

THE PUBLIC HEARING: A LIFER'S PERSPECTIVE

By Kirk Acrey

INTRODUCTION

The purpose of this paper is to provide some information that might be useful in helping lifers prepare for a public hearing. I am a parolable lifer and I have been in prison since 1975. I currently reside at the Richard A. Handlon Correctional Facility (MTU). This is one of two facilities where public hearings are held. I have helped prepare lifers for public hearings and I have extensively questioned lifers after their public hearings. I have also read public hearing transcripts. The one thing that stands out is that lifers as a group are ill-prepared to navigate the public hearing process. This issue is important because Governor Snyder has given the parole board the green light to process parolable lifers for release. The number of public hearings has increased dramatically during the first half of 2013 compared with the previous two years. However, it should be noted that the parole board is being cautious as to which lifers it picks for public hearings this is probably due to the politically risky and controversial nature of releasing lifers. Therefore you need to do everything you can to enhance your chances of being one of the few lifers the parole board is willing to take a chance on.

The first thing you need to do is accept the fact that you will probably die in prison unless you take this subject matter seriously. Thinking you are entitled to a parole because you have been incarcerated for 30 or 40 years is deadly. Recently, a 2nd degree lifer with 55 years in prison was given a public hearing, but denied parole. If the parole board doesn't feel comfortable with your responses during a public hearing, they will deny parole and there is nothing that can be done about it. Eliminate any feelings of entitlement you might harbor. A parole is a privilege, not a right. In fact, you need to view a parole interview and a public hearing as a blessing. Over the years, we have all picked-up bits and pieces of information about public hearings. Most of it was general and not very useful. In this paper, I will attempt to be as specific as possible with real examples from real public hearings. The names and some aspects of the crimes have been changed for privacy reasons.

It is important to understand that the parole board decides if a lifer is still a menace to society based on three somewhat ambiguous grounds:

1. Responsibility
2. Empathy/remorse
3. Insight/Self-Awareness

This paper will explore these grounds in an attempt to make them more understandable. For the record, the single most important thing you can do at a public hearing is to tell the truth. You might think you can use the information I am providing to manipulate the parole board. Don't do it!!! If the parole board is giving you a public hearing, they have already decided by majority vote that you have done enough time for the crime. You only have to accept full responsibility, demonstrate empathy, and show insight/self-awareness. No lies, nothing complicated. Before we get started, a brief history of the parole board might shed some light on why so many parolable lifers are unprepared for public hearings.

THE PAROLE BOARD

During the past, three decades, Michigan's prison population exploded in response to the tough-on-crime philosophy that sweeps America. In 1981, Michigan housed roughly 13,000 prisoners at a cost of 793 million dollars. At its height, the number of prisoners had increased to 51,000 at a cost of 2 billion dollars. The population explosion was caused by harsher sentences, less paroles, and increased parole revocations. In 1992, an already bad situation got worse. A parolee committed a series of rape-murders and the ensuing public outrage led to the formation of a new law-and-order parole board. The pre 1992 parole board (the old board) was appointed by an independent, bipartisan commission. The board members had experience with prisons and prisoners, and had civil service

protection from being arbitrarily fired. The 1992 parole board (the new board) was appointed by the Director of the Department of Corrections (a political appointee of the governor). The members were not required to have any experience with prisons or prisoners, and they have no civil service protection. They can be fired by the Director for little or no reason.

The old board conducted frequent parole interviews for lifers, in part, to prepare them for future release. This is how the Michigan Department of Corrections (MDOC) described the reason for frequent lifer interviews in its 1974 Annual Report:

“While release cannot be prior to ten years, the parole Board, as a practice, grants an initial interview in all lifer law cases after the service of seven years. This is done primarily to get acquainted with the individual prior to the service of ten years **and to offer advice or help relative to achieving future parole.**” Emphasis added.

The old board would let a prisoner know during the interview if he was minimizing his responsibility for the crime, didn't seem sufficiently remorseful, or lacked insight into his criminal behavior. It would provide guidance by recommending therapy, anger management, vocational training, etc. to address any shortcoming. The new board did not follow the old board's standards especially in the area of preparing lifers for eventual release. It is safe to say that the new board spent the last 20-25 years vilifying lifers. It eliminated frequent interviews and adopted a "life means life" philosophy. Moreover, the new board's position was absent "exceptional" circumstance parolable lifers were supposed to die in prison. Using this logic, the new board under the Chairmanship of Stephen Marschke pushed for a law eliminating the requirement that it give interviews to lifers after the initial interview. In testifying in support of this bill, Mr. Marschke stated:

"It has been a long standing philosophy of the Michigan Parole Board that a life sentence means just that-life in prison... It is the parole board's belief that something exceptional must occur which would cause the parole board to request the sentencing judge or Governor to set aside a life sentence.... It is a tremendous waste of finite state resources to interview prisoners who will never be suitable for release. All that is accomplished at such interviews is to give the prisoner a forum to revel in their heinous crimes."

In addition to the parole board abrogating its traditional responsibility for preparing parolable lifers for release, lifers are now excluded from treatment programs without a specific recommendation from the parole board. As the cost of building and operating prisons soared, funding for programs and services were severely cut. The need for programs and services is especially great. For lifers who have been incarcerated for 20 to 40 years, prisons are harsh and brutal environments where degradation and humiliation is common. The suffocating nature of the prison regime can lead to all kinds of antisocial thoughts and behaviors. The need for therapy programs, educational programs, vocational programs, job skill training, interpersonal relationship training, and substance abuse programs is tremendous. Nevertheless, the politicians decided to strip the money from these programs and services in order to warehouse more prisoners. No politician wanted to be labeled as "soft on crime". As a result, there are waiting lists to get into the few programs that survived. The MDOC decided to restrict entry to these scarce programs according to prisoners' release dates. The closer a prisoner is to being released, the greater his chance of being allowed into a program. Since parolable lifers have no release date, they are effectively eliminated as candidates for these pro-social programs without special permission, which is rarely given.

THE FOSTER-BEY LAWSUIT

All prisoners, especially parolable lifers, are deeply indebted to Professor Paul D. Reingold of the University of Michigan. His persistent advocacy has helped to create this window of opportunity that we currently enjoy. In 2005, Professor Reingold filed a class action lawsuit on behalf of parolable lifers who committed their crimes before October 1, 1992. The lawsuit alleged that these prisoners were being denied meaningful parole consideration due to new and harsher parole laws and policies in violation of the ex post facto clause of the United States Constitution. The lawsuit was originally called Foster-Bey, et. al v. Rubitschun, et al. In 2001, the District Court ruled in favor of the lifers in

the case. In 2008, the judge ordered the parole board to provide parole reviews using the pre-1992 guidelines. After the parole board interviewed the first group of Foster-Bey lifers, two relevant issues surfaced: 1) The parole board was not following the pre-1992 criteria, and 2) a lot of lifers were not prepared for the interviews or public hearings.

Professor Reingold filed objections to the parole board's refusal to follow the criteria set forth in the Court's remedial order and to the parole board's use of boilerplate reasons for denying parolees. The parole board was using reasons such as "lack of responsibility", "lack of remorse/empathy", and "lack of insight" These reasons were not informative, and could mean almost anything the parole board wanted them to mean. Unfortunately, the Court refused to force the parole board to use the pre-1992 criteria or to provide more meaningful reasons for denial of parole. The point here is that the reasons listed above have to be addressed by lifers at interviews and public hearings. In Newsletter #23, Professor Reingold wrote the following in reference to lifers not understanding the process:

"One thing that is clear from the first-quarter Foster-Bey interviews is that lifers have a fundamental understanding of both the purpose of the interview and how the parole board decides whom to parole. A parole interview (or for that matter a public hearing if the board recommends parole) is not the time or the place to voice grievances about what has happened to you. The primary things that the board wants to see from lifers are:

(1) Remorse for what they did, even if the crime occurred 30-40 years ago

(2) Sorrow for the harm they caused the victim and sympathy for the harm they caused the victim's family;

(3) A clear understanding of why they engaged in the criminal conduct in the first place, and how they have come to understand why they did what they did;

(4) Proof that they have changed, so that the chances of committing another similar crime are zero; and

(5) A clear statement taking full responsibility for what they did, including having put themselves in the situation where criminal conduct was likely to occur that is, not minimizing their conduct in the crime, but instead taking full responsibility for what they and their codefendants did, without blaming drugs, or alcohol, or the situation, or others.

