

Michigan Lifers Association, Inc. and National Lifers of America, Inc.

MICHIGAN

Lifers Report

Newsletter

AUGUST 2023

FEAR OF DEATH-BY-INCARCERATION

LIFERS IN QUANDARY

Willis X. Harris and Gina Maria DeAngelo

The Michigan Parole Board constantly tells both lifers and inquiring civilians that it is not required by state law nor administrative policy to explain or tell anyone why the Parole Board gives negative or unfavorable parole or commutation recommendations. Under such mandate, they can--and often do--recommend "No Interest" to Governor Gretchen Whitmer, a former prosecuting attorney, who, since becoming Governor, has been reluctant to seriously consider granting clemency to any LWOP lifer or parolable lifer.

Many LWOP lifers and parolable lifers, many of whom have served between 25 and 60 years, have become depressed and disenchanted, realizing they may encounter a frightening reality: Death-By-Incarceration.

Both CURE Life-Long, Inc. and The Michigan Lifers Association, Inc. constantly receive phone calls from grieving mothers, fathers, sons, daughters, sisters, and brothers in Michigan and across the nation concerning the excessive incarceration of their sons, daughters, mothers, fathers, and community members. many community supporters, including church pastors, priests, and life-long friends of these lifers write letters to the Parole Board on there behalf requesting clemency consideration only to receive a pre-written form letter stating the specifics they look for. Since 1990, not one LWOP lifer has met any of the requirements they allegedly look for and been told they have met those requirements. Are they telling us the truth or are the ... (Cont. on p. 3)

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MICHIGANS LIFERS REPORT NEWSLETTER

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(Limit articles to 600 words)

HOW UNACKNOWLEDGED GRIEF HARMS PRISONERS

Bryan Noonan

One misconception the public often has of prisoners is that we are unfeeling, either because we are unable to feel or because we disregard our (and others') feelings. Some even mischaracterize prisoners as psychopaths (though they are quick to make exceptions). But prisoners "do" feel. Just like those in the free world, we experience happiness, sadness, anger, and fear, among other feelings.

One profound feeling experienced by many prisoners, but often unacknowledged by others, is grief. Those of us in prison feel different types of grief, and for different reasons. Some of our grief is tied directly to our incarceration, but many men and women in prison enter prison carrying heavy burdens of unmanaged grief. For some, that grief (and other unmanaged emotions) has even led to lives of crime.

Perhaps most painful is not that our grief is not acknowledged, but that society makes us feel as if we have no right to grieve. After all, we are responsible for putting ourselves in prison, so maybe we "should" grieve!

Brene Brown, research professor and shame, vulnerability, and courage expert, identified three foundational elements of grief: loss, longing, and feeling lost. Prisoners, like others, experience loss in many forms, feel deep longing, especially for wholeness, and often feel profoundly lost, as if we do not belong.

We prisoners grieve losses like:

- Losing our lives as we knew them
- Losing family and friends through abandonment or death
- Losing our reputations
- Losing our perceived potential

What's worse, when we lose loved ones to death we are often left to grieve that loss alone. We do not get to join our communities (family and friends) in communal mourning. Often, we are not included in any way in the communal grieving process.

We also experience deep longing. Our longings include relationships we've lost, purpose in life, reconciliation and restoration with those we've harmed, and for a meaningful life outside of prison. We also long for love, acceptance, and understanding. Most of our longing has an element of yearning for wholeness.

Finally, we feel deeply disconnected, from family, friends, and our communities; consequently, we feel isolated and lost, as if we do not belong. Our entire lives have been turned upside down by our incarceration, completely disorienting us to where we fit, in our families and communities, especially. But we also recognize that we have often ... (Cont. on p. 6)

(Fear Of Death-By-Incarceration, from p. 1) ... alleged requirements a shield to avoid recommending deserving LWOP lifers for clemency consideration?

The fear of dying in prison is widespread. Neither our parole boards, legislators, nor governors seem to have any interest in LWOP prisoners.

