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# MICHIGAN PRISONER REENTRY INITIATIVE AND SEX OFFENDERS: AN EXPLORATORY STUDY OF A SEX OFFENDER TRANSITION PROGRAM

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MICHIGAN PRISONER REENTRY INITIATIVE and SEX OFFENDERS: AN  
EXPLORATORY STUDY of A SEX OFFENDER TRANSITION PROGRAM

By

Lynda Rayburn-James

THESIS

Submitted to  
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## ABSTRACT

### THE MICHIGAN PRISONER REENTRY INITIATIVE and SEX OFFENDERS: AN EXPLORATORY STUDY OF A SEX OFFENDER TRANSITION PROGRAM

By

Lynda Rayburn-James

Sex offenders are a group of individuals that are not respected by most of society in the United States. Even though there has been an abundance of research involving sex offenders, no research has been conducted on the Upper Peninsula Michigan Prisoner Reentry Initiative (UPMPRI) involving sex offenders. This study's intent is to determine whether UPMPRI is beneficial from the view point of the sex offender parolees in the areas of housing, employment, and transportation. Interviews were conducted with twenty paroled sex offenders whom volunteered for this study. The interviews resulted in many different opinions of the program with ninety percent of parolees reporting overall satisfaction with the UPMPRI. Other variables discussed during the interviews included transportation between prisons, GPS and tethers, family support, and support from their parole officers, sex offender counselors, and other mentors of the program.

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## DEDICATION

This thesis is dedicated to my children, Michael and Sasha, my mom and dad, and my special friend James M. Flewellen for their encouragement and patience while I worked on this project. Thank you for helping this author achieve her goal.

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This thesis follows the format prescribed by the *APA Style Manual* and the Department of Criminal Justice.



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List of Abbreviations

Criminal Sexual Conduct.....CSC  
Correctional Offender Management and Profiling Alternative Sanctions.....COMPAS  
Department of Corrections.....DOC  
Field Operations Administration.....FOA  
General Educational Development.....GED  
Global Positioning System.....GPS  
Michigan Prisoner Reentry Initiative.....MPRI  
Social Security Insurance.....SSI  
Social Security Disability.....SSDI  
Uniform Crime Report.....UCR  
Upper Peninsula of Michigan Prisoner Reentry Initiative..... UPMPRI

## Introduction

Sex offenders paroling out of prison have a particularly hard time transitioning into society. They may have lost friends, their marriages, and/or the rights to see their children as well as suffer from mental illnesses, and/or alcoholism. Also, they may not be able to find a lucrative job (Schaefer, Friedlander, & Maruna, 2004). Citizens do not want to hire sex offenders to work or have them living in their neighborhoods. Upper Peninsula Michigan Prisoner Reentry Initiative (UPMPRI) is a parole program that attempts to help sex offender parolees as well parolees whom have committed other crimes find housing, employment, and may assist with transportation to work. The purpose of UPMPRI is to help reduce recidivism and to save the Michigan Department of Corrections money by providing supervision and services to offenders who are in prison or on parole. Unfortunately, since no studies have been conducted on the UPMPRI, it is not known how effective the program is for sex offenders.

MPRI is a parole program that is funded by many different federal and state grants. Because it is less expensive to support a person on parole versus a felon in prison, prisoners may be released on their earliest release date while being supervised by members of MPRI as well as parole officers.

This study examines how sex offender parolees believe the MPRI affects them personally. Is the program offering the correct services to ensure successful reentry to society? In this researcher's opinion, knowing what an offender's needs are from the offender himself is just one situation to examine and to take into consideration when creating programs which will affect each sex offender.

## CHAPTER ONE: HISTORICAL OVERVIEW

### *Early History of Parole*

Parole is a system of supervision and testing after an inmate has served his time in prison (Mi.gov, 2012). Parole officers assist parolees in obtain employment, mental health services, housing, etc. The purpose of parole is to aid parolees in adjusting to society and not returning to prison (USDOJ, 2012).

The development of parole is credited to a man named Maconochie who resided in England. He used a system called the “mark system” because he believed in rewarding prisoners for good behavior (Wodahl & Garland, 2009, p. 858). People who went to prison earned privileges by following rules and accepting responsibility for the crimes they committed. Prisoners were not paid money for their work but were paid in “marks.” When enough “marks” were acquired, they would earn a “ticket of leave” which could be traded for their freedom from prison (Wodahl & Garland, 2009). Likewise, those “marks” could be used to pay fines if they did not perform their jobs well, if they caused trouble, or otherwise did not follow the rules (Wies, 2001).

Sir Crofton, added to Maconochie’s mark system. He believed that a prisoner should complete three levels of confinement before release: imprisonment, indeterminate sentences, and tickets of leave. A person who was sentenced to prison was usually sent directly to solitary confinement and could only move to other areas of the prison or back into the community if he earned enough marks to obtain a ticket of leave (Mackenzie, 2002).

### *History of Parole in the Early United States*

In the United States, during the early 1800's, prisoners were being released in huge numbers because of the overcrowding that determinant sentences caused. Determinant sentencing means that if the judge sentences a person to ten years in prison, he will complete all ten years. However, because American prisons had run out of space to house these individuals, many prisoners were released into society at the same time. This mass release was not good for society or the released offenders as they were not supervised by any agency and many had no skills in which to qualify them for work. Releasing men into society without any necessities would have likely resulted in recidivism and homelessness because many of them would not have obtained employment (Weis, 2001). The governor or the warden had the power to release inmates in order to make room for new inmates sentenced to prison (Mackenzie, 2002).

A parole system that used both indeterminate sentencing and parole supervision simultaneously was developed by Zebulon Brockway in the 1800's. Parole was meant to be rehabilitative while being punitive at the same time. Indeterminate sentencing means if one is sentenced to a five to ten year term for example, he may exit prison in five years if he demonstrated good behavior. During this era, the parolee would then be placed on parole for six months, and supervised in the community instead of prison. Otherwise if a prisoner did not follow the rules of the institution or was deemed incorrigible, he would have stayed in prison for up to ten years. If he did the whole ten years, he was released without parole as a free man. Indeterminate sentencing became the most popular way to "control prison growth" (Mackenzie, 2001).

In 1869, Michigan passed the first law instituting parole and because of this, the Detroit House of Corrections was the first institution in the United States to use indeterminate sentencing along with parole (Johnson, 2009). Inmates were also placed into programs which helped them obtain the skills needed to succeed once released from prison. Brockway, who is considered the father of parole in the United States, believed that the success of a prisoner after release would depend on what services he received during and after prison. The system of indeterminate sentencing and parole was deemed a winning combination because by 1944, they were used in all fifty states (Weis, 2001).

