 52 years old.

### **Robert Weisenauer, 157085 Parole eligible since 1989**

Despite every possible positive indicator, the support of his sentencing judge and interest from the old parole board, the new board has continued Weisenauer until 2008 for an offense that would not bring a life sentence today.

Weisenauer’s 1979 conviction of first-degree criminal sexual conduct arose from an incident in which a woman was abducted, brought to a Flint clubhouse where Weisenaur was attending a large party and forced into sexual activities with a number of men. The ring leader, who was never caught, directed the woman to perform fellatio on a man who she believed was Weisenauer.

Weisenauer’s only adult criminal convictions were misdemeanors for malicious destruction of property and disorderly conduct. As a juvenile, he was a truant and runaway.



At sentencing, the judge told him the life term “would probably not last too many years” and later urged the board to “lean toward leniency in considering parole.” Under

current sentencing guidelines, Weisenauer’s minimum sentence would be between 9 and 15 years.

Because of a history of alcohol and drug use, Weisenaur spent many years in AA and two years in psychotherapy. The treating therapist praised his ability to handle difficult situations and staff memos spoke well of his character. When he was evaluated in 1992, at the request of the board, the psychologist said: “Mr. Weisenauer’s prognosis is very good at this time. He

should be able to be a productive citizen if given the chance to go back to society.”

Although the “old board” voted to proceed to public hearing in 1989, it never processed the paperwork. The new board has never shown any interest in Weisenauer and did not even interview him in 2003. In 2008, he will have served 29 years.

### **Kenneth Foster, 142187 Parole eligible since 1984**

When Judge Robert J. Colombo sentenced 22-year-old Kenneth Foster in 1974, he deliberately imposed life terms because they would make Foster eligible for parole in 10 years. Foster, who had been convicted of second-degree murder for the shooting deaths of two Detroit drug dealers, had no prior record, adult or juvenile. The judge believed that Foster had “potential” and could return to the community successfully if he completed his education.



Foster fulfilled his potential by earning a GED, then an associate’s degree and then a bachelor’s degree. He has been active in prison programs and earned good reports from work supervisors and corrections officers.

When the parole board failed to show interest in releasing him, Foster unsuccessfully sought relief in the courts. Judge Colombo provided a supporting letter in which he explained that the vast majority of judges were aware that the parole board could release a lifer who had made substantial progress toward rehabilitation after 10 years and expressed regret that Foster was “caught in the middle” of “a huge change” in the board’s position.

When Foster is reviewed by the board again in 2008, he will have served nearly 35 years.

Gerald Lee Hessell, 150163  
Parole eligible since 1986

Pressured at age 19 by the biological father he had just met to go along on a crime that ended in murder, Gerald Lee Hessell will be 51 years old and will have served 32 years when he is next considered for parole in 2008. At the time of sentencing, the prosecutor, the judge and the victim all thought he would serve about 15 years.

The crime involved the shooting death of the girlfriend of a drug dealer and the robbery and attempted murder of the drug dealer himself. Hessell's only prior criminal conviction had been for breaking into an abandoned gas station, for which he received two years probation.

Although Hessell participated in the robbery, he did not actually shoot either victim. The surviving victim now advocates for Hessell's release, saying he

believes Hessell was an unwilling participant who feared for his life.

While in prison, Hessell has earned an associates' degree and is certified as a dental lab technician, a master gardener, an addiction counselor and a legal assistant. He spent several years in therapy. Reports from corrections officers and psychologists describe Hessell's maturation into a thoughtful, responsible adult and conclude there is no purpose to be served by his continued incarceration. Although the surviving victim offered to appear with Hessell at his next parole interview, in 2003 the board did not chose to conduct one.



## Consider these 4 Questions:


Is it *just* to apply the board's current "life means life" policy retroactively to these old cases?

Is it *good* public policy to let the parole board undo the intentions of sentencing judges and the legislature?

Is it *fair* that the parole board's decisions not have to be explained and are not subject to any review?

Are we *safer* because men and women like these are still in prison?

**If you answered no, help promote change.**



# How to restore fairness to the lifer review process

Making the lifer review process fairer, more rational and more cost-effective would not be difficult. Some solutions involve restoring discarded practices. Others involve increasing accountability. Still others are meant to ensure that all relevant factors are thoroughly considered.

Implementing some of these recommendations would carry marginal short-term fiscal costs. However, not only would these costs be relatively small, they would be justified by offsetting gains. The human costs of present practices would decrease; the quality of parole decision-making would increase; the MDOC budget could be reduced by millions if it turns out that hundreds of lifers can be safely released.

## Recommendation One

### Problem

Reviewing lifers' files without conducting personal interviews does not give the board an adequate basis for assessing the person's character and potential risk. Parole eligibility reports that merely summarize a prisoner's program participation and misconduct history convey little sense of who the person is. The lack of an interview also denies the prisoner an opportunity to try to persuade the board that he or she has earned release. A process built on the assumption that lifers are not even worth the time to see in person inevitably reduces the chances that parole will be granted.