It also surely helps to make a soft-spoken, levelheaded, non-argumentative presentation, no matter how much the board member berates you or overstates the facts of your crime. If you want to argue, complain, minimize, or challenge the board member, you are free to do so, but you almost certainly will not be recommended for parole. The same principles apply if you are granted a public hearing. This is a long and grueling process, and you need to be educated about it and prepared for it. "

Ok, the parole board refuses to help parolable lifers prepare for public hearings. The MDOC refuses to allowed parolable lifers to take the treatment programs that would prepare us for public hearings such as the "Assaultive Offender Program," "Sexual Offender Program," "Violence Prevention Program," "Phase II Substance Abuse," "Thinking for a Change", or "Cage your Rage". The only other reasonable option is to educate, rehabilitate, and transform yourself. This is not going to be easy. You will have to cultivate the traits of honesty, humility, and introspection - traits that are extremely uncommon in our prison environment.

RESPONSIBILITY

Although you are supposedly being evaluated based on responsibility, remorse, and insight, the dirty little secret is that taking full and complete responsibility for your criminal behavior and the consequences thereof is the key to freedom. The parole board wants you to take "ownership" of your choices and behavior. It believes that a prisoner who denies or minimizes responsibility is incapable of remorse, insight and rehabilitation. By definition, you can't be remorseful for something that you didn't do, nor would a prisoner correct behavior that he doesn't see as problematic. From the parole board perspective, responsibility is the foundation upon which remorse and insight rest.

The parole board view of what constitutes accepting full responsibility is narrow but clear cut. They want lifers to admit to their criminal behavior as outlined in the presentence investigation report (PSI). The parole board will not accept deviations except in very rare circumstances. A lot of lifers erroneously believe that the parole board knows everything about their case; that the parole board has the transcripts of the trial. This is not true. In some cases, the Assistant Attorney General will obtain a copy of the sentencing transcript; but as a general rule, the only thing that the parole board knows about your crime is derived from the PSI. You must get a copy of your PSI and study it. You will be asked specific questions from the PSI, and your truthfulness will be judged based on how closely your answers match what is in the PSI. For more information about the PSI, see Policy Directive PD 06.01.140 and Operating Procedure OP 06.01.140.

The parole board also wants you to accept responsibility for your misconduct reports (tickets) regardless of how old the tickets are. If you were found guilty, they want you to admit that you are guilty. They also might ask you to explain what you were thinking at the time and if you have learned a lesson from the incident. Get copies of all your tickets and study them.

Presentence investigation report (PSI)

The presentence investigation report (PSI) is the main document relied upon by the parole board in determining if a lifer has accepted responsibility for his crime. It is the bible. It is unassailable. I once read somewhere that it is considered as the "Authoritative reference book" on a prisoner's crime. The parole board mistakenly assumes that the current practice is one in which the prisoner, his attorney and the prosecutor have scrutinized the PSI and corrected any possible errors prior to sentencing, which has always been the model. In reality, prior to 1983 and the use of sentencing guidelines, prisoners had little or no access to their PSIs. In most Circuits, the prisoner's attorney could only see the PSI on the day of sentencing. The ability to identify inaccuracies or omissions and correct them was extremely limited prior to 1983.

Even today, errors exist in PSIs. Much of the information contained in the PSI about the prisoner and his crime is hearsay. The information about the prisoner's life comes from family, friends, neighbors, victims, and even the prosecutor. The information about the crime comes from the police, victims, and the prosecutor. During the trial, some allegations are rejected, but they still find their way into the PSI. While I openly acknowledge there are real problems with the PSI, it is still the most impartial source of information available to the parole board.

The public hearing is not the time to argue about the accuracy of your PSI. If there are inaccuracies in your PSI, you need to go back to court to correct them. If you haven't done so, then you need to accept the inaccuracies and move on. This is only my opinion. It is a moral issue that only you decide. It involves breaking my cardinal rule: Do not lie.

If the PSI identifies you as the person who pointed a gun at the victim's head, but in reality, it was your codefendant; what do you do? You can go to the public hearing and try to convince the assistant attorney general and the parole board that the PSI is wrong and you are right, or you can embrace the inaccuracy as another consequence of your criminal behavior that you have to accept. If you hadn't committed the crime, this mistake could not have happened. The greater truth is that you committed the crime, you are accountable for the consequences, you are remorseful, and you have corrected the character deficiencies that drove your criminal behavior. Arguing about the PSI will only prevent this message from being heard and will most likely result in a denial of parole. The choice is yours to make.

Ways we avoid accepting responsibility

There are many ways to avoid accepting responsibility. Denial is a blatant refusal to admit to any aspect of the offense. The lifer is claiming total innocence. "I didn't, commit this crime," "I am innocent," "I was setup." Minimization involves acknowledging committing the crime, but intentionally downplaying and understating the truth of what happened. This involves claiming that the PSI is wrong in some important, aspect. "I didn't shoot the victim, my codefendant did," "He wasn't really hurt," "I didn't intend to kill him." Justification or rationalization involves claiming responsibility for the

crime, but then redefining the crime so it is less objectionable. The lifer attempts to explain and justify his actions. "The gun went off accidentally," "He shot at me first," "My codefendant made he do it." All of the above ways of denying responsibility demonstrates a lack of remorse and no insight.

Suggestions

For many prisoners, lying is a way of life. Lying is easily the most common trait we as prisoners share. Lying is our standard method of addressing difficult issues. We lie to avoid being held responsible and definitely to avoid punishment. We lie to establish status or raise our status among other prisoners. We lie to manipulate others. We see absolutely nothing wrong with lying. We fail to see the destruction that lies can cause. We have been lying for so long, it has become both habitual and automatic. For someone in the business of criminal behavior, it makes sense to lie. However, if you are a changed person, lying must stop. If you are simply lying about the PSI version of the crime being inaccurate, you need to suck it up. If the PSI version is truly wrong but you are willing to accept responsibility, then you need to create the experience in your mind. If the PSI version is correct but you have come to believe your lies and distortions you need to re-experience the event as it really happened. Luckily, the process is the same for both situations.

First, you need to get your PSI and memorize it. Break the PSI version of the crime down into a series of steps for better visualization. If you have been in denial for years, be prepared for your memories to be sketchy or vague, and painful re-experience. Regardless, you need to find at least two other prisoners that you trust who are willing to assist you in this endeavor. You need to be able to vocalize the truth which may be a new story to you. Tell it to your friends. You have to describe in detail each and every part of the crime out loud to them instead of just in your mind. You have to get use to saying what happened. You have to get used to hearing it. You need to see the reactions of your friends when they hear it. You need your friends' feedback. Your goal is to take ownership of the crime as outlined in the PSI, to totally accept the PSI version. To make it your version, you do not want to be defensive about any part of the crime; any reluctance or resentment needs to be eradicated. Visualize it, vocalize it, feel it, own it, you do not want to sound like you are merely reciting what is in the PSI.

