Using Prisoner Identification Cards to obtain Michigan Identification Cards:

How Michigan Can Address a Significant Barrier to Successful Re-entry of Ex-Offenders

House Judiciary Committee

Hearing on the issue of Prisoner Identification and Prisoner Re-entry Efforts

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Submitted by:

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EXECUTIVE SUMMARY

- A State Identification (ID) card or Driver's License is necessary to ensure that ex-offenders have access to jobs, housing, services and medical care upon their release from prison. The ability of an offender to address these needs quickly upon release is critical to reduce the chances of re-offending.

- The Department of State currently will issue a Michigan ID card only if the applicant can produce 3 documents from a limited list. (See Appendix A)

- Currently most ex-offenders have only their prison ID card upon release, which DOS will not accept as one of the documents to prove identification.

- It often takes weeks or even months for an offender to assemble sufficient documentation to obtain a Michigan ID, even if they are helped by human services agencies and attorneys. This is because acceptable documents are difficult to locate and many will not be released unless the offender produces an official identification card with a signature.

- It can cost $30 -$70 to obtain copies of documents acceptable to DOS, which is money that many offenders do not have upon release.

- Michigan should follow the lead of over 20 states which permit state prison IDs be accepted as evidence of identification for purposes of the state ID card.

TESTIMONY

Chairman Regenmorter and members of the Judiciary Committee, my name is Terri L. Stangl. I am the Executive Director of the Center for Civil Justice. CCJ is a non-profit law firm that works with low income persons and the many organizations who serve them, including community-based agencies and faith-based organization. We use outreach, education, and advocacy to help low income persons receive the support and services they need to move themselves out of poverty and toward greater self-sufficiency.

In the past few years, I have worked as a part of several projects that identify and address civil barriers to the successful re-entry of ex-offenders into the community. I have been the co-convener of a state level multi-agency task force that has met on the se issues for about 3 years. I participate in Michigan Prison Re-entry Initiative efforts at both the state and local level. I am also working with a workgroup within the State Bar of Michigan that is investigating these issues.

I appreciate this opportunity to talk to you about the problems faced by ex-offenders when they try to obtain a Michigan State ID card upon release from prison. I am aware of many community, governmental, and faith-based organizations throughout the state who are struggling with these problems.

Immediate Access to State IDs Are Critical To Prevent Recidivism

Research shows that the first few months after a prisoner is released is a critical time to avoid re-arrest. [1] An ex-offender is much more likely to stay clean during this initial re-entry period if she or he has access to stable housing, employment, substance abuse and healthcare treatment and services. Unfortunately, in many instances the paths to these resources may be closed

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[1] See Nelson, M., Deess, P., & Allen, C. *The First Month Out, Post-Incarceration Experiences in New York City* (New York, New York: Vera Institute of Justice, 1999) at 2-3; Beck, A. & Shipley, B. *Recidivism of Prisoners Released in 1983,* Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1989. (These arrests resulted in about 41% being back in jail or prison within three years.) Another study published in 2000 by the Bureau of Justice Statistics found that 62% of individuals who leave jail or prison each year are re-arrested at least once within three years and 41% are re-incarcerated. Beck, A. J., *State and Federal Prisoners Returning to the Community*: Findings from the Bureau of Justice Statistics, Washington DC: United States Department of Justice, Bureau of Justice Statistics (2000).

entirely to offenders who cannot produce a Michigan ID card or driver's license. Many governmental buildings, programs and services, require state identification for entry or access. Federal law requires employers to verify an employee's identification. A growing number of landlords request Michigan ID cards as part of their application process. Businesses will not cash checks without a Michigan ID or driver's license.

In addition, as a result of recent federal legislation, if a prisoner or parolee cannot obtain a copies of his or her birth certificates due to a lack of a Michigan ID, then that individual will be unable to receive Medicaid to pay for health care, including prescriptions, through the Medicaid program. This could be very costly for Michigan, because Medicaid currently helps to pay for in-patient hospitalization of inmates and also pays for healthcare - including substance abuse treatment and prescriptions - for eligible ex-offenders.

Michigan DOS Does Not Accept Prison ID Cards as Proof of Identity

The Michigan Department of State currently does not accept Prison ID cards as proof of identity. DOS requires 3 types of acceptable ID and proof of residence before it will issue a state ID card. A list of those documents is attached as Appendix A. DOS will not even accept a Michigan Prison ID as one of the 3 documents required to obtain a Michigan ID.