### *Sentencing Reform*

Parole worked exceptionally well until the late 1970's in which seventy percent of all inmates were released by a parole board (Wodahl & Garland, 2009). The public argued that law makers were too "soft on crime" and criminals were not staying in prison long enough. The parole boards in the early 1970's took into consideration good time credits, whether the inmate worked or attended school, and other incentives he may have earned, when making the decision to let the inmate out of prison. Because of the freedoms the corrections officials had on good time credits and the parole board had in making its' decisions, citizens argued that the board was unfair. Some inmates were released while others were not for the same crimes (Kay, 2001).

There are two different forms of parole: mandatory and discretionary. Discretionary parole means that a parole board is able to determine when an inmate is to be released from



prison and placed on parole. This was used frequently in the early 1970's. Mandatory parole is determined by statutory laws which state when an inmate is to be released from prison, he will automatically be placed on parole. This type of parole is usually used in states that use determinate sentencing. While on parole, the parolees may be drug tested on a regular basis, prove that they are looking for work, have regular contact with their parole officers, and must not be involved in any criminal behavior (Nunez-Neto, 2008).

During the 1980's, legislators decided it was best to be "tough on crime" and the "war on drugs" was developed and instituted. People sentenced to prison for drug offenses "increased over 100%" (Pogrebin, 2004, p. 221) and many new prisons were built. States believed that "building more prisons" would solve the crime problem (Pew Center, 2010 p. 6). However, locking up the street drug dealer did nothing to reduce crime as they could be replaced by new drug dealers (Maur, 2002).

The "war on drugs" resulted in longer prison sentences for drug offenses, a minimum sentence for many types of crimes, and the three strikes law was added. The three strikes law states that if a person had been charged with a felony two or more times, he would be sentenced to life. In Michigan that means he would be in prison for twenty years before he would be eligible for parole (Michigan.gov, 2012).

In the state of Michigan a truth in sentencing law was also instituted in 1998. The reason for the law was to make sure people stayed in prison. Michigan abolished good time credits and mandated that inmates complete the minimum sentence issued to them by a judge. Then, only if the parole board granted release, would they be allowed leave prison (Paparozzi & Caplan, 2009). Once the men had discharged from prison, they would have been placed under the

supervision of parole officials who work under the auspice of the Field Operations Administration (FOA), (mi.gov, 2011).

These four laws are the major reasons that prisons are overcrowded and the corrections' budgets are extremely high in most states. According to the Michigan Policy Network, the truth in sentencing law is the main reason that "the average stay in Michigan is so much higher than other states," (Michigan Policy Network, 2011, p. 1). The average length of sentence nearly doubled to forty-six months (Rengifo, Stemen, Dooley, Amidon, & Gendon, 2010). Other factors that caused an increase in Michigan's prison rates included many new prisoners and high recidivism rates (Citizens Research Council of Michigan, 2008).

The United States prison population jumped from 500,000 people in 1980 (Maur, 2002), to a high of 7.2 million people in 2006 (U.S. Department of Justice, 2011). The rate of people incarcerated or otherwise on parole in 1984 was 1 in every 77 adults which rose to a high of 1 person in 31 in 2009 (Pew, 2009). Two thirds of all offenders were either on probation or parole. Adding to the high prison population, many parolees had been returned to prison for violations of parole. This was another reason why many prisons were built around the country, including the state of Michigan (Rengifo, Stemen, Dooley, Amidon & Gendon, 2010). In 2010, the overall parole population actually increased 0.3% while the population of state prisons dropped 0.04% (U.S. Department of Justice, 2011). Nineteen states had an increase while thirty one states experienced a decrease in the amount of people on parole (Glaze & Bonczar, 2011).

In 2007, twenty-six percent of the corrections' population was either in prison or jail in Michigan. There were 50,190 people in prison while 21,131 were on parole (Pew, 2009). In

2008, Michigan experienced a 3% drop of people under the control of the Department of Corrections and the total dropped another 6.7% in 2009 (Pew, 2010). It is projected that the number of people on parole will actually rise as more and more people are released from prison, however (Duckworth, 2010). Michigan still has the ninth largest incarceration rate in the United States but it is working hard to reduce that rank (Citizens Research Council of Michigan, 2008).

There are several reasons that Michigan's prison population has declined. Many inmates have been released as they have met their minimum sentence, and the MPRI was instituted.

Most law makers and citizens appear to be happier with the new community corrections program (Katel, P., 2009). Michigan spends an average of eighty nine dollars and ninety-one cents a day to house an inmate in prison (Pew, 2010), but that amount decreases considerably once released. It only costs about five dollars and eighty-four cents a day to supervise a parolee (Pew, 2009).

One of every fifteen discretionary fund dollars in the United States is going to help fund the Corrections budget. Within that, ninety percent of those dollars go directly to the prisons. Michigan had a 2.4 billion dollar deficit in 2008 (Engel, Larivee, & Luedeman, 2009) in which twenty two percent of the general fund went to corrections (Pew Center, 2009). Medicaid is the only organization that receives more state and federal monies than corrections (Pew Center, 2010).

Some people still argue that the parole system does not provide adequate supervision for parolees. They state that the parole system does not have the time or the manpower to provide the supervision required to handle the caseload of 750,000 parolees in the United States.

(Paparozzi & Caplan, 2009). In Michigan, the caseload is about 10,000 parolees of all types (MPRI, 2010).

The use of technology such as electronic monitoring has been used to alleviate some of the manpower needed to supervise a parolee as well as to save money (Wodahl & Garland, 2009). UPMPRI is such a program that uses that technology (MPRI, 2010).

### *History of Reentry Programs*

Reentry programs provide services that parolees need in order to successfully transition to society and to “avoid future criminal behavior” (Wheeler & Peterson, 2008, p. 145). In 2004, President Bush gave three hundred billion dollars to states in the form of grant monies to start the Prisoner Reentry Initiative. This program was successful in the fact that the recidivism rate was cut in a little more than half during the first four years of the program. The program included help for parolees which included transitional housing, job training, drug treatment, and other services needed specifically for each parolee to succeed in society (Wheeler & Patterson, 2008).

### *Budget Reforms*

Only six states in the United States do not have budgetary deficits that affect the corrections’ budgets. However, all other states including Michigan have had to make some drastic changes in order to provide needed services to felons that are incarcerated or on parole. The newest reform programs are the reentry initiatives which are currently being used in all state and federal correctional systems. In 2009, twenty million dollars in grant monies were given to

states by the Department of Justice to fund their reentry programs (Katel, 2009). In Michigan, five percent of the corrections budget in 2009 went to Michigan Prisoner Reentry Initiative (MPRI, 2010). In 2010 only three percent of the budget was slated for MPRI. Because prisons are overcrowded, these cuts must happen in order to try to balance the state's budget (Engel, Larivee and Luedeman, 2009).

