

## Hearing held in House Judiciary Committee

### **Parole guidelines bill introduced in house**

Proposed legislation to make the parole decision-making process fairer and more transparent has been introduced in the House. It encompasses CAPPS' recommendations on improving and enforcing parole guidelines and is the first major piece of legislation that could substantially reduce the size of the state's prison system.

Chief sponsor of the legislation – HB 4548 – is Rep. Paul Condino, Southfield (D), chair of the House Judiciary Committee. One hearing on the legislation was held April 18; another will be conducted after deliberations by a workgroup made up of various organizations and constituencies, including CAPPS.

At the April 18 hearing CAPPS President Ron Bretz told legislators he believes that “much of the growth in the state's prisoner population could have been avoided if the parole guidelines had been implemented as the Legislature intended.”

He said the parole board decides, in large part, how long a person stays in prison. “Improving and enforcing parole guidelines is a critical part of the

overall effort to ensure that our prison system is no bigger, and no more expensive, than it has to be to protect public safety.”

HB 4548 would amend MCL 791.233e, 234 and 235 to:

- Clarify that the intent of the sentencing judge in setting the minimum sentence is relevant to the parole decision unless superseded by evidence of current danger to the community.



*CAPPS President-Elect Kathleen M. Schaefer testifies*

Now, the board frequently denies release because of its reaction to the offense, even though the crime was already considered in setting the sentence. In such cases, the meaning of the minimum sentence is negated.

- Require the predictive power of key parole guidelines factors, including the offense, to be separately validated and then weighted according to their actual ability to predict risk. Currently the guidelines instrument as a whole has been proven to predict the risk of a new assaultive offense, but individual factors have not been validated. People may get negative points for factors that are not actually associated with a high re-offense rate.

### **What's Inside**

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## Parole guidelines legislation introduced

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- Require the guidelines to consider the prisoner's program performance, physical and mental health, and previous experience with probation or parole. Though these factors may not statistically predict future risk, they may be relevant in individual cases.
- Permit the guidelines to positively weigh family and community support, the probability of deportation, and detainers from other U.S. jurisdictions; the sheer fact that a person is serving a long indeterminate or parolable life sentence could not be weighed.
- Follow the pattern of the sentencing guidelines and allow for appeals of board decisions that depart from the parole guidelines. Prisoners would be able to appeal decisions on limited grounds, including the lack of substantial and compelling reasons to depart from a high guidelines score. Claims of scoring errors or inaccurate information would first have to be raised administratively.
- Require that parole interviews of people with high probability scores be recorded so that a record for appeal exists.
- Prohibit departures from the guidelines based on factors already adequately scored. Currently, a "substantial and compelling reason" for departing from a high parole guideline score may be a factor already counted in the sentencing guidelines used to set the minimum and/or in the parole guidelines themselves.
- Require that guidelines scores be calculated for all parole-eligible prisoners, including lifers. Currently the guidelines are not scored for parolable lifers when the board decides whether to proceed to public hearing.
- Require the board to reconsider at least every 12 months people who were not paroled despite high probability scores. Currently, the board can continue someone for 12, 18 or 24 months. There are no criteria governing the exercise of this discretion.



*House Judiciary Chair Rep. Paul Conditino*

**CAPPs urges members to support HB 4548 by writing to their representatives. Information on how to locate your representative and tips on how to write them can be found at [www.capps-mi.org](http://www.capps-mi.org). See Legislative Links.**

Bretz compared the parole guidelines to sentencing guidelines and said, “The critical difference is that the sentencing guidelines are enforced because defendants can appeal departures to a higher court. Judges must have objective and verifiable reasons for departing that have not already been taken into account by the sentencing guidelines. Thus, the vast majority of sentences are within the sentencing guidelines range.”

In the case of parole guidelines, said Bretz, MDOC data “shows that the proportion of people with high guidelines scores granted parole has steadily

declined from 81 percent in 1996 to only 53 percent in 2006.

