

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-cr-20218

v.

Hon. Victoria A. Roberts

NORMAN SHY,

Defendant.

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**DEFENDANT'S SENTENCING MEMORANDUM**

Defendant Norman Shy ("Defendant"), through his counsel, Christopher A. Andreoff of Jaffe Raitt Heuer & Weiss, P.C., respectfully submits this Memorandum regarding issues relevant to sentencing.

### **I. Plea Agreement**

On May 11, 2016, Defendant pled guilty to Count One of the Information which charged Conspiracy to Commit Federal Program Bribery in violation of 18 U.S.C. § 371 and 666(a)(1)(B), and Count Two which charged Federal Income Tax Evasion in violation of 26 U.S.C. § 7201.

The Rule 11 Plea Agreement (“Agreement”) reflects a Total Offense Level of 27 with a guideline range of 70 to 87 months. The Agreement provides in paragraph 3(A), page 7, that any custodial sentence shall not exceed the top of the sentencing guideline range.

The Rule 11 Plea Agreement also indicates that Defendant agrees to forfeit the “subject property” as identified at pages 8 and 9 and to entry of a money judgment in the amount of \$2,768,846.93.

Pages 14 to 15 of the Rule 11 Plea Agreement, in pertinent part states that:

The Defendant and his spouse will execute IRS Form 870 which encompasses tax years 2009 through 2013, and agree to the tax, penalties, and interest calculations as prepared by the IRS. In the event that the Defendant and/or his spouse pay any or all of the full balance due for tax years 2009 through 2013 within 45 days or thereafter of signing the Form 870, then no amended IRS tax returns for years 2009 to 2013 will be required and the additional obligations will not be applicable to the Defendant.

## **II. Sentencing Factors**

The factors set forth in 18 U.S.C. § 3553(a) that guide a judge in determining the appropriate sentence since the Supreme Court's landmark decision in *United States v. Booker*, 543 U.S. 220 (2005) are certainly well known to the Court, as is the requirement that the Court "impose a sentence sufficient, but not greater than necessary, to comply with" those purposes. Familiar, too, is the Supreme Court's admonition in *Gall v. United States*, 522 U.S. 38 (2007), that in applying these factors, a sentencing judge "make an individualized assessment based on the facts presented."

Although the promulgation of the Guidelines was an attempt by Congress to promote uniformity in sentencing, *Booker* and its progeny, as well as the factors set forth in 18 U.S.C. § 3553(a) make clear that sentencing involves more than a formulaic response to crime and punishment, and requires the sentencing court to consider offender characteristics that go beyond the simple issue of criminal history, the only Guideline factor that speaks to the characteristics of the offender, rather than of the offense.

Indeed, in *United States v. Gall*, 522 U.S. 38, 128 S.Ct. 586, 596 (2007), the Supreme Court specifically stated that a formulaic approach to sentencing is inappropriate:

On the other side of the equation, the mathematical approach assumes the existence of some ascertainable method of assigning percentages to various justifications. Does withdrawal from a conspiracy justify more or less than, say, a 30% reduction: Does it matter that the withdrawal occurred several years ago? Is it relevant that the withdrawal was motivated by a decision to discontinue the use of drugs and to lead a better life? What percentage, if any should be assigned to evidence that a defendant poses no future threat to society, or to evidence that innocent third parties are dependent on him? The formula is a classic example of attempting to measure an inventory of apples by counting oranges.

The Supreme Court also made clear that in applying the § 3353(a) factors, a sentencing judge “must make an individualized assessment based on the facts presented” by the case, without giving presumptive weight to the Guidelines sentencing range:

[A] district court should begin all sentencing proceedings by correctly calculating the applicable Guideline range. As a matter of administration and to secure nationwide consistency, the Guidelines should be the starting point and the initial benchmark. The Guidelines are not the only consideration, however. Accordingly, after giving both parties an opportunity to argue for whatever sentence they deem appropriate, the district Judge should then consider all of the § 3353(a) factors to determine whether they support the sentence requested by a party. In so doing, he may not presume that the Guidelines range is reasonable. He must make an individualized assessment based on the facts presented.

*Id* at 596-597.

Such an approach, which gives individualized consideration to *all* of the sentencing factors identified by the statute is not only commanded by the *Booker* holding, but is logical as well, in view of the degree to which the Guidelines are

driven principally by the nature of the offense conduct, and only minimally by the characteristics of the particular offender and his or her life and character. As the Supreme Court noted in *Gall*, quoting its earlier opinion in *Koon v. United States*, 518 U.S. 81, 113 (1996), “It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” *Id* at 598.

U.S.P.O. Catrell of the United States Probation Department has prepared a very thorough and excellent Presentence Investigation Report (“PSIR”) and counsel will not reiterate what is contained in the report. Nevertheless, undersigned counsel believes it appropriate to emphasize some of the information contained in the PSIR and to supplement it with additional information.

Defendant has taken full and complete responsibility for his conduct, evidenced in part by his plea of guilty to multiple counts in the Information on May 11, 2016. In addition, Defendant has been forthright in his admission that he defrauded the Detroit Public Schools (“DPS”) by paying various principals \$908,000. He is starkly aware of and deeply regrets the harm that he has caused the school district.

Because Defendant has accepted responsibility, the only question before this Court is what sentence is “sufficient, but not greater than necessary, to comply

with the purposes set forth in § 3553(a).” Under § 3553(a) the Court, in addition to the Guideline range, should consider the following factors:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed –
  - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
  - (B) to afford adequate deterrence to criminal conduct;
  - (C) to protect the public from further crimes of the defendant; and
  - (D) to provide the defendant with needed educational or vocational training, medical care or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;

\* \* \*

- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct;
- (7) the need to provide restitution to any victims of the offense.

**1. The Nature and Circumstances of the Offense and the History and Characteristics of the Defendant.**

**A. Nature of the Offense.**

From 2009 to 2014<sup>1</sup>, Defendant operated Allstate Sales Inc., which, as an approved vendor, provided school supplies and other services to the school district.

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<sup>1</sup> This is the time frame charged in the Information. Defendant operated Allstate since 1974 and provided services not only to DPS for 40 years, but to other customers as well.

DPS employed various administrators and principals who then had the authority to select and use vendors such as Defendant's company to provide school supplies and services.

Defendant paid DPS principal/Assistant Superintendent, Clara Flowers, monies totaling \$324,785 in return for approving and authorizing fraudulent invoices for school supplies that were not supplied or ordered. As a result, DPS paid Defendant's company for goods never received.

During the same period of time, Defendant had similar arrangements with other DPS principals. The total amount paid to all administrators/principals was \$908,000. In return, Defendant obtained \$2,700,000.00 from DPS for specific goods that were not received.

Count Two charges Income Tax Evasion for the year 2011 in the amount of \$51,667.00. He failed to report his illegal remunerations for that year. It should be noted, however, that since then Defendant has paid all of the tax due for 2011 plus all accrued interest and penalties.

In consultation with the IRS and the U.S. Attorney's Office (see Pages 14 to 16 of the Rule 11 Plea Agreement), Defendant and his wife also executed IRS Form 870 reflecting all taxes due and owing, including any penalties and accrued interest for the years 2009 to 2013. As of this writing, all of the taxes, penalties and interest owed to the IRS for tax years 2009, 2010 and 2011 have been paid. In

addition, \$15,000 has been paid for the tax year 2012. Remaining to be paid are the taxes, penalties and interest for 2012 and 2013.

The guidelines calculated in the PSIR are accurate. They are driven predominantly by the loss figure. Defendant submits, however, that the guideline calculations regarding the loss figure fail to take into account a number of his individual life characteristics and other mitigating circumstances.

In an article published in the October, 2013 issue of the Federal Sentencing Reporter, the author, after performing an exhaustive study of the sentencing data published by the United States Sentencing Commission, noted that while “loss is far and away the primary determinant of the advisory sentencing commission range under Section 2B 1.5,” based on sentences imposed by judges throughout the country, loss is a poor measuring stick of culpability:

After more than a quarter-century of using loss as a primary sentencing factor for diverse offenses and disparate offenders, what do the commission’s sentencing data tell us about judges’ views of the relative importance or unimportance of loss amount, is currently measured by codified in the sentencing guidelines? In sum, the data suggest that loss is an unsound measure of the seriousness of many offenses, with the result that judges are increasingly willing to go below the guidelines when they impose sentences in white-collar cases.

Mark Allenbaugh, “Drawn from Nowhere”: A Review of the U.S. Sentencing Commission’s White-Collar Sentencing Guidelines in Lost Data, 26 Fed.Sent.Rep. 19 (2013).



Nevertheless, Defendant recognizes that the amount of loss can be an indicator of culpability, and in this case, his culpability was admittedly patent and prolonged. There are however, countervailing factors that should have an effect in determining an appropriate sentence.

B. The History and Characteristics of Defendant.

Defendant will be 75 years old on October 16, 2016. He was born and raised in Detroit and graduated from Mumford High School in 1959. He subsequently obtained a Bachelor of Arts degree from Michigan State University and a Master of Arts degree from Wayne State University. He also earned 21 credit hours toward a PhD at Wayne State University.

As reflected in the PSIR, he lost his parents when he was relatively young. His father was murdered in an armed robbery, and his mother suffered and died from pancreatic cancer in 1984. Defendant has been married for over fifty (50) years, has three children and two grandchildren. His wife and children describe him as a “loving, compassionate, caring and devoted person” who has been involved in many charitable organizations such as the Red Cross, and an animal rescue organization. It is sadly ironic that he has over the years donated monies, school supplies and clothing and other items to the Detroit Public Schools.

Defendant has been a vendor for the Detroit Public Schools for forty years from 1974 to 2014. In the 70’s and 80’s, he had contracts to supply audio visual

equipment, record and cassette players, listening centers with headsets, laminating equipment, projectors, kitchen appliances, furniture and school supplies.

From 1993 to 2007, he received many letters of appreciation from DPS school employees for his various contributions to the schools. (Attached as **Exhibit A** are a representative sample of twenty-five (25) letters from 1993 to 2007, reflecting Defendant's gifts or donations to DPS). These letters predate the offense at issue; that is by design. They are offered to demonstrate that the Defendant, despite his greed-filled actions in the latter years, was an honest, upright businessman for the bulk of his career

The experience of living in this world teaches us that human beings, and human lives, are usually multifaceted, and that a persona cannot be fairly judged on the basis of only one aspect of his or her life. Unfortunately, it is the character lapse that brings him before this Court. This case represents Defendant's first and only conviction. When the entire picture of Defendant's life and circumstances, are considered, in conjunction with his acceptance of responsibility, his age and health status, a rounder perspective is presented, one that warrants a variance from the guidelines under § 3553(a).

In this regard, I ask the Court to closely review the forty-two (42) character letters that were submitted to the Court which provides substantial insight from people who know him best, including close friends, business associates and family

members. These letters provide additional insight about Defendant's character and talk about many people Defendant has assisted who were in need.