MPRI was developed from the National Institute of Corrections Transition From Prison to Community Initiative in 2003 (Engel, Larivee, & Luedeman, 2009). It is funded by grants from the National Governors' Association and it received technical support from the National Institute of Corrections (The Community Corrections Research Team, 2009). MPRI is a parole program that was started in 2005 and was instituted statewide in 2010. MPRI's mission states that it will provide services to offenders from the time they are sentenced, while in prison, and until they have concluded their time on parole. Its purpose is to work intensively with parolees in order to make a positive transition from prison to society while providing protection to the public. (MPRI, 2010). It was developed to help prevent recidivism and to save the state of Michigan money (Engel, Larivee, & Luedeman, 2009). MPRI consists of a three phase program designed to make the transition more successful (Schrantz, D., 2010).

### *MPRI Model*

The three steps of reentry are:

1. "Begin with the three-phase entry approach of the Department of Justice's Serious and Violent Offender Reentry Initiative.
2. Further delineates the transition process by adding the seven decision points of the National Institute of Corrections' Transition from Prison

to Community Initiative model.

3. Incorporates into its approach the policy statements and recommendations from the Report of the Reentry Policy Council coordinated by the Council of State Governments.”

Schranz, D., 2010, p.2

MPRI is divided into eighteen programs with the Upper Peninsula serving the biggest rural area in Michigan. It is called the Upper Peninsula Michigan Prisoner Reentry Initiative (UPMPRI). This stage of the program was instituted in 2006 (MPRI, 2010). Each area has different resources available for the parolees as each city has different non-profit and for-profit agencies available in the community (mi.gov, 2011).

Each program is run by a steering committee which consists of at least a warden of a prison, a parole supervisor, and two representatives from community organizations. These representatives may be from social service agencies, faith based organizations, substance abuse agencies, and other organizations willing to work with these individuals in order to reduce recidivism. Training for the professionals to learn how to work with inmates and what is needed for successful prisoner reentry is provided by the Michigan Partners in Crime and Delinquency and the Public Policy Associates (Schranz, D. 2007).

There are three phases to the reentry program. Phase One- The Institutional Phase begins as soon as the inmate enters prison. He is assessed for his individual needs, risks and strengths using COMPAS (Correctional Offender Management and Profiling Alternative Sanctions) in order to place him in the programs which would strengthen these issues. COMPAS is a tool that also assesses if a prisoner is likely to reoffend or commit a violent crime (Zhang,

Roberts, & Farabee, 2011).

Studies have found that assessment tools are forty percent better at determining these situations than a clinical assessment where psychologists or social workers ask questions. Assessment tools are more consistent as humans are more biased and easily influenced by others (Gnall & Zajac, 2005). However, according to a study conducted by Min, Wong, & Coid, 2010, using tests such as COMPAS to predict recidivism, or any future violence should only be one aspect used when making decisions involving the future of a criminal.

Phase Two- Going Home is the next step before release from prison. This is the preparation for going home. The offender must work toward getting his social security card, a driver's license, and his birth certificate if he does not possess them. This is so he can be ready to work should the opportunity arrive and to receive food stamps without delay. He should also have a plan on how to pay back any debts he had acquired before or during his prison sentence. Finally, he must work on finding a place to live and learn what is expected of him once paroled (Schrantz, 2007).

Phase Three- Staying Home involves staying home and not recidivating. This begins when a person is released from prison throughout his time on parole. Community organizations provide services to parolees such as clothing, food, substance abuse therapy, sex offender therapy, etc. Parolees are not automatically returned to prison when they violate parole unless they commit a new crime. Instead, a graduated system determines what sanctions should be given for the infractions committed. Community organizations work hard to ensure the success of the parolees during and after the discharge of parole (Schrantz, 2007).The prison

population in Michigan has declined seven percent since 2007 and the parole violations which would have resulted in a return to prison have dropped forty-two percent. However, those on parole have risen forty percent as more and more inmates have been released from prison and placed in parole programs. As a result, Michigan has been able to close twenty prisons and prison camps and has saved more than five hundred million dollars since 2002 (Pewcenter.org, 2011). Because of these closures, MPRI has to be able to service the ten thousand prisoners predicted to be released each year (MPRI, 2010).

### *UPMPRI and Sex Offenders*

Most sex offenders have a hard time readjusting to life outside of prison. People do not want them living in their neighborhoods and employers are afraid to hire them for fear citizens may boycott their businesses. However, as found in this study, most sex offenders just want to work and be treated as normal citizens.

While in prison, some sex offenders go through an intensive sex offender treatment program. West Shoreland is just one of three facilities in Michigan that is a MPRI in-reach center which specializes in sex offender therapy. The prisoners are also able to attend GED classes or Adult Education classes, receive mental health therapy, and obtain other services that are needed while residing at the facility (mi.gov, 2012).

In Michigan, a judge may order that sex offenders cannot use computers unless the parole agent allows them as a tool for finding work. They may not have contact with children, and may not be within one thousand feet of a school. Also, they will have to complete sex



offender therapy programs, register on the sex offender registry, and be placed on electronic monitoring whether tether, GPS, or both (see Appendix D). Polygraphs may also be used to help monitor sex offenders (mi.gov, 2012).

There is still a fear for legislators to appear “soft on crime.” The problem is that all sex crimes cannot be put into a single category. All sex offenders and each sexual crime is different. Some sex offenders are eighteen years old and have had consensual sex with a fifteen year old while others are serial rapists. Each sex crime should have a different kind of sanction imposed and different treatment programs available to the perpetrator (Robinson, 2003).

As a result, many sex offenders have been harassed by community members and there have also been cases of vigilantism reported. As a result, many sex offenders avoid registering on the sex offender registry and abscond from parole. They may go to states that have fewer restrictions than Michigan (Robinson, 2003). In 2007, nationwide, there were 560,000 convicted sex offenders whom were registered; law enforcement had not been able to locate 100,000 others (Bureau of Justice Assistance, 2007).

### *Problems Sex Offenders Face Returning Home*

Another problem that sex offenders face is how to reenter their families. Members of the neighborhood are warned of a sex offender moving in to the area prior to the prisoner’s release. This may cause family members unintended stress. They may feel fearful that someone is going to hurt or otherwise harass them which also adds stress to the offender. However, it is so important for sex offenders to stay in contact with their families while in prison and while on

parole. It has been shown that those sex offenders, whom have a good relationship with their relatives, tend to have less recidivism rates (Farkas & Miller, 2007).

There should be therapy available to both the family as well as the offender because there may be stresses and feelings of resentment on both sides. Some family members may not be able to readjust to the sex offender being out of prison especially if they were the victim (Farkas & Miller, 2007). Ninety-three percent of victims know their perpetrator (Birgden & Cucolo, 2011). Returning prisoners could also be an economic stress on the family. The offender may not be able to find employment and may have to stay with the family longer than intended. A family member may have to drive the offender to his parole meetings and therapy sessions, etc. (Farkas & Miller, 2007).

