

The Michigan Humanities Collaboratory
Attn: Carceral State Project
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- **Date(s) of Writing:** June 23, 26-28, 30; July 3-5, 7, 12, 17, 31; and August 4, 5, 6, 2020.
- **Background:**

Where and when were you born?

I was born at St. Joseph's Hospital in Elmira, New York on Tuesday, May 21, 1963.

Who raised you?

I was raised by my biological parents, Ronald G. and Maryanna A. Hartman of Elmira, New York. I was raised in a large Christian (mostly Catholic) family. Because my folks were young parents, I spent an inordinate amount of time with my four grandparents, several aunts and uncles, and cousins who were older than I was.

What was the world outside your family unit like when you were growing up?

The world outside my family unit seemed large and mysterious. Growing up in the northeastern United States, between Chemung County, New York and Bucks County, Pennsylvania, life seemed an almost tranquil existence for a kid like me. I felt loved and safe in my surroundings. The world seemed an optimistic place and anything seemed possible. Little did I know, while growing up, our country was in a state of continuous upheaval throughout the tumultuous 1960s and 1970s. For the most part I was kept sheltered from much of the chaos occurring in the world around me; family insulated me from a lot of it. I spent a great deal of time in the Finger Lakes region of central upstate New York, mostly on Seneca Lake. Our country was a much different place than it is today. John Fitzgerald Kennedy was President of the United States for the first six months of my life, though I don't remember it. As a schoolchild, I can recall reading books about President Kennedy and idolizing him as a national hero. Without doubt, I placed unquestioned trust in all authority figures and people entrusted to ensure the public good. I was a very naïve kid. However, as I grew older, I started to doubt many of the macro-level structures and institutions in the wider world around me. By the time I graduated high school in 1981, Ronald Reagan became President of the United States. Like President Kennedy, he, too, had just been shot. The world had changed a lot between 1963 and 1981. During the process of growing up, I became more pessimistic. Nonetheless, I still saw life, people, and the world as mostly good.

Where did you grow up and live before your incarceration?

As a minor between the ages of 0 and 5½ years and 11½ to 18 years, I grew up in Elmira and Southport (Chemung County), New York; I grew also in Levittown (Bucks County), Pennsylvania between the ages of 5½ and 11½ years. My school years were split evenly between the two communities in Pennsylvania (i.e., elementary school) and New York (middle and high school).

As an adult, I lived in: Corning, NY (1981-1982); Oakland, CA (1983); Pine City, NY (1983-1984); Utica, NY (1984-1986); Wells, ME (Summers 1984-1985); Cromwell, CT (1986-1987); Middletown, CT (1987-1988); Pottstown, PA (1988-1989); West Linn, OR (1989); Tigard, OR (1989-1994); Richland/Kennewick, WA (1993-1996); Seattle, WA (1996); Bothell, WA (1996-1997); Snohomish, WA (1997-2001); Brussels, Belgium (2000); Chicago, IL (2001-2002); Naperville, IL (2002-2005); Scappoose, OR (2002-2005); Oak Park, IL (2004-2005); Lafayette, LA (2005-2006); Pine City, NY (2002-2009); Stevensville, MI (2008).

What were those places like?

Based on my personal experiences in these places, I considered them terrific places to live, attend colleges/universities, work, and raise a family. Over two decades, I maintained dual residency and owned my principal and/or a secondary residences in seven of these communities (in the states of Oregon, Washington, Illinois, New York, and Louisiana) between 1989 and 2008. Needless to say, I was personally invested in each of these locations. When I departed, it was usually due to career-related relocations or family/personal considerations.

What were your ideas or perceptions about the criminal legal system as a young person?