C. Incapacitation.

There is simply no reason to believe that it is necessary to imprison Defendant for the time period reflected in the Rule 11 in order to protect society. On the contrary, his forty (40) year history of providing service to the DPS and the Detroit community without any previous incidents or allegations of wrongdoing, should be viewed as a positive factor, not a negative one.

"The rationale for incapacitation is to allow society to "protect itself from persons deemed dangerous because of their past criminal history." *Allen v. Woodford*, 395 F.3d 979, 1009 (9<sup>th</sup> Cir. 2004) (citing 1 W. LaFave & A. Scott, Substantive Criminal Law 38 § 1.5(2003)). As noted above and below, Defendant, who is just short of his 75<sup>th</sup> birthday, is in very poor health, is no longer doing any business with DPS, and will not pose any further danger to the community that he will be involved in any criminal activity.

D. Rehabilitation.

Based upon Defendant's age, background, and medical condition, it seems quite clear that he will not engage in criminal conduct in the future. In *Tapia v. United States*, 564 U.S. 319, 131 S.Ct. 2382 (2011), the United States Supreme

Court held that 18 U.S.C. § 3582(a) precludes a sentencing court from imposing or lengthening a prison term to promote an offender's rehabilitation.

**2. The Kinds of Sentences Available**

Defendant recognizes that a sentence of imprisonment may be imposed. The only question is what sentence is sufficient but not greater than necessary to fulfill the purposes of 18 U.S.C. § 3553(a).

**3. The “Need For The Sentence” To Comport With The Traditional Purposes Of Punishment.**

**A. Retribution**

The first of the statutory factors – that the sentence imposed should “reflect the seriousness of the offense, . . . promotes respect for the law, and, . . . provide just punishment for the offense,” echoes the traditional concept of “retribution.” Such measurements are of course difficult to draw with precision, and, do not lend themselves to objective criteria.

This offense represents Defendant's only conviction. The consequences arising from this conviction are extremely severe. His indictment and plea have severely damaged his reputation in the community, resulted in extensive negative media attention, and will result in some form of punishment or incarceration, with likely separation from his wife, children and grandchildren.

B. Deterrence

The need to fashion a punishment which will deter others from engaging in conduct similar to that engaged in by of Defendant is a factor for this court's consideration, but it is respectfully submitted that any sentence of incarceration will serve as a sufficient deterrence to others who might engage in similar conduct, especially given the extensive publicity.

Moreover, a sentence of incarceration for a Defendant who will be 75 years old, and his loss of his businesses will not only preclude Defendant from ever engaging in any similar criminal conduct, but will send a loud message to deter others from doing so.

**4. The Need to Avoid Unwarranted Sentencing Disparity**

Defendant has been properly charged, stands convicted and his identifiable assets have and will continue to be forfeited by the Government to provide restitution to DPS.

However, given this Court's handling of the case, the court is intimately aware of the facts surrounding the fraud perpetrated against the DPS by not only Defendant, but also the twelve (12) other administrators and/or principals who were charged in either this case or in other cases now pending in U.S. District Court, Eastern District of Michigan.

In each case, it is readily apparent that each public employee of the DPS had the power, discretion, and authority to select vendors to provide school supplies, and in turn requested and then reviewed each submitted invoice by the vendor. The public school official then approved the invoice which resulted in DPS issuing an approved purchase order and ultimately payment to the vendor for school supplies that were not delivered or produced.

Without the knowing and willful participation by each school official, who similarly breached their fiduciary duties to DPS, along with the vendor, no fraud would have been perpetrated against DPS. Yet, an examination of each Rule 11 Plea Agreement of the twelve (12) DPS school officials (who have tendered guilty pleas) does not reflect any claim for restitution for the precise amount of each fraudulent invoice that they approved and submitted to DPS for payment. The only claim for restitution in each plea agreement appears to be the amount of the bribe each respective public official received which in turn dramatically reduces the amount of any obligation to pay restitution, and their exposure under the U.S. Sentencing Guidelines. Most importantly, DPS' ability to receive full restitution for each fraudulent invoice that was approved may be impacted.

In imposing its sentence, it is requested that the Court take into account each co-conspirators' sentence exposure in order to avoid a disparate sentence. Defendant has also agreed to forfeiture of a significant amount of property and this

also constitutes punishment which this Court should consider in crafting a “sufficient but not greater than necessary” sentence. In fact, while it could be argued Defendant should bear this responsibility to a greater degree, it appears he has done so and this fact should not be ignored in the sentencing process.

### **III. Variance/Departure**

#### **A. Age and Physical and Mental Health**

At pages 15 through 19 of the PSIR, U.S.P.O. Lara Catrell extensively documented and identified for the Court Defendant’s several medical issues. Because of privacy concerns, Counsel for Defendant will not identify those issues in this Memorandum.

However, Counsel for Defendant requests the Court to give serious consideration to Defendant’s age, his physical, mental and medical conditions as a sufficient basis for a variance/departure from the guideline range. The probation officer at page 27, paragraph 121 of the PSIR, has also indicated that the Court should consider one of these issues as well as a factor justifying a below-guidelines sentence.

U.S.S.G. § 5H1.1 reads as follows:

#### **Age (Policy Statement)**

Age (including youth) may be relevant in determining whether a departure is warranted, if considerations based on age, individually or in combination with other offender characteristics, are present to an unusual degree and distinguish the case from the typical cases covered

by the guidelines. Age may be a reason to depart downward in a case in which the defendant is elderly and infirm and where a form of punishment such as home confinement might be equally efficient as and less costly than incarceration.”

\* \* \* \* \*

U.S.S.G. § 5H1.3 states:

Mental and Emotional Conditions (Policy Statement)

Mental and emotion conditions may be relevant in determining whether a departure is warranted, if such conditions, individually or in combination with other offender characteristics, are present to an unusual degree and distinguish the case from the typical cases covered by the guidelines. See also Chapter Five, Part K. Subpart 2 (Other Grounds for Departure).

In certain cases a downward departure may be appropriate to accomplish a specific treatment purposes. See §5C1.1, Application Note 6.

Mental and emotional conditions may be relevant in determining the conditions of probation or supervised release; e.g., participation in a mental health program (see §§5B1.3(d)(5) and 5D1.3(d)(5)).

In addition, U.S.S.G. § 5H1.4 reads in pertinent part:

Physical Condition, Including Drug or Alcohol Dependence or Abuse; Gambling Addiction (Policy Statement)

Physical condition or appearance, including physique, may be relevant in determining whether a departure is warranted, if the condition or appearance, individually or in combination with other offender characteristics, is present to an unusual degree and distinguishes the case from the typical cases covered by the guidelines. An extraordinary physical impairment may be a reason to depart downward, e.g., in the case of a seriously infirm defendant, home detention may be as efficient as, and less costly than, imprisonment.”

\* \* \* \* \*



Defendant suffers from a number of serious medical conditions requiring many medications and close medical attention and treatment by various physicians. In determining what sentence to impose, counsel believes that any term of incarceration may create a substantial physical and medical hardship for him if he is sent to prison for a lengthy period of time. The PSIR identifies the specific maladies and medical conditions from which the Defendant suffers in four (4) pages (see pages 15 to 19) of the PSIR.

According to the World Health Organization, in 2013, the life expectancy of a male United States citizen is 76 years. <http://apps.who.int/gho/data/node.main.688> as viewed on August 16, 2016. Should this Court impose a significant custodial sentence in this case, it is virtually a life sentence, and it will certainly be a more lengthy sentence by anybody's measurement based upon Defendant's current age of 74.

In addition, any custodial sentence, should the Court decide to impose one, will also have a practical component. According to an article in the Washington Post in 2015, "prisoners 50 and older represent the fastest-growing population in crowded federal correctional facilities, their ranks having swelled by 25% to nearly 31,000 from 2009 to 2013. [www.washingtonpost.com/sf/national/2015/05/02/the-painful-price-of-aging-in-prison](http://www.washingtonpost.com/sf/national/2015/05/02/the-painful-price-of-aging-in-prison),

as viewed August 16, 2016. (See **Exhibit B**). The article also notes how an aging prison population drives up costs:

The aging of the prison population is driving health-care costs being borne by American taxpayers. The Bureau of Prisons saw health-care expenses for inmates increase 55 percent from 2006 to 2013, when it spent more than \$1 billion. That figure is nearly equal to the entire budget of the U.S. Marshals Service or the Bureau of Alcohol, Tobacco, Firearms and Explosives, according to the Justice Department's inspector general, who is conducting a review of the impact of the aging inmate population on prison activities, housing and costs.

\* \* \*

The average cost of housing federal inmates nearly doubles for aging prisoners. While the cost of a prisoner in the general population is \$27,549 a year, the price tag associated with an older inmate who needs more medical care, including expensive prescription drugs and treatments, is \$58,956, Justice Department officials say.

*Ibid.*

As referenced in the above article, the Office of Inspector General for the U.S. Department of Justice issued a revised report dated February, 2016 entitled "The Impact of An Aging Inmate Population On The Federal Bureau of Prisons" which discusses how the U.S. Bureau of Prisons is unable to adequately care for its "aging" inmate population, the substantial costs to house aging inmates, and that for the elderly inmate due to overcrowding, average wait time for outside medical treatment takes nearly four months. See <https://oig.justice.gov/reports/2015/e1505.pdf>.

Without appending the entire 66 page OIG report, counsel for Defendant will append as **Exhibit C** the Executive Summary and the Conclusions and

Recommendations to the Report. In the Summary it states at Page ii:

\* \* \* \* \*

We further found that the increasing population of aging inmates has resulted in a need for increased trips outside of institutions to address their medical needs but that institutions lack Correctional Officers to staff these trips and have limited medical staff within institutions. As a result, aging inmates experience delays receiving medical care. For example, using BOP data from one institution, we found that the average wait time for inmates, including aging inmates, to be seen by an outside medical specialist for cardiology, neurosurgery, pulmonology, and urology to be 114 days.

\* \* \* \* \*

Consequently, counsel for Defendant is asking this Court to give serious consideration in granting a substantial departure from the guideline range, and if any period of incarceration is being considered, to ensure that Defendant receives appropriate medical care based upon his age and his current medical conditions.

B. Restitution and Tax Liabilities.

1. Restitution

Defendant has agreed to make restitution. At the request of the Government, Defendant executed a Financial Statement of Debtor and has identified and provided the financial documentation as requested by that Statement. Several of Shy Investment real properties have been sold and the proceeds have been or will be turned over to the U.S. Marshals Service.

Negotiations are still on-going, and counsel for Defendant has had meetings with Government counsel in an effort to resolve all outstanding real and personal property issues which relate to forfeiture and restitution. It is anticipated that the Government will collect from Defendant over \$1,600,000.

1. Tax Liability

As stated earlier regarding Count 2 of the Information, all of the 2011 tax liability (\$51,667.00) plus all penalties and interest have been paid by Defendant. In addition, all of the taxes, penalties and interest for years 2009 and 2010 have been paid in full. Approximately \$15,000 in taxes has been paid for 2012, but outstanding taxes, penalties and interest are still owed for 2012 and 2013. This was done in accordance with the Rule 11 Plea Agreement and in consultation with the IRS CID and IRS Revenue agents.