To further assist you in taking ownership of the PSI version of the crime, you need to write out what you believe you were thinking before and after each phase of the offense. This includes the parts of the PSI that you believe are untrue. If the PSI says that you robbed someone and hit him aside the head with the gun, you need to be able to explain what you were thinking before striking the victim and what you were thinking afterward. If the PSI is wrong and you didn't strike the victim or if you don't remember striking the victim, you need to reflect on what might cause you to strike a victim during a robbery: "He is not cooperating." "He is being arrogant," "He must think I am a punk," "He looks like he is going to grab the gun." Some examples of what you might think afterward: "Ok, he is cooperating now," "He knows who is in control now," "I bet he won't even consider grabbing this gun again." The brain does not distinguish reality from fantasy under certain conditions. After frequent repetition of your true (new) story along with the accompanying details, you will internalize it and come to believe it as long as you are willing to let go of the false (old) story.

REMORSE/EMPATHY

Remorse and empathy are human traits that help connect us to the rest of humanity. Remorse is a deep or bitter regret for a sin or crime committed against another. Empathy is the ability to pull us into someone else's shoes, and see the world through their eyes, and experience their feelings. No human exists in isolation from others. We are all interconnected. When we lose our ability to feel remorse or empathy or we lose our ability to feel the pain and suffering of others; and as a result, we lose part of our humanity. The parole board is very reluctant to release a lifer who shows no evidence of remorse or empathy. I think it is best to allow the parole board to explain it's own position in regards to remorse and empathy. As mentioned earlier, Professor Reingold filed objections in Court to the parole board's use of responsibility, remorse/empathy, and insight as reasons for denial of

parole. In response, the members of the parole board and other MDOC employees filed affidavits justifying these reasons. The following information is taken directly from these affidavits and represents the parole board's attitude in regards to remorse and empathy.

Affidavit of David R. Kleinhart (Ex-parole board member):

3. A way to gauge the mental and social attitude is in the prisoner's sincere expression of remorse. Remorse is defined as the feeling of regret for one's sins or misdeeds. Most humans wish to avoid excessive negative feelings, and such avoidance could be considered an inhibitor to future misdeeds and crime.
4. The ability to feel and express empathy may be another gauge of a person's mental or social attitude. Empathy is the direct identification with, understanding of, and vicarious experience of another person's situation, feelings, and motives. The ability to feel empathy may be one of the components of the glue of societal cohesion. The lack of ability to feel empathy allows the person to commit acts against others without the negative feeling of remorse. The ability to experience or express empathy lies for most people somewhere on a continuum. On one end of that continuum is the total absence of empathy, which is the hallmark of a sociopathic or psychopathic personality.

Affidavit of Thomas R. Combs (Current parole board Chairman)

3. Lack of remorse and lack of empathy are hallmark features of psychopathy and the prognosis for those offenders who demonstrate these thoughts or behavior is very poor. A high recidivism rate is suggested when the offender feels no sense of guilt for their actions. There often needs to be internal distress for an individual to be motivated to make the necessary changes to refrain from criminal behavior and progress to a pro-social and crime free lifestyle. Without these feelings of distress, and perceive need to change to alleviate this distress, it would be expected that the criminal behavior will continue.

Affidavit of Miguel A. Berrios (Ex-parole board member):

4. Remorse implies a sense of being sorry or showing some level of regret for criminal behavior. On a continuum this can be expressed as showing no or low remorse to showing much remorse. If a person shows regret and expresses some sorrow for his crime, s/he should not want to engage in repeated criminal activity that would cause them to have the unwanted sorrow or regret again. This is an indicator of deterrence and would in fact; support a positive decision for parole. On the other hand if a person demonstrates an inability to feel sorry or regret for having committed an offense, then the deterrent effect would be diminished. For example, if a person is pointedly not sorry for his crimes and has no regrets because he feels that the victim deserved what they got, then it could be argued that this person would have a greater disposition to committing a similar crime in the future should the same factors that motivated him the first place exist once again.
5. Empathy is a quality that helps the interviewer to determine if an offender understands the total extent of harm that he has caused to a victim or in many cases to society itself. If an offender is unable to visualize or understand this harm to a great degree, then it can be argued that he does not see the harm and again a deterrent effect would be minimized. Without some measure of empathy the inmate is not able to place himself in the victim's shoes and consequently to some degree, will have less of an understanding of the harm he caused and a deterrent effect would be diminished to that degree.

Affidavit of Anthony E.O. King (Current parole board member):

2. Remorse and empathy are two important factors that should be assessed when considering whether to parole an inmate because an inmate's lack of remorse for his crimes and inability to

recognize and relate to the suffering his crimes have caused others are indicators of an antisocial personality. And recent MDOC research suggests that inmates that possess antisocial characteristics are far more likely to recidivate, and therefore pose a threat to public safety, than inmates without such qualities. In the paragraphs that follow the parole board defines and describes the concepts of remorse and empathy, and how they are integral to the parole process and the board's responsibility to protect the state's citizens from menacing and violent offenders.

3. For the purpose of parole consideration an inmate is remorseful when he is able to sincerely express regret at harming his victim(s), and indicates that he wishes he had never committed his crimes. However, inmates' expressions of remorse lack credibility and meaning when they are not accompanied by a clearly conveyed sense of empathy for the suffering and pain their victims endure. This is, a simple statement, of remorse, "I am sorry for what I did," lack sincerity without an acknowledgement of what it must be like to be victimized by the inmate's criminal behavior.
4. Thus, an inmate must be able to convey to the parole board that he can relate to the victim's suffering because he has gone through the painful process of placing himself in the shoes of the victim, and he has experienced some of the pain he has inflicted on the victim. A simple description of what the victim must have experienced or is experiencing as a result of the inmate's crime is a sufficient indicator that the inmate empathizes with his victim(s).
5. In essence, an inmate's sincere remorse about his crimes suggests that he recognizes the wrongfulness of his criminal behavior and, as a result, he is willing to take appropriate actions to avoid reoffending. Appropriate actions might include following parole conditions that reduce the inmate's propensity to reoffend, such as participating in substance abuse treatment or group therapy, obtaining employment, staying away from certain individuals and places, etc.
6. Moreover, an inmate's ability to empathize with his victims suggests that he has the capacity and ability to be sensitive to the needs of others and their right not to be victimized. Inmates that possess such awareness and sensitivities, all other things being equal, pose a minimal threat to public safety and they can become productive and law-abiding citizens. And the parole board sincerely wants to use the parole process to give these types of inmates every opportunity to become valued and contributing members of society.

Barriers to empathy

The second most common characteristic that prisoners share is criminal selfishness: A willingness to violate the dignity and rights of others to satisfy our own wants and needs. We can violate other human beings because we have learned to suppress a range of pro-social feelings including remorse and empathy. Some of us were raised in abusive and chaotic households where the numbing of feelings was a natural reaction against pain. Some of us grew up in communities with gangs and an entrenched criminal subculture. The "code of the streets" demanded that we maintain an image of strength and power.

Compassion and sharing of feelings was perceived as weaknesses. Once in prison, our survival strategy depends upon our ability to control our feelings; the weak become prey. Lastly, some parolable lifers retain strong resentment against the parole board for the traumatizing "Life means life" policy. We see ourselves as of victims of an "unfair system". As we wallow in self-pity, we find it difficult to feel empathy and concern for our "real" victims. We have a choice to make, we can continue to allow our abusive past histories, phony street codes, prison survival strategies, and self-pity to keep us in a state of emotional numbness or we can choose to cultivate empathy, compassion and integrity.