“In case after case, the board appears to be denying release to people with high probability scores solely on the basis of the person’s offense,” Bretz said.

That sort of parole decision-making, he said, renders the minimum sentence irrelevant.

“The criminal justice system is turned on its head by allowing the parole board to effectively engage in resentencing,” he said.

Also testifying at the April 18 hearing were Margaret Raben, incoming president of the Criminal Defense Attorneys of Michigan (CDAM), and Kathleen M. Schaefer, a parole and corrections consultant who is president-elect of the CAPPs board of directors. Schaefer is a former long-time MDOC employee who held numerous management and supervisory positions in the Field Operations Administration (See sidebar outlining some of their testimony on page 4)

Barbara Gallina, the mother of Aldo Gallina whose case has been used by CAPPs to illustrate the apparently arbitrary and inconsistent decisions of the parole board, also spoke.

Her son has been denied parole twice despite having no prior offenses, a fine institutional record, an excellent therapy report and unshakable family support while his co-defendant, with a similar history, was released. Mrs. Gallina said passage of HB 4548 could help her son. (See Gallina’s profile at the CAPPs website -- [www.capps-mi.org](http://www.capps-mi.org). See Prisoner Profiles, Parole Denied.)

Also testifying in support of the legislation was Dale Daverman, the great-nephew of a woman killed in a botched home invasion in 1974. One of the men convicted in the offense – Ross Hayes – was 16 years old at the time. He is serving a parolable life sentence for second-degree murder.

After Daverman found out in 1999 that Hayes was still in prison, the two had an emotional meeting and have been close since. Daverman described himself and Hayes, both born-again Christians, as “best friends.”

Despite Daverman’s support and Hayes’ excellent prison record, the parole board continues to deny parole. “Ross is

*(Continued on page 4 -- See Bill)*



*Dale Daverman talks about his efforts to get lifer Ross Hayes paroled*



*Mr. and Mrs. Aldo Gallina (right) discuss their son with Rep. Paul Condino at hearing*

## Bill to improve parole guidelines introduced



Margaret Raben, left, explains sentencing process

not a threat to society,” said Daverman. “He has served his time.” Hayes’ profile is also at the CAPPs website: Lifers, Prisoner Profiles.

Also offering support for passage of HB 4548 were: Families Against Mandatory Minimums, the Michigan Catholic Conference and the Michigan Chapter of the National Association of Social Workers.

The complete testimony given by Bretz, Schaefer and Daverman can be found at the CAPPs website along with an explanation of parole guidelines, a copy of the legislation and talking points. See Parole Guidelines.

### Negating “reasonable expectations”

Judges set minimum sentences by applying sentencing guidelines, reviewing pre-sentence investigation reports and the recommendations of probation agents, considering the facts presented at trials and plea proceedings and listening to victim impact statements. There is an expectation by all concerned that the person will be paroled on their minimum sentence unless something occurs between sentencing and completion of the minimum sentence that indicates the person would be a risk if paroled.

Current parole practices – those involving denial of parole at the minimum sentence based on subjective reactions to the crime rather than objective determinations of current dangerousness – negate the “reasonable expectation” of the sentencing court and other participants in the process

Parole interviews are often short and truncated; in many cases the parole board member conducting the interview has already made up their mind about whether to parole.

HB 4548 would remedy the lack of fairness and transparency in the current process and make the parole board more accountable

*-- Margaret Raben, incoming president, Criminal Defense Attorneys of Michigan.*

### Unfettered parole board discretion

The current parole decision-making system is one of “unfettered discretion.” Parole board members “have absolute power with virtually no review or filter in place.”

Passage of HB 4548 would create a system of “appropriate checks and balances. Based on my experience and observation, there is now a very narrow concentration of power (in the parole board) that leads to absolute power in the hands of three people.

“Regardless of corrective steps initiated by the prisoner or the documented progress or growth that has been demonstrated by the prisoner, prisoners are continued for additional 12 and 18-month terms without a rational or sufficiently detailed explanation of the decision.”