As a young person I implicitly trusted the police and persons in positions of authority. Growing up in a prison community (Elmira, NY), several members of my family worked in various capacities of law enforcement and corrections for the city, county, and state. My grandfather was a retired City of Elmira police officer. During high school, my uncle was the Elmira City Police Department's school cop (resource officer); my next door neighbor was the elected local Town Justice; two of my father's best friends were the locally elected Chemung County Sheriff and Chief Judge of the U.S. District Court for the Central District of New York; indeed, several friends' parents were judges, prosecutors, state troopers, or court officers. Needless to say, I was formed and shaped very early on to have profound admiration and respect for members of the criminal legal system. One could rightly think I am someone who had all the advantages and privileges of a person that might be treated with kid gloves by the criminal legal system (however, none of this worked to my advantage in the State of Michigan). Also in high school, I studied elective courses in Individual Freedom & Law and Criminalistics. Thus, my interest in the criminal justice system was one of genuine curiosity; my ideas and perceptions about the system, generally, were good ones. As a young person, my thoughts were always positivistic.

What was your first contact with the criminal legal system?

My first contact with the criminal legal system, unfortunately, came at the age of 27. Late one evening in 1991, I made a foolish mistake. Following a neighborhood block party during which I consumed alcoholic beverages, I got behind the wheel of my car and drove to a gas station less than a couple of miles from my residence in Oregon. There was no need to fuel my vehicle for the next morning's commute; rather, this was my own senseless decision, and I learned from it. As it unfolded, I was beyond the legal limit for blood-alcohol concentration. Regrettably, I was stopped by police, given a sobriety test, and I failed the breathalyzer test. The police properly cited me for driving under the influence of intoxicants. Ultimately, my case went before a Superior Court judge who placed me in a one-year diversion program for first-time DUI offenders in Washington County, Oregon.

What was that experience like?

This was a humiliating experience. After being booked and fingerprinted, my wife and sister-in-law came to the local police station to pick me up because our family vehicle was towed from the scene of the police stop. My driver's license was immediately suspended. At the time I recall feeling horrible, in part, because it was such a stupid thing to do; but also because I was the designated driver of a four-person car pool traveling 2½ hours round-trip to and from work each day. Needless to say, my poor choice adversely affected not only my wife and young family—all whom depended on me, but three co-workers as well. I felt like a total bonehead! Eventually I was able to obtain a conditional driver's license for purposes of driving to and from work or daycare only. Due to my dumb action and the embarrassment of having my name in the local newspaper, I needed to admit the transgression to my employer in order to obtain a conditional driver's license. As a consequence, I was much harder on myself than anyone else. The experience served as a personal wake-up call; I took full responsibility for it and completed a diversion program, paid all fines, and never reoffended this way ever again. The misdemeanor offense was dismissed and the matter subsequently expunged from my record. My Oregon DUI experience offered an opportunity to take personal responsibility for my improper choice and actions, as well as a viable path toward redemption. In the end, I felt a sense of restoration by the community. This is how I think Michigan's criminal legal system should work for many first-time felony offenders.

- **Incarceration:**

What correctional facilities have you been incarcerated in and when?

Other than Berrien County Jail in St. Joseph, Michigan, I have only been incarcerated within the Michigan Department of Corrections (MDOC). In the MDOC, I have been incarcerated at:

1. Charles Egeler Reception & Guidance Center (RGC), Jackson, MI between March 6 and April 16, 2009.
2. Earnest C. Brooks Correctional Facility (LRF), Muskegon Heights, MI between April 16, 2009 and September 3, 2015.
3. Richard A. Handlon Correctional Facility (MTU), Ionia, MI between September 3, 2015 and the present. Note: I am scheduled for release on parole, presumably from the R.A. Handlon C.F. (MTU) to Kent County, Michigan on October 27, 2020.

What security levels were you in at those facilities?

At Charles Egeler Reception & Guidance Center (RGC) in Jackson, I was classified a security level IV prisoner, although most everyone is housed in typical level V fashion. At Earnest C. Brooks Correctional Facility (LRF) in Muskegon Heights, I was classified and housed as a security level IV prisoner between my arrival date on April 16, 2009 until I was moved to level II custody at the same facility on January 22, 2011; afterward, I was classified and housed as a security level II prisoner between January 22, 2011 and the date of transfer to Richard A. Handlon Correctional Facility (MTU) in Ionia, MI on September 3, 2015. At the Richard A. Handlon Correctional Facility (MTU), I was classified a security level II prisoner until I was reclassified as security level I in 2016 (four years from my early release date). Since MTU is a level II facility, my custody level remained level II due to a Correctional Facility Administration (CFA) hold placed on me as a dual participant in both the Calvin Prison Initiative (CPI) and Vocational Village at Handlon-Ionia.