Feelings

After years of repressing or suppressing our feelings, some of us have lost the ability to recognize and articulate the full range of human emotions. We can recognize and name some basic feelings such as anger, fear, sadness and happiness, but there are many more feelings that we need to be aware of. The following is just a few to get you started:

| | | | |
|------------|-------------|-------------|-------------|
| excited | small | humble | wicked |
| amused | perplexed | revengeful | paranoid |
| hopeful | playful | sensual | anxious |
| relieved | loving | putdown | miserable |
| courageous | lonely | hostile | insecure |
| content | aggravated | sick | disgusted |
| pleased | afraid | responsible | fearful |
| good | satisfied | obedient | exhausted |
| cheerful | threatened | frustrated | discontent |
| proud | guilty | curious | ridiculous |
| friendly | uptight | bashful | cautious |
| sad | detached | inadequate | hateful |
| regretful | happy | sympathetic | angry |
| hopeless | impatient | open | no |
| cowardly | thankful | flattered | mad |
| resentful | smug | pained | shaky |
| selfish | ashamed | ugly | faithful |
| weary | pessimistic | beautiful | childish |
| strange | depressed | modest | hungry |
| unique | pensive | jealous | smothered |
| humiliated | ecstatic | bad | optimistic |
| nauseated | grieving | nervous | determined |
| joyful | stupid | dreary | embarrassed |
| surprised | weary | judged | indifferent |
| shy | angry | sorry | hysterical |
| energetic | | | |

Suggestions

The focus of this section is on the pain and suffering you caused your victim(s). The hope is that if you have a better understanding of the profound emotional harm you caused, you will feel the painful and destructive impact, and change your behavior so that you will never victimize another human being again. For lifers who have killed, not only do you have to get in touch with the irreversible harm you caused your immediate victim(s), you also need to understand the agonizing pain you caused the survivors parents, spouses, siblings, children, etc. You can't expect the survivors of this kind of devastating loss to ever be the same as they were before this trauma. All types of occasions can cause traumatizing flashbacks holidays, birthdays, anniversaries, family gatherings, etc. These events force some survivors to relive their crushing grief and suffocating pain over and over again--all victims' pain and suffering needs to be treated with dignity and respect.

I will present three assignments to help you examine and reflect upon the harm you might have caused your victim(s). If you have problems understanding the impact of your criminal behavior on your victim(s), conduct a brainstorming session with your friends and develop a list. Think of how you would feel if your mother, sister, or child was treated the way you treated your victim(s). During your incarceration, someone in your family has probably died. It is possible that someone in your family has been killed. Get in touch with the pain you felt at the Line and relate it to the pain your victim(s) might feel. Read books where victims discuss their loss and pain. One excellent book is called "Living Victims, Stolen Lives: Parents of Murdered Children Speak to America", by Brad Stetson. In this book

a woman by the name of Juanita described the pain she felt after her son was murdered: "After we lost B.J., it felt like something came inside of me, and just ripped my heart out of my body." The following example will briefly illustrate some of the harm that can be caused by a shooting: "When I pointed my gun at Joe and told him not to move, there was an implied threat of death or injury if he didn't cooperate. This put him in fear of his life and made him feel vulnerable and powerless. When he stood up and I shot him in his right knee, the physical pain of the bullet crushing bones and destroying cartilage as it tore into his knee must have been excruciating. The paralyzing fear that I was now going to kill him created tremendous emotional distress. Even after I left, Joe was probably worried about bleeding to death and being disabled. Later, he had to endure painful debilitating operations on his knee, and then he had to go through rehabilitation. He couldn't work for a year and lost his job. He had to borrow money, and still couldn't pay all his bills. Psychologically, Joe probably had/has to put up with flashbacks, tormented sleep, helplessness and depression."

Assignment #1 is to put yourself in the victim(s) shoes so that you can better understand the effects of your crime upon the victim. Answer the following questions in writing and then read your answers to your friends for feedback:

1. What physical feelings do you think your victims felt just before, during, and after your crime?
2. What do you think they thought just before, during and after your crime?
3. What emotions do you think your victims felt just before, during, and after your crime?
4. What do you think your victims are now experiencing physically, emotionally, and mentally?
5. How do you think your crime affected your victims I families?

Assignment #2: Setup a role-play or role reversal session with your friends. Have one of your friends play you, and you will play the role of your victim. Put yourself in your victim's shoes, look at the situation from the victim's perspective. React physically, emotionally, and mentally to the events of the crime as they unfolded. Feel the fear, pain, and suffering you caused. Get feedback from your friends.

Assignment #3: Write a hypothetical letter to your victim(s) or some member of the victim's family. DO NOT SEND THIS LETTER. In this letter, take full responsibility for your crime without minimizing the situation, describe the pain and suffering you caused, express regret for committing the crime, and apologize for your behavior. Read the letter to your friends and ask for feedback.

INSIGHT

When the parole board refers to insight, it wants to know if you understand the factors that led to your criminal behavior; if you have made the necessary changes to correct your criminal behavior; and if you have a plan to avoid reoffending. Don't get it twisted, these factors are not to be used to condone your crime(s) or to excuse your criminal behavior, but they are issues that need to be addressed so that you will not reoffend. Uncovering these factors is something that is usually done in therapy, but, as you already know, these treatment programs are not available to us as lifers. The only alternative for most of us is self-examination and self-help. I will use examples from my own work to illustrate some of the concepts. Self-examination involves honestly reflecting on who you are as a human being; being conscious of the perspective from which you view the world, and dissecting the beliefs, values, and attitudes you use to guide your choices. It is possible to go through this process of self-exploration and discover that you are happy and content with what you find and you may decide that no changes are necessary. In fact, many prisoners are narcissistic and believe they are perfect. However, it seems more accurate to assume that all of us can improve and that you will identify values, beliefs, and attitudes that must change if you truly want to live a more constructive and fulfilling life a life free of crime and victimization.

Without therapy, trying to delve into your past to determine how childhood traumas contributed to the formation of certain antisocial beliefs will probably not work. Luckily, the parole board only requires that you recognize that these antisocial values, beliefs, and attitudes existed, and that you have eliminated or contained them. Examine your beliefs. Focus on those beliefs that you think contribute to criminal thinking and behavior. You should discover that you have some irrational and distorted beliefs that are simply rotten and corrupt. Write down ten of them. The following is a list of some of my old irrational beliefs:

1. Never allow anyone to disrespect you.
2. Only my needs matter.
3. Life is cheap.
4. All money is good money.
5. Violence is necessary to resolve some conflicts.
6. Don't trust anyone.
7. The criminal justice system is corrupt & racist.
8. I need drugs to cope with my feelings.
9. Hide feelings showing them is a sign of weakness.
10. No one cares about me; why should I care about anyone else.

From examining the above belief system, it is pretty easy to explain what led to my criminal behavior:

1. I was only thinking about my own selfish needs.
2. I felt that I was entitled to get money by any means necessary.
3. I was morally and emotionally retarded.
4. I had no respect for the rights of others.
5. I felt no real connection to society at large.
6. I had little or no respect for the police or laws.
7. I didn't believe in God.
8. I was immature.
9. I lacked empathy for others.
10. I carried a gun as a way of gaining power and control in my life.

As you can see, I needed serious help!!! I dedicated thousands of hours to self-examination and self-study in areas such as morality, anger management, conflict resolution, empathy training, character building, and spirituality. You will not need anywhere near that amount of time for this project. However, I do want you to know that beliefs are learned and you can only change them through hard work and dedication. First of all, you need to compile your own list of negative beliefs that have dehumanized you and contributed to you dehumanizing others. Next, you need to develop a list of positive beliefs that you will adopt. I suggest these true/new beliefs focus around social and moral responsibility, compassion, and altruism. The following is a list of some of the new pro-social beliefs I adopted:

1. God gives purpose to life
2. Human life is a precious miracle from God.
3. Human beings have inherent dignity that must be respected.
4. Helping others is the key to a successful life.
5. Lying, stealing, and cheating is wrong.
6. Empathy and compassion are both necessary.
7. Materialistic things are not important compared to people.
8. Drugs are stupid.
9. People can be loved and trusted.
10. Violence is to be avoided at all cost.