Such parole denials create “problems in the operations and maintenance of the correctional facilities; this leads to despair and frustration for no good reason.”

*-- Kathleen M. Schaefer, a parole and corrections consultant & president-elect of the CAPPs Board of Directors*

# The Detroit News

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State Edition

## No end for jammed prisons

Page One

### Gov's inmate release plan won't solve budget and space crisis

By NORMAN SINCLAIR  
*The Detroit News*

**DETROIT** — Despite Gov. Jennifer Granholm's plan to release up to 5,500 inmates to shave \$92 million off the state's \$686 million deficit, experts say the money and bed space crisis will continue as long as some 30 percent of the inmate population — or 16,000 prisoners — remains locked up even though they are eligible for parole.

"We need fundamental reforms to reduce the prison population that was driven up in the last 20 years — not by crime but by policy choices the state made," said Barbara Levine, executive director of the Citizens Alliance on Prisons and Public Spending, a prison spending-policy advocacy group.

Deputy Corrections Director Dennis Schrantz recently predicted that without the release of the 5,500 inmates, the system will run

out of beds by September. And a recent Pew Foundation study predicts Michigan's prison population will increase 11 percent by 2011.

Inmate Ross Hayes, for example, has cost taxpayers hundreds of thousands of dollars for his upkeep. He was first eligible for parole 23 years ago.

Hayes was 16 in 1974 and high on drugs and alcohol when he stabbed and killed an 89-year-old homeowner who returned home unexpectedly and surprised him during a burglary.

A psychologist said Hayes had the emotional maturity of an adolescent, and a probate judge reluctantly ordered Hayes tried as adult. His lawyer advised him to plead guilty to second-degree murder in return for a life sentence with a chance for parole after 10 years.

Hayes is now 49 and serving his 32nd year in prison. He has an excellent prison record and has earned a GED and two associate's degrees. He converted to Christianity and got married in 1998.

In 2001, Dale Daverman, great-

nephew of the victim, was surprised to discover that Hayes was still in prison and visited him. Since then, Daverman has been an advocate for Hayes' release.

"I am absolutely convinced that Ross Hayes is sincere and has remorse for what he did. My father, brother and I feel Ross has paid his debt to society," Daverman wrote the parole board's chairman that year.

But Hayes has repeatedly been turned down for parole.

#### Both parties want reform

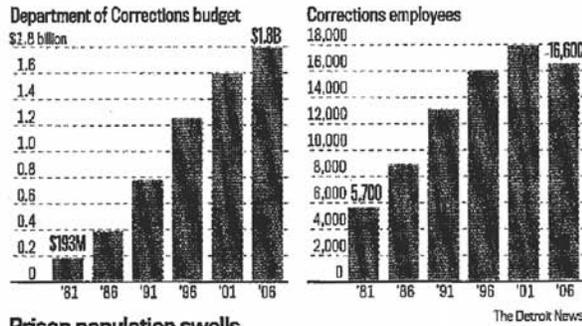
In a statement to The Detroit News, Granholm said sweeping reforms she is proposing will reduce prison population while keeping residents safe.

"(The plan) calls for revisions to Michigan's sentencing guidelines, increased use of community-based sanctions for appropriate offenders, reinvestment of funding for local criminal justice services, expansion of the bipartisan prisoner re-entry program and paroling more prisoners into this successful pro-

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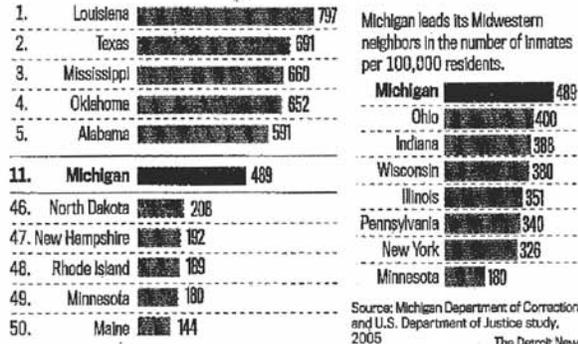
### Prison explosion

In 1981, prison spending represented 4.4 percent of the total state general fund; today, prisons eat up nearly 20 percent of the state budget. About one of every three state employees now works for the Department of Corrections, compared to 9.2 percent a quarter-century ago.