Former U.S. Attorney General Eric Holder stated that there has been no public safety benefits for society or law enforcement from excessive incarceration.

Former New York Governor Andrew Cuomo summed up the mentality of parole boards nationwide when he charged them with "spending too much time focusing on the unchanging circumstances or facts of an offense that occurred decades ago and too little time focusing on the offender as he or she is today."

Cuomo further stated, "they don't notice the efforts the offender makes to reform or rehabilitate."

LWOP lifers no longer need to remain in a state of quandary. We now see everything as it is, that is, Parole Board members in the State of Michigan wholeheartedly believe in the requirements of MCL 750.316, regardless of what the State of Michigan Constitution of 1962, Article 4, Section 46 states. So far with LWOP lifers, death-by-incarceration is the guiding principle.

MCL Sec. 750.316 is an affront to Michigan Const. 1962, Art. 4, Sec. 46 which prohibits the State Legislature from enacting any law carrying a death penalty. The mandate or requirement of Art. 4, Sec. 46 automatically invalidates all Supreme Court of Michigan's opinions which try to weaken the requirement of Art. 4, Sec. 46 of the State Constitution. Supreme Court decisions or opinions do not override the mandates of the State Constitution, the supreme laws of the state.

In closing, we no longer need or want court opinions. We are a nation of laws. Politicians want to get around the Constitution to please their deep-pocket friends and supporters like they did Clarence Thomas on the U.S. Supreme Court. You can buy court opinions/decisions for your benefit, but you can't buy or change the State of Michigan Constitution, Article 4, Section 46.

IT'S NOT WHAT A PERSON DID

IT'S WHAT THE PERSON IS CONVICTED OF

Dwight Henley, M.B.A.

Many criminal justice proponents and politicians tell the public that first-degree murderers constitute an ongoing threat to society. To support this position, they highlight extreme cases involving a serial or mass murderer. However, most people convicted of first-degree murder are much different from the serial killers that criminal justice proponents and politicians highlight. Some people convicted of first-degree murder never touched the victim. In some instances, the Michigan Parole Board deems the actual perpetrator safe and releases the person back into society while the aider and abettor (accessory) remains imprisoned for life.

To offer a few examples, in one case a guy watched his brother get beat up. This guy asked his brother, "Are you going to accept that?" His brother reached into a car, grabbed a gun, and fatally shot the person. The shooter was released 17 years later while his brother remained incarcerated forever--deemed unsafe for society. In another case, a guy joined his accomplice in a robbery. During the robbery, the accomplice got scared and fatally shot the victim. the shooter was paroled into society 12 years later while his accomplice, who never physically harmed anyone, remains imprisoned for life. In a third case, two guys robbed and murdered a person during a factitious drug deal. The one guy shot the victim 3 times in the arm and once in the side and the ... (Cont. on p. 6)

LETTER TO THE EDITOR

RE: Sexual Offenders: Are They Criminal Sexual Psychopaths?

First, I want to thank you for Newsletter article on the above referenced subject, dated May 2023. It is well written and raises very cogent questions. My intent is to build on the questions you raised and perhaps shed light on possible solutions based on my experience running one of the largest sex offender treatment programs in the U.S. In addition, I want to describe some of the problems and politics of sex offender treatment, as I knew them.

When the Muskegon Temporary Facility first opened it was designated minimum security, thus allowing us to send work crews to local communities. Later MTF, after security upgrades, was designated "secure minimum" and we started getting busloads of sex offenders, prisoners who were not allowed community day passes. MTF eventually held a 70%-80% sex offender population. A prison full of sex offenders is a warden's dream: sex offenders are compliant, get few misconduct tickets, and cause very little trouble. With some exceptions, they don't need to be in higher security facilities.

Also, during this time, sex offenders made up over 30% of the Michigan prison population.