The family may not be able to adjust to the fact that they cannot have a computer in the house or to have parole officers randomly appearing at their home. They may feel that people are keeping an eye on the events that happen at their home and may have lost friends because of the situation. It is an adjustment to having a sex offender move in, even if it is their son or husband. Family members feel be lonely because they may believe no one understands their situation. Support groups whether faith based or community based provide a good way for families to adjust to reentry. Having strong family support from prison through reentry is one of the most important support systems a sex offender has so it is important to help the family through the difficult times also (Farkas & Miller, 2007).

Last but not least, another problem which faces some sex offender parolees is returning to their friends which may have had some influence on their crime. Parolees are paroled to the county in which they committed their crime. It may be unavoidable to run into prior friends

whether in a rural or urban area. Because most parolees may be uneducated or under skilled, they may be influenced easier. This is another reason why family bonds are so important. The parolee needs someone to talk to on a daily basis. Sex offender therapy sessions and parole meetings are usually only once a week (Petersilia, J., 2001).

Once a sex offender is labeled, he is labeled for life. America has many laws against sex offenders that they may actually violate the sex offender's rights. Parents of course, want to keep their children and themselves safe but the sex offender should be kept safe also. The Michigan Corrections officials do a pretty good job of protecting the inmates while they are institutionalized but as seen in the study, once the parolees reenter society, the parole officers are not amongst the sex offenders twenty-four hours a day. Once the parolees report that they have been harassed or otherwise harmed by members of the public however, they will be moved to a different neighborhood. The Department of Corrections is required to keep parolees safe along with the public (Birgden, & Cucolo, 2011).

## CHAPTER TWO: METHODOLOGY

The purpose of this study is to understand, from the sex offenders' view, if the MPRI program is providing the necessary services for the parolees to be productive members of society after release from prison. The hope is that these sex offenders will not recidivate. Since the Michigan Department of Corrections is closing prisons and releasing eligible offenders on their earliest release date, it is important to attempt to determine whether sex offenders have any specific needs that MPRI may or may not provide. Hopefully, the results of this study will provide MPRI with information pertinent to their program. The MPRI started in Michigan in 2005 but the program has only been in existence in the Upper Peninsula for four years. Partially because the program has been newly instituted, there has not been any other study which addresses the effectiveness of the MPRI in the Upper Peninsula. Thus, this study explores many factors in the sex offenders' lives such as whether he can find employment after his release, how he gets to work and whether he finds housing. It also seeks to show the sex offenders' view of whether MPRI has helped them in their overall transition back into society.

### *Human Subjects Approval (IRB)*

Pursuant to university policy, permission was obtained to conduct this research from the university's Institutional Review Board (IRB) (see Appendix A).

## *Overview of Data Collection*

This is an exploratory study using inductive reasoning. Inductive reasoning means that one can “infer some knowledge about a whole group or class of objects from our knowledge of one or a few members of that group or class” (Monette, Sullivan, & DeJong, p. 34, 2005). Data was collected by the use of a semi-structured interview and by talking to the subjects’ parole officers. Sensitive information about the parolees, such as why they went to prison, was identified from the parole officers and/or OTIS. OTIS is Michigan’s Offender Tracking Information System that provides information to the public about offenders who are in prison or on parole in the state of Michigan.

## *Interviews*

There were currently twenty-two sex offenders on parole in the four counties that the researcher chose for the study. The parole officers asked the parolees if they were willing to take part in the interviews. Twenty parolees agreed to take part while two parolees declined to be interviewed. Three probation officers from four counties in the Upper Peninsula of Michigan coordinated the interviews. The counties were Alger, Delta, Iron, and Marquette. Once the parolees completed their in-person meeting with their parole agent, the study was explained and stressed that their names would be kept confidential and that no information about their identity would be used in the study. The agents also explained the purpose of the study and why it was being conducted. The agents then coordinated the interviewees with the researcher so that the

meeting times could be determined. Once completed, the parolees were led by the parole agent to the researcher's private office within the parole offices. The researcher introduced herself and again explained what the study entailed and asked the parolees if they were still interested in participating in the study. If they were, the parolees were read a letter of confidentiality by the researcher and then the parolee was asked to sign the form (see Appendix B). The researcher read the letter of confidentiality to ensure that the parolee understood exactly what the study was about and what was being asked of him. The researcher was unsure whether all of the sex offenders could read which is why the letter of confidentiality was read to them as opposed to having them read it themselves. The interviews were conducted in a private office within the parole offices. Only one parolee at a time and the interviewer were in attendance.

The interviews consisted of eighteen questions asking for information such as "how old are you?" and "what is your race?" (see Appendix C). There were also some more in depth questions about transportation, housing, and employment in which they could expand upon. Contingency questions were also asked if the subject needed prodding. Some examples of contingency questions were, "could you tell me more?" and "why?" At no time were the parolees asked sensitive questions such as "why did you go to prison?" or "what crime did you commit?" If they chose to divulge information such as this, it was agreed upon by the parolees and the researcher that the added information would be used in the study.

The interviews took an average of twenty minutes to conduct. The answers the parolees gave were written on paper using a pen to record their responses. The researcher felt that if a tape recorder was used, it would make the parolee feel uncomfortable, possibly resulting in less truthful responses. This also helped to protect his confidentiality as once he stated what he had

to say, his voice would not be identifiable. Some individuals just answered the questions while others added additional information. Thirty-seven pages of hand written data was collected from the interviews which were then transcribed onto an Excel spreadsheet.

## CHAPTER THREE: RESULTS

### *Demographics*

Most parolees who are released to the Central Upper Peninsula of Michigan are released from Marquette Branch Prison. If they reside at other prisons they are usually transferred to the Marquette prison prior to their release. This is mainly because it is easier for the offender to have his family pick him up from the prison and he can report to his parole officer the same day of release. Most offenders who have paroled from other prisons stated that they would rather have their families pick them up than to ride the prison bus to Marquette. They stated that the trip is too long and uncomfortable on the prison bus. Table 1 shows the results of the fifteen parolees interviewed that reported which prison they paroled from.