### Prison population swells

Michigan has the 11th highest rate of incarceration in the United States, and the highest among the Great Lakes states. Here are the numbers of inmates per 100,000 population:



gram that has shown a double-digit improvement on recidivism," the governor said.

Legislative changes in sentencing guidelines in the 1990s produced "truth in sentencing" requiring prisoners to serve all their time behind bars. The change also wiped out halfway houses and community facilities used to ease prisoners back into society before parole.

The state's financial crisis is creating a new bipartisan spirit for reform. On March 29, state Rep. Paul Condino, D-Southfield, introduced a bill aimed at strengthening and spelling out parole guidelines.

It would also make the board accountable for following those guidelines to grant parole.

The bill sets guidelines for parole and makes parole decisions transparent and subject to appeal. It would also require the board to

account for exceptions it makes when refusing parole.

Condino could not be reached for comment.

State Senate Majority Leader Mike Bishop, R-Rochester, said he, too, has convened a subcommittee to take up prison reform of parole.

"Having practiced law in that area, I have often wondered why we got rid of the appeal process in the parole system, because it does take away the discretion of the court and gives full authority to the parole board, which has become a very political entity. I am all in favor of bringing back discretion to that process," Bishop said.

"Any way we can make the system better, we ought to be looking at it. Instead of just talking about commutation of prisoners, you've got to fix the system before you can just implode it and walk away."

The Corrections Department

and the parole board are already seeing positive results by taking a less rigid approach to parole involving a group of 4,153 nonviolent non-sex offenders previously rejected for parole.

### Parole board more flexible

Starting in January 2005, the board began taking second looks at the group who would not have been considered for parole again for 12 to 24 months.

That closer look resulted in parole for 2,076, according to a Corrections Department memo dated Jan. 8.

CAPPS and a State Bar of Michigan group that deals with prison issues believe other reforms need to go no further than a return to policies abandoned in 1992. At that time, Gov. John Engler pushed legislative changes that abolished a supervisory parole commission as well as the civil service parole board and replaced it with political appointees.

CAPPS calculates that adoption of Cordino's bill and three other reforms could reduce the prison population to pre-1992 levels of 42,000

The three reforms are:

- Capping the time some of the 3,700 technical parole violators are serving in prison for violations that did not involve a new crime.

- Reinstate good time credits similar to what inmates earn in federal and other state prisons which would cut average sentences by 15 percent at a savings of \$100 million.

- Rescind a board policy that treats parolable life sentences as natural life sentences. Hayes and 800 other inmates fall into this group.

State Rep. Rick Jones, R-Oneida, who was Eaton County sheriff for 33 years and a jail administrator for five years, supports these recommendations.

"We are incarcerating people longer than the states around us at a cost of millions of dollars," Jones said.

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Chief liaison explains:**Executive Clemency Advisory Council role**

A group of citizens selected by the governor is currently meeting twice monthly to look at the files of prisoners who might be candidates for executive clemency. Called the Executive Clemency Advisory Council (ECAC), the group is composed of seven people and chaired by Rudolph A. Serra, a former district court judge now in private practice. The members, all unpaid, were appointed by Gov. Granholm.

It is hoped that the commutations might generate as much as \$10 million toward a \$122 million reduction in the MDOC's budget for 2008. The balance of the reduction is expected to be made through various measures, including the parole of some moderate risk offenders who are past their earliest release dates.

Marianne Samper, a former member of the parole board and current employee of the Field Operations Administration, is chief liaison with the ECAC. While the precise process is still being developed, she explained that files being received by the parole board are being directed to her for review and potential referral to the council. It is expected that only cases requiring executive clemency will be referred to the council.