At the time, the Michigan Parole Board would not consider releasing any sex offender that didn't complete sex offender (SO) treatment. Most prisons had one or two psychologists that ran one or two treatment group, and perhaps did some one-on-one psychotherapy, and had a massive waiting list of prisoners needing SO treatment. The prison psychologists, as a group, had a reputation for just plain being lazy. In addition, they were in the MDOC's Office of Health Care (OHC) chain-of-command, which defended their psychologists' rather cavalier approach to treatment. The OHC then responded to pressure to run more treatment sessions by declaring a prisoner was in treatment by just being on a waiting list, despite the fact they hadn't attended a single treatment session. The Parole Board saw the hypocrisy in the OHC position and responded by refusing to see sex offenders. This created a huge bottleneck and a massive department-wide SO offender waiting list of prisoners who couldn't get a hearing because they hadn't completed treatment.

The OHC stance was such a blatant insult that I consulted an independent criminal lawyer who advised me it was only a matter of time before a sex offender would sue the MDOC and Parole Board for maintaining a requirement for even getting a parole hearing, let alone a parole, without giving that prisoner a legitimate way to qualify for a hearing. In other words, there were strong enough liberty rights issues to successfully win a suit telling the OHC to go to hell, and possibly costing the state a great deal of money.

I had a discussion with Deputy Director Dan Bolden who understood the problem. Because of normal attrition, I had vacant correctional officer positions that had been used to supervise community work crews. I asked if we could use those positions to hire psychologists that would develop an innovative sex offender treatment program, designate MTF as a sex offender treatment facility, and run many treatment opportunities. The deputy director agreed. Because we knew that placing any new sex offender treatment program in the OHC chain-of-command would doom it to mediocrity, I asked that the treatment team we organized specifically be in the warden's chain of command and not that of OHC. The Deputy Director agreed.

Having secured the necessary authority, we hired a team of psychologists who spent several months researching sex offender treatment, then submitted a plan for a treatment program.

We implemented the plan and hired a social worker whose ... (Cont. on p. 5)

(Letter To The Editor, from p. 4) ... duties included tracking paroled graduates from our treatment program. We tracked them for the duration of their parole, plus three years. Our success rate was between 90 and 92%, success being defined as no additional sex offense related accusations, arrests, or convictions.

These are things we learned during this entire process:

1. Not all treatment approaches are equal. One-on-one psychotherapy for sex offenders is useless. The therapist must establish a client-therapist trust relationship, that with sex offenders is impossible because they lie a lot and constantly. Courts are impressed when lawyers say their client is attending one-on-one psychotherapy, which is expensive. It's a way rich sex offenders (of which there are many) get away from imprisonment.
2. The vast amount of group therapy has no impact on sex offenders because it also involves non-sex offenders, who end up sabotaging any meaningful sex offender involvement. The two types of offenders cannot be mixed in group treatment.
3. The only therapy that has an impact with sex offenders is sex offender specific group therapy conducted within an institutional milieu dedicated to sex offender treatment. The greater environment in which the treatment takes place is critical to supporting treatment session efforts. The entire institution must be treatment oriented, treatment centered. The Warden, in particular, must show commitment by learning about sex offender treatment, take a lead role in organizing and funding the program, and attend treatment sessions both to learn about the guts of leading sessions and to show highly visible support. Custody staff must understand that a large part of their role is supporting treatment efforts, and if they can't support that orientation, they will be assisted in finding employment elsewhere.
4. Not all sex offenders are alike. In fact, sex offenders are among the most diverse groups of prisoners. Some sex offenders need no treatment at all, such as statutory rape involving a barely adult kid having "consensual" sex with his girlfriend who is a year below the age of consent. Other sex offenders such as serial rapists, and homosexual offenders whose preferred targets are young boys, are very difficult to treat, if at all.

Even child molesters are a diverse group, with the father going through a bitter divorce and custody battle having sex with his teenage daughter (something he's liable to never do again), to the serial child rapists such as clergy (who should be considered very hard to treat or not at all treatable).