Table 1

### *Location of Parole*

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Marquette Branch Prison- 10  
Residential Treatment Centers- 2  
Benton Harbor- 1  
St. Louis- 1  
Muskegon- 1

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Benton Harbor, Michigan is a city located in the lower southwest part of the state in Berrien County. It is 482 miles from Marquette which is about an eight and a half hour trip. St. Louis is also a long trip. It is located about 60 miles north of Lansing. It is 345 miles away and would take about five and a half hours to get to Marquette Branch Prison if there were no stops. However, the buses stop at various institutions on the way to Marquette to transfer inmates. One



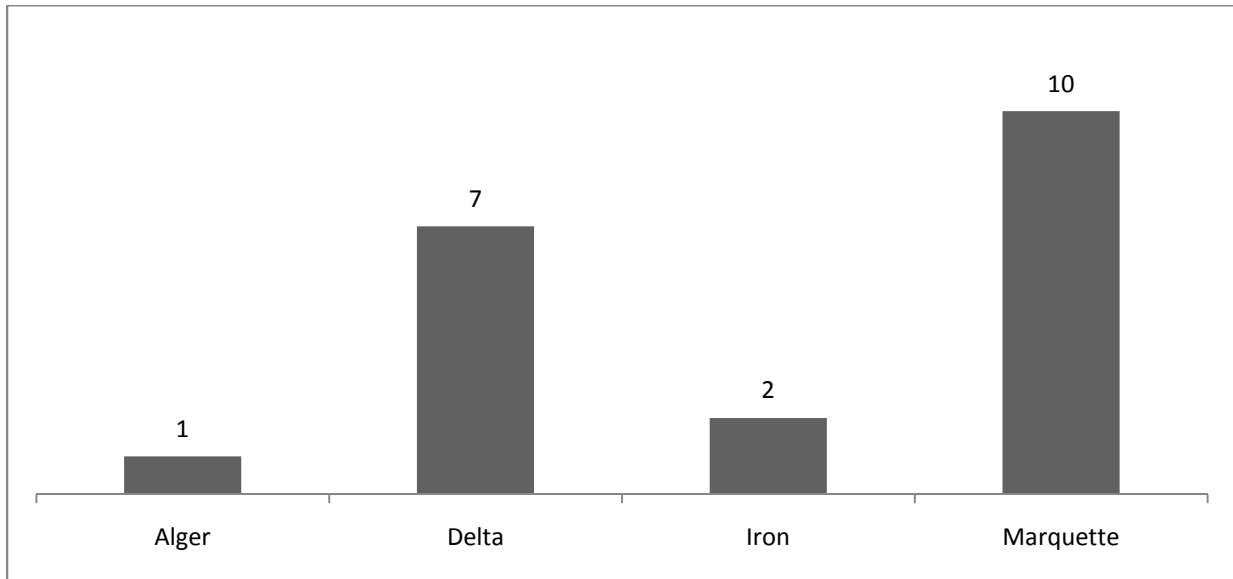
parolee's landlord picked him up at the Muskegon Correctional Facility located in the Northern Region of Michigan. It is located about 400 miles from Marquette Branch Prison. It may save the families of the parolees' stress and money if the parolees from the Central Upper Peninsula could be transferred to Marquette Branch Prison and released from there.

### *Age, Race, and Counties Paroled To*

Twenty adult male sex offenders (n=20) from four counties volunteered for this study. The subjects ranged in age from twenty-four to sixty eight with the average age (median) being forty-three. Collectively, the average time the interviewees were on parole was 11.3 months. In the present study, eighteen individuals were White while only two were Hispanic. Both of these parolees resided in Marquette County. The majority of the people in the study were Caucasian as was the population of the four counties used which is consistent with UCR data. All of the counties are rural, meaning that the area has a population of "less than one thousand people per square mile" (census.gov. p.1). Two counties have urban cities within them. which is defined as an area having "more than one thousand people per square mile," (USDA, p. 1). The city of Escanaba, which is in Delta county has 13,333 people (www.geoplex) and the city of Marquette, in Marquette County has 21,355 people (Marquette.org). None of the ten parolees lived in the city of Marquette and five of the seven individuals in Delta County lived in Escanaba. The other fifteen parolees that took part in the study lived in rural communities.

Figure 1

*Counties Paroled To*



*Monitoring after Release*

Once sex offenders are released from prison in Michigan, they are placed on parole for two years. Parole is an intensive program that allows prisoners to re-enter society while still being monitored. Parole saves tax payers and the Department of Corrections money as the offender may obtain a job and become more self-sufficient. “Parole supervision costs approximately \$2,130 a year, compared with more than \$34,000 to house a person in prison” (MPRI, 2010).

The first year sex offenders are on parole they are required to wear a tether (an electronic monitor) strapped to their ankle along with a GPS. Michigan originally started using tethers in

1980's for people who were on house arrest or home detention. The tether works by using "radio frequency signals that are sent and received between the ankle bracelet and a transmitter connected to a landline phone" (Button, DeMichele, & Payne, 2009 p. 416). The GPS which has been used in Michigan since 2007 has an added feature that uses "twenty four satellites to transmit the precise time and approximate position of the GPS receiver worn by the offender" (Button, DeMichele, & Payne, 2009 p. 416). This is more restrictive than a tether because the tether only reports that a parolee is out of the area he is allowed to go. The GPS shows the parole agent on a computer program exactly where the offender is and sends an alert every fifteen seconds if the offender is out of place. The GPS also permits the parole agents to contact the offenders via text messages. The monitoring equipment alternately protects the sex offender. If, for example, someone in the public accuses the sex offender of committing an additional crime or reports that a sex offender is by a school, the GPS can show exactly where the offender was during the time in question (Button, DeMichele, & Payne, 2009).

Once a parolee has completed a year of parole with no major incidence and depending on the crime which he was sentenced, the GPS could be discontinued. All sex offenders however are required to wear the tether for the entire length of their parole, which is twenty-four months (Michigan Department of Corrections, 2011), (see Appendix E). The parole agent can also suggest that the sex offender stay on GPS if he/she feels the offender is still presents a risk to society or has not satisfied the requirements of parole.

Several of the parolees mentioned during the interview process that the tether or GPS is inconvenient and embarrassing because it tends to go off unnecessarily. The GPS alarm goes off if the batteries are low, is tampered with, or if the offender is out of the area he is supposed to be

within. Sometimes, “The GPS seems to have a mind of its’ own,” stated one parolee in the study. In either situation, whenever the alarm goes off, the parolees have to call their parole officer. Two of the interviewees also reported that because the GPS or tether has gone off, it has caused them to be fired from a job. Table 2 shows the length of time that the sex offender parolees in the study have to wear the GPS.

Table 2

*Parolees Wearing GPS*

	Group 1 (n=5)	Group 2 (n=6)	Group 3 (n=9)
Time Worn GPS	Lifetime	24 Months	6 Months

Sex offenders are divided into groups depending on their crime (see Table 3). The Department of Corrections has a chart that shows the groups and the corresponding time which the GPS is worn. Because there are a lot of offenses within the titles of CSC-I, II, III, and IV, grouping the crimes makes it easier for correction’s personnel to decide how long an offender should wear the tether and/or GPS (see Appendix E). For example, a person who has been charged with Domestic Violence falls into Group Six and is required to wear the GPS for one year while the tether will be on his leg for the length of parole.