Initially the primary focus will be on the elderly offender population and those who are seriously or chronically ill to the point of incapacitation. Additionally, foreign nationals subject to deportation will also be considered. The focus might broaden at some point.

The cases are currently coming to Samper from the parole board, from wardens or other MDOC staff and from self-initiated commutation applications. In collaboration with the parole board, she is sorting out candidates to be considered by the ECAC. Since the ECAC will not take cases directly from prisoners, any applications for commutation should be directed to the parole board.

The ECAC will review the files and determine which cases have potential merit, said Samper. There are no established criteria for determining merit and none are expected to be developed. Samper said it has been decided to keep the decision factors as open as possible. Those cases deemed to have merit will be sent back to the parole board for a decision, said Samper. The parole board will still make the final determination on whether to recommend commutation to the governor.

She said those seeking commutations for medical reasons should attach any current documentation supporting their claims. Having the attending physician file the paper work with the board is the best way to proceed, she said. If the information comes directly from the prisoner, it must be confirmed with the physician.

She said the board has been, for some time, looking for cases in which prisoners are very ill or have incapacitating chronic health care problems for parole or commutation consideration.

In the case of foreign nationals being commuted, the individual would not have to serve the balance of their sentence in a prison in their country of origin. She said the council and the board will be looking at the crime, the length of sentence and at the Earliest Release Date, the soonest the person can be paroled.

The element of punishment inherent in sentencing must be preserved, Samper said, which means it is unlikely that a foreign national with a long sentence would be sent to their home country much before their minimum sentence had expired.

"We're not just opening the door. The parole board is concerned about potential risk to the public in all of these cases," said Samper.

Other members of the council are:

- Dr. Charles G. Adams, pastor of a Detroit church, to represent the general public
- Gloria L. Baker, an accountant, to represent crime victims or their families
- Joyce M. Braithwaite-Brickley, a freelance writer and former political adviser to Gov. William G. Milliken, to represent the general public
- Mary Beth Kurr, a former prosecutor, to represent law enforcement
- David A. Nelson, rabbi of a Southfield synagogue, to represent the general public
- Janette L. Price, former MDOC warden, to represent the general public

## Confronting barriers to employment:

# Report recommends ways to improve job prospects for ex-offenders

By Miriam Aukerman

Karen, a live-in aid at an adult foster care home, decided she needed more privacy for her family, and got a job at a nursing home.<sup>1</sup> But days before she was to move out of her apartment at the live-in facility, and start her new job, the nursing home told her that, because of her criminal record, the law prevented them from hiring her, even though she'd worked there before and they knew she'd be a good employee. Karen and her children became homeless. After two months Karen finally found work on a paint line at a factory. But when a new no-felon policy was adopted, Karen lost her job again. What's on her record? A 1997 conviction for welfare fraud, 1995 conviction for inappropriately refunding a customer for an item while working as a store clerk, and a 1994 conviction for driving without insurance.

Pete's record also cost him his job. He had worked as a janitor at a factory for four years. But when he went to tell Human Resources that they'd inadvertently left him off the perfect attendance list, they pulled his personnel file, and noticed that he had drug convictions from the early 1990s. He was fired.

Karen and Pete are typical of the clients who are flooding into legal aid offices, job placement centers, and welfare agencies across the state. They want to work, but their criminal records are holding them back. In some cases, such as Karen's, state and federal laws prohibit employers from hiring the employees they want to hire by imposing mandatory record-based employment barriers. In other cases, such as Pete's, employers themselves decide they do not want anyone with a record on the payroll. Either way, qualified workers are being prevented from getting and keeping jobs.

The employment difficulties of people with records are the subject of a new report by the Working Group on Reentry, a state-wide initiative that brings together policymakers, service providers, and advocacy groups, including CAPPs, to address reentry policy issues.<sup>2</sup> The report, entitled *Barriers to Employment*

of People with Criminal Records, explains that because employment is strongly correlated with lower rates of recidivism, ensuring that former offenders can find and keep jobs is critical for public safety.