You will have to put in some real work to get rid of old beliefs, values, and attitudes, and replace them with new ones. It will not happen overnight. I used five strategies to assimilate my new beliefs:

1. Practice the belief
2. Prayer
3. Visualization
4. Affirmation
5. Stopping negative self-talk.

I will use one of my new pro-social beliefs, helping others, as an example:

- Practice the belief: I started helping others before I eliminated my old belief that “My needs matter”. I continued volunteering to help others even when I didn't feel like it.
- Prayer: At times, I felt that others were using me, that they were taking advantage of me. I prayed to God to give me the strength to continue helping others despite my doubts.
- Visualization: I would close my eyes and see myself being happy using my God given gifts to help others and making a constructive difference in their lives.
- Affirmations: I used short sayings to motivate myself. I would say out loud: “Helping others is important!!!”, “I want to help others!!!”, and “I will help others.”
- Stopping negative self-talk: I would monitor my self-talk - the stuff we all say to ourselves inside our own mind. Whenever I caught myself thinking: “This is too much work,” “I am being used,” or “I want to go watch the football game”, I would immediately stop the negative self-talk and tell myself that helping others is the key to real significance and meaning in life.

You can use some or all of these methods or you can invent your own. The key is that you must act like you already believe the true (new) belief. You have to walk the walk. After repeating these methods over and over, the true beliefs become a part of you. I can honestly say that I no longer possess the criminal beliefs that used to support my criminal behavior. I now have a clear and coherent set of moral beliefs that serve to guide my choices and behavior. Since I no longer think like a criminal, I no longer behave like a criminal. The same can be true for you if you put in the work.

Let's assume I am in prison for robbery. I can now tell the parole board that I robbed people because I was only thinking of my own selfish needs. I felt entitled to get money by any means necessary, and I had no respect for the rights of others. I can explain how I changed these irrational and criminal beliefs. I can further explain that I would never rob again because it would violate my beliefs: That human beings have inherent dignity that must be respected, that lying, stealing, and cheating is wrong, and that materialistic things are not important compared to people. I am convinced that I am a changed man and that I will never commit another crime. The parole board would probably be impressed with the changes I have made, but other prisoners have changed their lives around while in prison, but once released, some reoffend. This is why the parole board prefers that prisoners have a relapse prevention plan if possible.

The goal of relapse prevention is to help you maintain your true/new non-criminal thinking and behavior so that you will not victimize anyone again. Comprehensive relapse preventive plans are normally done at the end of a therapy or treatment program. There are many types of relapse plans. We will use a stripped down version of the assaultive offender's program plan. I will provide the essential information with examples so you can put together your own plan.

No matter how much you have changed within the prison, you need to accept the fact that every prisoner has the potential to reoffend. Prison is a confined environment, but once you are released, you will have uninvited opportunities to revert back to your old life style. However, it is possible to live a crime-free life if you follow your relapse plan. You have gained insight into your criminal thinking and behavior, and developed true/new beliefs. We will use this insight in developing your relapse plan. The essence of the plan is recognizing high-risk situations and responding appropriately. These high-risk situations are thoughts, feelings, behaviors, and places that indicate

you are on the road to reoffending. It is inevitable that you will find yourself in risky situations, but you will have many opportunities to along the way to intervene, by employing coping strategies, before you reoffend. Coping strategies are thoughts or behaviors that can combat the risk situation such as: Thinking of the negative consequences, reminding yourself that you are a new person, looking at things from another person's perspective, avoidance, leaving lire pace or area, etc. Any strategy that you think will work for you is fine. Your risks factors and clue list will flow directly from the irrational beliefs and attitudes that led to your criminal behavior. The risk factors will run contrary to your true/new beliefs and attitudes. We are going to examine external risks, internal risks, clues, community resources and personal goals.

External Risks: Usually places, objects, or situations that need to be avoided for a variety of reasons. You should identify and write down ten external risks and the coping strategies you would use to address the risks. The following list contains five of my external risks together with two examples of my coping strategies:

1. Being in the presence of guns.
Coping Strategy: Avoidance and escape. I will avoid people who might be inclined to have a gun such as people with a criminal lifestyle or known felons. I will avoid places where people with guns might hang out. If I discover that someone around me does have a gun, I will leave immediately.
2. Being in anger provoking conflict.
Coping Strategy: Avoidance, escape, and consequences. I will void hostile or argumentative situations. I will remind myself of the consequences of "Acting out" in anger and all the people who could get hurt. If an angry conflict occurs, I will immediately leave the area.
3. Being in the presence of drugs or alcohol.
4. Associating with known felons.
5. Isolating myself from others

Internal risks: Usually thoughts or feelings that signal you are heading for trouble. You should identify and write down ten internal risks and the coping strategies you would use to address the risks. The following list contains five of my internal risks together with two examples of my coping strategies:

1. Little respect for human life
Coping Strategy: Positive self-talk and decent sentiments. I must constantly remind myself that human life is a precious miracle from God and to take a life is an abomination. I will work to enhance my empathy and compassion and engage in activities that will help alleviate all the pain and suffering of others. I will constantly fight against the desensitization that I learned as part of my street values.
2. Anti-Authority
Coping Strategy: Thought stopping and correcting thinking errors. If I find myself questioning authority, I will challenge these irrational thoughts. I will remind myself that we need authority to have a "just" society, and that people in authority are dedicated civil servants who are simply trying to do the best job they can.
3. Selfishness
4. Street values
5. General distrust of others

Clue list: A precursor to external or internal risk factors that is normally associated with a pre-assault cycle. You should identify and write down ten clues and explain why you consider each of them a problem. The following list contains five of my clues together with two examples of reasons they are problems:

1. No pro-social activities.

I need to be around people who are doing positive things. In the past, I spent most of my time alone or participating in anti-social activities. My loneliness led to depression and my anti-social activities led to crime.

2. Rationalizing the breaking of rules and laws.

My disrespect for the laws of society played a major role in this crime. I had an illegal gun, and I robbed the victim previously. If I had respected the laws, this crime would not have happened.

3. Going to bars, strip shows or drug houses.

4. Experiencing prolonged anger.

5. Uncontrolled stress and depression.

Community Resources: Organizations and people who can help you with adjusting back into the community. Identify and write down ten community resources and explain why you choose them. The following list contains five of my community resources together with three examples of why I choose them:

1. Detroit East Community Mental Health Center

Immediately upon my release, I will make an appointment through the Detroit Mental Health Center for an intake and assessment evaluation so that I can continue to participate in assaultive offender's therapy to help support and maintain a law-abiding, offense free lifestyle. I will partake in both individual and group therapy to continue to identify any anti-social or deviant thinking and increase my accountability, reinforce behavioral changes, and continue positive growth.

2. Narcotics Anonymous World Services

Immediately upon my release, I will enroll in Narcotics Anonymous (NA). I will attend NA's 12-step program a minimum of three nights a week. I realize the tremendous value of remaining substance abuse free. I will identify and establish a relationship with an experienced NA sponsor. I will provide proof of my attendance to my parole agent.

3. Greater Grace Temple

Upon release, I will attend Greater Grace Temple at least once a week for Sunday services, and at least once a week for bible study. I need spiritual nourishment. I have complete confidence that God loves me and can provide answers to any of my questions or problems. I need to become involved with a church because I want to be around people who love God and share my values and beliefs.

4. New Creation Community Outreach, Inc.

5. Jane Doe.

Personal Goals: Set personal goals for the first week, the first six months, and the first year after your release. Some ideas include: enrolling in a substance abuse program, connecting with your family, marriage, travel. Write down five goals for each of the three time periods. Write down how you are going to be achieving the goals. The following are two goals I choose for the first week and first six months.

1. **FIRST WEEK:**

Goal #1: Obtain Employment.

