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# NEWS & VIEWS

THE CRIMINAL LAW SECTION / STATE BAR OF MICHIGAN NEWSLETTER

## 2007 Criminal Law Section Policy Statement on Parole Adopted June 17, 2007

*This statement reflects the position of the Criminal Law Section and not necessarily that of the State Bar of Michigan.*

The Criminal Law Section of the State Bar of Michigan promotes and endorses truth in sentencing, transparency and fairness in the parole process, and recommends that the following principles be adopted.

Once a prisoner comes within the jurisdiction of the parole board, the prisoner should be released upon eligibility unless, at a hearing subject to appeal, it is determined that the inmate has failed to cooperate in his rehabilitation, or there is a substantial likelihood that he will commit another crime while on parole.

A prisoner serving a sentence pursuant to MCL 791.234(7) shall be entitled to a personal interview with a member of the parole board each time they may be considered for parole.

For all prisoners within the jurisdiction of the parole board, parole guideline scoring shall be prepared. The guidelines shall be based upon objective factors predictive of a risk to reoffend and a reviewable written or recorded record of any such hearing shall be made sufficient to be reviewed on appeal consistent with this policy recommendation.

We recognize the difficulty of parole consideration for sex offenders and that separate or additional risk assessments may be necessary for these offenses.

We support the existing standard that departures from the parole guidelines for or against parole shall be based upon substantial and compelling reasons.

We fully support the principle that a prisoner who receives a finding of no interest or a denial of parole should be entitled to appeal the decision. The basis for appeal shall include: that the grounds for denial were not substantial and compelling, that the parole guidelines were erroneously calculated, or that the decision rested on material misinformation. For the last two grounds, the prisoner must exhaust administrative remedies prior to any appeal.

Conditions of parole should be limited to those that are reasonably necessary for public safety and shall be individually tailored to the parolee's circumstances.

We further urge state government to provide adequate resources and funding to ensure that the quality and intensity of supervision for offenders is significantly increased. Manageable caseloads for probation and parole officers ensure that sanctions imposed in lieu of incarceration are meaningful, that the likelihood of recidivism will be decreased, and that the chances for successful rehabilitation will be increased.

As a tool to assist in the implementation of a more successful parole system, we fully support the concepts embodied in the Michigan Prisoner Reentry Initiative not specifically in conflict with this policy.

Nothing in this policy recommendation is designed to reduce or eliminate the rights of crime victims as set forth in the Crime Victims Rights Act.