What is incarceration like for you?

Incarceration, especially during the latter half of my combined (consecutive) sentences, in many ways seemed like an extended *sabbatical*. The years spent behind bars and razor wire, for me, have been a time to: challenge myself; grow, study and learn; deepen my faith life; evaluate life priorities, ethics and values; think about the meaning and purpose of life; find creative ways to be of service to others; become a more proficient writer; reinvent myself; and ponder the ways I hope to spend the remainder of my days on earth.

What does it feel like to live in prison?

Living in prison, at times, feels incredibly frustrating. It is not easy being confined to a living space the size of a generous walk-in closet. It can feel stifling being restricted to a few mere possessions. Wearing hot, uncomfortable clothing (state blues) that feel almost as coarse as tent canvas on the skin is unpleasant. It feels socially suffocating to be physically separated by hundreds and thousands of miles from the places you once called home and those you love and

care for; and it feels really frustrating having extremely limited communication and/or visitation options with those people. Yet, other times, depending on who I am paired with as a cellmate, it feels comforting to have someone who understands, on a personal level, the plight of prison life. The latter situation, at times, lends itself to feelings of gratitude for a roommate I can talk with and discuss shared experiences throughout our journeys. It is fair to say there is vacillation between feelings of frustration at one end and relief over being insulated from many of life's problems in the outside world. Living in prison is what you make of it. It's all about perspective.

What does it feel like to live in a cell?

While the public may not realize it, the experience of cell confinement for one's entire sentence is actually rare. Vast numbers of prisoners with early release dates (ERDs) make it to lower level custody (i.e., level 1 minimum security) and serve significant portions of time in open-dormitory or shared cubicle settings with their fellow inmates. This kind of human warehousing resembles dogs in a kennel. Fortunately, I was spared the experience and did not endure these conditions.

Personally I feel *lucky* to have lived in a two-man cell for a majority of my term of incarceration. By contrast, only while I was briefly incarcerated in the Berrien County Jail in St. Joseph, and while at the Charles Egeler Reception & Guidance Center (RGC) facility in Jackson, did I experience the "pleasure" of more private single-man cells. Throughout the majority of my 4,384 days of incarceration (from start to my release), I have lived in double-occupancy cells. Nonetheless, despite my feeling lucky, living inside a cell feels unpleasant. Personal space is extremely limited. Lockers are often inadequate. There is little to no shelf space available; nor are clothing/wall hooks generally available to hang a bathing towel or articles of clothing on. There is so little head room on a bottom bunk that most normal sized adult males cannot sit up straight to read or watch television without his head and/or neck area being constrained by the underside of an upper bunk frame. Over time these spatial limitations create back and neck problems related to physical posture. The noise factor outside a cell can be deafening. Announcements are continuously made over a public address (P.A.) system; they are barely audible and hard to discern. Ants, flies, mosquitoes, spiders, and other insects that bite are a frequent problem. Few design and layout considerations are given to ordinary human factors.

(You may write about any range of conditions including but not limited to: housing, food, healthcare, work and employment, visitation, recreation, education and training, communications, etc.)

What were the living conditions like at each correctional facility where you have been incarcerated?

The living conditions at Egeler C.F. (RGC) in Jackson were "nasty," in a word. Rodent infestation (i.e., mice and rats) and the presence of black mold was apparent throughout the 2-South cell block where I was housed at the north side of Jackson State prison in March and April 2009. While I was there, cells were single occupancy but very small. Fixtures and plumbing were outdated and filthy.

The living conditions at Brooks C.F. (LRF) in Muskegon Heights were much better, what I would call fair to good. Black mold was occasionally a problem in shower areas. Mice and skunks were frequently present around and inside the housing units. This was due to doors being left open for extended periods during the day and evening in warmer seasons. The visitation room is generally a positive experience; it is spacious with comfortable seating.