**IV. Conclusion**

Counsel for Defendant and Defendant recognize that the conduct that led to criminal charges and ultimate guilty pleas is serious and demands an appropriate sentence. While the Government may call for a significant sentence with all of the accompanying media attention, the danger here is that in so responding to the symbolism of retribution, to the exclusion of all else, that “justice would wear a

countenance too sanguinary and cruel.” The Federalist No. 74 (Hamilton).<sup>2</sup>

As an officer of the Court, and adhering to this Court’s Rules of Professional Conduct, I have not responded in the media or to the many factual inaccuracies and errors that have been reported about my client. We hope that the Court will not be unduly affected or swayed by this external influence.

One example of the inaccuracies is that there was a prominent display in one of the newspapers of Defendant’s “palatial” home in Farmington Hills, which was sold at a considerable loss before the federal investigation commenced in late November, 2014. What was not reported was that this home was purchased and improved in 1998 and 1999, some 10 years before the alleged conspiracy. There have been many other inaccuracies about Defendant, but the sole issue here is to impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in 18 U.S.C. § 3553.

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<sup>2</sup> In this essay, Hamilton is discussing the pardon power of the president, but his observations may also be read as touching on the appropriateness of a judge looking beyond retribution seems clearly merited and is most loudly called for:

As the sense of responsibility is always strongest in proportion as it is undivided, it may be inferred that a single man would be most ready to attend to the force of those motives, which might plead for a mitigation of the rigor of the law, and least apt to yield to considerations, which were calculated to shelter a fit object of its vengeance. The reflection that the fate of a fellow creature depended on his sole fiat, would naturally inspire scrupulousness and caution: the dread of being accused of weakness or connivance would beget equal circumspection, though of a different kind.

*Ibid.*, [http://avalon.law.yale.edu/18th\\_century/fed74.asp](http://avalon.law.yale.edu/18th_century/fed74.asp) , as viewed June 14, 2015.

On behalf of my client, I am requesting that the Court impose a fair and just sentence. In this regard, if the Court is considering a period of incarceration notwithstanding the factors stated above, Counsel for Defendant is recommending, based upon the requests for departures and Defendant's background that it impose a sentence not to exceed 30 to 36 months.

JAFFE, RAITT, HEUER & WEISS, P.C.

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candreoff@jaffelaw.com  
(P10193)

Dated: August 18, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2016, I electronically filed the foregoing Defendant's Sentencing Memorandum with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

/s/ Christopher A. Andreoff  
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(248) 351-3000  
candreoff@jaffelaw.com  
P10193

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

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**INDEX OF EXHIBITS TO  
DEFENDANT'S SENTENCING MEMORANDUM**

Exhibit A Letters of Recognition

Exhibit B Article – The Painful Price of Aging in Prison

Exhibit C Article from U.S. Dept. of Justice – The Impact of an Aging Inmate

# EXHIBIT A



# DETROIT PUBLIC SCHOOLS

5057 WOODWARD AVENUE

DEBORAH M. McGRIFF, Ph.D.  
General Superintendent

DETROIT, MICHIGAN 48202  
(313) 494-1075

October 4, 1993

Mr. Norman Shy  
Allstate Sales and Rentals  
4521 River Trail  
Birmingham, MI 48010

Dear Mr. Shy:

Thank you so much for supporting Proposal "S" in the September 14, 1993 primary election. It resulted in a resounding victory for our students.

One of the key factors in our successful campaign was your financial assistance that allowed us to make the voting public aware of the issues.

The renewal of the millage was essential for the operation of the school system and will allow us to continue to:

*Be the first large urban district to successfully educate all of its students;*

*Ensure the future of the City of Detroit by helping young people become contributing adult citizens; and*

*Assure continued educational change to provide youth with effective learning opportunities.*

Again, thank you for your support.

Sincerely,

*Deborah M. McGriff*  
Deborah M. McGriff, Ph.D.

rt

# DETROIT PUBLIC SCHOOLS

Student Information Systems, 5057 Woodward Avenue, Room 666, DET, MI 48202  
February 23, 1994

Mr. Norman Shy  
Allstate Sales  
4521 River Trail  
Bloomfield Hills, MI 48301

Dear Mr. Shy:

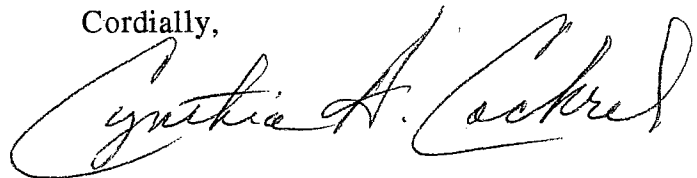
This is to thank you and Allstate Sales for providing the portable AM/FM radio w/LCD alarm clock (retail value \$40.00) to Munger Middle School in support of the District's Second Fourth Friday Count. This was a first time enterprise for me, but your overwhelming support made it a rewarding experience.

There have been several positive comments made about the quality of the donation that was received from you. Since the comments were made by adults, I can imagine the lucky student at the school was thrilled.

On behalf of the Detroit Public Schools, I want you to know how much we appreciate your making Allstate Sales available to the children we serve and how valuable your contribution is considered to be.

You and your company are to be commended for the interest and concern given our students. The cooperative, self-sacrificing efforts displayed, in conjunction with others who contributed to this project, clearly demonstrates that business and community can come together for a common purpose.

Cordially,



Cynthia A. Cockrel  
Program Associate I

pc: David L. Snead, Ph.D.  
General Superintendent

# DETROIT PUBLIC SCHOOLS

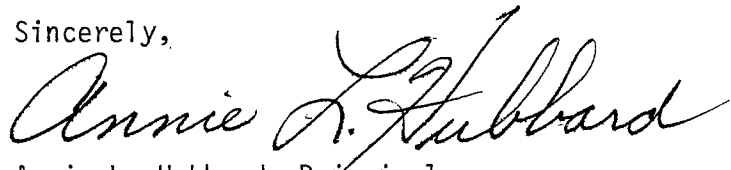
WILKINS ELEMENTARY SCHOOL  
12400 Nashville  
Detroit, Michigan 48205  
245-3568

June 20, 1995

Dear Norman:

Thank you for being so understanding about the wait. Finally,  
we can settle this account. The projector is very nice. Thanks again  
for your help and we look forward to working with you in the Fall.

Sincerely,



Annie L. Hubbard, Principal

DAVID L. SNEAD, Ph.D.  
General Superintendent

December 18, 1996

Dear Mr. Sly,  
Thank you for your  
holiday treats and all  
your generous support of  
our school.

Sincerely,  
Dewey Center Staff  
James Barker, Principal

## DETROIT BOARD OF EDUCATION



5057 WOODWARD  
Room 318  
Detroit, Michigan 48202  
(313) 494-1270  
(313) 494-1378 FAX

Irma Clark  
District 3  
President

October 30, 1997

Kwame Kenyatta  
At-Large  
Vice President

Mr. Norm Shy  
**Allstate Sales**  
4521 River Trail  
Bloomfield Hills, MI 48301

Alonzo W. Bates  
At-Large

Rodeana Murphy  
At-Large

Dear Mr. Shy:

Darryl L. Redmond  
At-Large

Mary Faust Hammons  
District 1

On behalf of the Members of the Detroit Board of Education, and the children of Detroit Public Schools, we sincerely thank **Allstate Sales**, for once again proving just how good a friend and colleague you are to the Public School District of the City of Detroit.

Juan Jose' Martinez  
District 2

Ben W. Washburn  
District 4

Thanks to our hard-working planning committee and a wonderful group of local sponsors, the Council of the Great City Schools 41st Annual Fall Conference, hosted by the Detroit Public Schools, was an unparalleled success. We have been told that the conference evaluations underscored the great spirit of total support and collaboration the participants witnessed among us. Together, we brought about the great Detroit tradition of outstanding student performances, good food, excellent service and urban charm.

Margaret L. Betts, M.D.  
District 5

Kenneth R. Daniels  
District 6

April Howard Coleman  
District 7

We thought you would like to know, for your records, that your generous gift of **\$1,000.00** was used to pay for the **People Mover Tickets** on **October 15-19, 1997**. You will be pleased to note that your company was listed in the Conference Notebook and proudly displayed on an easel during the conference proceedings.

Kathleen E. Smith, Ed.D.  
Secretary of the Board

Again, thank you for all that you do to improve the quality of life and learning for all of Detroit's children, youth and adults.

Sincerely,

Handwritten signature of Erma Gibbs in cursive script.

Erma Gibbs, Ph.D.,  
Committee Chair

Handwritten signature of Kathleen Smith in cursive script.

Kathleen Smith, Ed.D.,  
Conference Co-Chair

Handwritten signature of Andrea W. Bronson in cursive script.

Andrea W. Bronson,  
Conference Co-Chair

# DETROIT PUBLIC SCHOOLS

## Monnier Elementary School

13600 Ward Street  
Detroit, Michigan 48227  
(313) 873-0673

Richard G. Mack  
Principal

Dianne N. Holland  
Assistant Principal

December 9, 1998

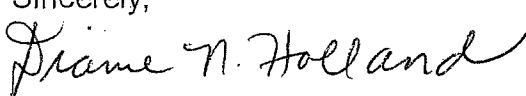
Mr. Norm Shy  
Allstate Sales  
4521 River Trail  
Bloomfield Hills, Michigan 48302

Dear Mr. Shy:

Monnier Elementary School is in receipt of the Smith Corona Word Processor awarded to our school from your company. We appreciate the equipment and the processor will be utilized within our Media Center on a daily basis with students and staff.

Your generosity, expeditious service and support of education is truly appreciated.

Sincerely,



Dianne N. Holland  
Assistant Principal

# DETROIT PUBLIC SCHOOLS

**THOMAS C. HOUGHTEN ELEMENTARY SCHOOL  
16745 LAMPHERE  
DETROIT, MICHIGAN 48219  
313-494-7615**

Clarice L. Posey  
Principal

Michael A. Thomas  
Assistant Principal

**December 10, 1998**

**Mr. Norman Shy  
Allstate Sales & Rental  
4521 River Trail  
Bloomfield Hills, Michigan 48301**

**Dear Mr. Shy:**

**Thank you for your generous donation of a Word Processor,  
valued at \$600.00, to the Thomas C. Houghten Elementary School.**

**Sincerely,**

A handwritten signature in cursive script that reads "Clarice L. Posey". The signature is fluid and extends to the right with a long horizontal stroke.

**Clarice L. Posey  
Principal**

# DETROIT PUBLIC SCHOOLS

**Weatherby Elementary School**  
**20500 Wadsworth Avenue**  
**Detroit, Michigan 48228**  
**313.852.0740**  
**Eldora S. Gaskins, Principal**

10 December 1998

Mr. Norman Shy  
Allstate Sales  
4521 River Trail  
Bloomfield Hills, Michigan 48301-3642

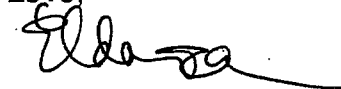
Dear Norman,

Thank you for the beautiful Holiday Gourmet Tray. The snacks look so very, very appetizing that I can hardly wait to sample some of the goodies.