How: I will contact New Creation Community Outreach, Inc. for help with finding employment. I will also contact "Michigan Works". I will post my resume through the Michigan Talent Bank Website. I will sign up for workshops, employment counseling, and any available job training opportunities. I will also ask family and friends about possible job openings.

Goal #2: Establish a relationship with my parole agent.

How: I will contact my parole agent and explain that I need his/her help to maintain my freedom. I will explain that I will honor all the conditions of my parole, follow any suggestion or directions, and keep my appointments. Moreover, I will let the agent know that I will be honest, responsible, and open to discussion any problems I might be experiencing.

2. FIRST SIX MONTHS:

Goal #1: Get my own apartment.

How: My sister has agreed not to charge my rent while I stay with her. I will save the money that I would have paid for rent. By the end of six months, I should have saved approximately \$1,800.00. I will use this money to help get my own apartment. I will also see if I qualify for housing assistance.

Goal #2: Connect with family.

How: I have immediate family members that I haven't been around in over 35 years, and I have extended family members that I have never met. I will visit family members and attend get-togethers on holidays and birthdays to get to know them. I will invite them over for dinner and just to hang out.

QUESTIONS YOU MAY BE ASKED

I think it is helpful to familiarize yourself with the types of questions that you may be asked at your hearing. I am also providing sample answers to help you in thinking about and formulating your own specific answers. Lastly, I will briefly explain the logic behind the sample answers to assist you in understanding a particular response. Before we start with the questions, there are several important points that you should take into consideration when contemplating your answers.

Point 1: Tell the truth!!! I can't over-emphasize the importance of telling the truth. While telling the truth is not enough by itself to set you free, lying will surely result in a denial of parole.

Point 2: All of your answers relating to your crime will revolve around the basic concept that criminal behavior is driven by antisocial values and beliefs. In other words, by the way you think about things. Since values and beliefs are learned, they can be modified, eliminated, or replaced. In fact, just getting older tends to modify negative beliefs in a positive direction. However, most antisocial beliefs are ingrained, and it takes conscious effort to identify and dislodge them.

Point 3: Acknowledge the fact that you were a menace to society; that you had antisocial and criminal beliefs that led to your criminal behavior. Don't try to defend who you use to be!!! Don't get defensive or upset if you are demonized for you were. Any attempt to defend your old criminal self will demonstrate a tremendous lack of insight into who you were and brings into question whether you have really changed.

Point 4: Give short, concise answers. You can talk yourself into trouble. You will be asked follow-up questions if more information is wanted. Develop a short summary of your crime containing all the key points. Example: "I followed Mr. Doe from the store to his car. I walked-up behind him and put my gun to his back. I told him to give me his money. He gave me his wallet, which

contained \$98.00. I left. Looking back, I am really sorry I robbed Mr. Doe.” They will ask you for the details in follow-up questions.

Point 5: When making any statements about the victim(s) refer to them by name. You do not want to give the impression that you view the victim(s) as objects. If you were an acquaintance of the victim(s) prior to the crime, you can use their first name – otherwise refer to the victim(s) as Mr. or Ms. “I robbed Mr. Doe.”

Point 6: When explaining why you committed a crime or received a misconduct (ticket), use terms that indicate you no longer think, feel, or behave the same way that led to the offense. Example: “At the time, I felt it was ok to rob people.” “Back then, I was selfish and greedy.” “I used to believe that I needed a gun.” The idea is to put some distance between who you were and who you are now.

Point 7: When talking about the crime or the victim(s), judiciously add brief statements of empathy or remorse. Don’t overdo it and be sincere. Some prisoners are so preoccupied with answering questions; they do not volunteer any statements of empathy or remorse during the entire hearing. Three or four references are sufficient, and these should flow naturally from the subject matter. If you are asked why you killed someone, give your answer, then add an empathy/remorse statement such as: “I will never forgive myself for killing Mr. Jones.”

Question: Why did you commit this murder?

Answer 1: I killed Mr. Jones because I felt that he disrespected me. At the time, I believed that I couldn’t allow anyone to get away with disrespecting me. This is a “street rule” that I believed in. Today, I realize this belief was part of my criminal thinking. I committed a callous and senseless act and I deeply regret killing Mr. Jones.

Analysis: This answer is brief and concise. The use of “I” indicates he has taken ownership of what he did and why he did it. He hasn’t shifted responsibility in any way. He didn’t know the victim prior to the killing so he called him “Mr. Jones”. Explaining how retaliation for disrespect was part of his criminal thinking showed insight. By using “At the time”, he is saying that is how he used to think, but he no longer thinks that way today. By calling it a “callous and senseless act”, he acknowledged the nature and magnitude of what he did and demonstrated further insight. Stating he “deeply regrets killing Mr. Jones” is expressing remorse. He will be asked follow-up questions, but his brief initial response conveys a great deal of information.

Question: Why did you think you could get away with murder?

Answer 2: I didn’t think about getting caught or getting away. Looking back, I can see that I was so consumed by anger at being disrespected; I didn’t consider the consequences to myself. I was so focused on my “street belief” that I could only regain my “honor” by killing Mr. Jones, that I didn’t think of Mr. Jones as a human being with a right to live and with a family who loves him.

Analysis: Again, short and concise; and he accepted full responsibility for his actions. “Looking back” indicates distance between how he viewed the situation at the time and how he sees it today. He acknowledged the nature and magnitude of what he did in addition to demonstrating empathy, remorse, and insight when he said “I didn’t think of Mr. Jones

as a human being with the right to live and with a family who loves him.” He showed further insight by talking about his “street belief” which was part of his criminal thinking.

Question: **You claim you regret the pain and suffering you caused the family. Why didn't you take responsibility for the murder instead of forcing Mr. Jones' family to go through the trauma of a trial?**

Answer 3: Back then, I felt justified in killing Mr. Jones in order to regain my honor. Plus, another street value that I lived by was that you always denied wrongdoing even if you were caught red-handed. You never snitched on yourself or anyone else. It was years later, after a lot of self-examination (therapy and/or maturation) that I was able to reject my criminal thinking and feel ashamed of what I did and regret the pain and suffering I caused.

Analysis: He didn't defend who he was or what he did. He demonstrated insight by identifying specific distorted beliefs that led to his criminal behavior. However, he also related how he was able to eventually reject those “street values”, and with the rejection came shame and regret for what he did and the harm he caused.

Question: **Why were you carrying a gun?**

Answer 4: I sometimes sold marijuana and I was around people who had guns. At the time, I felt that I needed a gun to be safe, but in retrospect, I can see that the gun also made me feel powerful and in control. I should have thought about the havoc or pain and suffering I could cause innocent people by using my gun, but I was selfish and only thinking about myself.

Analysis: He acknowledged that he led a criminal lifestyle, and that he carried a gun for reasons other than personal safety. He admitted to selling drugs, which isn't part of the record. This indicates that he is being honest and truthful. Moreover, he showed that he now understands the perils of carrying a gun from a human perspective. Lastly, he acknowledged that he was selfish. He indicated insight and empathy with this answer.

Question: **It states here that you have been a gang member since you were 15 years old. I am disturbed by the fact that you continued gang activities while in prison. Why didn't you stop those activities when you were sentenced to prison?**

Answer 5: Some members of my gang were already in prison when I arrived. They embraced me and accepted me as part of their family and I appreciated it at the time. For the first 12 years, I continued gang activities because I had not changed my criminal thinking. As I matured and started questioning and changing my distorted beliefs, I became disgusted with the intimidation and violence we used against vulnerable prisoners, so I left. I haven't been involved in any gang activities for 16 years.

Analysis: He admitted to the allegation of gang activities in prison. He acknowledged that he maintained his criminal beliefs for 12 years. He explained when and how his criminal thinking changed. He demonstrated empathy, insight, and growth when he became “disgusted” with the treatment of vulnerable prisoners. Instead of saying that the gang used intimidation and violence, he included himself by saying “we”. He accepted responsibility. Finally, he put his time as a gang member in to perspective by letting them know he has been gang free for 16 years.