Many ex-offenders have only their prison ID card when they are released. This means they must begin the process of locating and recovering documents, sometimes from other states. This places many ex-offenders in a "catch-22" because many of the organizations who may have acceptable documents for obtaining a Michigan ID (e.g. health departments, school districts, employers, etc) will not release them unless the requester provides a picture ID card that includes a signature. (The Prison ID card doesn't include a signature.) Ex-offenders don't have a Michigan ID card precisely because they haven't been able to get the documents which are withheld until the offender gets a Michigan ID card. The offender is trapped in the middle.

Examples

Our office recently helped a man who had been trying to get a state ID for months without success. A local community organization had employment documents and a birth certificate, but he needed a third piece of

documentation. The DOS would not accept his prison ID card. The community organization could not get his school records (which we identified as the only other type of acceptable documentation on the DOS list that was potentially available to him) because the school district would not release them without a copy of a Michigan ID or drivers license. Because the lack of school records was preventing him from getting the Michigan ID, I was able to convince the school district's administrators to release the records to me as an attorney who had reviewed all the man's available documentation. If he hadn't found me as a lawyer, or my negotiations hadn't succeeded, he'd probably still be without a state ID.

In Saginaw County there is an organization called the Partnership Center, which is operated by a group of churches, and which helps ex-offenders. Their Director reports that it takes a long time and requires donations from the churches before many ex-offenders can get the documents they need for Michigan ID or driver's license. Until they get a Michigan ID, these ex-offenders cannot participate in the Work First Program or even obtain emergency food from some area pantries. If offenders cannot find work, stabilize housing, and obtain basic services, they risk being in violation of parole conditions. Young offenders, who may have never before had a Michigan ID or license, are at special risk. If these offenders are forced to return to jail because of a parole violation or because they return to crime in order to support themselves, then this is very expensive for Michigan taxpayers and harmful to the parolees. (The Partnership Center's Director, Georganne Hemker, could not attend today's hearing but her statement is attached as Appendix B.)

Recent Pilot Projects Do Not Reflect the Extent of the Problem

Last year, partly in response to community concerns about the barriers to obtaining Michigan ID cards, the Department of State engaged in a pilot project in two counties. In most cases, the individuals followed in the pilot counties were provided substantial assistance from community agencies and/or attorneys. Although all of the individuals who sought Michigan IDs were ultimately able to receive them, there is little data to show 1) how long it took to get the ID from the time of release, 2) how much assistance was required from the advocates, 3) how much it cost to get the documents needed to obtain a Michigan ID and who provided the money, and 4) what opportunities (employment, residential, etc) were lost to the offender during

the delay. Offenders who go to small counties with fewer agencies, advocates, or donated funds, may go months – if not years – without an ID because they cannot produce acceptable documents. The pilot project did not really document and address the major problems that we see: lack of money and professional assistance, as well as the weeks or months without a Michigan ID card.

Connection to Michigan Prison Re-entry Efforts

The Michigan Prison Re-entry Initiative that is under way at the Michigan Department of Corrections plans to work with prisoners so they can obtain a Michigan ID card prior to the date of release. However, the same barriers that have stymied offenders after release also are likely to be a problem for inmates, unless prison IDs are accepted as proof of identification. Prisoners generally do not have access to ID documents other than their prison ID card and a prison ID card may not be accepted by other states or organizations as sufficient to obtain other proofs of identification from health departments, schools, etc. Prisoners have little money with which to purchase copies of documents. Prisoners are not able to access to the internet or out-of-state directories to find organizations that may be able to provide acceptable identification documents. The Michigan Department of Corrections does not have staff resources needed to locate and advocate for the release of other identification documents. If prisoners cannot use their prison ID to verify their identity, then they will find it at least as difficult - if not more difficult – to obtain a Michigan ID prior to release than it was to obtain it after release.

Legislation is Needed

Michigan needs to enact legislation to ensure that Michigan prison IDs will be accepted as at least a secondary form of identification by the Department of State. As of 2003, the Departments of Motor Vehicles (DMVs) in twenty-two states accept some form of Department of Corrections (DOC) documentation as proof of identity. Six of these accept DOC documentation as primary proof of identification. Since that time, it is my understanding that Texas has also passed a law that requires the Texas Department of Public Safety to accept photo ID cards from the Texas Department of Criminal Justice as valid proof of identification. See http://www.hirenetwork.org/ID_Survey_Summary.htm

Appendix A - Documents Needed to Prove Identity for State IDs From www.michigan.gov/sos

DE-40W (02/06) Authority granted under Public Act 300 of 1949, as amended.
Michigan Department of State

IDENTIFICATION REQUIREMENTS FOR
AN ORIGINAL DRIVER LICENSE OR PERSONAL IDENTIFICATION CARD
Every individual applying for an original driver license, temporary instruction permit, or personal identification card must present acceptable identification documents for proof of name and date of birth. Any identification document presented is subject to approval by Department of State personnel. When necessary, additional identification documents may be required. Individuals under the age of 18 must successfully complete a driver education course and have parental consent before receiving their Level 1 or Level 2 license.