Research has consistently shown that parolees who find decent jobs shortly after release are less likely to reoffend and return to prison.<sup>3</sup> According to one estimate, a 10 percent decrease in an individual's wages is associated with a 10-20 percent increase in criminal activity and likelihood of incarceration.<sup>4</sup> Another study found that those who are unable to find employment are three times more likely to return to prison than those who get a steady job.<sup>5</sup>

Unfortunately, laws and policies restricting the employment of former offenders make thousands of jobs unavailable. Even when people with records are eligible to work, approximately two-thirds of employers refuse to hire them.<sup>6</sup> Given these huge obstacles, it is not surprising that only 37% of parolees participating in the Michigan Prisoner Reentry Initiative are employed, even though those parolees receive help in finding employment.<sup>7</sup> Employment rates may well be even lower for parolees who do not receive that assistance.

The Working Group's report sets out numerous recommendations to enhance the employment opportunities of people with records. Among the most important is that Michigan review record-based statutory and administrative barriers to employment, and eliminate restrictions that create unjustified barriers. By law many former offenders are barred from huge segments of the labor market, including many government jobs, the military, transportation, healthcare, private security, aviation, financial services, daycare, and schools and school services. While there is no data on exactly how many jobs are off-limits in Michigan, in Florida, where former governor Jeb Bush ordered a similar review of record-based employment restrictions, estimates are that approximately one-third of jobs are unavailable to people with records.



The report notes that some of Michigan's restrictions – like keeping pedophiles out of daycare centers – obviously make sense. But other restrictions – such as preventing anyone with a felony, no matter how old, from working as a security guard – are overbroad. Moreover, there is little consistency between the restrictions affecting different occupations: an individual with a felony record can become a lawyer, but cannot work as a nurse aid. By conducting a comprehensive review of these barriers, Michigan could make the system more even-handed, and identify and eliminate those legal disqualifications which are not substantially related to the occupation in question, or which do not further public safety.

The Working Group also recommended that Michigan promote individualized decision-making as a way to ensure that people with criminal records are not denied employment in occupations where they can safely work. Instead of being categorically denied employment based on their conviction history, individuals should have the opportunity to demonstrate rehabilitation, or show that their offense is not related to the job in question. In some fields (particularly higher-income, licensed professions), Michigan does provide an individualized assessment of a person's ability to work without endangering the public. Unfortunately, in many fields (particularly lower-income, unlicensed jobs, which are more typically available to former offenders) there is no such individualized consideration.

In states where former offenders are allowed to apply for exemptions from a ban on employment, many former offenders are granted exemptions. For example, in Florida and Illinois, 70% and 72%, respectively, of those who request exemptions in order to work in long-term care are found eligible to work, despite their records.<sup>8</sup> If similar percentages hold true in Michigan, then many former offenders who are currently disqualified from particular jobs would be able to demonstrate their fitness to work, if given the opportunity to do so.

The Working Group also recommended educating employers about the fact that blanket “no-felon” policies could subject them to liability under federal anti-

discrimination laws, which require employers to consider the nature of the offense, the age of the offense, and the nature of the job before excluding potential employees on account of their records. Other recommendations include expanding access to expungement (sealing of records); ensuring that parolees have valid I.D. at the time of release; promoting incentives for hiring former offenders (such as tax credits and bonding); and removing disincentives to the hiring of former offenders (by, for example, addressing concerns about negligent hiring and insurance premiums).

1.8 million people in Michigan, or nearly one in four adults, have a criminal record. Almost 1.3 million, or

## Michigan Reentry Law Website Launched

A new website will help attorneys, corrections staff, social service agencies, and former offenders find out about the legal consequences of having a criminal record. The site contains self-help packets, legal outlines, sample briefs, and links to relevant statutes. Among the topics covered are obtaining criminal records, expungement, employment restrictions, housing restrictions, and public benefits. The Michigan Reentry Law website, which was developed by the Reentry Law Project of Legal Aid of Western Michigan and the Michigan Poverty Law Program, is available at: <http://reentry.mplp.org>.

one in six adults, have a felony.<sup>9</sup> Those individuals can, and should, be contributing members of society. That means they need to be able to work. If they cannot find jobs, they have not really been given a second chance.