The living conditions at Handlon C.F. (MTU) in Ionia are bad. Rodents are not as common, however insect infestations are problematic. Mosquitoes and spiders are terrible. Water quality is dreadful. Air ventilation is poor, particularly during heat waves. Recreation time is minimal. The visitation experience, in my opinion, sucks, and is in need of serious improvement. Aside from the educational/vocational benefits, the overall environmental experience at Handlon (MTU) has been largely negative. Staff culture has much to do with this.

What are the living conditions like where you are currently incarcerated?

The living conditions at Handlon C.F. (MTU) in Ionia are not optimal. Water quality is an obvious problem; in fact, it is atrocious. A clear double standard exists at Handlon regarding access to clean drinking water. All staff are advised not to drink from the potable water supply at Handlon; instead they are permitted to bring gallon jugs of water to work with them or purchase bottled water for their personal consumption. Meanwhile, prisoners are forced to drink dirty water. *AVI*, an MDOC vendor contracted to service food and beverage machines at the Handlon facility, have ceased placing bottled water as product selections in vending machines accessed by the prisoner population years ago (though they do provide bottled water in staff vending machines and others accessed by the general public inside the visiting room). This is not coincidence or an oversight; rather, it is intentional. Facility maintenance workers have confirmed to me, personally, that staff sink fixtures contain water filters; prisoner sinks and water fountains inside housing units do not. Prisoner attempts to ameliorate this situation through proposals advocating corrective action have been met with either implied or overt threats by facility leadership. Elected block representatives who advance or push the issue on behalf of the general population are initially admonished. Should they continue to raise concerns, they are indiscriminately transferred to other facilities. I personally know of Calvin University students in the Calvin Prison Initiative (CPI) program who were threatened with dismissal from the program by MDOC staff if they didn't abandon the issue of clean drinking water. This should surprise no one. Consider how the State of Michigan, through its negligence and indifference, treats its own citizens with incidents such as the Flint Water crisis and widespread PFAS contamination in groundwater supplies in communities throughout the state. It is inexcusable. Michigan should be ashamed of itself. Until it deals with these environmental justice issues, I believe Michigan will remain a second tier state (not the "*Pure Michigan*" or "*Top 10*" state it robustly claims to be in business advertisements or slick marketing gimmicks).

Additionally, cells are much too small for two grown men. These rooms were designed for single occupancy and adolescents only. Door widths are narrow, desks/tables and chairs are child size, bunks and mattresses are substandard. Daily life is marked by inadequate quantities of cleaning supplies; restricted access to the supplies, including bleach, make them unavailable most days. This type of environment is inhumane during a non-pandemic, let alone during the era of

COVID-19. Social-distancing is impossible to achieve. Laundry service is horrible. White undergarments, clothing items, and linens turn gray after washing only a half dozen times due to compromised water quality. Typically, sanitation items such as urinal cakes are usually distributed only the day or night before major inspections are scheduled in housing units. These are only part of the toxic staff culture we live with inside the Handlon (MTU) facility.

Another frustrating aspect of living conditions where I am presently incarcerated is the fact of human lines. Nearly every direction one may turn, lines are everywhere: Microwave ovens, Hot water pots, JPay kiosks, and especially GTL pay telephones. Each item is in huge demand. Day room seating is inadequate. No matter what it is a person wishes to do, or decides to use: shower, sink, toilet, urinal, water fountain, whatever ... wherever you want to be at any given moment, someone else wants to occupy the same space you do. These overcrowded conditions speak truth to the reality that the facility was designed to accommodate far fewer prisoners than are currently occupying it.

What is your community like in prison?

My community in prison is a mixed bag of several sub-communities. There is a large faith-based community to which I have belonged since arriving in prison. This consists primarily of several Christians (from Catholic, Baptist, Christian Reformed, Pentecostal traditions, and more). I am in community with friends and believers from other traditions (Buddhist, Muslim, Jewish, Native American Traditional Ways), including friends who are active proponents of Interfaith dialogue. I also belong to sub-communities of alumni from Prison Fellowship's TUMI (*The Urban Ministry Institute*) seminary program and the Shakespeare Behind Bars (SBB) program in Muskegon area prisons; alumni from the Calvin Prison Initiative (CPI) faith-based academic community through the generosity of Calvin University and Calvin Theological Seminary; and several alumni from the many skilled trades disciplines inside Vocational Village at Handlon-Ionia. It is richly diverse.

