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From: NATHANIEL SOUTHWELL

Date: 3/3/2021 11:17:04 PM

To: Sophie Ordway

Attachments:

Hello Sophie,

Before I reply to your message and questions, I wanted to tell you a little about myself. Currently, I am attending Jackson College and completing my Liberal Arts & Business Administration-Applied Science degree; also, as a Phi Theta Kappa (#YouArePTK) member desiring to transfer to a four-year university, possibly Siena Heights, I am excited to contribute to your independent study! My interests are currently in business management and social work.

Well, a lot of questions to get to, so I will do my best to provide accurate and credible answers suitable for academic work with primary vetted source citations.

My experience with good time started when I was incarcerated in 2001, and I have been completing my mandatory minimum sentence (25 years) since then. Without sentencing credits, I have not been able to receive any form of incentive based time cuts, regardless of vocational certificates, postsecondary completions, or rehabilitative programming. This fact has been frustrating considering other states have already implemented earned credit programs in the place of TIS. To demonstrate, Jackson College's Correctional Education Program (CEP) has experienced great success, and the RAND Corporation reports a 45% decrease in recidivism rates, that is, offenders relapsing into crime for students. Equally important, they state those involve in higher education programming are 13% more employable, an encouraging fact reflecting the positive side of criminal justice and prisoner rehabilitation.

Even more important, the substantive impact of earned credit programs is felt by states willing to take proactive steps, and Dennis Schrantz, former Director of the M.D.O.C. says Rhode Island's Corrections Director reveals after introducing an earned credit program in the place of TIS, "...it is better to have someone released...who has dealt with the reason for committing their crime than to release them untreated" (Schrantz 2018)*. It appears that agents of change, the general public, and prisoner's families are negatively impacted by excessive sentencing that separates communities with retributive justice. More specifically, author James Kilgore writes that Supreme Court Justice Anthony Kennedy refuted TIS declaring, "Our resources are misspent, out punishments too severe, our sentences too long. I can neither accept the necessity nor the wisdom of federal mandatory minimum sentences. In too many cases, mandatory minimum sentences are unwise or unjust" (Kilgore 2015)**. The Honorable Justice Anthony Kennedy's argument is not exclusive, conversely, opposing forces have risen against the obviation of TIS partly responsible for prison population growth and mass incarceration in America.

One must ask, "Why place more emphasis on punishment rather than efficacious treatment?" It appears opponents of earned credits do not consider the negative implications of ineffective penal practices. To demonstrate, in 2013, the governor acknowledged overspending linked to the M.D.O.C.'s budget due to prison growth, and according to Tony Fabelo, director of research and Michael Thompson, director of the Council of State Governments Justice Center:

With the support of local prosecutors and other law enforcement groups, state legislators introduced four bills in November 2014 to implement the recommended changes to sentencing laws...The bills made their way through the Republican-controlled legislature...and neared passage...(Fabelo and Thompson 2019)***

Unfortunately, these bills aimed at humane rehabilitative sentencing were irrationally opposed on faulty grounds by the then attorney general. Fabelo discloses these fallacious grounds stating:

[T]he state had already shrunk the prison population effectively; these bills put public safety at risk in the name of costs saving; and the sponsor of the legislation intended to rush the bills through a lame duck session without sufficient consideration for the life-and-death issues at stake (Fabelo and Thompson 2019)

In contrast, Michigan has experienced the exact opposite effect when releasing prisoners and decreasing the prison population, and Schrantz says, "The index crime rate in Michigan has been declining ever since the peak population year [2007], despite the increased releases from prison compared to historical norms" (Schrantz 2018). These data suggest that an earned credit program in Michigan is a viable solution for offender rehabilitation and treatment. Also, earned credit initiatives encourage behavioral changes as well as promote adequate workforce development and qualitative Cognitive Behavioral Therapy (CBT) tools utilized for insight development: empathy, accountability, responsibility, and remorse. Rehabilitation incentives seemed to vanish after Michigan received \$110 million in Violent Offender Incarceration and Truth In Sentencing (VOI/TIS) Incentive Grants through the program administered by the Office of Justice Programs Corrections Programs Office -- attached to the Omnibus Violent Crime Control and Law Enforcement Act of 1994. Kilgore explicates, "Truth in sentencing remove those incentives and shifted to a punishment model. Under typical truth-in-sentencing laws, certain people would have to serve 85 percent of their time on their sentence before they could be released" (Kilgore 2005). Michigan went even further, for example, requiring all offenders to serve 100 percent of their minimum sentence -- leaving no room for earned credits permitting release to parolable prisoners exhibiting meritorious conduct.

Social awareness could be raised through the social media channels frequented by many students, leaders, and advocates, yet, the House and Senate can implement an earned credit system with a simple majority vote. Good time and disciplinary credits were remedies in the past, however, because of the destructive consequences of Proposal B, nonpartisan law and justice is essential for true reform...(see next page)



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Date: 3/3/2021 11:17:03 PM

To: Sophie Ordway

Attachments:

the introduction of earned credits by statute without difficulties involved in amending the Michigan Constitution (see Article, Section 9) caused by attempting to bring back the type of sentencing Proposal B targeted.