I will be in touch with you soon as there are some supplies that I would like to discuss with you.

In the spirit of peace, love and joy we wish you a happy holiday season and a wonderful year ahead.

Love,



Eldora S. Gaskins



# DETROIT PUBLIC SCHOOLS

## DEXTER CAREERS CENTER

12305 DEXTER BLVD.

DETROIT, MICHIGAN 48206  
(313)873-9150

Monday, December 7, 1998


Mr. Norman Shy  
Allstate Sales  
4521 River Trail  
Bloomfield Hills, Michigan 48301

Dear Mr. Shy,

Thank you for your Gourmet Gift Tray. The tray is being shared and enjoyed with the rest of the staff.

The services and assistance rendered by you and your company have enabled this school to accomplish far more than it otherwise would have. On behalf of the parents, faculty and students of the Dexter Careers Center, we thank you again.

Sincerely,



Carolyn H. Parnell  
Principal

EDDIE L. GREEN, Ed.D.  
Acting General Superintendent

# DETROIT PUBLIC SCHOOLS

## *Memorandum*

To: Norman Shy, Allstate Sales  
From: Z. Stinger, Principal, Holcomb Elem.  
Date: December 8, 1998  
Subject: Christmas Gift

*ZS*

Holcomb Elementary School administrative staff is appreciative for the \$600.00 word processor. The thoughtful gift is a wonderful and necessary addition increasing our office efficiency immensely.

---

EDDIE L. GREEN, Ed.D.  
General Superintendent

# DETROIT PUBLIC SCHOOLS

WILLIAM DAVISON ELEMENTARY SCHOOL  
2800 E. DAVISON  
DETROIT, MI 48212

December 15, 1998

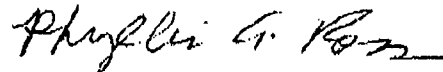
Mr. Norman Shy  
Allstate Sales  
4521 River Trail  
Bloomfield Hills, MI 48301

Dear Mr. Shy:

We are in receipt of the Smith Corona Word Processor. Your gift has made it possible for our secretaries to become more efficient.

If you would like to donate any other gifts to our school, please feel free to do so.

Educationally yours,



Phyllis A. Ross  
Principal

EDDIE L. GREEN, Ed.D.  
Acting General Superintendent

**Hubert Elementary School**

14825 Lamphere  
Detroit, Michigan 48223  
(313) 494-7484 - Fax (313) 5355366

December 18, 1998-

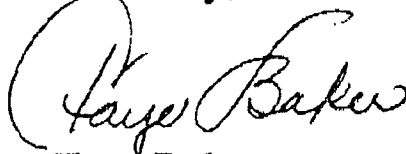
Mr. Norm Shy  
Allstate Sales Company  
4521 River Trail  
Bloomfield Hills, MI 48301

Dear Mr. Shy:

On behalf of the students and families of Hubert School, I would like to take this opportunity to thank you for the donation of the Personal Word Processor, valued at \$600 to our school.

Our children will greatly benefit from your generous donation.

Sincerely,

A handwritten signature in cursive script that reads "Faye Baker". The signature is written in dark ink and is positioned above the printed name and title.

Faye Baker  
Principal

# DETROIT PUBLIC SCHOOLS

5057 WOODWARD AVENUE

**EDDIE L. GREEN, Ed.D.**  
*General Superintendent of Schools*

DETROIT, MICHIGAN 48202  
(313) 494-1075

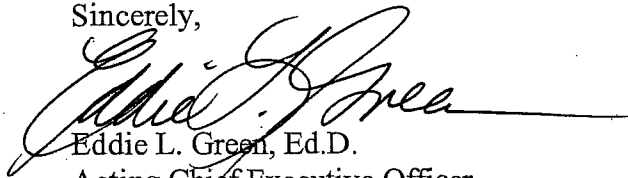
April 20, 1999

Mr. Norman Shy, President  
Allstate Sales  
4521 River Trail  
Bloomfield Hills, Michigan 48301

Dear Mr. Shy:

The Detroit Public Schools wish to convey its appreciation to you for your generous contribution of one hundred dollars (\$100.00). Your gift which will be used in support of the *Annual Model Yacht Regatta Program* will provide assistance to our school system and will be used in accordance with Board policies and procedures.

Sincerely,



Eddie L. Green, Ed.D.  
Acting Chief Executive Officer

/tdg

# Detroit Public Schools

**Deiter Center**  
4800 Collingwood  
Detroit, MI 48204



May 18, 1999

*Allstate Sales*  
*4521 River Trail*  
*Bloomfield Hills, MI 48301*

Dear *Norm*

I would like to take this opportunity to thank you for the donation that you made to Deiter Center. As you know, Deiter Center is a Detroit Public School with students who are trainable mentally impaired, severely multiply impaired, and severely mentally impaired.

We are holding our second annual Extravaganza on Friday June 4<sup>th</sup> from 2 p.m. to 8 p.m. We will have many activities for our students, parents, staff, community and friends. Please try to come out and share that special day with us.

Your contribution of *Word Processor - Value \$600* will be used to help make this day a special one for all who attend.

Sincerely,

*LaVonnia Knox*  
La Vonnia Knox, Principal

**DEITER CENTER  
4800 COLLINGWOOD  
DETROIT, MICHIGAN 48204  
October 25, 1999**


Allstate-Sales and Rentals

Dear Mr. Shye,

Thank you for the \$25 donation for the Make A Difference Day program at Deiter Center. The lockers were painted and the halls are beautiful.

Thank you many times over.

Sincerely,

  
La Vonja Knox  
Principal

# DETROIT PUBLIC SCHOOLS

## Deiter Center

4800 Collingwood  
Detroit, MI 48204

## Extravaganza 2000

Mr. Norman Shye  
Allstate Sales  
4521 River Trail  
Bloomfield Hills, MI 48301

May 2, 2000-

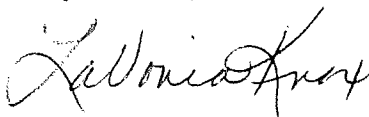
Dear Mr. Shye,

We would like to take this opportunity to thank you for your generous donation of \$50.00 to Deiter Center School for our annual Extravaganza. As you may know, Deiter Center is a special education facility within the Detroit Public School system. Our student population consists of trainable and severely mentally impaired students, many with various physical disabilities.

In a effort to bridge the gap between school, home and the community, Deiter Center will hold its **3rd annual Extravaganza on Friday, June 2<sup>nd</sup>**. Your kind support and donation will contribute greatly to our success. Please accept our sincere invitation to stop by our school between 2:00 p.m. and 8:00 p.m. on June 2<sup>nd</sup>.

We appreciate your contribution in support of our school.

Very sincerely,



LaVonnia Knox, Principal  
Deiter Center



Mia Harper, Teacher  
Extravaganza Chairperson

LK:rm00



# DETROIT PUBLIC SCHOOLS



Logan Elementary School  
3811 Cicotte  
Detroit, Michigan 48210

Allstate  
4521 Rivertrail  
Bloomfield Hills, MI 48301

Dear Mr. Shy:

Thank you for your contribution to Logan School! Schools are turning to business partnerships as a way of augmenting their financial resources and seeking mentors and volunteers.

Your generous contribution of \$1000.00 will be used to establish a multi-cultural media center, to purchase gym equipment for noon time and to start a savings for playground swings, slides, etc.

Should any of your employees wish to mentor, tutor our youngsters, we would appreciate their generosity!

Again, we thank you for your gift to our school.

Sincerely,

*Marjorie Beecher*

Ms. Marjorie Beecher  
Principal

Dear Allstate Sales,  
Thank you so  
much for paying for  
our bus so that we  
could go on our field  
trip. It meant a whole  
lot! We appreciate you  
more than you know.

...grateful, happy, excited, elated, bewildered,  
amazed, loved, adored, cherished, supported,  
important, fussed-over, acknowledged, pleased,  
obliged, praised, honored, recognized, merry,  
mirthful, joyful, cheerful, delighted, gleeful, glad,  
contented, satisfied, enraptured, cheery, jolly,  
sparkling, enchanted, blissful, jovial, peaceful,  
exhilarated, gratified, ecstatic, charmed, pleasant,  
overjoyed, lighthearted, radiant, vivacious, sunny,  
smiling, content, animated, lively, spirited, exuberant,  
good-humored, jubilant, playful, thrilled, carefree,  
in good spirits, happy as a lark, beside myself,  
jazzed up, bubbling over, tickled to death, happy-  
go-lucky, in seventh heaven, on cloud 9, walking  
on sunshine, high as a kite, forever in your debt,  
embarrassed, unworthy, pleased as punch,

happy as a clam, overjoyed...

Wendy M. Murvet  
First Grade Teacher  
Marcus Harvey Academy

Dear Allstate Sales,

Thank you so much for  
supporting our Spring  
Bowling Fundraisers. It was  
a huge hit! It will go towards  
funding our Eisenhower cheer  
camp dues.

Emily Keilman  
Varsity

# DETROIT PUBLIC SCHOOLS

## Van Zile Elementary School

2915 E. Outer Drive  
Detroit, Michigan 48234  
368-8444

March 12, 2001

Mr. Norman Shy  
Allstate Sales  
4521 River Trail  
Bloomfield Hills, Mi 48010

Dear Mr. Shy:

On behalf of the students, staff and myself I would like to thank Allstate Sales for donating the TV's, the TV carts and safety straps. I also want to thank you for the clothing you brought in for the family who lost everything to the recent fire in their home.

The service you have provided to Van Zile School over the years is appreciated more than I can say.

Sincerely,



Elsie Dade, Principal

# ***ALLSTATE SALES***

**32685 ROCK RIDGE LANE  
PHONE 248.855.5444**

**FARMINGTON HILLS, MI 48334  
FAX 248.737.0984**

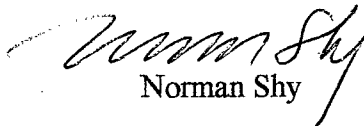
Ms. Linda Spight  
Mumford High School  
17525 Wyoming  
Detroit, Michigan 48221

October 16, 2003

Dear Ms. Spight:

Having been a vendor to the Detroit Board of Education for 30 some years I have often donated items to both to the board of education and various schools in appreciation of the support I have received during this time. As a product of the Detroit School System, I attended Roosevelt Elementary School when DR. Norman Drackler was vice principal and went on to become superintendent, and Mumford High School where Dr. Samuel Wolf was principal and went on to become superintendent. I graduated from Mumford High School in 1959. Dr. Kenneth Burnley attended Mumford at the same time. It is my pleasure to donate tow dozen computers for use in your computer lab to Mumford, my favorite Detroit high school.

Sincerely,

  
Norman Shy

September 10, 2005

Mr. Norman Shy  
Allstate Sales  
32685 Rockridge Lane  
Farmington Hills, MI 48234

Dear Mr. Shy:

I want to thank you for your generous support in sponsoring me and making it possible for me to attend the National Youth Law Forum in Washington D.C from November 8 through the 13.