Table 3

*Length of Time GPS Worn*

Sex Offender Groups	Tether	Global Positioning System
Group 1 CSC 1 <sup>st</sup> and 2 <sup>nd</sup> degree	12 months	Lifetime
Group 2 CSC-2 <sup>nd</sup> or 3 <sup>rd</sup> other than in group 1	12 months	Length of Parole- 24 months
Group 3 Any offense that requires a Parolee to register on the sex offender registry	Two Years	Can be waived for the first 6 months if the offender scored low risk on VASCOR.
Group 4 Failure to register as a sex offender	Rest of term	First 6 months
Group 5 Conviction of felony aggravated stalking or serving a sentence for another crime with the concurrent probation term for aggravated stalking	12 months	24 months
Group 6 Conviction of felony domestic violence	Rest of term	Minimum 1 year
Group 7 Any offender ordered by the Parole and Commutation Board and identified by the Parole Release Unit	Rest of term	First 6 months

Report to the Legislature, 2011, p. 1

In a study by Armstrong and Freeman (2011), it was found that if a parolee attempts to alter his GPS in anyway, an alert will go off. In Arizona, parole officers and other GPS monitoring officials spend significant amounts of time responding to these types of alerts. This shows that there are some sex offenders that will attempt to “abscond from supervision” (Armstrong & Freeman, 2011, p. 180) no matter what type of restrictions are put in place. In

fact, a study conducted by Turner and Janetta, 2007, showed GPS only deters some sex offenders from absconding but it really does not prevent recidivism.

Michigan is faced with the same problem regarding GPS tampering. There is a consequence however for the parolee. If he alters his GPS or tether in anyway, he may be subject to wearing a GPS for his lifetime. UPMPRI spent \$7,996.29 on electronic monitoring during the year 2009-2010, so it is important that an offender does not mar his tether or GPS (Thomas, personal communication, 2010).

While GPS relieves some of the publics' anxiety about having sex offenders in their neighborhoods, there are some unintended consequences that the sex offender may incur. Other than having the GPS go off unnecessarily, it gives the public a "false sense of security, (Payne & DeMichele, p. 181, 2011), even though there is no evidence that the GPS reduces recidivism. GPS was also instituted to help relieve the work loads of parole officers when just the opposite has occurred. Parole officers actually spend ten additional hours a month managing equipment and responding to alarms (Payne & DeMichele, 2011).

Sex offenses are not likely to be reduced because of parolees wearing GPS since there are many reasons that sex offenders commit their crimes. Sex offenders are stigmatized by being labeled a sex offender and having to register on the sex offender registry. They may be lonely as they have lost friends as well as having to worry about people harassing or otherwise harming them. Sex offenders are lumped into a single group whereas each crime committed is different. Not all sex offenses are predatory in nature (Button, Tewksbury, Mustaine & Payne 2011).

## *Housing*

Many of the parolees lived in small rural towns and paroled to the same type of area if not the same town. This has caused problems for some of the offenders. Too many citizens knew them or of the offense the parolee had committed. Consequently, most have had to live in hotels, apartments, or with their family members because they could not find a job in which to pay for their housing. MPRI has helped in this area. If the sex offender has not obtained a residence at the time of release, MPRI will provide a place for the offenders to live. The offenders are strongly encouraged to find their own housing within the first three months after release, however. MPRI funded housing will be extended up to two years if the offender cannot provide for himself however (MPRI, 2010). During the year 2010, UPMPRI spent 133,948.94 on housing for sex offenders, (Thomas, personal communication, 2011). The largest percentage MPRI's total budget is spent on housing. The amount spent on housing in 2010 is significant as UPMPRI's budget has been reduced each year since. The budget is currently \$600,000 and 2012 will be \$500,000, (Hilton, personal communication, June 12, 2012). The offenders are also provided with vouchers from charities including St. Vincent De Paul and Goodwill to help with the basic necessities such as furniture, clothing, food, and a telephone. They are also encouraged to apply to the Department of Human Services for a Bridge Card. A Bridge Card is used as food stamps. According to the Michigan Department of Human Services, a single person (parolee) with no children and no income is eligible for two hundred dollars of food but is not eligible for Medicaid, which is health insurance (T. Kirby, personal contact, December 7, 2011).

One individual stated during the interview, that he had "lived with his mother in an

apartment when he came out of prison but once the landlord found out he was a sex offender, the landlord told the parolee's mother that either her son had to move out or they both would." MPRI therefore found him an apartment and he moved. He was "very grateful." Situations like this have occurred to several parolees that were interviewed. Another parolee had a similar situation in which everything was fine until a neighbor found out he was a sex offender. Once that happened, people threw objects at him, put up signs stating where he lived, and otherwise harassed him. MPRI had found the original apartment for him but because of this occurrence, MPRI found him another apartment in which to live. Sex offenders have special problems that other parolees may not have which also presents problems for MPRI. These issues include the restrictions that are placed on them because they are sex offenders.

Not all sex offenders in the study were happy with the MPRI program. Four men had started receiving SSI or SSDI. This is income that the offender has received so he is required to pay for part of his housing. If the offender is working or otherwise collecting an income, he is required to help pay for his housing as well as any other outstanding and current bills he may have incurred before, during, or after prison. Two parolees reported that because SSI and SSDI are considered income, they do not like that MPRI makes them pay part of the rent because they feel that they cannot save money to rent a house or apartment on their own or to do anything else after they buy food, etc.

A few sex offenders had received help from their families. Contact between those offenders and their families were maintained while the sons and /or brothers were in prison. Three sex offenders had brothers who provided housing for them to rent. One parolee had a job straight out of prison in which he cared for an elderly male in exchange for a place to live. It has

