

Michigan Judges Association

Founded 1927

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June 1, 2015

Representative Kurt Heise
House Criminal Justice Committee
124 North Capitol Avenue
P.O. Box 30014
Lansing, MI 48909-7514

Re: HB 4138

Dear Representative Heise,

The Michigan Judges Association has worked with the various workgroups on the issues of probation and parole reform from the last legislative session to the present. We have presented as a willing partner to attempt to reach compromise and common ground on very difficult and highly charged issues. Our Association understands the fiscal necessity of reducing the prison population. However, our concerns lie with the risks associated with releasing individuals back into the community before they are ready.

We agree that more likely than not a prisoner will be paroled at the point of having served his minimum sentence if there are no substantial and compelling reasons to deny parole. The delineation of certain substantial and compelling reasons for denial of parole, without tying the hands of the Parole Board, would be beneficial in assisting the Parole Board in making its determination. It would also provide a prisoner with a better understanding of what behavior or circumstances would deter him or her from being paroled.

In concept, we agree with the bill. The concerns of our Association shared with your workgroup are the release too soon of individuals who are incarcerated for assaultive and/or sexual crimes. This is due to the risk they pose to the community, and/or their victims and the need for funding the parolees' aftercare programs. If the funding isn't provided to ensure the right level of supervision as well as job

training, substance abuse, mental health programs, and housing, we would be doing parolees and the community a disservice. Without adequate and proper supervision and programs to assist parolees in reentering the community, we will be setting them up for failure and a return to their prior criminal behavior. Without proper funding of necessary programs, the presumptive release of more prisoners at their minimum sentence date is not going to achieve the financial savings that are being envisioned.

Thank you for your consideration,

Colleen O'Brien

Hon. Colleen O'Brien, President
Michigan Judges Association