I promise to take extensive notes and when I return, I will send you an exclusive report on everything that happened.

Thank you again for what I am sure will be a life-changing experience for me.

Sincerely

  
Mark Coleman-Mabry

# DETROIT PUBLIC SCHOOLS

## ***PULASKI ELEMENTARY/MIDDLE SCHOOL***

***19725 Strasburg  
Detroit, MI 48205  
October 26, 2005***

ALLSTATE SALES  
32685 Rock Ridge Lane  
Farmington Hills, MI. 48334  
Attn: Mr. Norman Shy

Dear Mr. Shy:

Thank you for your generous donation of \$400.00 to Pulaski School. Per our discussion, this gift will be used for "staff incentives." It is not often that the business community recognizes the commitment and hard work of public school teachers.

As Pulaski's leader, I am very fortunate to have a staff who has been dedicated to achieving excellence. It is because of their responses to the needs of our students and to the standards that have been set by the State and by the Detroit Public Schools district, that we have been recognized by the Skillman Foundation, as a "good school."

The Michigan State Department of Education has also given their endorsement of our programs and activities. Pulaski has received a State of Michigan Report card grade of "A". Pulaski is only one of 12 schools in the entire district that has received this honor. In September, the State Board of Education also gave us special recognition for meeting Adequate Yearly Progress for two consecutive years.

At Pulaski, we pride ourselves on being, "On time, on task, and on a mission!" That mission is to increase student achievement and performance. We sincerely appreciate the special recognition that you have given for services rendered to the children in our area. Again, on behalf of the Pulaski staff, we accept this gift and say thank you!

Sincerely,



Dr. Ethel L. Jones, Principal

# DETROIT PUBLIC SCHOOLS

**Ernest J. Dossin Elementary**  
**16650 Glendale**  
**Detroit, Michigan 48227**  
**Telephone: 313-866-9390 Fax: 313-866-9386**  
**Ms. Linda Porter-King, Principal**

April 20, 2007

All State Sales  
32685 Rock Ridge Lane  
Farmington Hills, Michigan 48334

Dear Representative of All State Sales:

On Behalf of Dossin Elementary, I graciously appreciate the contribution your company has made in order for our school to continue its effort to strive for excellence.

I personally would like to invite you and the members of your company to attend our fundraiser. I have enclosed a flyer indicating the date and time. If further information is needed, please contact me during the hours of 8:15 am - 3:25 pm. at 313-866-9390. I look forward to seeing you at the fundraiser

Sincerely,



Sharita Clark-Topps  
First Grade Teacher

Linda Porter-King  
Principal



# DETROIT PUBLIC SCHOOLS



Ernest J. Dossin Elementary School  
16650 Glendale  
Detroit, Michigan 48227  
Telephone 313-866-9390 Fax 313-866-9396  
Mrs. Linda Porter-King, Principal

May 21, 2007

All State Sales  
32685 Rock Ridge Lane  
Farmington Hills, Michigan 48334

Dear All State Sales,

In one's lifetime, a person can only hope to have been touched by someone who is kind, considerate, and giving. In my lifetime, I can personally acknowledge the generosity of your company. I would like to take this time to thank you for your contribution to Dossin Elementary Tin Can Fundraiser. Your kindness and thoughtfulness will help educators, such as myself, maintain the dreams and hopes we have for our students. Dossin Elementary is and always will be one of Detroit's finest elementary school.

The Tin Can Fundraiser was a huge success. The response from the community was powerful and uplifting. The success of the fundraiser is due to your generosity.

Without your donation, we would not have been able to have such a wonderful fundraiser. On April 28, 2007, Dossin Elementary raised over \$1500.00 to continue its technological endeavors. I look forward to future partnerships as we maintain the commitment of developing lifelong learners, addressing the needs of the whole child, and integrating technology into the curriculum.

Educationally yours,

*Sharita Clark-Topps*  
Mrs. Sharita Clark-Topps

First Grade Teacher

*L. Porter King*  
Mrs. Linda Porter-King

Principal

# EXHIBIT B

## THE PAINFUL PRICE OF AGING IN PRISON

**Even as harsh sentences are reconsidered, the financial — and human — tolls mount**

Story by Sari Horwitz

Photos by Nikki Kahn

Published on May 2, 2015

*Inside Coleman Prison, Fla.*

Twenty-one years into his nearly 50-year sentence, the graying man steps inside his stark cell in the largest federal prison complex in America. He wears special medical boots because of a foot condition that makes walking feel as if he's "stepping on a needle." He has undergone tests for a suspected heart condition and sometimes experiences vertigo.

"I get dizzy sometimes when I'm walking," says the 63-year-old inmate, Bruce Harrison. "One time, I just couldn't get up."

In 1994, Harrison and other members of the motorcycle group he belonged to were caught up in a drug sting by undercover federal agents, who asked them to move huge volumes of cocaine and marijuana. After taking the job, making several runs and each collecting \$1,000, Harrison and the others were arrested and later convicted. When their sentences were handed down, however, jurors objected.

"I am sincerely disheartened by the fact that these defendants, who participated in the staged off-loads and transports . . . are looking at life in prison or decades at best," said one of several who wrote letters to the judge and prosecutor.

In recent years, federal sentencing guidelines have been revised, resulting in less severe prison terms for low-level drug offenders. But Harrison, a decorated Vietnam War veteran, remains one of tens of thousands of inmates who were convicted in the "war on drugs" of the 1980s and 1990s and who are still behind bars.

Harsh sentencing policies, including mandatory minimums, continue to have lasting consequences for inmates and the nation's prison system. Today, prisoners 50 and older represent the fastest-growing population in crowded federal correctional facilities, their ranks having swelled by 25 percent to nearly 31,000 from 2009 to 2013.

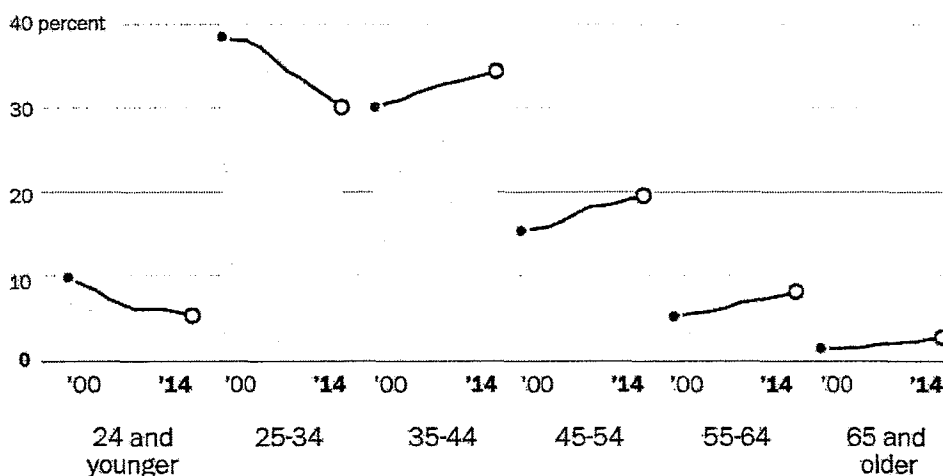
Some prisons have needed to set up geriatric wards, while others have effectively been turned into convalescent homes.

The aging of the prison population is driving health-care costs being borne by American taxpayers. The Bureau of Prisons saw health-care expenses for inmates increase 55 percent from 2006 to 2013, when it spent more than \$1 billion. That figure is nearly equal to the entire budget of the U.S. Marshals Service or the Bureau of Alcohol, Tobacco, Firearms and Explosives, according to the Justice Department's inspector general, who is conducting a review of the impact of the aging inmate population on prison activities, housing and costs.

"Our federal prisons are starting to resemble nursing homes surrounded with razor wire," said Julie Stewart, president and founder of Families Against Mandatory Minimums. "It makes no sense fiscally, or from the perspective of human compassion, to incarcerate men and women who pose no threat to public safety and have long since paid for their crime. We need to repeal the absurd mandatory minimum sentences that keep them there."

### America's aging federal inmates

While the younger segment of the federal inmate population has shrunk in the past 15 years, groups age 35 and older all saw increases. In 2014, inmates 55 and older accounted for 10.6 percent of the population, an increase from 6.4 percent in 2000.



Source: Federal Bureau of Prisons

THE WASHINGTON POST

The Obama administration is trying to overhaul the criminal justice system by allowing prisoners who meet certain criteria to be released early through clemency and urging prosecutors to reserve the most severe drug charges for serious, high-level offenders.

At the same time, the U.S. Sentencing Commission, an independent agency, has made tens of thousands of incarcerated drug offenders eligible for reduced sentences.

But until more elderly prisoners are discharged — either through compassionate release programs or the clemency initiative started by then-attorney general Eric H. Holder Jr. last year — the government will be forced to spend more to serve the population. Among other expenditures, that means hiring additional nurses and redesigning prisons — installing showers that can be used by the elderly, for instance, or ensuring that entryways are wheelchair-accessible.

“Prisons simply are not physically designed to accommodate the infirmities that come with age,” said Jamie Fellner, a senior advisor at Human Rights Watch and an author of a report titled “Old Behind Bars.”

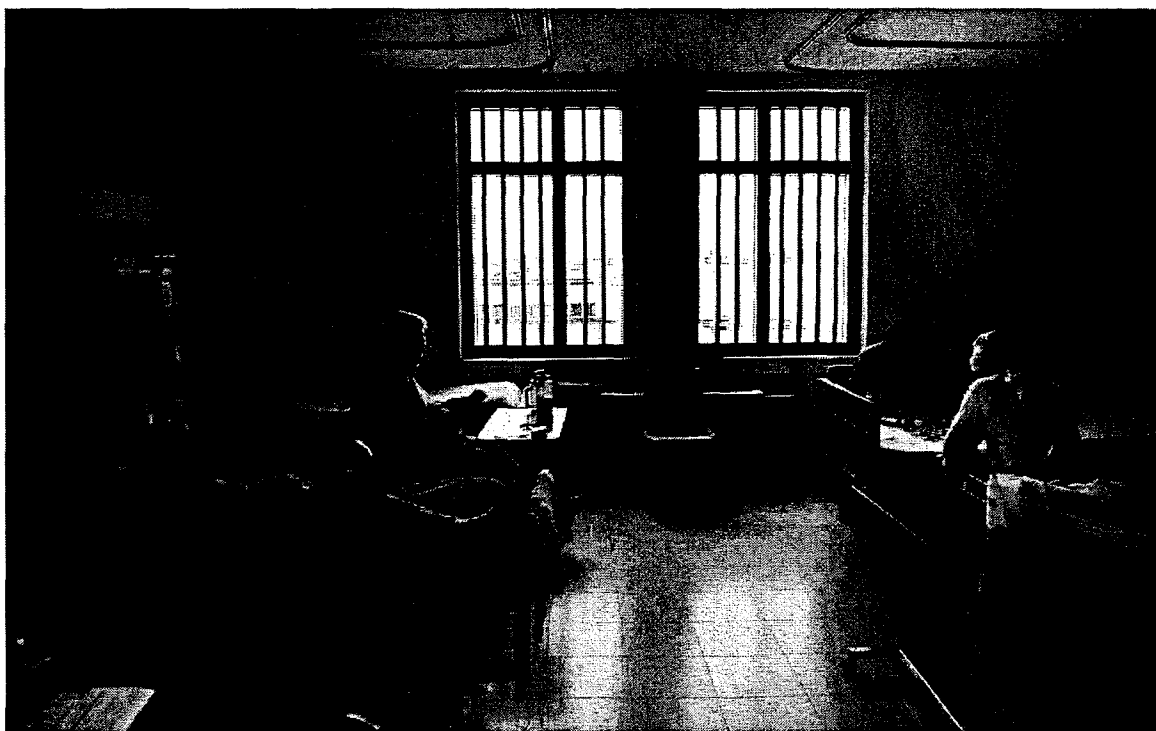
“There are countless ways that the aging inmates, some with dementia, bump up against the prison culture,” she said. “It is difficult to climb to the upper bunk, walk up stairs, wait outside for pills, take showers in facilities without bars and even hear the commands to stand up for count or sit down when you’re told.”