In some ways, I have never known as many *real people* in a single place as I have met in prison community. Within certain communities inside prison, many pretensions or superficial facades that a lot of people in external society occasionally put up have fallen away. Nearly everyone, as an incarcerated person, is in the same circumstances. We all eat the same foods, wear the same types of clothing, and share the same spaces. In a certain sense, prison life is a great equalizer. However, there are "have-nots" in prison ... people who get no outside support and who make nothing or very little in prison jobs. Additionally, certain crimes are viewed so negatively that those prisoners are ostracized by some prisoners. It is an interesting contrast to life outside prison that most citizens never experience or get the chance to observe. It is instructive for understanding the human condition for a period if one embraces it as a learning opportunity.

How do you maintain ties to your other communities?

Primary methods for maintaining ties to my other communities are through telephone calls, email (via JPAY), and U.S. mail. A secondary method for preserving communal ties is achieved through personal visitation. All my visitors travel considerable distances from outside the state or country. Recently, personal visits were suspended effective March 13, 2020 due to the COVID-

19 pandemic. At present time of this writing, all prisoners statewide have been without visitation: personal, educational, clergy/spiritual, and outreach volunteers for nearly five months (and counting). The only exceptions are attorney visits. I do not expect another personal visit for the remaining term of my incarceration until I parole this fall; and it will not surprise me at all if personal visitation is suspended by the MDOC until sometime in 2021.

How do you survive in prison?

I survive in prison by focusing on the positives in life, for which there are many; and by living life one day at a time with forward-looking, not a backward or rearview-mirror, focus. Fortunately, my sentence is temporary; I have always viewed it as such. I cling to the hope that I will soon leave prison. By contrast, I have a profound sense of empathy and compassion for those who will not leave prison anytime soon, or perhaps ever. With these men, I intentionally sought to build and cultivate deep friendships one person at a time—to give them the same sense of hope I feel through human connection, and to let them know I care about what happens to their lives.

Where and how do you find joy in prison?

I find joy primarily through the relationships I have forged with others both within and outside prison. No doubt, some prison staff go to great lengths to discourage contact with family and friends outside the institution. Many of these efforts are tantamount to petty nonsense. For instance, an entire category of outreach volunteers to facilities are prohibited from “over-familiarization” with prisoners. This includes their use of institutional mail services (i.e., *JPay* or USPS), telephone, or one-on-one visitation for purposes of communicating with those they come to know well over time. Deep friendships can and do develop, but are often discouraged as part of routine volunteer orientation in the institutional campaign to dehumanize prisoners. This anti-social institutional policy is patently absurd. My joy lies in working against that absurdity, in going against the grain of macro-level systemic oppression. Despite the criminal legal system’s lame attempt to tear me down and destroy who I was, I found ways to thwart these institutional efforts and flourish behind bars. Gaining new skills, in spite of the system, and helping others who cannot help themselves, while here in prison, became my fuel for the journey. It gave greater meaning and purpose to my struggle and the fight for measures of justice, both large and small.

Additionally, the chance to earn a post-secondary education (i.e., three academic certificates, two college degrees, and eight vocational trade certifications) at no personal monetary expense whatsoever, except for my time, during prison allowed me to come away from the experience a much better person than I entered it. Prison did not break me; it made me acutely aware, better, stronger, competent and qualified in new ways, more determined to succeed, and also resilient. Further, prison gave me joy in that it helped me fortify and rejuvenate a faith life that was languishing long before I came to prison. The knowledge acquired gives me a great sense of joy and satisfaction; the totality of my lived experience is something to which few can lay claim.

- **Reflections:**

What does your incarceration mean to you?