PHOTOCOPIES OR FACSIMILES OF DOCUMENTS ARE NOT ACCEPTABLE.
Persons under the age of 18 -- Must present a single document from the Primary Group shown below.
Persons 18 years old or older -- Must present three documents from this list. At least one document must be from the Primary Group shown below. The other two documents may be from either the Primary or Secondary Group shown below.

PRIMARY GROUP

PRIMARY GROUP DOCUMENTS MUST SHOW THE APPLICANT'S FULL NAME AND DATE OF BIRTH.

EXPIRED DOCUMENTS MAY BE ACCEPTED IF THE DOCUMENTS ARE AUTHENTIC AND STILLREPRESENT THE APPLICANT.

1. A ***certified*** full-size or wallet-size birth certificate, ***issued by a U.S. (including American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) or Canadian governmental unit***. The document must have a raised seal or be a true copy. **HOSPITAL BIRTH CERTIFICATES ARE NOT ACCEPTABLE.**

2. A photo ***U.S. military*** identification card.

3. A photo ***U.S. military*** dependent identification card (DD-1173 or DD-1173-1).

4. An ***out-of-state or Canadian*** driver license or identification card with a photo.

5. A ***U.S. or Canadian*** passport.

6. If you were born in a foreign country, the following may be used:

a. Resident Alien Card/Permanent Resident Card (INS Form I-551), or

b. Certificate of U.S. Naturalization (N-550 or N-570), or

c. Certificate of U.S. Citizenship (N-560 or N-561), or

d. Employment Authorization Document (INS Form I-688B or I-766), or

e. Passport ***with a translation of the passport into English***. See the back of this form for information about translations.

SECONDARY GROUP

1. A driver license from another country (other than Canada) ***with a translation of the license into English***. See the back of this form for information about translations. (An International Driving Permit is **not** an acceptable identity document and is **not** an acceptable translation of a driver license from another country.)

2. A birth certificate, marriage license, or divorce decree from another country, ***with a translation of the document into English***. See the back of this form for information about translations.

3. A ***U.S. Department of State*** non-immigrant visa.

4. A title or registration ***from Michigan or another state.***

5. A marriage license ***from Michigan or another state***. The document must have a raised seal or be a true copy.

6. A divorce decree ***from Michigan or another state***. The document must have a raised seal or be a true copy.

7. An order for a name change from a court within the U.S. The document must have a raised seal or be a true copy.

8. A photo identification card ***issued by a Michigan governmental agency. Prison ID cards are not acceptable.***

9. A ***certified*** birth certificate (for a child) showing the applicant as a parent. The document must have a raised seal or be a true copy.

10. A ***Michigan*** driver education certificate.

11. A non-photo ***out-of-state or Canadian*** driver license.

12. ***Michigan*** adoption record. The document must have a court seal or be a true copy.

13. School identification card with photo, school records, diploma, yearbook, etc., ***from a U.S. school, college, or university.*** **GED certificates are not acceptable.** No more than two documents may be used. The applicant must provide the school's name and telephone number, as well as the city and state where the school is located.

14. ***U.S. military*** discharge or separation documents (DD-214, etc.).

15. Little Traverse Bay Bands of Odawa Indians or Grand Traverse Band of Ottawa and Chippewa Indians tribal ID card.

APPENDIX B

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One of the programs at Partnership Center provides clients with funds to acquire their birth certificate and Michigan ID or driver's license. We have found that ex offenders have an especially difficult time getting reestablished in their community because of the length of time needed to get the supporting identification documents (because they can't use their prison IDs) for the Department of State to issue a Michigan ID card or license. If they did have Michigan ID, it has become lost or was thrown away and the prison ID is the only card they now have.

Many times an ex offender is young and has never had a MI ID or license; therefore, isn't even in the system and must apply for an original ID. Acquiring other documents, such as school records, marriage or divorce papers are almost impossible without a valid ID with a signature on it.

Ex offenders can not cash a check without a valid ID and are reluctant to even apply for work or rent an apartment when they must show their prison ID. Work First requires a current Michigan ID. In Saginaw, some food pantries require a Michigan ID to get free food.

Timeliness with getting resettled helps the ex offender and their family stabilize the relationship. When they delay in performing the stipulations of their parole orders, they are noncompliant and other punitive actions may result.

If you have any questions, please feel free to call me 989-249-4290

Georgann Hemker
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