

Derek Lee Foster, 156952
Parole eligible since 1989

Despite lavish praise from staff for his tutoring and counseling efforts with younger prisoners and a near-perfect institutional record for 28 years, in January 2007 the parole board issued Foster a third five-year continuance, without even an interview.

Derek Foster was the older of two sons in a working-class Detroit family. He left school in the 10th grade, then held several factory jobs. He married at age 20; he and his wife separated after having one child. He had no juvenile court history, no adult convictions and no substance abuse problem.

Despite this unremarkable history, in December 1978, when Foster was 23, he and an 18-year-old co-defendant decided to rob a gas station. Foster held a gun on the woman attendant. When she struggled with him, he shot and killed her.



Derek Foster and granddaughter

Foster explains that he had lost a new job after only one week and wanted to buy Christmas presents for his daughters. "I had family I could have turned to, but my messed up sense of pride would not allow it. I hate the decision I made," he wrote in a letter discussing the offense.

Foster and his co-defendant both pled guilty to second-degree murder. The co-defendant received

a 15 to 25 year sentence and was paroled after serving about 7½.

Foster has focused his prison time on academic and counseling activities, especially with younger prisoners. He obtained his GED the year after he entered prison. By 1985, he had completed an associate's and a bachelor's degree.

For the last 17 years, Foster has tutored in the school program during the day and volunteered as a literacy tutor evenings and weekends. Teachers have praised his patience and persistence with low-level learners. One wrote in 1995:

He has been a great asset to our classroom and has made remarkable progress in reading with many of our 'last chance' adult students. These special talents and his willingness to work hard with these students have made him a special person in our school.

Another teacher wrote in 1997:

I have observed Mr. Foster's patience with irritable, sluggish students — especially young students who are lacking motivation. Mr. Foster has been a positive model for these young students to look up to and to imitate.

In 2002, a third wrote:

My students . . . are fortunate to have such a role model, whose conduct, manner and educational knowledge are all exemplary . . . When released from prison, he should have a bright professional future.

The school principal wrote that Foster "would make an excellent elementary school teacher or could have a career in social work." Foster would like to earn a master's degree in special education. For more than a decade at Carson City Correctional Facility, Foster helped to facilitate group counseling sessions in his housing unit. The staff member who supervised those sessions wrote of him:

No Way Out: Michigan's parole board redefines the meaning of "life"

He has the ability to relate and communicate with many different types of personalities . . . He displays excellent leadership qualities in a group setting without appearing to dominate or limit group involvement. His topics of discussion are rooted in the core values of a moral society.

In the early 1980s, the parole board gave Foster a "grid score" of 14 years, indicating an expectation that he would serve about that long. He has not received a misconduct citation since 1981. His sentencing judge, Hon. Dalton Roberson, wrote

I have no objection to the parole board exercising any discretion they might wish to use to reward your excellent conduct.

A psychological evaluation requested by the parole board in 1997 concluded:

. . . this individual is highly motivated to re-adjust in society and given his increased education and demonstrated commitment to be productive, prognosis for his re-adjustment in the community would be above average.

Despite Foster's record, the parole board has shown no interest in releasing him. When, in 1993, Foster sought guidance from the board about how he could earn parole, then chairperson Gary Gabry replied:

The only thing a lifer can do is establish a record of stable and mature behavior, clear of misconduct, and participate in the institutional programming and activities which are available.

Although Foster continues to exceed this standard, the board issued five-year denials after interviews in 1997 and 2002. In 2007, the board didn't even choose to interview him; it simply sent him a "no interest" notice with his next consideration date penned in: 3-24-2012. Foster will then be 56 years old and will have served 33 years in prison.

The board scheduled a public hearing for Foster in February 2010 but the judge objected.