My incarceration means a great deal to me. Arguably, my term of incarceration, which totals more than one-fifth (21%) of my lived existence represents one of the most transformative periods in my life. More positive changes have occurred as a result of my incarceration than I ever expected. Coming into it, notwithstanding my own low expectations, several aspects of incarceration have proven exceedingly positive; others parts of it, to be fair, were negative. Overall, however, much good has come from my incarceration. I never thought I would say this, much less put it into writing, but several tremendous learning experiences and some of the best years of my life were lived in prison. Likewise, a handful of authentic friendships were developed solely as a consequence of coming to prison. Thus, my incarceration has meant continued education, deepening of understanding, the formation and cultivation of personal relationships, which I hope remain cherished lifelong bonds. A person's life does not end because they come to prison. In fact, for me, life began anew. My life has flourished and grown richer as a result of incarceration. I take tremendous satisfaction in the gains and rewards stemming from my incarceration: acquisition of new skills, quality credentials, and genuine relationships. I think the most important thing, for me, is walking away from the whole experience being able to say this: the net result was far more good than bad, and this enabled my term of incarceration to stand for something worthwhile.

How does your incarceration affect you?

My incarceration affects me by forcing me to look at life and life's experiences much differently than I ever did before. Good and bad experiences are not mutually exclusive. These experiences are not binary, a zero-sum game, or all one or the other, but rather both. Sometimes, what may initially appear to be good or a blessing in life is, in fact, just the opposite. Moreover, what can appear bad, or a curse in our lives, is a blessing in disguise. Incarceration has taught me that.

What are your ideas or perceptions about the carceral system now?

In its current form, I believe many aspects of the American carceral system today are a colossal failure. If Michigan Corrections were a private business, it would be "out of business" and doomed to fail. For instance, it can be argued that Michigan's 3-year recidivism rate rivals the national rate of 66%, which potentially represents a two-thirds failure rate by the MDOC. Conversely, this equates to a paltry 34% success rate. No bank or commercial lender would support a business with such a miserable success rate, nor would it willingly subsidize a business that hemorrhages money the way MDOC does. However, because MDOC has minimal oversight and operates like a political piggy bank—to the tune of \$2 billion annually, it is not held to account by Michigan's taxpayers. In my view, the MDOC is one of the best kept "public larceny" secrets in the state; it is rife with waste, inefficiencies, and sadly, taxpayers foot the annual expense just as retailer operators build theft-losses into their balance sheets. We, the incarcerated, see this daily, but taxpayers do not. Instead, prisons are akin to a state jobs program where little to no performance or cost efficiencies are actually achieved. To be clear, many good, well-intentioned people work within the prison system. I take nothing away from them.

However, I firmly believe the heavy-lifting of rehabilitation is performed by countless outreach volunteers who selflessly come inside prisons across this state and personally invest their time in the lives of incarcerated men and women.

For me, incarceration has evolved and taken on new meanings as the years have passed. There are aspects of the incarcerated life I will surely miss. The camaraderie developed among many long-time residents at two correctional facilities is something I will never forget. I often wish the public could peer inside the walls and fences of Michigan's Correctional facilities. If possible, many people in this state would discover that there are good people in prison who pose no threat(s) whatsoever to public safety. Some people are here only as a result of misfortune or circumstances that could befall anyone. Many people are here because they made a mistake. Most people are here because they are simply poor, did not have the financial resources needed to defend themselves, or they lacked critical access to social capital. In a state court system that is, first and foremost a capitalist endeavor, not a truth and justice seeking system, a blind eye and deaf ear is turned to the majority of criminal defendants. Few people receive a fair shake. Finally, some people are here because they need to be here for the public's protection. I will never deny that reality.

Incarceration did not get the best of me; rather, I truly believe I got the best it had to offer me. Accordingly, I came out ahead as a result. Though I do not believe this outcome is what any of the retributive-minded people (in the local system where I was maliciously prosecuted) had in mind, I am proud to say I am much better off today. I am also a greatly improved version of the person I was shortly prior to my incarceration. As a result of pivotal relationships developed inside and outside the prison institutions throughout my term of incarceration, there are many positive influences that continue to exist in my life.

How did your perspective on the world change after being incarcerated?

