

# Faces behind the Figures

Are we safer because they're behind bars?



**Curtis Davis, Jr. No. 258860**

*Offense: Second degree murder & felony firearm*

*Sentence: 6 -20 years plus 2 years*

*First Possible Parole: Aug. 11, 2003*

*Paroled: Dec. 9, 2008*

*Although the trial judge thought his crime warranted less time than the sentencing guidelines recommended and his institutional record and therapy reports were excellent, Curtis Davis was denied parole until he had served five years past his earliest release date.*

Curtis Davis, Jr., along with nine other boys, was raised in Detroit by his grandmother. He left home at age 13, but continued attending school until he dropped out during 10<sup>th</sup> grade. On his own and too young to get a “real job,” Davis sold drugs for a living and carried a gun “for protection.” Nonetheless, he had no juvenile or adult felony record.

In July 1996, when he was 19, Davis got into an argument with a man with whom he’d had a prior confrontation. He shot the man several times and the victim died two days later. Davis pled guilty to second-degree murder and felony firearm. Although the sentencing guidelines called for a minimum term between 10 and 25 years, the judge found that the circumstances warranted a guidelines departure and sentenced him to a minimum of 6 years and a maximum of 20 years, plus 2 years for the gun.

In 1999, after only one and one-half years in prison, Davis was transferred to the camp system, where he has remained since. He has worked in food service as a server and a cook and as a housing unit painter. A typical work report reads:

*Mr. Davis is an excellent worker, always asking if there is anything else to do. He works well with everyone, has an excellent attitude, very dependable, willing to work his off days... Gives his job 100%.*

Davis began working toward his GED when he was sent to prison in 1997. In April 2001, he was removed from that program and transferred to Camp Tuscola specifically to enter the 44-week Assaultive Offender Program (AOP). After only four sessions, Davis was terminated from AOP and transferred again because he hadn’t completed his GED. In January 2004, Davis was granted a GED waiver because it was judged he had learning impairments that prevented further progress. In August 2004, he finally was able to gain re-admission to AOP.

Meanwhile, when he first became eligible for release in 2003, the parole board continued Davis in prison for an additional 12 months because, it said, during his interview he did not show “remorse or insight into his actions” – issues AOP is designed to address. The following year, the board continued Davis’ incarceration for another 12 months because he had not completed AOP.



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The parole board interviewed Davis again in January 2005 but deferred its decision pending his successful completion of AOP in April. In his final report, the AOP therapist called Davis “one of the more honest and forthcoming members” of the group. He judged that Davis had “a good intellectual and affective appreciation of the effects of his offense on his victim, his family, and himself.” The therapist further stated that Davis’ Relapse Prevention Plan “demonstrates that he has spent a good deal of time thinking about and working on his own personal risk factors for re-offense . . . He has organized possibilities for residence, employment, and community support.” The report expressly noted that substance abuse was not a major problem for Davis and that, to the extent it was an issue, he had addressed it on his own initiative as well as through MDOC programming.

Nevertheless, after receiving Davis' AOP report, the board decided he needed to "develop a community program to address ongoing substance abuse and assaultive issues." It continued his incarceration for a third year.

In 2006, the board continued Davis for yet another year, saying:

*Even though P[prisoner] has completed AOP, P did not demonstrate adequate insight into the crime. Victim was shot and pursued and shot again. Victim died two days later. PB is not convinced that P's risk has been diminished.*

In February 2007, Davis was assigned to a prison crew that works in the community five days a week. He was elated as he thought the trust prison officials placed in him would improve his chances for release. However, in May, Davis was handed his fifth and longest continuance -- 18 months. The parole board's stated reasons were virtually identical to those given in 2006.

Davis showed no assaultive behavior during his 11 years in prison. In fact, he had no major misconduct tickets of any kind. For five consecutive years the board scored Davis “high probability for parole” on its own guidelines, including giving him two positive points for “situational crime, unlikely to recur.” He was finally paroled in December 2008 when he had served nearly five and one-half years beyond his minimum sentence.

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