Question: You have 15 misconducts. If you can't follow the rules in prison, how will you follow them on parole?

Answer 6: I have been in prison for 28 years. I received most of my tickets during the first 12 years. I was young, foolish, and angry back then. I had no respect for authority and I was involved in gang activities. As I matured, I changed and I started following the rules. I have received two tickets in the last 5 years. They were both "Out of Place" tickets. One was for leaving my ID card in my cell, the other was for walking on the grass as I walked around another prisoner who was blocking the pathway. I was wrong both times and I am sorry.

Analysis: He put the misconducts into perspective. 15 tickets over 28 years is not bad. He pointed out that the majority of the tickets were during his early years in prison when he was still immature and in a gang. He further pointed out that during the last 5 years, he has only received 2 misconducts of a minor nature. The implication is that he does follow the prison rules and that he wouldn't have a problem following the rules on the street if paroled.

Question: How have you changed?

Answer 7: I don't think the way I used to think. I don't value the things I used to value. I was immature, selfish, and greedy. I had a lot of beliefs and values that supported a criminal lifestyle. Over the years, I have examined and rejected these beliefs and values. I am no longer immature, selfish, and greedy. I regret the pain and suffering I have caused. I value human life and respect the rights of others.

Analysis: Short and to the point. It is consistent with his other answers. He demonstrated a great deal of insight by implying that beliefs and values are the foundation upon which choices and behaviors emanate. If you have a criminal foundation, you make criminal choices. He also demonstrated empathy and remorse.

Question: You have no job skills. What are you going to do when you need money and you can't get a job?

Answer 8: As part of my relapse prevention plan, I outlined what I would do to get a job. But, if my efforts fail and I can't get a job and I can't pay my bills, I have identified a soup kitchen and a homeless shelter I can use until I find a job. I do not need much to survive. I refuse to hurt anyone by committing a crime to satisfy my selfish needs.

Analysis: This answer showed that he has given real thought to how he is going to live if he can't find a job. He also showed insight, growth, and empathy by indicating he values people more than money. He must be prepared to supply the name of the soup kitchen and the homeless shelter in response to a follow-up question.

Question: You mentioned a relapse prevention plan. What is your relapse prevention plan?

Answer 9: I have identified internal and external risk factors and ways to address them to avoid reoffending. In addition, I have identified specific community resources that I will use upon release to maintain and build upon my positive beliefs and values. I will take assaultive offender therapy at Detroit East Community Metal Health Center. I will enroll with New Creation Community Outreach to get help with job hunting and job training. I will become a member of Greater Grace Temple for spiritual nourishment.

Analysis: This answer is longer than most because he will not be allowed to make general statements about his relapse plan. He may as well get most of the information out up front. Nevertheless, he still must be prepared to answer follow-up question concerning internal and external risk factors and coping strategies.

Question: Why do you think the parole board should grant you parole?

Answer 10: I was an immature, selfish and greedy menace to society before I came to prison. I am now a morally responsible adult with the desire to help others. I have gained tremendous insight into why I committed my crimes, and I have made countless changes over the years to make sure I will not reoffend. I sincerely regret the pain I caused Mr. Jones and his family, and I never want to hurt another human being. I have a relapse prevention plan to help my transition back into the community and to help me deal with any unexpected events. If I am blessed with parole, I will follow all of my parole stipulations and all laws.

Analysis: Again, this answer is long. However, this question is your opportunity to make your case for why you should be released. It is really a summary of the things that you have already said. You acknowledged that you used to be a “menace to society”. Thus, you implied that you are no longer a “menace”. You clearly stated who you are now. You explained how much work you put into developing your new character. You expressed remorse and empathy for Mr. Jones and his family. You talked about what your relapse plan will help you accomplish. Finally, you made it clear that you will honor parole rules and all laws if you are paroled.

Preparation

The whole purpose of this paper is to help prepare you for a public hearing. However, a few lifers have told me that preparation is overrated and prepared answers will come across as phony or false. Then they went on to ask me questions about the process. I concluded that the “real” reason they didn’t prepare was that there isn’t any reliable, in-depth, information available that outlines how to prepare. For the record, you prepare in order to put yourself in the best position possible to regain your freedom. The public hearing can be a brutal and grueling process. It is very easy for the public hearing to degenerate into a public lynching if you are not prepared. This point will become much more clear as you proceed. This section will address appearance, demeanor, language and feedback.

Appearance

As soon as you walk into the hearing room, before you have uttered your first words, you physical appearance makes a statement about whom you are. You will be dressed in state blues so the idea is to make them presentable. You don’t want to show-up looking like a slob, wearing torn, dirty, or wrinkled clothes. Wash and iron the clothes you are going to wear. Wash and cut your hair in advance of the hearing. You don’t want to appear with with rumpled, greasy, dandruff-infested, out of control hair. Trim your ear hair and nose hairs, as hair protruding from your ears and nose is distracting and possibly offensive. Finally, take a shower and brush your teeth. If your appearance is together, you look more in control of your life and more capable of handling the outside world.

Language

I believe the kind of person we are is revealed by our speech. Our language is a reflection of our thoughts and our thoughts dictate our behavior. As prisoners, we naturally use a great deal of prison argon and slang. It has become second nature to us, most of the time we are not even

conscious of it. Stay way from prison jargon and slang. Try to use everyday language. When asked a question, take time to organize your thoughts and consider your answer. Take a couple of relaxed, deep, slow breaths before responding. Then, give a brief, straightforward response. Speak at a normal pace with normal volume. Don't interrupt the questioner, no matter how much he interrupts you. Don't ramble. Be honest. Smile, lean toward the questioner, and maintain eye contact. Don't use words you don't understand or can't pronounce. Find your authentic voice and use it. If you are asked a question, and you don't know the answer, admit that you don't know the answer. You might get attacked for not knowing the answer, but you will get points for telling the truth. Abandon any notion that you must have an answer for every question. It is not realistic and puts you under unnecessary pressure.

Demeanor

Your demeanor at the hearing will reveal a great deal about your true nature and true feelings. Your attitude and the way you say things can be just as important as what you say. Gestures, voice tone, eye contact, smiles and other facial expressions all convey a message, just as much as the words you use. It is possible to say all the right things, but still deliver the wrong message. The words say "yes", but the voice tone and facial expressions say "no". I suggest you develop humility as a value and character trait. If you are humble, you are at peace with yourself, you don't take yourself too seriously, you value all people even those who attack you, and you try to see things from the perspective of others. If you have a humble demeanor, your words will be kind and humble. Pride and anger will not be your response to unfair criticism. Your words and demeanor will be in harmony with each other.

Practice

The only way to get proficient and comfortable with the ideas in this paper is to practice them. Practicing alone is not as effective as practicing in front of a friend who can provide feedback. Plus, I suspect that you have no idea how you come across to others. More than likely, there is a gap between how you think you come across and how others actually perceive you. You have to get used to repeating out loud a lot of sensitive details about your crime and your life, and I fervently believe you need another pair of eyes and ears to let you know how you are coming across.

You need to find a friend who is comfortable giving you honest, constructive feedback – both positive and negative. You need to be willing to accept criticism even though by asking for it, it can be hard to receive. You have to make your friend comfortable doing this or else it will not work. Ask your friend to tell you how you are coming across, and ask them to be specific about any shortcomings he sees. Accept the feedback without attacking your friend and at the end of each practice session, let him know how much you appreciate his help.