My perspective on the world changed after being incarcerated through discoveries made on my own initiative (i.e. reading and studying the law) and through college courses—about how the criminal legal system really works (and doesn't, despite claims to the contrary). Additionally, I read four books that made big impressions on me: Doug Tjapkes' *Sweet Freedom: Breaking the Bondage of Maurice Carter*; Alex Kotlowitz's *The Other Side of the River*; Michelle Alexander's *The New Jim Crow*; and Bryan Stephenson's *Just Mercy*. Each of these books proved significant in their own right; they were unique contributors toward enlightening me to the injustices of an American institution we ironically refer to as the "Justice" system. These books, and several others I read while a student in the Calvin Prison Initiative (CPI), changed and shaped my personal perspective and worldview.

What do you want people to know about incarceration in the United States?

Incarceration in the United States, and the rate of it, in many ways, whether by poor policy design or monetary incentives, is a travesty. It has a dehumanizing effect on incarcerated men, women, juvenile offenders, and families. The system as it presently exists is in need of massive overhaul. In some Michigan jurisdictions, it warrants outright elimination or takeover by state and/or federal authorities (e.g., consent decree). There are serious flaws in our criminal legal

system. Far too many people are wrongly charged, convicted, sentenced, and incarcerated. Additionally, abuses of discretion routinely occur at the prosecutorial and judicial level. The system is fraught with errors and they are NOT harmless errors (which is the lie the system tells itself to continue the status quo!). There needs to be greater accountability by elected or appointed officials. Concepts such as absolute immunity should be revisited and modified. Prosecutorial integrity units should be established and funded statewide. Expungement of many convictions ought to become a viable path forward toward righting systemic wrongs.

What do you want scholars to know?

There is a much better way to accomplish justice, and we've known this for decades. The issues and solutions have been researched to death, studied over and over, time and again by the likes of the Council of State Governments Justice Center; The Pew Charitable Trusts; Rand Corporation; The Institute for Higher Education Policy; The Urban Institute, Justice Policy Center; U.S. Department of Education; Bureau of Justice Assistance, U.S. Department of Justice, countless universities, and more. The time for change is now. Instead of talking about change, it needs to happen. If we want to study or teach something new, let's teach the next generation of Michiganders (and Americans) how and why the state got it wrong. Even if this means revealing ugly truths about those entrusted with the public's resources and exposing them for wanton exploitation of taxpayers—for some of the oldest reasons known to mankind: pure greed and self-interest. Let's teach people how to implement viable solutions for real change instead of simply studying or talking about them and doing nothing to foster that change.

What do you want policy makers to know?

Education and/or vocational training in prison is the rational answer to reducing recidivism. Moral formation or in many cases, moral *transformation*, are also critical elements aimed at reducing recidivism. Ample empirical data exist to support these assertions. Thus, I am simply restating what is already known by many experts. Moreover, in Michigan, there is voluminous anecdotal evidence to support this claim. It is my earnest hope that this research endeavor, the *Carceral State Project*, can unveil these varied accounts and that my story may one day be counted among them. Therefore, it is a privilege to share my experiences.

What do you want members of your community to know?

Incarcerated men and women are sent to prison for a plethora of reasons. We cannot paint everyone with the same brush. The reasons behind incarcerating mass numbers of citizens in Michigan, indeed this entire country, are as varied as different hues contained in the full color spectrum. At one end of the continuum, we see cases in which justifiable punishment is meted out for heinous acts; at the other end, all too often, we see people incarcerated for lengthy periods for wholly unjust reasons. I believe we are seeing the effects of unjust incarceration, front and center, through mass protests across the nation—around systemic discrimination issues of racism, classism, sexism, police brutality, disparate treatment, and the need for long overdue criminal justice reform. Real reform, not just talk or the soft-peddling that so often takes place. No doubt, many members of my community understand this, but far more do not. The public needs to be educated about the criminal adjudication process, particularly around sentencing

policy. My own lawyer admitted to me that he was unfamiliar with the guidelines scoring...and he was a defense attorney!