The full report of the Working Group on Reentry is available at: [http://wiki.mplp.org/mWiki/images/Working\\_Group\\_on\\_Reentry\\_Employment\\_Barriers\\_Report\\_final.pdf](http://wiki.mplp.org/mWiki/images/Working_Group_on_Reentry_Employment_Barriers_Report_final.pdf) and on the CAPPs website: [www.capps-mi.org](http://www.capps-mi.org)

*An attorney with Western Michigan Legal Services, Miriam Aukerman had a Soros Foundation Fellowship in 2003 to challenge civil legal barriers that prevent former offenders in western Michigan from successfully re-establishing themselves in the community.*

## Faces behind the figures

### *Are we safer because they're behind bars?*

Another in a series of CAPPs profiles of prisoners currently eligible for parole

#### Harvey Reese. No. 232149

*Although there is no indication whatsoever that he would molest a child, Reese's parole on a conviction for having sex with a 15-year-old girl was revoked because he gave a ride to his cousin and her sons ages 11, 14 and 16.*

When he was 24, Harvey Reese, Jr. became sexually involved with a 15-year-old girl. He was convicted of attempted 3rd degree criminal sexual conduct and sentenced to 1 ½ - 5 years. He was paroled in November 2002, after serving 3 ½ years. Reese's prior record consisted only of low-level drug crimes committed when he was a teenager. He had previously served almost five years on a 3 - 20-year sentence for delivery of less than 50 grams of cocaine.

Because of his sex offender status, Reese had 24 parole conditions that he said "made everything hard." A prohibition against his having any contact with children 16 or younger prevented him from visiting or even talking on the phone with his own three-year-old son.

Reese was also barred from seeing his 11-year-old brother, who lived with their father across the street from Reese's own residence. More broadly, the prohibition kept him from re-connecting normally with his family and taking advantage of the support they could offer him, since all his brothers, sisters and cousins had children. The difficulty was compounded because Reese lived with his grandmother, and young grandchildren visited frequently.

Nevertheless, except for the near impossibility of avoiding all contact with children, Reese did well on parole for over 13 months. Within two weeks, he obtained contract employment with General Motors in Lansing and regularly complied with his responsibilities to report to his parole agent and pay his fees. As required, he completed sex-offender group therapy through the year-long VOICES program. The therapist concluded: *His prognosis not to re-offend is good.*

Reese maintained a stable residence, and re-

mained crime and drug-free. He liked his job and felt good that he was being productive and staying off the streets. Reese says, "This was the first time in my life I have done well...I really had it set in my heart to do right."

On Jan. 11, 2004, 14 months into his parole, Reese stopped at McDonald's in Delta Township on his way home from work. As he was leaving, his cousin, who was seven months pregnant, exited the restaurant and asked him for a ride. Not realizing that her children were with her, Reese agreed to take her home. As she was getting in the car, her three sons, ages 11, 14 and 16, came out of the restaurant and got in the back seat.

Minutes later, an Ingham County Sheriff's officer noticed an air freshener dangling from Reese's rear-view mirror and stopped him. A LIEN check revealed that Reese was on parole for criminal sexual conduct and was not to have contact with any child age 16 or under. Because of the three boys, the officer arrested Reese.

The MDOC arraigned Reese on the parole violation. The examiner who interviewed him wrote:

*Parolee certainly does not present as a predator. His adjustment was going very well. This incident appears to have gotten his full attention. Release after impact is recommended.*

Without talking with Reese, the parole board ignored the examiner's recommendation and continued Reese in prison for 12 months on the grounds that "The violation shows the offender cannot be managed in the community," and "The violation is illustrative of risk to the community."