### Solution

Restore the requirement that lifers must be interviewed in person before the board decides whether to proceed to public hearing.

## Recommendation Two

### Problem

Five years is too long a period between routine lifer reviews. It is based on the assumption that lifers are not likely to be paroled in any event so it is not worth the trouble of reviewing them more often. These unreasonably long intervals between parole interviews unnecessarily lengthen the time served by people who could be safely released.

### Solution

Once a lifer is eligible for parole, review them no less often than every two years, like other parole-eligible prisoners.

## Recommendation Three

### Problem

The board does not calculate parole guidelines scores for lifers and therefore lacks any proven, objective basis for assessing a lifer's actual risk of reoffending. Risk is logically related to various characteristics of the offender, not to the nature of the sentence, so a risk assessment instrument is no less valid for lifers than for any other offender.

### Solution

Use the parole guidelines to assess the risk of releasing parole-eligible lifers as is done with all other prisoners.

## Recommendation Four

### Problem

The parole board has the absolute power to deny a lifer release forever by simply stating it has "no interest" in proceeding to public hearing. It need offer no explanation and its decision is not subject to any review. The process creates a high risk of arbitrary or poorly-reasoned decisions that cannot be corrected.

### Solution

Require the board to provide written reasons, tied specifically to each lifer's individual facts, when it decides not to proceed to public hearing. If the person scores "high probability of release" on the parole guidelines, require these reasons to be substantial and compelling, as they must be for other prisoners with similar scores, and permit the person to appeal a "no interest" decision to the courts.

## Recommendation Five

### Problem

Even when the parole board has interest in proceeding to public hearing, a judge who may know little about the person can prevent parole by filing, without explanation, an objection that is not subject to review by a higher court. Currently a successor judge may exercise a veto based primarily on the contents of the original, decades-old presentence report.

### Solution

Take steps to ensure that judges make thoughtful decisions based on complete, up-to-date information. 1) Require the parole board to give adequate information to the sentencing or successor judge about the prisoner's institutional history and to explain specifically why the board thinks release may be appropriate. 2) Require the board to provide the prisoner with a copy of the material sent to the judge so the prisoner can supplement it if he or she so desires. 3) Require a judge who objects to a lifer's parole to articulate specific reasons. 4) Permit the prisoner to appeal a judicial objection as an abuse of discretion.

## Recommendation Six

### Problem

There are presently at least 670 parolable lifers who have served more than 15 years and at least 360 prisoners who have served 25 years on mandatory life terms. Even if procedures are changed to improve the lifer review process in the future, it would take an inordinately long time for the board to work through this backlog, given its responsibilities for deciding thousands of other non-lifer cases annually. In addition, since these lifers have all received five-year continuances during the last decade under the current “life means life” policy, it is important they receive a fresh look from a body not predisposed to deny release.

### Solution

Establish, for a period of three years, a special lifer review board with the responsibility for assessing only these cases and the authority to grant parole or recommend commutation. Require the board to consider, along with all other relevant factors, any evidence of the sentencing court’s intention regarding how long the person would actually serve and the sentence the person could receive under current sentencing guidelines. The existence of the special lifer review board could be extended for one year at a time if needed to complete consideration of every designated case. Lifers who have been considered and rejected for parole or commutation by the special board would thereafter be routinely reviewed by the parole board.

*“We want a chance to give back. I personally have about 15 productive years left in me. Why waste those years?”*

-- Bill Sleeper, 116539 - 39 years

# Advocating for change in the treatment of lifers

Supporters of prisoners serving life terms can help promote change in how lifers are treated. They can talk to the media, build support within community and faith-based groups and, above all, write or meet with legislators and the governor's staff.

In contacting policymakers, there are some important points to remember.

- Explain who you are and what your connection to the lifer issue is.
- If you are advocating for a particular prisoner, explain that person's situation briefly but completely. Putting an individual human face on the problem is very important.
  - ◆ Be honest. Emphasize the person's strong points but do not omit or misrepresent critical facts that will come back to destroy the credibility of your position.
  - ◆ Never minimize the harm done to victims.
- Be sure you understand how the lifer law works and all the arguments about how it is being misapplied. Legislators do not know the details of every law on the books. You must educate them about your issue.
- Explain clearly what changes you want people to support and why these specific changes are important. People must understand what you are asking them to do.
- Do not ask legislators to fix problems that are outside their authority. For instance, legislators cannot reverse an individual conviction or change a person's sentence. Claims of innocence or of error in trial or sentencing procedures must be addressed by the courts.
- Write in clear, simple language. Make sure that handwritten letters are legible. Keep letters as short as possible. Keep enclosures down to those that are critical for explaining your position. People will not read mail they cannot decipher or that is so long it makes them

feel overwhelmed. Have someone else read your letter and make editing suggestions.