At times, depending on the numbers of a particular subgroup of sex offenders, separate treatment sessions must be run for a group that represents that specific type of sex offender.

5. The treatment program must include a panel of psychologists who evaluate sex offenders for denial. Denial is not simply "I did it" vs. "I didn't do it" thing. There are levels of denial consisting of everything such as: "I didn't do it," or "I had sex with that four-year-old because she was very seductive" to "I don't know what happened, I just lost control." A prisoner in denial in a group will kill the treatment efforts.

Our denial panel eliminated about 25% of sex offenders from treatment based on denial. Some of these prisoners would come to terms with their denial when they realized the Parole Board wouldn't see them without treatment. Others insisted the crime described in the pre-sentence investigation was in error. The denial panel made it clear the pre-sentence was the Bible, and if they had a problem with it, they had to take it up with the courts. It was a waste of time and resources to treat a prisoner who is not guilty.

Sex offenders must be crystal clear that our treatment program is all about behavioral change: We didn't give a damn what your relationship with your mother or father or whomever was, nor did we care how you were traumatized ... (Cont. on p. 7)

(How Unacknowledged Grief, from p. 2) ... caused the same feelings in our victims, so what right do we have to feel like we belong?

Prisoners don't usually talk about grief, partly because we don't understand it in ourselves, and partly because we often don't have the vocabulary to articulate our feelings. Men, especially, are often emotionally inarticulate, and prison's form of masculinity makes feeling and expressing grief dangerous.

Brown points out that when grief is unresolved, it goes from normal grief to complicated grief. The Center for Complicated Grief at Columbia notes that, "When a person adapts to a loss, grief is not over." With no healthy way to process grief, but no desire to live in a perpetual state of sadness, prisoners adapt.

Because we find grief so complicated, both to understand and to express, it gets shoved down deep and then spills out in unhealthy ways. Grief is usually masked as anger and hurt, and is expressed in demanding ways that reek of entitlement. We find it difficult to simply say, "I'm grieving and don't know what to do with this grief!" Who would listen, anyway?

Complicated grief deepens feelings of purposelessness, frustration, helplessness, and discouragement, and it leads to withdrawal, only making matters worse.

Prisoners must find healthy ways to process their grief, if they want to avoid cycles of criminal behavior and brokenness caused by unmanaged emotions. Grief expert, David Kessler, suggests that griever's need for their grief to be witnessed. They need someone to enter their story of grief, not interpreting it for them but simply being present. That sort of radical presence is difficult to find in prison, but it does exist.

Some prisoners may find processing their grief with a therapist (either a psychologist or social worker) helpful. Others might process with a religious volunteer. But some may find other prisoners can provide the real connection that healing requires. Those relationships are possible, even if uncommon, in prison. It simply takes courage not only to culti-

vate those relationships, but also to be the kind of person that others need in their grief.

If society won't acknowledge our grief, we must do it for each other. It's the only way we can begin the healing process.

(Some material adapted from Brene Brown's "Atlas of the Heart", Random House, NY: 2021)

(It's Not What A Person Did, from p. 3) ... accomplice stabbed the victim 27 times with an awl, 9 times in the head. The Parole Board deemed the person who stabbed the guy safe for society and paroled him in 2005-2006, but his co-defendant remains incarcerated for life. If these perpetrators are not a threat to society, how can their accomplices constitute a threat?

Violent perpetrators get paroled while their accomplices remain incarcerated for life because public safety does not drive parole decisions; the person's conviction dictates parole decisions. IN each of these examples, the perpetrators who got paroled was not convicted of first-degree murder but of a lesser included crime. As such, the Michigan Parole Board found these perpetrators safe for society. Conversely, the co-defendants, who remain incarcerated for life, were all convicted of being an accessory to first-degree murder. As a result, our Parole Board finds them an ongoing threat to society.