With earned credits in mind, during these complex times, two pronged judicial and sentencing reform can free up wasteful expenditures tied to the M.D.O.C.'s \$2 billion dollar budget, allowing prisoners without sufficient social distancing to return to their families and communities. Most important of all, offenders are not just handed early releases, so, earned credits motivate them to complete programming with proper reentry planning. In other words, they still are answerable for fulfilling requirements of parole while returning to society...crossing a vital bridge making contact with family possible. The mental and public health of rehabilitated persons reentering the community at large hinges on proactive social bonds within the community. Sheldon Seifgo, Graduate Student with Chaminade University of Honolulu, affirms:

This phase of reintegrating back into their families is important because a healthy relationship with loved ones is linked to lower recidivism. However, due to incarceration and the lack of interaction between inmates and their families, released prisoners often experience high stress levels that would lead them to reoffend (Siegafo 2017)****

On a final note, earned credits provide a solution for social inequities found in the judicial system, inequalities linked to race and class. The obviating of mandatory minimum laws contributing to prison population growth could result in an increase in public health; most important of all, the saving of lives during a pandemic while making rehabilitation and treatment of primary concern. Absolutely, a qualitative and developmental criminal justice system representing the liberal democracy of the U.S. cannot be the epitome of fallacious correctional practices -- lacking consideration for the health of the population. On the whole, criminological and sociological factors must be considered before real reform takes place. As I have written good time cannot be easily restored with a three-quarter majority vote, even with bipartisan support. The "golden mean" is found with the balanced consensus of the state House and Senate, therefore, herein our answer lies, the elimination of TIS and future progress of social and racial justice in America.

Works Cited/References

*Schrantz, Dennis et al. "Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions. The Sentencing Project, 2018, pp. 21,35.

**Kilgore, James. Understanding Mass Incarceration: A People's Guide to the Key Civil Rights Struggle of Our Time, The New Press, 2015, pp. 43

***Fabelo, Tony and Michael Thompson. "Reducing Incarceration Rates: When Science Meets Political Realities." Issues in Science and Technology, Fall 2015, pp. 39

****Siefgo, Sheldon. "Inmate's Right to Rehabilitation during Incarceration: A Critical Analysis of the United States Correctional System. Open Access. International Journal of Criminal Justice Sciences (IJCJS), Vol. 12, Issue 2 July -- December 2017, pp. 189-190.

I hope this helps with your studies, and I am interested in what academic institution you are attending. In good faith, God bless your future success!

Sincerely,

Nate Southwell

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From: NATHANIEL SOUTHWELL

Date: 3/10/2021 10:46:08 PM

To: Sophie Ordway

Attachments:

Hello Sophie,

After reflecting on the clarification of the questions I answered, I thought fit to send you these bullet points:

- 1) Michigan had "good time" until 1978.
- 2) By 1982, in a response to increased prison crowding, the legislature introduced a system of "disciplinary credits." Like good time, this system awarded credits that reduced an incarcerated person's minimum sentence for every month they served without being cited for misconduct. However, the amount of credit did not increase over time and was limited to five days of regular and two days of special disciplinary credit days per month (up to 84 days a year).
- 3) The disciplinary credit system was eliminated by "Truth in Sentencing" legislation in 1998. This requires every prisoner to serve every day of their minimum sentence in a secure facility.
- 4) Good time was eliminated through a ballot initiative, which amended the Michigan Constitution. It can only be restored by a three-quarters majority vote in both the House and the Senate (see Article, section 9 of the Michigan Constitution). This margin is extremely difficult to achieve and is unlikely in controversial legislation, especially when the Law & Justice Committee's schedule is full.
- 5) Bills for reform were introduced on February 28, 2018 and referred to the House Law & Justice Committee, however, these bills lacked substantive support.
- 6) Challenges or opposition during the 2017-2018 legislative session: 1. the bills did not have the support of House or Senate leadership 2. reforms related to minimum sentences are strongly opposed by law enforcement, including the Association of Prosecuting Attorneys; and 3. at this point in the legislative process, bills brought before the committee need adequate support for the 2021 session.
- 7) The ballot initiative (i.e., Proposal B) in 1978 eliminated good time but other forms of sentencing credits can be introduced by statute passed by a simple majority vote in both the House and the Senate without a constitutional amendment or change!

As I have stated, your inspiration is cherished; as a result I have even been reading Charles Dickens...his stance on debtor's prison reform. In his novel "Little Dorrit," he tells of Amy, a young woman born and raised in prison because her father who spent decades incarcerated, revealing "learned helplessness." He writes of Amy's life in poverty:

With a pitiful and plaintive look for everything indeed, but with something in it only for him that was like protection, this Child of the Marshalsea and child no the Father of the Marshalsea, sat by her friend the turnkey in the lodge, kept the family room, or wondered about the prison-yard, for the first eight years of her life. With a pitiful and plaintive look for her wayward sister; for her idle brother; for the high blank walls; for the faded crowd they shut in; for the games of the prison children as they whooped and ran, and played at hide and seek, and made the iron bars of the inner gateway "Home." (pp.73)

Wow!, what a view of the prisoner's plight...the deep poverty and hardship of the incarcerated person living behind walls. With aspirations of possibly assessing social conditions while engaging in Bachelor Social Work, I desire to participate in prosocial advocacy essential for coexistence in our diverse society Sophie, and I appreciate your assiduous efforts -- your recognition of the dignity and worth of the human person. According to the CSWE (2008) "Educational and Policy Accreditation Standards," the intellectual grounding of social work is said to be the liberal arts. I have begun expressing my interests in completing my arts degree then transferring to an institution offering degrees in social work to my JC/PTK advisor. Please let me know of any advice you may have, and I have faith as you step out into the working, supervised, or clinical field, that you succeed in your every endeavor.

Take care,

Nate S.

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