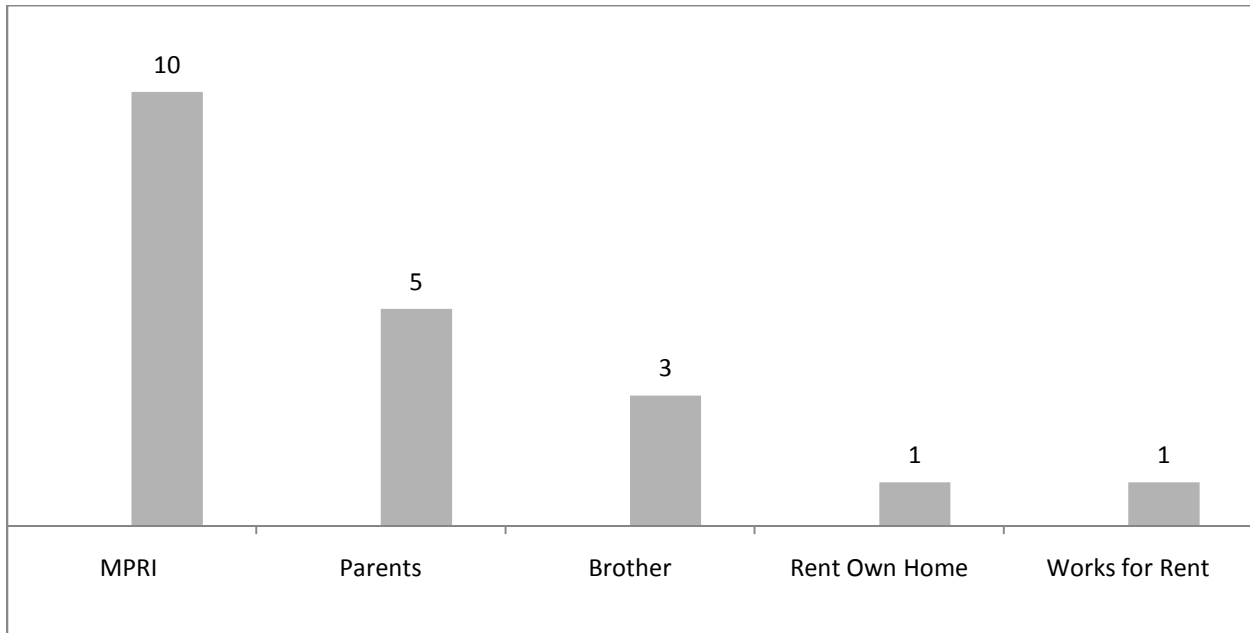


worked out well except that the man lived in low income housing. Once the landlord found out the renter was being taken care of by a sex offender, the parolee had to move out. The parolee stated that the apartment owner had a stipulation in the lease that no sex offenders could live in the complex. The sex offender was in the process of moving at the time of the interview.

Figure 2 shows who helped the interviewees find housing. Ten subjects or fifty percent of the people interviewed were housed using MPRI funds. These particular sex offenders lived in an apartment paid with MPRI funds for an average of 5.27 months. Five sex offenders were provided housing from their parents, three by their brothers, one rented his own home, and one worked for his housing. Most of the parolees could not afford housing because they did not have a job. It was found in the interview that most of the sex offenders wanted to work. Six out of the twenty individuals interviewed were not working or otherwise able to support themselves. The other eight sex offenders who were working were working part-time packing groceries, sorting clothes for Good Will, washing dishes, etc. (Those who were on SSI, SSDI, or retired were not factored into the offenders able to support themselves). These low paying jobs would not provide the offenders with enough income to afford their own apartment.

Figure 2

*Who Provided Housing*



Sex offenders meet with their parole agents at least once a month. They are encouraged to find work during these meetings as is a predictor for recidivism. Having a job allows a sex offender to feel part of society. Sex offenders often report feeling lonely and alienated so having a job is psychologically important for their self-worth, (Burchfield & Mingus, 2008).

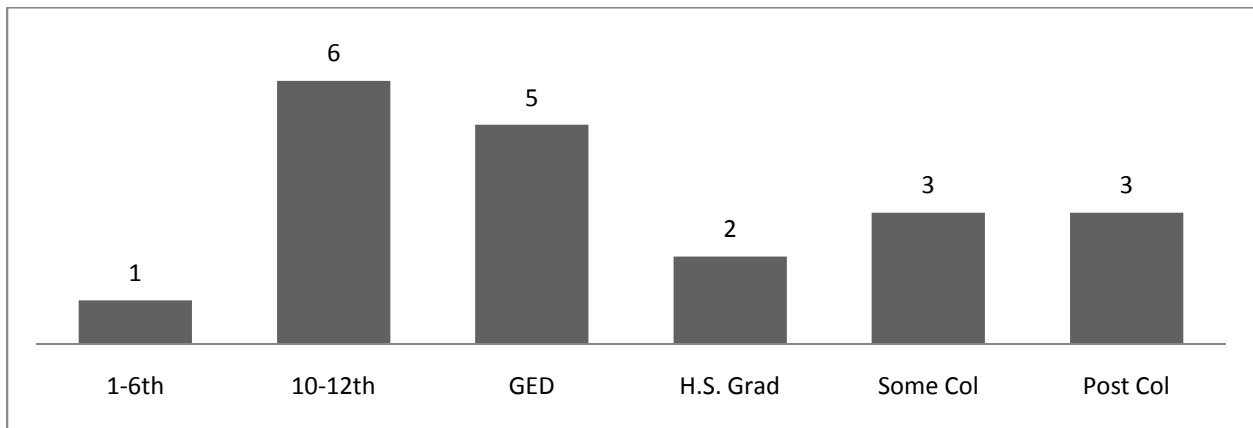
Having the sex offender pay his own rent would take the housing burden off UPMPRI. The money could therefore be spent on the next offender. The UPMPRI is already having problems finding a swift way to pay their bills to the landlords that house the offenders. Payments come from Lansing and sometimes it takes a while to receive and dole out money to the various landlords and agencies involved.

## *Education*

Education is another factor that affects the sex offender and MPRI. This is because some parolees have not earned a high school education or a GED. In fact, nationwide, only forty-six percent of all inmates have either a GED or a high school education (Katel, 2009). This percentage is similar to the finding of this study. Figure 3 shows the education level that the sex offenders interviewed attained. Twelve out of twenty individuals did not graduate from high school while eight graduated from high school. Six of the high school grads went on to college or vocational school.

Figure 3

### *Education Attained*



### *Education and Work*

As stated earlier, the sex offenders range in age from twenty-four to sixty-eight, with the median age being forty-three. The majority of offenders did not finish high school. Most of the men

who received their GED earned it while in prison. Since the average age of those that obtained their GED was forty, it is suspected that they were not eligible for a well-paying job. Five out of twelve non-graduates reported that they had jobs involving manual labor such as construction, janitorial, kitchen work, farming, and mining before they entered prison. One parolee, as well as his probation officer, stated that the parolee had learning disabilities and that he had tried to obtain his GED while in prison but it was “just too hard.” It also took this particular person six additional months to complete the sex offender residential treatment program in which he was enrolled before his release from prison. He was one of the youngest offenders in the study and he was receiving Social Security Insurance. This group of parolees also included a man who only attended school through the sixth grade. He worked as a custodian, a miner, and in a steel mill. He was the oldest man in the study and was receiving SSDI.

One parolee out of the twenty parolees interviewed were receiving SSDI, two men were receiving SSI, and were three were retired at the time of the interview. One of the retired sex offenders was a third grade teacher prior to his conviction. However, since his release, he wanted to attend church but was not allowed because there were children in the congregation. He does not work but he volunteers at a Senior Center calling BINGO. He hopes to be able to attend church soon. This situation be a problem for an educated sex offender parolee as he would more than likely not reach the pay rate he had prior to entering prison if he worked with children (Burchfield & Mingus, 2008).

Sixty percent (n=12) of the subjects interviewed quit school between the sixth and twelfth grade. Most of them also reported having menial jobs throughout their lives. One exception was

a man whom was in the Marine Corps for eight and a half years and following that he was a computer programmer for nineteen years. He stated that he did not have a GED. He is now unemployed and says that he cannot find a job because he is a sex offender.

As shown in Figure 4, five of the eight non-graduates were working at the time of the interviews. (The author considered the parolees with a GED as a non-graduate as most of the parolees obtained it while in prison). All of these individuals worked part-time or worked for room and board. None of the parolees had a job that could support himself without the help of MPRI, or other subsidies, such as help from their families, however. Offenders who were on SSI, SSDI, or were retired were excluded from Figure 4.

