

Lifer law is misused

Board rulings remove distinction in state law on life sentences

The March 3 State Journal article, "Man released after prison sentence is reduced," discussed the case of James Jones, a prisoner sentenced to "parolable" life for a murder he committed at the age of 16. The sentencing judge told the parole board that he had expected Jones to serve 12 years, but the board repeatedly refused to act.

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Finally, after Jones had served more than 22 years, the prosecutor stipulated to a resentencing as the only way to secure release. Noting that lifers eligible for parole rarely receive it, a Corrections Department spokesperson asserted: "If you sentence someone to life, expect him to get life through the parameters of statute. If you want someone to get out in 12 years, sentence him to 12 years."

This statement wrongly suggests that Michigan judges do not understand the law. In fact, the parole board's interpretation of the law is undermining reasonable judicial expectations.

Life with the possibility of parole means the defendant may be imprisoned for life, not that he or she must be or should be. By statute, parolable lifers become eligible for release when they have served either 10 or 15 years (depending on when the crime was committed).

Historically, Michigan judges have believed that these lifers could earn their release by their own behavior. Some openly assured defendants at sentencing that life "really means 10 or 12 years." Life sentences were often assumed to be more lenient than a long term of years. Many defendants negotiated guilty pleas that resulted in life sentences because all parties understood that parole would be a realistic possibility.

The current parole board now takes the position that "life means life." This obliterates the distinction between parolable and nonparolable life, and negates the intent of judges, prosecutors, and defense at-

torneys. It also effectively wipes out the Legislature's recent attempt to soften our harsh 650 drug law. Making drug lifers eligible for parole will be meaningless if the board refuses to exercise its discretion to release them.

Parole board members are no longer civil servants who work their way up to their positions. They are now hired and fired by the corrections director, and most lack experience in corrections. Yet a recent statutory amendment prohibits prisoners from appealing parole denials to the courts. That makes individual board decisions and overall policies largely immune from outside review.

Board policies that deny release to whole groups of prisoners, regardless of each individual's merit, cause harm in several ways:

- They usurp the functions of elected judges, prosecutors and legislators.

- They deny freedom to people who have paid for their crimes, and who could be productive, taxpaying

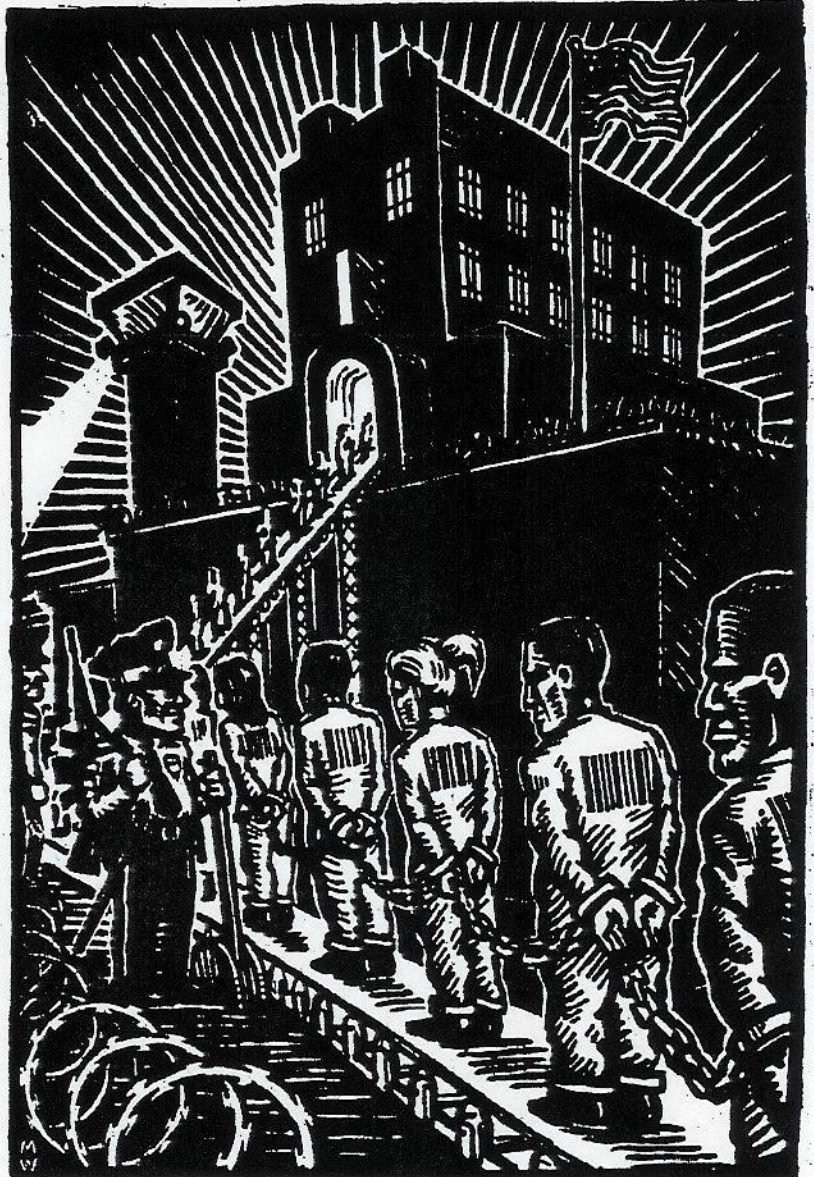
members of their families and communities, and

- They contribute greatly to the need for more prison beds, and a \$1.7 billion corrections budget.

Hundreds of parolable lifers already have served between 15 and 40 years. Many have excellent institutional records and could be safely released. Convicted before sentencing guidelines existed, some could not even receive life terms today. Many have served far longer than people who committed similar offenses, but whose judges opted to impose 10-, 20-, or 30-year terms instead of parolable life.

The parole board's unilateral application of its own policies to prisoners sentenced decades ago is neither fair nor justified. If "truth-in-sentencing" is to be more than a slogan, the board should interpret parolable life sentences as they were intended by the judges who imposed them.

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Los Angeles Times Syndicate