THE HEARING

The Physical Setting

The vast majority of public hearings are held in two locations: A pole barn at the Cotton Correctional Facility and a trailer at the Richard A. Handlon Correctional Facility. The prisoner (you) restrained by handcuffs connected to a belly chain and by leg irons is escorted into the room by guards. He is led to a chair facing a long table. The assistant attorney general (AAG), one or more parole board members, and a stenographer will be sitting at the table. The handcuffs, belly chains, and leg irons will remain on the prisoner during the entire hearing. Behind the prisoner's chair are rows of chairs for the public. This is the area where the local prosecutor, the victim(s) or the victim(s) families' will sit. This is also where anyone who wants to attend on your behalf will be seated. If you

are paroling to a residence, the parole agent that visited your home placement will be seated in this area waiting to make his/her report.

The Nature of the Hearing

The term “public hearing” is intellectually dishonest. A more accurate and descriptive term would be “public interrogation”. A majority of the hearing will be conducted by the AAG, and he will be the chief interrogator. The good news is that he doesn’t get a vote on whether you get a parole or not. Nevertheless, as you sit shackled by the wrists and ankles in handcuffs, leg irons and belly chains, he will aggressively, argumentatively, and disrespectfully attack you with words. He will ask you questions in a rapid fire manner. He will sometimes interrupt you while you are trying to answer a question, with a totally different, unrelated question. He will ask you the same question in two or three different ways. He will fairly and unfairly attack your answer and repeatedly question your truthfulness. He may intentionally misinterpret and twist what you say. You can expect to be totally disrespected by the process.

Notwithstanding the rude and disrespectful nature of the interrogation method, there is some logic behind its use. The purpose of the hearing is to determine if you are still a menace to society. The only way to make this determination is to see who you really are: mentally, emotionally, and psychologically. They know that prisoners put on their best behavior during interviews and hearing and will say what they believe the parole board wants to hear. To get around this, the AAG or parole board member push the prisoner out of his comfort zone to get at the truth. The idea is to place the prisoner under as much pressure as possible because it is extremely difficult to maintain a false façade while being attacked. Under pressure the prisoner’s true identity is revealed; emotional immaturity and psychological instability is manifested; criminal or antisocial thinking might surface. If the prisoner is lying, inconsistencies will appear.

Confidence

The interrogation method is predicated on you being unprepared to answer questions. Not knowing what to say undermines your confidence and leads to pressure and distress. You choke, crumble, and become defensive. In order to avoid looking stupid, you make-up answers on the fly, but they are mumbled, meaningless responses. The answers might be truthful, but they are not well-thought out and easily attacked. You become frustrated and attack back. The hearing turns chaotic and you are denied parole. On the other hand, you have spent countless hours preparing for the hearing. You understand the process, what is designed to achieve; and where you fit in. You know who you are, and what you have done to turn your life around. You have no problem discussing the specifics of your crime or your life history. When you are attacked, you don’t get upset because you understand that the AAG and the parole board member(s) are simply doing their jobs. You know your main role is to educate them on who you are today in contrast to whom you were when you committed the crime. If you get interrupted while trying to answer a question-so what. If you are asked the same question two or three times in different ways-so what? You realize that it is a blessing to have a public hearing, and you are committed to respecting your questioners no matter how rude or obnoxious they are. As you continue to provide clear meaningful responses, the interrogation tactics will eventually cease and the hearing will turn in to a solemn, straightforward search for the truth.

More Questions and Answers

Q: You shot Mr. Jones in the head twice. You executed a man in cold blood. Is that right?

A: I did shoot Mr. Jones in the head twice, and I will always hate myself for doing it.

Q: You executed him?

A: If execution means that I killed a man who couldn't defend himself, than I did execute him.

Q: Why should we put an executioner back on the streets?

A: When I killed Mr. Jones, I was living my life by the street code and the gang code. I am 28 years older and I am a morally responsible adult. I live by God's code.

Q: You will say anything to get out of prison!

A: No sir, I will not say anything to get out of prison. I am here to tell the truth, and I hope and pray that it will be enough to get me a second chance.

Q: Mr. Jones will not get a second chance, why should you?

A: I regret killing Mr. Jones, but I turned my life around. I no longer have the mentality of a street thug and a gang member. I believe human life is a precious miracle from God and no one has a right to take it.

Q: You seem pretty sure of yourself. Why should we trust you?

A: I have lived the past 16 years of my life as a morally responsible adult. Trust is earned, and my prison record demonstrates my improved and matured attitude and behavior. I am human. I may struggle, but I believe God and my support system will guide me in the right direction.

Q: I get it, you are not the same person you were when you committed this crime. But you executed a man in cold blood. I have a problem with letting you go.

A: I understand and respect your position. I committed a callous and senseless murder. I inflicted unspeakable pain and suffering on Mr. Jones and his family and I recognize this and will respect my freedom if it's granted in a way that also respects Mr. Jones, his family and the suffering I caused.

Support Group

Your support group consists of individuals and organizations that are willing to assist you in your transition back into society. The parole board wants you to have as much support as possible because prisoners with support are less likely to reoffend than prisoners without support. Unfortunately, after 30-40 years in prison, most lifers have very limited support. The parole board is clearly aware of this situation, but it is still to your benefit to have as much support as you can.

The most important type of support you can get is a pledge of employment. Getting and keeping a job is the cornerstone of a productive and contributing member of society. However, in this sluggish economy and with a criminal record, it may be extremely difficult to get a letter of employment. Nevertheless, you may have someone in your support group who might know someone who can help you with a job. Community support is also important. The parole board appreciates letters from community organizations indicating they are willing to assist you. Again, as a lifer, you probably don't have much contact with the community. I suggest you contact the organizations listed in the community resources section of your relapse prevention plan, and ask them to send you a letter acknowledging that they are willing to accept you in their program.

Your family and friends should also send support letters and/or attend your public hearing. If they write letters of support or speak at your public hearing, you need to let them know what they should and should not say. Here are a few rules that should be observed:

SHOULD:

1. They should mention their relationship to you and how long they have known you.
2. They should talk about the specific assistance they are willing to provide: "He can live with me until he gets on his feet.", "I will provide room and board.", "I will provide clothing and transportation."
3. They should explain how you have accepted responsibility for your crime.
4. They should share how you have expressed regret for the pain and suffering you caused.
5. They should be able to explain how you have changed. How you have grown and matured.
6. They should be able to list the positive achievements you have accomplished during your incarceration.
7. They should type the letter, rather than send a hand written letter that may be hard to read and understand.

SHOULD NOT:

1. They should not make excuses for your criminal behavior.
2. They should not talk about the hardship your incarceration has brought upon your family.
3. They should not, under any circumstances, blame the victim.
4. They should not minimize the crime as a mistake or error.
5. They should not complain about the conviction being unfair or the sentence being too long.

If you choose a family member or friend to speak on your behalf at the hearing, make sure it is someone who is thoroughly familiar with your case and the changes you have made in your life. It should be someone who is not intimidated by the process and can speak clearly. They should carefully monitor your responses and the parole board member(s) reactions thereto in the event you say something damaging or stupid without realizing it. During your advocate's testimony, he/she can correct the record for you. Notwithstanding the above, if you don't have a support group and have to go it alone, don't sweat it. As long as you are truthful and prepared for the hearing, you can still be successful.

IMPORTANT LEGAL DISCLAIMER:

Humanity for Prisoners is not a legal services provider. WE DO NOT HAVE THE EXPERTISE TO PROVIDE LEGAL REPRESENTATION TO INDIVIDUALS FILING COMMUTATION APPLICATIONS.

Therefore, we cannot:

1. Provide you with legal representation, research, or referrals to other attorneys,
2. Give you legal advice or answer any legal questions regarding specific aspects of your case or your loved one's case,

The advice we are providing is simply well-intended support for people who don't have other options for help. We have not measured if our advice is successful. We don't have any proven outcomes. We offer our opinion in the spirit of helping Michigan inmates seeking help to craft their applications in a professionally worded, error-free format in hope of the best possible outcomes.

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