For years, state prisons followed the federal government’s lead in enacting harsh sentencing laws. In 2010, there were some 246,000 prisoners age 50 and older in state and federal prisons combined, with nearly 90 percent of them held in state custody, the American Civil Liberties Union said in a report titled “At America’s Expense: The Mass Incarceration of the Elderly.”

On both the state and federal level, the spiraling costs are eating into funds that could be used to curtail violent crime, drug cartels, public corruption, financial fraud and human trafficking. The costs — as well as officials’ concerns about racial disparities in sentencing — are also driving efforts to reduce the federal prison population.

For now, however, prison officials say there is little they can do about the costs.

Edmond Ross, a spokesman for the Bureau of Prisons, said: “We have to provide a certain level of medical care for whoever comes to us.”

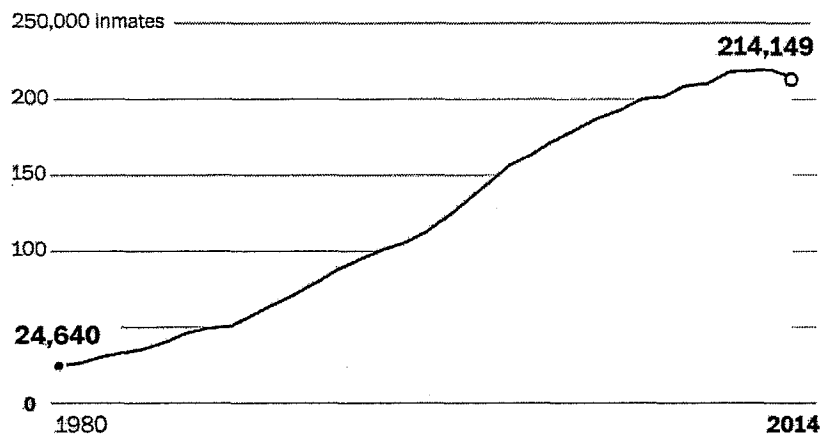


“Companion aides” share a room with elderly prisoners at Devens. Some low-security inmates are tasked with caring for elderly prisoners.

Except for the loud clang of heavy steel security doors that close behind a visitor, the Butner Federal Medical Center in North Carolina feels nothing like the prisons portrayed on television and in movies.

### Federal inmate population, 1980-2014

The population is more than 93 percent male. It costs the Department of Justice \$6.5 billion annually to operate the federal prison system.



There were 208,859 federal inmates as of April 30, 2015.

Source: Federal Bureau of Prisons

THE WASHINGTON POST

Elderly inmates dressed in khaki prison uniforms are not locked up during the day, but instead congregate with each other in their wheelchairs, wait for treatment in clinics and walk, sometimes with canes or walkers, through their living quarters.

Signs hang from the ceiling, directing prisoners to various units: "Urgent Care," "Mental Health," "Surgery," "Ambulatory Care," "Oncology."

"This facility mirrors a hospital more than a prison," said Kenneth McKoy, acting executive assistant to the warden at Butner, a prison about 20 minutes northeast of Durham. "We provide long-term care."

The facility is the largest medical complex in the Bureau of Prisons, which has 121 prisons, including six that have medical centers. With more than 900 inmates in need of medical care, Butner even provides hospice-like care for dying inmates.



Michael E. Hodge, 51, sits in his wheelchair during an interview at Butner Federal Medical Center in North Carolina. Hodge submitted several requests for compassionate release over the past few years, but none were approved by officials. He died April 18, according to prison records.



In his “cell” on a recent day, Michael E. Hodge lay in a hospital-like bed where he spent his days mostly staring at the television. A prison official had just helped him get out of his wheelchair. A prison employee delivered his meals. He could hardly keep his eyes open.

In 2000, Hodge was convicted on charges of distribution and possession of marijuana and possessing a gun, and was sentenced to 20 years. When a Washington Post reporter visited Hodge in mid-April, he was dying of liver cancer. He died April 18, prison officials said.

“Tell my wife I love her,” said Hodge, who said he was in great pain.

Many prisoners at Butner are as sick as Hodge was, McKoy says.

“Why are we keeping someone behind bars who is bedridden and needs assistance to get out of bed and feed and clothe himself?” asked Fellner, of Human Rights Watch. “What do we gain from keeping people behind bars at an enormous cost when they no longer pose any danger to the public if they were released?”

Hodge submitted at least four requests for compassionate release over the past few years, but none were approved by officials, according to his ex-wife Kim Hodge, whom he still referred to as his wife.

“The man is 51 and dying,” Kim Hodge said in an interview last month. “He never killed nobody, he’s not a child molester, he’s not a bad person. Now he’s going to die in there.”





Stephen Blankenship, 66, of Danbury, Conn., undergoes physical therapy at Devens. Blankenship's leg was amputated after he said he contracted an infection while incarcerated at another prison.

Taxpayers are increasingly picking up the tab for inmates who received lengthy mandatory sentences for drug offenses and have since aged and developed conditions that require around-the-clock medical care.

The average cost of housing federal inmates nearly doubles for aging prisoners. While the cost of a prisoner in the general population is \$27,549 a year, the price tag associated with an older inmate who needs more medical care, including expensive prescription drugs and treatments, is \$58,956, Justice Department officials say.

At Federal Medical Center Devens, a prison near Boston, 115 aging inmates with kidney failure receive treatment inside a dialysis unit.

"Renal failure is driving our costs up," said Ted Eichel, the health-services administrator for Devens. "It costs \$4 million to run this unit, not counting medications, which is half our budget." Devens also employs 60 nurses, along with social workers, dietitians, psychologists, dentists and physical therapists. They look like medical workers, except for the cluster of prison keys they're carrying.

Down the hallway, inmates in wheelchairs line up to receive their daily pills and insulin shots.

Although the prison houses about 1,000 low- to high-security inmates, they are not handcuffed or shackled, except when being transferred outside the facility. A golf cart has been redesigned into a mini-ambulance.

At prisons such as Devens, younger inmates are sometimes enlisted as “companion aides,” helping older inmates get out of bed, wheeling them down the halls to medical appointments and helping them take care of themselves.

“The population here is getting older and sicker,” said Michael Renshaw, a Devens clinical nurse and corrections officer who noted the differences between working as a nurse there and “on the outside.”

“Inmates get very good care here,” Renshaw said. “But on the outside, maybe you would give a patient a hug or he would hug you. Here, you have to be able to maintain your borders. It’s a prison.”

As with all prisons, fights occasionally break out. At Devens, it’s sometimes between patients who are in wheelchairs or, in at least one case, between an inmate who climbed out of his wheelchair and onto another prisoner’s bed to assault him.

John Thompson, a patient-care technician who works with Devens’s dialysis patients, said he knows a number of people who “want no part of” providing medical care to prisoners.

“But I just feel like they’re good people,” Thompson said. “And they’re doing their time. Some guys have an attitude, but I tell them, if you show me respect, I’ll show you respect.”

Jesse Owens, a dialysis patient serving about 12 years for cocaine charges, said he’s grateful for the care. “They’re keeping us alive,” he said.

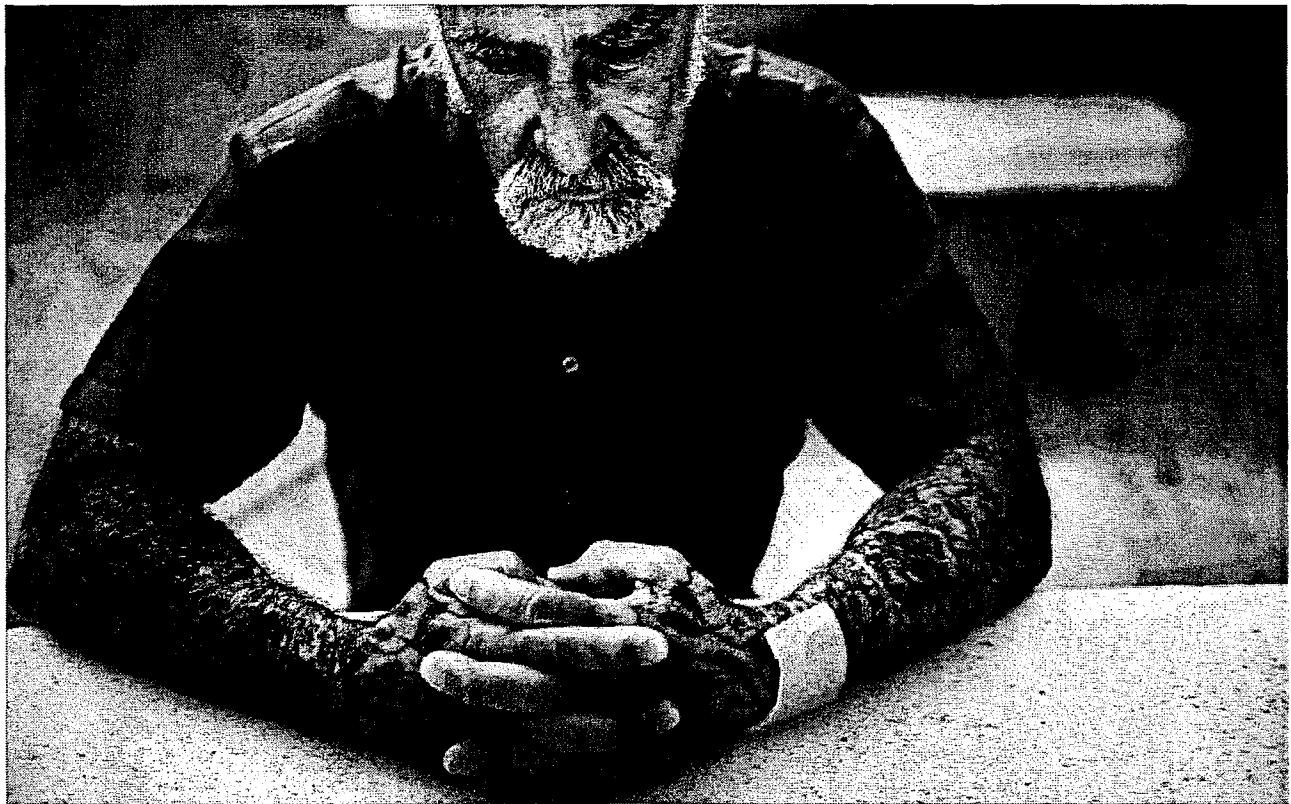


Jesse Owens, 52, of New Orleans, is helped by John Thompson, a patient-care technician, during a dialysis treatment at Devens. Owens receives treatment three times a week. "They're keeping us alive," he says.