As a 45-year old man going through the felony system for the first time ever, I was completely ignorant about the scoring of prior record variables (PRVs) and offense variables (OVs), which affect a defendant's recommended sentencing guidelines range. And why wouldn't I be? I had no criminal record whatever, no history of any convictions. I had never appeared in a felony matter or equivalent proceeding. The closest I ever came was being pre-selected for jury duty in Snohomish County, Washington while living there from 1997–2001. Nonetheless, pre-sentencing and sentencing are among the most abused stages in the criminal adjudication process. During 2008-09, in the jurisdiction where I was maliciously prosecuted and sentenced, Berrien County, the process was rigged.

Following my arrest I bonded out of jail, declined a plea offer based on false facts and misinformation, and instead opted to invoke my right to a jury trial. Because I did this, I was quickly retaliated against. Instantly, my bail amount more than tripled. After I was taken into custody again, two additional criminal cases were filed against me. My sentencing guidelines jumped through multiple tiers, from 0 to 11 months at the time I was initially charged (with a plea offer that would've yielded either probation, county jail time, or MDOC Boot Camp), all the way up to sentencing guidelines of 43 to 86 months by the date of my sentencing hearing—solely on the basis of contrived facts and false information. Most pernicious of all, I ultimately received a sentence of 12 to 30 years, the sum of two discretionary (not mandatory) consecutive sentences. These sentences were stacked as another retributive measure because I failed to “play ball” with their rigged system. The second sentence would never have occurred but for the efforts of the State to use the lies of a jailhouse snitch who had a long history of “snitching” for reduction or dismissal of his own charges—more than 100 times in Berrien County alone, according to his own court testimony. He lied about me and several others in the county jail (all demanded jury trials), in order to ingratiate himself with local authorities in a self-serving effort to win back his former position as a confidential police informant. Sadly, this happens to a LOT of people. Many unsuspecting defendants are overcharged to begin with. Bewildered, they find themselves confronting felony charges in the criminal legal system for the first time. This is far more about individual political gain and perpetrating the taxpayer scam than seeking justice. Sentencing guidelines are supposed to be based on information that is either admitted by the defendant or found by a judge with a preponderance of evidence (a step lower than beyond a reasonable doubt). The second standard is grossly abused. Preponderance of evidence requires at least a reasonable belief based on evidence, not simply based on arbitrary belief.

My judge, for example, is a District Court judge who bound me over to Circuit Court where he, himself, sat and decided the case. The judge played second prosecutor and simply parroted his beliefs that the prosecutor's accusations were true. He had NO evidence to back it up, not even circumstantial. His belief was not based in any way on facts or evidence. This is a very common occurrence. In my case, it exposed the shallowness of certain elected officials there. They cannot win unless they cheat. And my proof for this bold accusation? Fortunately in 2017, my judge, after being publicly censured by the Michigan Judicial Tenure Commission in 2014, was forced

to apologize to judicial peers when reassigned from the Criminal Division to the Civil Division of the Trial Court, “ ... to improve the administration of justice” according to the Chief Judge. The Chief Judge was vague as to the reasons why. Allegedly, my judge is no longer permitted to hear criminal cases based on a long history of controversial decisions and unfairness to criminal defendants. In a written comment, the Chief Judge stated only “[t]his action was taken to improve our service to the public and ensure that the Berrien County Trial Court is run as fairly and efficiently as possible.” That says enough in itself. It speaks volumes to the lack of public confidence in the judicial integrity of the Berrien County Unified Trial Court system. It also sends an ominous message to those who are either seeking civil remedies or who are defending themselves against civil charges. A judge with a history of unfairness has been transferred and now presides over cases requiring the less stringent standard of proof—preponderance of evidence. Rather than eliminating the injustice of his administration over cases, the problem was simply moved to an area with less oversight.

What do you want activists to know?

Special interests have perverted the American criminal legal system into a capitalist endeavor and an entity it was never intended to become. They have hijacked it and used it as a vehicle for personal enrichment. In most cases, it does not dispense justice. Until we balance out the criminal justice system, root out systemic racism and classism, eliminate the financial incentives to incarcerate human beings (a disgusting and shameful reality in Michigan and across America), and provide equal opportunities for justice to all, the criminal legal system will continue to operate as a fragmentary sampling of its true potential.