Should a person's conviction or actions dictate the Parole Board's assessment for release? Let's look at another case. Sam took two victims to a vacant field, made them kneel down, and then shot them executive style. Sam took a plea to second-degree murder and ultimately got released. Would society rather have Sam in society or the above-mentioned perpetrators who never physically harmed someone? Whether it be from a value standpoint or from a public safety standpoint, clearly those who never physically harm someone should not remain imprisoned for life while people convicted of executing people get released.

... (Cont. on p. 7)

(It's Not What A Person Did, from p. 3) ...

Perhaps the better question is, how do violent perpetrators get convicted of second-degree murder while their accomplices who never harmed anyone get convicted of first-degree murder? The people who commit these violent acts unquestionably understand the nature of their actions. As such, these perpetrators quickly pursue plea deals with prosecutors, sometimes even to testify against their less culpable accomplices. The person who never physically harmed anyone, on the other hand, has a hard time grasping why his actions make him responsible for the death or why a 20-25 year pleas is appropriate, because he or she never harmed anyone. In the end, the perpetrator who is guilty of first-degree murder pleads guilty to second-degree murder and gets released into society, while the aider and abettor (accessory) challenges his culpability at trial and gets convicted of first-degree murder.

While the argument can be made that both perpetrators in these crimes deserve life, this point deflects from the underlining question about public safety. If the goal of our criminal justice system and the Michigan Parole Board is to protect society, should they not be looking at what a person did as opposed to what they stand convicted of? Can anyone say public officials are promoting public safety when they release people who personally murdered people and keep incarcerated the accomplices who didn't physically harm anyone? I say our criminal justice system is created to protect society, and doing so requires that the Parole Board make decisions based upon what a person did, not what he stands convicted of. Otherwise, our state will continue to release people who have taken someone's life while keeping incarcerated forever the perpetrator's accomplice who never physically harmed the victim.

(Letter To The Editor, from p. 5) ... by your church pastor or priest or teacher. We cared about the here and now: About the crime you committed, how you hurt people and maybe ruined their lives, and about

your understanding of your actions, and how you're not going to repeat your past criminal behavior. If your behavior in group demonstrates you are not ready to put in the hard work we desire, you will be summarily removed from treatment.

No appeals for reentry will considered. In other words, there is an awfully long waiting list, so don't waster our time, and a space in a group for someone who is willing to put in the hard work.

Only a small fraction of sex offender can be considered mentally ill or psychopathic: A number likely less than the number of mentally ill in non-offender populations. The media and prosecutors are quick to label all sex offenders animals or mentally ill, or both, and that has had a profound influence on society in general.

When evaluating sex offender programs, it is critical to understand the exact nature of the program, where the program is situated in a greater chain-of-command, how the program screens participants, who makes up treatment group membership, how follow-up data collection is structured, what exactly are the criteria for success and failure, and who is funding any research being conducted.

Anything less is a waste of time and resources.

Again, thank you for your provocative article, and your time.

Joe Abramajtys, Warden (Ret.)

NOTICE

TO OUR INCARCERATED READERS

The Michigan House of Representatives and Senate will be returning soon from their summer break. We have three major bills pending: Second Look Sentencing, Ending JLWOP, and Good Time. You must write letters to your State Representative and Senator and ask them to support these bills. Also, ask your family and friends to write letters asking their State Representative and Senator to support these bills.

MI SECOND LOOK

Support Second Look Legislation

House Bills 4556, 4557, 4558, 4559, 4560

Senate Bills 0321, 0322, 0323, 0324, 0325

The Second Look 5-bill package would grant judges the authority to reevaluate and potentially reduce the sentences of individuals who have served a minimum of ten years on their term. It provides an opportunity for incarcerated persons to showcase personal growth and rehabilitation. This process involves a review by the judge, who carefully considers various factors such as the individual's behavior, contributions to society, and the appropriateness of the original sentence. Second look is just a look, not a guarantee of resentencing. The judge can review the petition and say no to changing the original prison sentence.