Reese has been housed in a minimum-security facility, has almost completed his GED, and has had no misconduct citations since his return to prison. Nonetheless, in November 2004, the board continued Reese's imprisonment until January 2006. In its decision, it cited the nature of his original offense - sexual contact with a minor - even though Reese had been pa-

*(Continued on the next page)*

## Social Work Association director named to CAPPS board



Maxine A. Thome

Maxine A. Thome, executive director of the Michigan Chapter of the National Association of Social Workers, has been appointed to the CAPPS board of directors. She will fill the term of Sharon Clayton Peters who resigned because of workload conflicts.

A former school social worker, a primary in-patient psychiatric therapist and a supervisor at a substance abuse counseling center, Thome has taught college classes in psychology, domestic violence and divorce adjustment. She served as adjunct faculty at Michigan State University's School of Social Work and taught classes for students at the master's level. She has also remained in private practice for nearly 30 years.

Thome holds master's degrees in social work from MSU and public health from the University of Michigan and a PhD in counseling psychology from MSU.

## Reese profile

(Continued from the previous page)

roled on that offense once already and had never been accused of repeating it.

The board recommended that he involve himself in Sex Offender Therapy (SOT), even though he had

## Confront barriers to re-entry

(Continued from page 9)

1. The names used in this article have been changed to protect the identity of the individuals involved. Both Karen and Peter were clients of Legal Aid of Western Michigan.
2. The Working Group is co-convened by the Center for Civil Justice, the University of Michigan Law School Clinical Law Program, and the Reentry Law Project of Legal Aid of Western Michigan.
3. Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry*, at 196 (2003).
4. Urban Institute, *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry*, at 31 (2001).
5. Information on Florida and Illinois waivers was provided by Linda Mills, consultant, Annie E. Casey Foundation.
6. *Rebuilding Lives. Restoring Hope. Strengthening Communities: Breaking the Cycle of Incarceration and Building Brighter Futures in Chicago*. Final Report of the Mayoral Policy Caucus on Prisoner Reentry, at 15 (2006).
7. Urban Institute, *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry*, at 35 (2001).
8. Judy Putnam, "Parolees Hard Pressed to Find Jobs," *Booth Newspapers, Lansing Bureau* (Aug. 13, 2006).

completed a similar program while on parole.

By the time of Reese's 2005 parole hearing, he had not yet been admitted to SOT. Still, the board member who interviewed him voted for parole saying:

*P has gained insight into his behavior. Has good attitude and wants to be successful on parole. Worked his way up to be a team leader at work. Willing to give another chance. Completed sex offender therapy while on parole.*

Two other members, however, who simply reviewed Reese's file, voted to continue him in prison - this time for 18 months, citing his criminal history and parole failures.

In January 2006, two years after he was returned to prison, Reese began sex offender therapy for the second time.

Reese has now been scheduled for release on May 1, having served nearly 3½ years for giving a ride to his cousin and her three sons. He will once again face multiple conditions on his parole, including the prohibition against contact with minors.

**CAPPS**  
CITIZENS ALLIANCE ON  
PRISONS & PUBLIC SPENDING

115 W. ALLEGAN STREET,  
SUITE 850, LANSING, MI 48933

*The Citizens Alliance on Prisons and Public Spending, a non-profit public policy organization, is concerned about the social and economic costs of prison expansion. Because policy choices, not crime rates, have caused our prison population to explode, CAPPS advocates re-examining those policies and shifting our resources to public services that prevent crime, rehabilitate offenders, and address the needs of all our citizens in a cost-effective manner.*

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## Be part of the solution -- Join CAPPS

### Citizens Alliance on Prisons and Public Spending Membership Form

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Fax: (517) 482-7754; E-Mail: [capps@capps-mi.org](mailto:capps@capps-mi.org); Web site: [www.capps-mi.org](http://www.capps-mi.org)  
My tax deductible contribution, payable to "CAPPS," is enclosed.

My membership category is:

- Prisoner — \$10    Student — \$10    Friend (individual/family) — \$25  
 Supporter — \$50    Partner (individual/organization) — \$100  
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