Harrison's cramped cell at the Federal Correctional Complex Coleman in Florida near Orlando is devoid of the clutter of life on the outside. The space he shares with another inmate has only a sink, a toilet, a bunk bed with cots, a steel cabinet, two plastic gray chairs, a desk and a bulletin board with a postcard of a Florida waterspout.

From a tiny window, he can see Spanish moss draped over trees in the distance.

Forty-five years ago, Harrison served with the Marines in Vietnam. A machine gunner, he was shot twice and was awarded two Purple Hearts. When he came back, he felt as though he had nowhere to turn. He later joined a motorcycle group known as the Outlaws.



Today, prisoners age 50 and older represent the fastest-growing population in federal correctional facilities. Click the photo above for more images.

Harrison was approached by an undercover agent who was part of a law enforcement team trying to bring down the group, which had been suspected of illegal activity. He and fellow members of the club were offered a kilogram of cocaine to offload and transport drugs. He declined, saying none of them wanted to be paid in drugs.

“I didn’t want drugs, because I really wouldn’t have known what to do with them,” Harrison said in an interview. “We didn’t sell them.”

But Harrison and the others took the job because the agents offered cash, and they needed the money. Over a period of several months, they would move what they believed to be real drugs — more than 1,400 kilos of cocaine and about 3,200 pounds of marijuana.

Harrison carried a gun for protection during two of the offloads. He didn’t use it, but after authorities arrested him and fellow members of his group, he was charged with possessing a firearm while committing a drug offense.

His 1995 trial in Tampa lasted four months. His lawyer at the time argued that “this was a government operation from beginning to end. . . . Everything was orchestrated

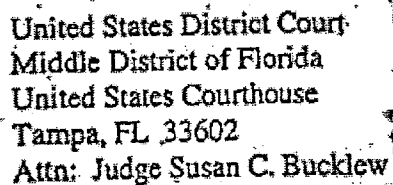


by the government. . . . He was not a leader. The only leaders in this case, the only organizers in this case was the United States government.”

The jury, nonetheless, found Harrison and the others guilty of transporting the drugs.

Harrison was sentenced to roughly 24 years for possessing cocaine and marijuana with the intent to distribute. The conviction on the firearms charge carried a 25-year penalty, meaning he is effectively serving a life sentence.

**‘I am sincerely disheartened’**



United States District Court  
Middle District of Florida  
United States Courthouse  
Tampa, FL 33602  
Attn: Judge Susan C. Bucklew

• [Click here to read letters from jurors objecting to the harsh sentences imposed on Bruce Harrison and the others.](#)

“There’s no doubt that that’s a harsh penalty,” said U.S. District Judge Susan C. Bucklew during the sentencing hearing. “But that’s what the statute says, and I don’t think I have any alternative but to do that.”

“I don’t have a whole lot of discretion here,” she said at another point.

After Harrison and the others were sentenced, several of the jurors expressed shock to learn how long those convicted were to spend behind bars.

“If I would have been given the right to not only judge the facts in this case, but also the law and the actions taken by the government, the prosecutor, local and federal law enforcement officers connected in this case would be in jail and not the defendants,” juror Patrick L. McNeil wrote.

Six jurors signed a letter requesting a new trial be ordered, saying that if they had been told by the court that they could have found that the government had entrapped the defendants, they would have found them not guilty.

“Bruce Harrison had never been involved in unloading drugs,” said his current lawyer, Tom Dawson. “He didn’t arrange for any of these drugs. The government did.”

Andrea Strong, a childhood friend of Harrison, said he doesn't claim to have been a saint.

"But, in a compassionate world, this man would not be less than halfway through a sentence for a drug offense that happened 20 years ago," Strong said. "He would've done his time, paid his debt to society, and be released to his network of supportive family and friends."

Along with tens of thousands of other inmates around the country, Harrison is applying for clemency under the Obama administration's program to release drug offenders who have been in prison for at least 10 years and whose cases meet certain criteria.

"If I got out, I'd go back home and be with my three grandkids and help them out," Harrison said.



LEFT: Bruce Harrison, a 63-year-old Vietnam veteran from Tampa, is shown during an interview inside Federal Correctional Complex Coleman in Florida. The grandfather was sentenced to nearly 50 years in prison and has been incarcerated for the past 21 years.

RIGHT: Luis Anthony Rivera, a 58-year-old from Miami who has been imprisoned for 30 years, works in the commissary at Coleman. Rivera, a former pilot and an artist, was charged with federal drug offenses.

Another aging inmate at Coleman, 58-year-old Luis Anthony Rivera of Miami, has also applied for clemency. He was convicted of conspiracy to import cocaine and has so far served 30 years.

When he was sentenced in 1985, it marked his first criminal offense.

While in Coleman's maximum-security penitentiary, Rivera began painting with oil and watercolors, trying to re-create the world outside bars. When he was moved to the medium-security prison on the same grounds, he wasn't allowed to bring his art supplies, and he can't afford to buy new ones.

But the move brought a new joy. He saw a tree for the first time in 10 years.

"It was amazing to see a tree," said Rivera, a former pilot who was in the National Guard and the Army and now spends his days working in the prison commissary stocking shelves and filling orders.

"I understand the system of putting people in prison. It works. No doubt," Rivera said. "But how much time you put them in for makes a determination. For the first five years, you suffer. You really do. They keep everything away from you — food, all your basics. So you long for them, watching a commercial on TV, seeing a product that you can't touch or have."

"But after that, you start to get hardened," Rivera said, his voice cracking.

If he does not receive clemency, how much time does he have to serve before getting out?

His lips quivered and his eyes filled with tears.

"I'm not," Rivera said. "I have life, plus 140 years."

*Julie Tate in Washington contributed to this report.*



At Devens, incarcerated “companion aides” Tyrell Wells, left background, and Joshua Brandao assist an inmate in his 70s who suffered a stroke. Devens employs 60 nurses, along with social workers, dieticians, psychologists, dentists and physical therapists.

### **Credits**

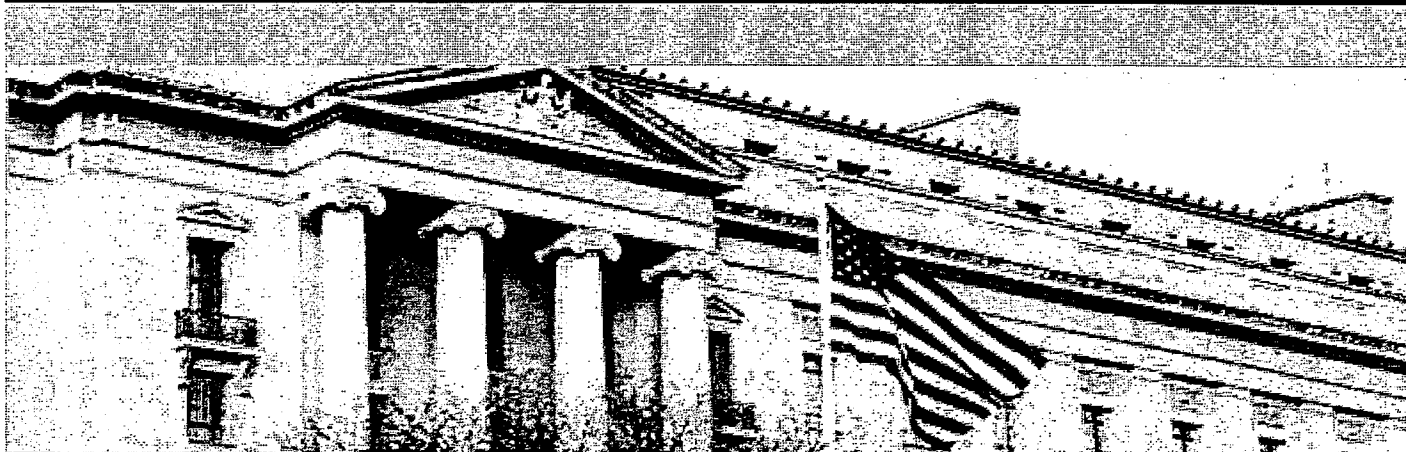
Story by Sari Horwitz  
Photos by Nikki Kahn



# EXHIBIT C



Office of the Inspector General  
U.S. Department of Justice



# **The Impact of an Aging Inmate Population on the Federal Bureau of Prisons**

Revised February 2016

## **EXECUTIVE SUMMARY**

### **Introduction**

In September 2013, the Federal Bureau of Prisons (BOP) incarcerated 164,566 federal inmates in 119 BOP-managed institutions.<sup>1</sup> According to BOP data, inmates age 50 and older were the fastest growing segment of its inmate population, increasing 25 percent from 24,857 in fiscal year (FY) 2009 to 30,962 in FY 2013.<sup>2</sup> By contrast, during the same period, the population of inmates 49 and younger decreased approximately 1 percent, including an even larger decrease of 16 percent in the youngest inmates (age 29 and younger).<sup>3</sup> Based on BOP cost data, we estimate that the BOP spent approximately \$881 million, or 19 percent of its total budget, to incarcerate aging inmates in FY 2013.<sup>4</sup> The Office of the Inspector General (OIG) conducted this review to assess the aging inmate population's impact on the BOP's inmate management, including costs, health services, staffing, housing, and programming. We also assessed the recidivism of inmates who were age 50 and older at the time of their release.

### **Results in Brief**

The OIG found that aging inmates are more costly to incarcerate than their younger counterparts due to increased medical needs. We further found that limited institution staff and inadequate staff training affect the BOP's ability to address the needs of aging inmates. The physical infrastructure of BOP institutions also limits the availability of appropriate housing for aging inmates. Further, the BOP does not provide programming opportunities designed specifically to meet the needs of aging inmates. We also determined that aging inmates engage in fewer misconduct incidents while incarcerated and have a lower rate of re-arrest once released; however, BOP policies limit the number of aging inmates who can be considered for early release and, as a result, few are actually released early.

*Aging inmates are more costly to incarcerate, primarily due to their medical needs.* We found that the BOP's aging inmate population contributes to increases in incarceration costs. Aging inmates on average cost 8 percent

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<sup>1</sup> For this review, we examined sentenced inmates incarcerated in BOP-managed institutions only. We excluded approximately 29,000 inmates who are incarcerated in contract institutions, as well as approximately 14,000 pre-trial inmates.

<sup>2</sup> For the purposes of this review, we define inmates age 50 and older as "aging." For more information, see page 2.

