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As Budget Cuts Free Prisoners, States Face a Backlash

By **MONICA DAVEY**

In the rush to save money in grim budgetary times, states nationwide have trimmed their prison populations by expanding parole programs and early releases. But the result — more convicted felons on the streets, not behind bars — has unleashed a backlash, and state officials now find themselves trying to maneuver between saving money and maintaining the public's sense of safety.

In February, lawmakers in Oregon temporarily suspended a program they had **expanded** last year to let prisoners shorten their sentences for good behavior (and to save \$6 million) after an anticrime group aired **radio advertisements** portraying the outcomes in alarming tones. "A woman's asleep in her own apartment," a narrator said. "Suddenly, she's attacked by a registered sex offender and convicted burglar."

In Illinois, Gov. **Patrick J. Quinn**, a Democrat, described as "a big mistake" an early release program that sent some convicts who had committed violent crimes home from prison in a matter of weeks. Of more than 1,700 prisoners released over three months, more than 50 were soon accused of new violations.

An early release program in Colorado meant to save \$19 million has scaled back its ambitions by \$14 million after officials found far fewer prisoners than anticipated to be wise release risks. In more than five months, only 264 prisoners were released, though the program was originally designed to shrink the prison population by 2,600 over two years.

A **victims' rights group in California** sued last month to block a state law that expands the credits prisoners can receive to shorten their sentences, and prosecutors in Michigan are challenging release decisions there.

"We're not saying we shouldn't reduce the prison population, but we're saying you have to be very careful, and they're making mistakes left, right and sideways," said Jessica R. Cooper, the Oakland County prosecutor in Michigan, where the state prison population shrank by 3,200 inmates last year and where the parole rate is the highest in 16 years.

"You cannot measure those mistakes in terms of money," Ms. Cooper said.

The changes in Michigan have been among the most pronounced, and they provide a glimpse into difficulties that could be faced by officials in about half the states, which have tinkered with parole, early release programs and sentencing laws or are considering doing so.

Authorities in some places say their changes are driven less by money than by the need to fix systems that are not working, and that such efforts were underway, in some cases, before the recession.

“We can live in fear and make bad policy based on fear,” said Patricia L. Caruso, director of the Michigan Department of Corrections, “or we can have some backbone and make policy based on what really helps our communities.”

Still, she said, the possibility that someone may reoffend always looms.

“I worry about it,” Ms. Caruso said. “I say a rosary every day.”

Gov. [Jennifer M. Granholm](#) of Michigan, a Democrat, has approved 133 commutations (more than some of her predecessors), expanded the state’s parole board to 15 members (allowing more cases to be considered), and recently proposed a budget that presumes 7,500 fewer prisoners next year.

But local prosecutors across the state are challenging at least 20 of the parole decisions, and Ms. Cooper has assigned two lawyers, full time, to review possible parolees from her county.

Among the 13,541 inmates released on parole in Michigan in 2009 was [Scott W. Hankins](#), who had twice been convicted in sex cases and who had been accused by prosecutors of molesting other girls he had met at church, some of whom were developmentally disabled. The youngest girl, prosecutors say, was 7.

Mr. Hankins was most recently convicted in 2003 of first-degree criminal sexual conduct for touching a girl who, believing that his children would be present, had gone camping with him. He spent almost seven years behind bars until his release in November, meeting the minimum requirement of the range set by the sentencing judge. But the parole board’s decision to release him came well before the maximum of 30 years.

Psychologists who analyzed Mr. Hankins in 2009 said he met the criteria for pedophilia, court records say. He had a stellar attendance and homework record in prison treatment for sex offenders, but his responses, according to the psychologists’ report, indicated “that his insight into his actions is still in the development stage” and that he did not fully recognize how much he had hurt his victims.

“I loved them all — I would never harm them,” the report quoted Mr. Hankins as saying. “I never harmed any of them physically. I was just an overly affectionate person and got carried away.”

All of that, Ms. Cooper said, made the notion of his release reckless and frightening — a leap too far, even in the most difficult of recessions. So Ms. Cooper appealed his release, a situation that Michigan corrections officials said was extremely rare.

It is one of five such appeals Ms. Cooper has filed so far, several of them involving sex offenders. One of them is Daniel E. Fletcher, who was convicted of third-degree criminal sexual conduct in 2007. Prosecutors asserted in court documents that if Mr. Fletcher, whose lawyer did not respond to a message, were to be released, “the safety of the public will be threatened, and defendant’s criminal ways will continue.”

Ms. Cooper said she had to file a lawsuit against the state simply to learn the names of the thousands being considered for parole.

“If they’re saying to us this is so safe and reasonable, why not allow prosecutors to help cull the list?” she said. “We’re all law enforcement. The fact that they kept it away from us is an indication that they know they’re letting out people they shouldn’t let out.”

In one measure of how tangled the fight in Michigan has become, Mike Cox, the attorney general and a Republican candidate for governor, whose job includes defending the State Department of Corrections and its [Parole and Commutation Board](#) in their parole decisions, has also filed separate amicus briefs in eight of the cases, including Mr. Hankins’s, opposing parole.

Administration officials defend the choices not just as sensible budget decisions, but also as intelligent policy for a state that found itself, in 2007, in the unwanted position of having the fifth-largest prison system in the country, behind far more populous states. Meanwhile, the state has vastly expanded its program for prisoners returning to the outside world, officials said, directing millions of dollars toward helping those on parole stay out of trouble. The rate of parole violations, too, has dropped, they say.

Corrections officials challenged the notion that local prosecutors had been kept from learning the names of those being considered for parole. Prosecutors are routinely informed of those soon to be granted parole, but corrections officials simply had no list of all those eligible, said Russ Marlan, a department spokesman.

These releases are not early per se, corrections officials say, but within the parameters of Michigan’s indeterminate sentences, which define minimums and maximums. The prosecutors who accepted Mr. Hankins’s 2003 plea agreement, for example — in which he pleaded guilty to a single count of criminal sexual conduct while counts involving two others (including the 7-year-old) were dismissed — always knew it was conceivable that he would get out in just under seven years, corrections officials said.

Mr. Hankins, 53, was released on parole in November under strict rules. He moved to a **community facility** and wore a tether tracking his movement. He was barred from living with anyone 17 or younger, being near playgrounds, using the Internet or going to a topless bar. On Dec. 30, Ms. Cooper's appeal led a judge to send Mr. Hankins back to prison; a hearing on his case is scheduled for Wednesday.

"He wasn't causing any problem," said Michael J. McCarthy, Mr. Hankins's lawyer. "He was trying to find a job."