



Barbara Levine: Parole process needs reform

High-profile case obscures plight of others

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The case of Susan LeFevre - who escaped from prison in 1976 but has led an exemplary life ever since, is one example - has focused attention on the governor's clemency powers.

Dozens of less controversial commutations already have been granted.

While acts of clemency are good news, the focus on commutations obscures the fact that there are 11,000 Michigan prisoners currently eligible for parole who the parole board has chosen not to release. (This number does not include 4,000 people returned to prison as parole violators.)

People who have served their minimum terms don't need executive clemency.

Many have excellent prison records and are at low risk of re-offending according to the board's risk assessment tool. So why are they still in prison?

The problem lies with the subjective standard set by the governing statute. It says parole shall not be granted "until the board has reasonable assurance ... that the prisoner will not become a menace to society"

"Reasonable assurance" is in the eye of the beholder. Parole grant rates have ranged from a high of 68 percent to a low of 48 percent, depending on board membership and the political climate.

The board's reasoning is not always clear.

Aldo Gallina was 15 when he helped his 16-year-old co-defendant shoot another 15-year-old. Both boys were sentenced to 15 to 30 years for second-degree murder, plus two for felony-firearm.

When they became eligible for parole in 2005, both had excellent - and similar - prison records, treatment reports, family support and parole guidelines scores.

The co-defendant was released; Gallina has been denied for the last three years.

Richard Fuller, 46, struck and killed a pedestrian during a late night snowstorm.

Although Fuller had been drinking earlier in the evening, he was driving 27 mph in a 55-mph zone when the accident happened.

The victim was walking down the road dressed completely in black. Fuller was charged only with leaving the scene of an accident.

Despite his perfect prison record, the parole board denied release after Fuller served his minimum sentence of 1 year, 11 months because it felt he should serve longer for killing a person while driving after drinking.

Other examples include "lifers" who became eligible for parole after serving 10 years.

Hundreds have now served 25, 30 or more years because the parole board changed its policies after the board was changed from civil servants to political appointees in 1992.

Faced with pressure to reduce the \$2 billion corrections budget, overcrowded prisons and a federal court order regarding the parolable lifers, the parole board has begun to increase grant rates again. Nonetheless, it continues to deny release to thousands.

The solution is simple. Change the statutory standard. Presume that parole will be granted after the prisoner serves the minimum time his or her sentence requires, unless the prisoner has a poor institutional record or objective factors demonstrate a current threat to public safety.

The pay-off will be increased fairness to thousands of individuals and tens of millions in savings to Michigan's taxpayers.