<sup>3</sup> The percentage decrease in the youngest inmates (age 29 and younger) was listed incorrectly as 29 percent when this report originally was issued in May 2015. We discovered the error and have revised the report to correct it.

<sup>4</sup> For more information, see Appendix 1.

more per inmate to incarcerate than inmates age 49 and younger (younger inmates). In FY 2013, the average aging inmate cost \$24,538 to incarcerate, whereas the average younger inmate cost \$22,676. We found that this cost differential is driven by increased medical needs, including the cost of medication, for aging inmates. BOP institutions with the highest percentages of aging inmates in their population spent five times more per inmate on medical care (\$10,114) than institutions with the lowest percentage of aging inmates (\$1,916). BOP institutions with the highest percentages of aging inmates also spent 14 times more per inmate on medication (\$684) than institutions with the lowest percentage (\$49).

*BOP institutions lack appropriate staffing levels to address the needs of an aging inmate population and provide limited training for this purpose.* Aging inmates often require assistance with activities of daily living, such as dressing and moving around within the institution. However, institution staff is not responsible for ensuring inmates can accomplish these activities. At many institutions, healthy inmates work as companions to aging inmates; but training and oversight of these inmate companions vary among institutions. We further found that the increasing population of aging inmates has resulted in a need for increased trips outside of institutions to address their medical needs but that institutions lack Correctional Officers to staff these trips and have limited medical staff within institutions. As a result, aging inmates experience delays receiving medical care. For example, using BOP data from one institution, we found that the average wait time for inmates, including aging inmates, to be seen by an outside medical specialist for cardiology, neurosurgery, pulmonology, and urology to be 114 days. In addition, we found that while Social Workers are uniquely qualified to address the release preparation needs of aging inmates, such as aftercare planning and ensuring continuity of medical care, the BOP, which employs over 39,000 people, has only 36 Social Workers nationwide for all of its institutions. Institution staff told us they themselves did not receive enough training to identify the signs of aging.

*The physical infrastructure of BOP institutions cannot adequately house aging inmates.* Aging inmates often require lower bunks or handicapped-accessible cells, but overcrowding throughout the BOP system limits these types of living spaces. Aging inmates with limited mobility also encounter difficulties navigating institutions without elevators and with narrow sidewalks or uneven terrain. The BOP has not conducted a nationwide review of the accessibility of its institutions since 1996.

*The BOP does not provide programming opportunities specifically addressing the needs of aging inmates.* BOP programs, which often focus on education and job skills, do not address the needs of aging inmates, many of whom have already obtained an education or do not plan to seek further employment after release. Though BOP institutions can and do design programs, including release preparation programs, to meet the needs of their

individual populations, even institutions with high percentages of aging inmates rarely have programs specifically for aging inmates.

*Aging inmates commit less misconduct while incarcerated and have a lower rate of re-arrest once released.* Aging inmates, comprising 19 percent of the BOP's inmate population in FY 2013, represented 10 percent of all the inmate misconduct incidents in that year. Also, studies have concluded that post-release arrests decrease as an individual ages, although BOP does not maintain such data. The OIG conducted a sampling of data and found that 15 percent of aging inmates were re-arrested for a new crime within 3 years of release. Based on our analysis, the rate of recidivism of aging inmates is significantly lower than the 41 percent re-arrest rate that the BOP's research has found for all federal inmates. We further found that most of the aging inmates who were re-arrested already had a documented history of recidivism.

*Aging inmates could be viable candidates for early release, resulting in significant cost savings; but BOP policy strictly limits those who can be considered and, as a result, few have been released.* Over a year ago, the Department concluded that aging inmates are generally less of a public safety threat and the BOP announced an expanded compassionate release policy to include them as part of the Attorney General's "Smart on Crime" initiative. However, the Department significantly limited the number of inmates eligible for this expanded release policy by imposing several eligibility requirements, including that inmates be at least age 65, and we found that only two inmates had been released under this new provision. According to institution staff, it is difficult for aging inmates to meet all of the eligibility requirements of the BOP's new provisions. Our analysis shows that if the BOP reexamined these eligibility requirements its compassionate release program could result in significant cost savings for the BOP, as well as assist in managing the inmate population.

## **Recommendations**

In this report, we make eight recommendations to improve the BOP's management of its aging inmate population. These recommendations include enhancing BOP oversight and training of inmate companions, studying the impact of the aging inmate population on infrastructure, developing programs to address the needs of aging inmates during their incarceration and as they prepare for release, and revising the requirements that limit the availability of compassionate release for these inmates.

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## **CONCLUSION AND RECOMMENDATIONS**

We concluded that a growing aging inmate population has an adverse impact on the BOP's ability to provide a safe, humane, cost-efficient, and appropriately secure environment for aging inmates and to assist aging inmates reentering the community. Although the BOP has revised its compassionate release policy to expand consideration for early release to aging inmates, which could help mitigate the effects of a growing aging inmate population, few aging inmates have been released under it. Several aspects of the BOP's inmate management, including costs, housing, and programming, are affected by an aging inmate population that is growing more quickly than the rest of the BOP's inmate population.

First, aging inmates are more costly to incarcerate than their younger counterparts. According to our analysis of BOP data, an aging inmate costs 8 percent more to incarcerate than a younger inmate due in large part to increased medical needs. Further, aging inmates represent one-third of the population at the BOP's six medical centers, which at \$59,000 per inmate per year are the BOP's highest-cost institutions. In FY 2013, the BOP spent \$1.1 billion of its \$6.5 billion budget (17 percent) on health services. In that same year, institutions with the highest percentage of aging inmates spent an average of \$10,114 per inmate on medical costs, while institutions with the lowest percentage of aging inmates spent an average of \$1,916 per inmate. The continuing increase in the aging inmate population will drive even greater increases in medical spending, especially at institutions with the highest percentages of aging inmates.

Second, BOP institutions lack appropriate staffing levels and offer limited training to address the needs of an aging inmate population. Some institutions have established local inmate companion programs to assist aging inmates with the activities of daily living. However, we found that these programs lack consistent oversight and that implementation varies by institution. We believe the BOP should develop a standardized program to ensure consistency in the implementation of the companion program, as well as set clear program expectations for companions in order to reduce the risk of victimization of aging inmates. We also believe the BOP should implement more training to help staff recognize and respond to the signs of aging. If institution staff is appropriately trained, the inmates' underlying medical needs could be met with care instead of disciplinary action.

Third, the BOP cannot sufficiently house aging inmates at all institutions because of limitations in physical infrastructure. Specifically, overcrowding of BOP institutions results in an inadequate number of lower bunks needed to accommodate aging inmates with limited mobility. Overcrowding also restricts the BOP's ability to move aging inmates to institutions, including its medical centers, that can best address aging inmates' medical needs. Institutions, including those with higher care levels or a high percentage of aging inmates, lack sufficient handicapped-accessible



cells and bathrooms and have difficulty accommodating the number of inmates who need elevators. As a result, aging inmates may be placed in compromising and sometimes unsafe situations due to limitations in institutions' physical infrastructure. The BOP has not evaluated all institutions' accessibility for inmates with mobility impairments since 1996. We believe that, due to the growing aging inmate population, the BOP should reexamine the accessibility of all of its institutions to accommodate the large number of aging inmates with mobility needs. BOP staff and officials told us that separate units, or entire institutions, might be more appropriate to house aging inmates. Units designated specifically for aging inmates, supplemented with medical staff, could help the BOP provide aging inmates more efficient medical care, as well as identify unique programming needs.

Fourth, the programming opportunities to help aging inmates reenter the community are inadequate. There are no standardized programs specifically designed for aging inmates. While institutions have the flexibility to create local programs or activities to address the needs of their population, few have such programs or activities for aging inmates, including those institutions with high percentages of such inmates. As a result, aging inmates either participate in programs that may not meet their needs or are left idle, not participating in any activities. The BOP's release preparation program does not address the unique release needs of aging inmates, including those aging inmates who do not plan to seek employment after release or require assistance with continuity of medical care. The BOP should consider developing programs specifically tailored for aging inmates and enhance its release preparation program to address the unique needs commonly associated with the release of aging inmates.

Fifth, many aging inmates could be viable candidates for early release. We found that aging inmates have fewer misconduct incidents while incarcerated and a lower rate of re-arrest after release. Our analysis concluded that aging inmates comprised 10 percent of all BOP misconduct incidents in FY 2013, while accounting for 19 percent of the entire population. Based on our research and discussions with BOP officials and staff, we consider the rate of misconduct by aging inmates during incarceration to be relatively low compared to younger inmates. In addition, we found that only 15 percent of a sample of aging inmates released from BOP custody was re-arrested for a new crime within 3 years. Based on studies by the BOP and the BJS, we also consider the rate of re-arrest for aging inmates to be relatively low compared to the re-arrest rates of younger inmates. Therefore, while individual cases will vary, aging inmates are generally less of a threat during incarceration and less likely to be a threat to society once released.

Finally, we found that the BOP's revised eligibility provisions for inmates age 65 and older to request compassionate release have not been effective in achieving the Department's goals. In August 2013, the Attorney General announced expanded provisions for inmates age 65 and older to



seek compassionate release as part of the Department's Smart on Crime initiative. While a Department working group determined that inmates age 65 and older could be appropriate candidates for compassionate release, and the BOP revised its program statement to include three new provisions under which these inmates could apply, these provisions are based on existing statutes, which previously resulted in few inmates released from BOP custody. Because of the limitations in the revised provisions, we found that only two aging inmates have been released since the BOP revised the compassionate release policy. While we found that the BOP's eligibility provisions for aging inmates to request compassionate release are currently ineffective, our analysis shows that the BOP could more fully achieve the outcomes the Department seeks by using its existing authority to further revise its eligibility provisions. Expanding the eligibility provisions, such as lowering the age requirement to age 50 and revising the time served provisions for those aging inmates without a medical condition, would increase the pool of potential candidates for compassionate release and further assist the BOP in reducing overcrowding and could save the Department millions of dollars.

## **Recommendations**

To ensure the BOP continues to provide safe, humane, and cost-efficient care within its institutions and to further assist the BOP in managing its aging inmate population, reducing overcrowding, and reducing incarceration costs, we recommend that the BOP:

1. Develop national guidelines for the availability and purpose of inmate companion programs.
2. Consider the feasibility of placing additional Social Workers in more institutions, particularly those with larger populations of aging inmates.
3. Provide all staff training to identify signs of aging and assist in communicating with aging inmates.
4. Reexamine the accessibility and the physical infrastructure of all of its institutions to accommodate the large number of aging inmates with mobility needs.
5. Study the feasibility of creating units, institutions, or other structures specifically for aging inmates in those institutions with high concentrations of aging inmates.
6. Systematically identify programming needs of aging inmates and develop programs and activities to meet those needs.

7. Develop sections in release preparation courses that address the post-incarceration medical care and retirement needs of aging inmates.
8. Consider revising its compassionate release policy to facilitate the release of appropriate aging inmates, including by lowering the age requirement and eliminating the minimum 10 years served requirement.