- Always be polite. Do not attack parole board members or other Michigan Department of Corrections personnel.
- Include your name and address and other contact information.
- Thank the legislator or staff member for meeting with you or reading your letter.

Similar rules apply when dealing with the media. Whoever you are trying to persuade, look at the issue from their point of view. Think about what information they need and what arguments are most likely to persuade them.

## How to contact elected officials

You can find the name of your elected lawmaker and all contact information by going to the internet.

To find your senator see: [www.senate.michigan.gov](http://www.senate.michigan.gov) and click on "Find Your Senator."

To find your representative see: [www.house.michigan.gov/representatives](http://www.house.michigan.gov/representatives) and click on "Find a Representative."

Most public libraries have public access to the internet and can help you find the site you need. If you can't gain access, you can call 517-373-2400 for the Senate and 517-373-0135 for the House.

In addition to writing your own legislators, you might want to write to the chairpersons of key legislative committees. Senator Alan L. Crosey is the chair of both the Senate Judiciary Committee (which handles Corrections issues) and the Senate Subcommittee on Corrections Appropriations. Rep. William J. Van Regenmorter chairs the House Judiciary Committee. Rep. Jack Brandenburg chairs the House Subcommittee on Corrections Appropriations.

To write to Gov. Jennifer Granholm, send the letter to:

Office of the Governor  
Constituent Services Division  
111 S. Capitol Ave.  
Lansing, MI. 48933-1591



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Date

# Sample Letter

The Honorable (full name)

State Representative

State Capitol

P.O. Box 30014

Lansing, MI 48909-7514

OR

The Honorable (full name)

State Senator

State Capitol

P.O. Box 30036

Lansing, MI 48909-7536

Dear Rep. or Dear Sen. (last name):

My name is \_\_\_\_\_. I am \_\_\_\_\_. I recently saw a video presentation called "*The Meaning of Life: Restoring Fairness to Michigan's Parole System*". It outlined Michigan's treatment of parolable lifers. After I saw it, I felt \_\_\_\_\_.

Nearly 850 men and women sentenced to parolable life terms are not being fairly considered by the Michigan parole board. Many have been in prison since their late teens and early twenties and are now middle aged. Many would not even receive a life sentence under current sentencing guidelines.

When judges imposed life sentences in the 1960s, '70s and '80s, it was with the understanding that the defendants would be eligible for parole after serving 10 years and that if they had a good prison record, went to school, worked and successfully completed recommended therapy, they could earn release in 12, 14 or 16 years.

Then, long after the fact, the Michigan parole board changed the rules and began treating parolable lifers the same as people who are serving life without parole for first-degree murder.

The parole board is no longer obligated to see the lifer in a face-to-face interview. It only has to review the paper file every five years and doesn't even have to give a reason for showing "no interest" in granting parole. The prisoner cannot appeal the board's decision.

As my state representative (or state senator) I am asking that you work to make changes in the law that will make this process fair. There are a number of recommendations that I hope you will work to put in place. The state should:

- Restore the requirement for a personal interview before the board decides to proceed to public hearing.
- Require the board to review parole-eligible lifers at least 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.
- Ensure that sentencing judges have adequate information before deciding whether to object to a lifer parole and allow appeals from judicial objections.
- Establish, for three years, a special lifer review board to assess these cases with the authority to grant parole or recommend commutation.

There is more information on these issues at the website of the Citizens Alliance on Prisons and Public Spending (CAPPS): [www.capps-mi.org](http://www.capps-mi.org). CAPPS produced the presentation that I saw and would be happy to show it to you.

I am not advocating wholesale release of all parole-eligible offenders, just fair treatment for them. I appreciate your help and look forward to hearing from you.

Sincerely,

Joe Citizen

Your Address

# About the video

## ***The Meaning of Life: Restoring Fairness to Michigan's Parole System***

Hundreds of Michigan prisoners who, under state law, became eligible for parole after 10 years are facing the prospect of dying in prison. When they were sentenced to parolable life terms in the 1960s, '70s and '80s, the practice was to parole those who did well in prison and were no longer dangerous, often after 12, 14 or 16 years. Judges imposed sentences and prosecutors negotiated guilty pleas with that practice in mind. But the parole board was changed to political appointees in 1992, and these lifers can no longer count on serious parole consideration. Now they are treated almost the same as people convicted of first-degree murder and sentenced to life without parole. This spirited examination of the after-the-fact change, which has trapped many deserving people in prison for decades longer than anyone anticipated, features a former prosecutor, a former chair of the Michigan parole board and a former director of the Michigan Department of Corrections.

### ***Release Information:***

Producer: Mark Hamilton

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*"Retribution, punishment, corrections . . . these are all important goals, but no less so are understanding, compassion and mercy."*

—Jay Bartlett, 151428 - 27 years