CALL-TO-ACTION:

We urge you to support the second look bill package by contacting your elected officials. We've provided their contact information on the backside, along with a communication guide for reference below.

Dear <<legislator>>,

I am a resident of <<location, especially if in their district>>, and I am writing to support the Second Look Sentencing Act, <<bill numbers>>

Second look is just that, a look, not a guarantee of resentencing. While not everyone in Michigan's prisons would be safe to be released into the community, there are men and women there who have served decades, paid their debt to society, and reformed. They are not the people they were when they were sent to prison, and they deserve a second look to see if their prison sentence should be changed. Please support the Second Look Resentencing Act.

Sincerely,

<<your name>>

<<optional: your address and/or telephone #>>



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Please contact the Senate Committee on Civil Rights, Judiciary & Public Safety members. **Send mail to:** Michigan State Senate PO BOX 30036, LANSING, MI 48909-7536. Email and phone numbers provide for each respective legislator;

- Stephanie Chang - Detroit 517.373.7346 senschang@senate.michigan.gov
- Sue Shink - Northfield Twp 517.373.2426 sensshink@senate.michigan.gov
- Jim Runestad - Whitelake 517.373.1758 senjrune stad@senate.michigan.gov
- Winnie Brinks - Grand Rapids 517.373.1801 senwbrinks@senate.michigan.gov
- Paul Wojno, Warren - 517.373.8360 senpwojno@senate.michigan.gov
- Jeff Irwin, Ann Arbor/Ypsi - 517.373.2406 senjirwin@senate.michigan.gov
- Sylvia Santana, Detroit - 517.373.0990 senssantana@senate.michigan.gov
- Ruth Johnson, Groveland Twp. - 517.373.1636 senrjohnson@senate.michigan.gov

Please contact the House Criminal Justice Committee members:
Send mail to: Michigan House of Representatives P.O. Box 30014 Lansing, MI 48909-7514. -- Email and phone numbers provide for each respective legislator;

- Kara Hope, Holt - 517.373.8900 karahope@house.mi.gov
- Joey Andrews, St. Joseph - 517.373.0827 joeyandrews@house.mi.gov
- Graham Filler, Lansing - grahamfiller@house.mi.gov 517.373.1788
- Tyrone Carter, Detroit - 517.373.0154 tyronecarter@house.mi.gov
- Kelly Breen, Novi - 517.373.2575 kellybreen@house.mi.gov
- Stephanie Young, Detroit 517.373.2576 stephanieyoung@house.mi.gov
- Noah Arbit, West Bloomfield - 517.373.3816 noaharbit@house.mi.gov
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- Joe Tate, Detroit 517.373.0857 joetate@house.mi.gov
- Abraham Aiyash, Hamtramck 517.373.6990 abrahamaiyash@house.mi.gov



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For more info:

www.linktr.ee/secondlookmi

CITIZENS FOR SECOND LOOK




Rally held at The Peoples Church of Flint, Garland St Flint, MI. Join our host **Pastor David Sickelka** and show your support for, and learn about, Second Look Legislation. Come out and learn how this Second Look Legislation will impact our Citizens and Community!

SATURDAY SEPTEMBER 16 11 AM-1.30 PM

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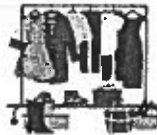
Join us at our community event and show your support for Criminal Legal Reform! Bring your signs and yourself and be a part of our gathering to learn about Second Look Legislation.



GIVEAWAYS

Donations are welcome to further our cause:

- Mail Check to:
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PO Box 1109, Flint, MI 48501.
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The expressed purposes of the Michigan Lifers Association, Inc. and the National Lifers of America, Inc. to publish the "Michigan Lifers Report Newsletter" are to educate and uplift the lifer population, to seek changes in laws that restrict clemency and parole, to educate the general public, and to encourage criminal justice reform, especially in corrections.

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