STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

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BILL SCHUETTE
ATTORNEY GENERAL

November 26, 2014

Dear Representative:

Legislation may be coming before you soon that proposes substantial sentencing reforms recommended to the Michigan Law Revision Commission by the Council of State Governments. The current versions of the bills create a commission to study sentencing practices and policies (HB 5928 and SB 1141), update the Community Corrections' Act (HB 5929 and SB 1139), and make significant changes to probation and parole practices (HB 5930 and HB 5931).

There are some positive features to this discussion on reform. For example, I support the proposed creation of a Criminal Justice Commission to evaluate Michigan's sentencing policies and practices, and suggest improvements, as necessary.

As the State's chief law enforcement officer and as an advocate for Michigan's victims, I remain concerned that such significant legislation is potentially on the table for the lame-duck session. According to the Michigan Constitution, protecting public safety and welfare is one of our primary duties as elected officials. Michigan already has three of the top five most dangerous cities in America. Our responsibility to protect the public cannot and should not be rushed.

I have a strong interest in ensuring that this legislation does not undermine public safety, protects victims, and does not release back into our communities those that may pose a danger. Along those lines, I have three major areas of concern:

1) **Ensuring that parolees are not released when they still pose a danger to society.** While negotiations remain ongoing, HB 5931, as originally drafted, significantly reduces the discretion the parole board currently has in making parole decisions. It creates presumptive parole for those inmates convicted of non-life offenses who have scored an average or high probability of parole. However, we cannot forget that many non-life offenses include assaultive and violent crimes. Parolees convicted of violent crime can threaten public safety once they are released. Consider the following three examples:

- In 2011, Joseph Thomas Reiner, 27, kicked in the door of 69-year-old JoAnn Eisenhardt and stabbed her in the neck with two steak knives before leaving with her property. Eisenhardt later died from her injuries. At the time he committed the crime, *Reiner was on parole* for second-degree home invasion.

- In 2013, police killed Eric Ramsey, 30, after he abducted and sexually assaulted a college student. At the time he committed these crimes, *Ramsey was on parole* for assault with the intent to commit great bodily harm less than murder, resisting and obstructing a police officer, and malicious destruction of fire or police property.

- In 2014, Matthew David Brady, 38, was convicted of capturing an image of an unclothed person (he secretly recorded a woman undressing in a tanning booth) and lying to a police officer during a criminal investigation. At the time he committed these crimes, *Brady was on parole* for second-degree criminal sexual conduct.

Even inmates paroled for so-called "non-violent" crimes can commit violent crimes after being paroled. Note these two instances:

- Patrick Alan Vercruysse, 44, was convicted of first-degree murder and receiving and concealing a stolen firearm in the death of 83-year-old Dr. Seth Thompson in Midland County in 2011. At the time he committed these crimes, *Vercruysse was on parole* for fleeing and eluding, cocaine possession, possession of controlled substance analogues, two counts of fraudulent use of building contract fraud, uttering and publishing, and forgery.

- Tonia Watson, 39, and Alan Craig Wood, 37, murdered 80-year-old Nancy Dailey in Oakland County in 2011. At the time she murdered Nancy Dailey, *Watson was on parole* for two counts of stealing/retaining a financial transaction device without consent as a fourth-felony offender.

These real-life tragedies only reinforce the need for the parole board to retain significant discretion to *deny parole* to inmates it believes pose a danger to society. In these five cases, the criminal justice system failed the public – dangerous criminals were released who later committed heinous crimes. We cannot increase the likelihood that history will repeat itself. *The parole board's discretion to deny parole, when appropriate, should be preserved.*

2) **Ensuring that courts have sufficient discretion to appropriately oversee felons who receive the benefit of a probationary sentence.** HB 5930 makes systemic changes to the current probation statutes. As currently written, it significantly limits the discretion of circuit courts when dealing with felons that have been placed on probation. Specifically, it reduces the maximum probationary period from five to two years for all but the most violent felons and career criminals. The proposed legislation also limits the sanctions that a court may impose upon a felon who violates probation. These limitations tie the hands of our judges, restricting their ability to assign appropriate sentences based upon the facts of individual cases. *The discretion of circuit court judges to protect the public from the threat of career criminals should be preserved.*

3) **Ensuring that local governments have sufficient funding to implement the bills' directives and adequately protect the community.** The bills require local communities to house and provide programming for convicted felons without providing the necessary funding. It is unacceptable to shift the costs from the State to local communities. And without the necessary funding, local governments are without the resources to adequately implement the bills' objectives, thereby compromising public safety. There is no free lunch. *For these reforms to work, they require funding.*

I encourage you to reconsider moving this important legislation during the lame-duck session. Public safety is our most important priority, and any changes to our justice system deserve careful consideration. We cannot rush legislation that would prematurely release violent criminals back into our neighborhoods. Public safety should not be compromised.

If you would like to discuss these concerns in more detail, please do not hesitate to contact me or my Legislative Director, Alan Cropsey, at 517-373-8060.

Sincerely,

Bill Schuette
Attorney General

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cc: Dennis Muchmore, Chief of Staff, Governor Rick Snyder