Figure 4

*Non-graduates – Employed or Unemployed*

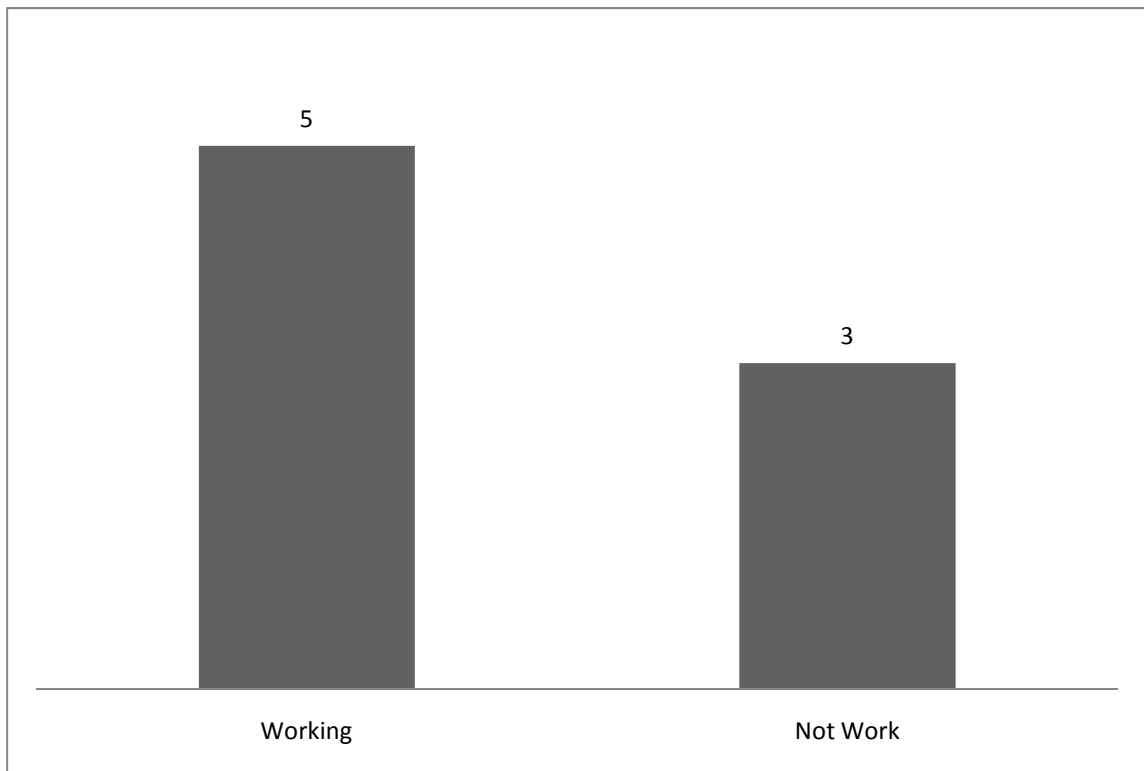
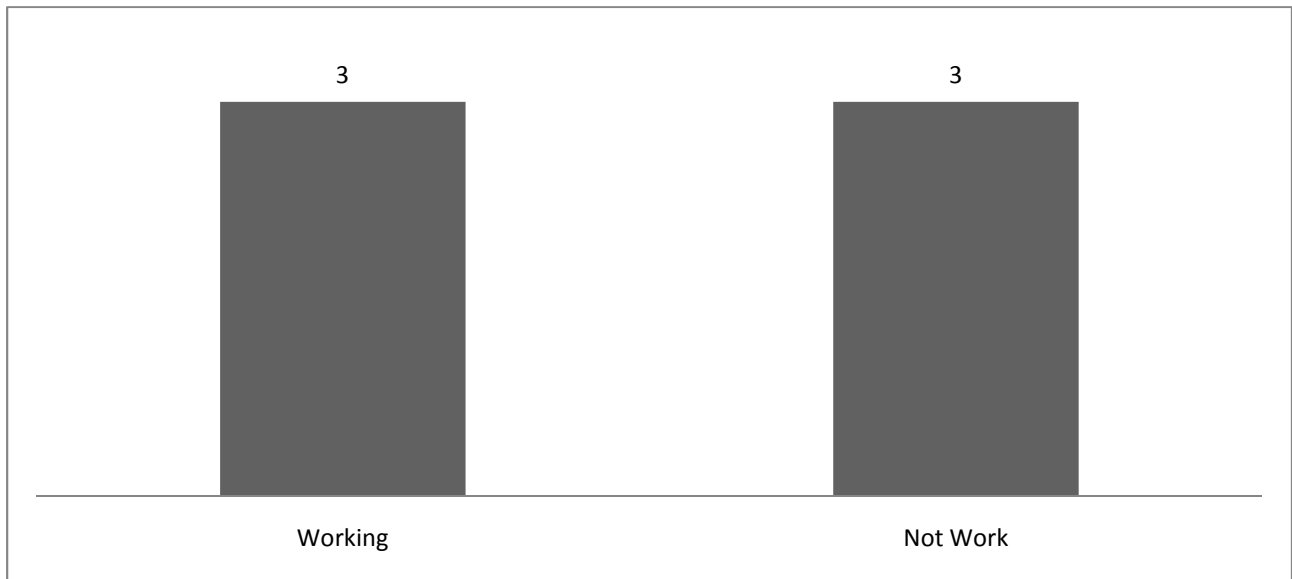


Figure 5 shows that three sex offenders out of six (n=50%) whom graduated were. The offenders in this group were working as part-time dishwashers and janitors. Another parolee had a job at a warehouse but once the company found out that he was a sex offender, they let him go. Offenders who were on SSI, SSDI, or were retired were excluded from Figure 5.

Figure 5

*Graduates- Employed or Unemployed*



It is hard for sex offenders to find a job. It appears that employers do not want the offenders working for them. In July 2011, a new element was added to the sex offender registry. Sex offenders must report the address where they are working. This requirement may be one reason why these sex offenders are having a hard time finding a job (see Appendix E). An employer may be afraid that he will lose business if he hires a sex offender. One sex offender reported that he could not work at McDonald's in Escanaba because it had a kid's playground in it. He also said that Walmart does not hire sex offenders. This offender stated that there are too many restrictions for a sex offender and that is why he can't find a job. He is still looking,

however.

Only one person out of the eight offenders that are working reported that MPRI found them a job. The parolee stated that Darryl Dixon, an MPRI Resource Specialist, talked to the offender's boss and because of this the sex offender was able to obtain the job. However, most of the offenders have stated that they have used Michigan Works, which is an employment agency, to help them write resumes and work on interviewing skills. Michigan Works is part of MPRI in which they help place all types of parolees in a job. Michigan Rehabilitation is also a part of MPRI in which they try to place parolees with disabilities in a job.

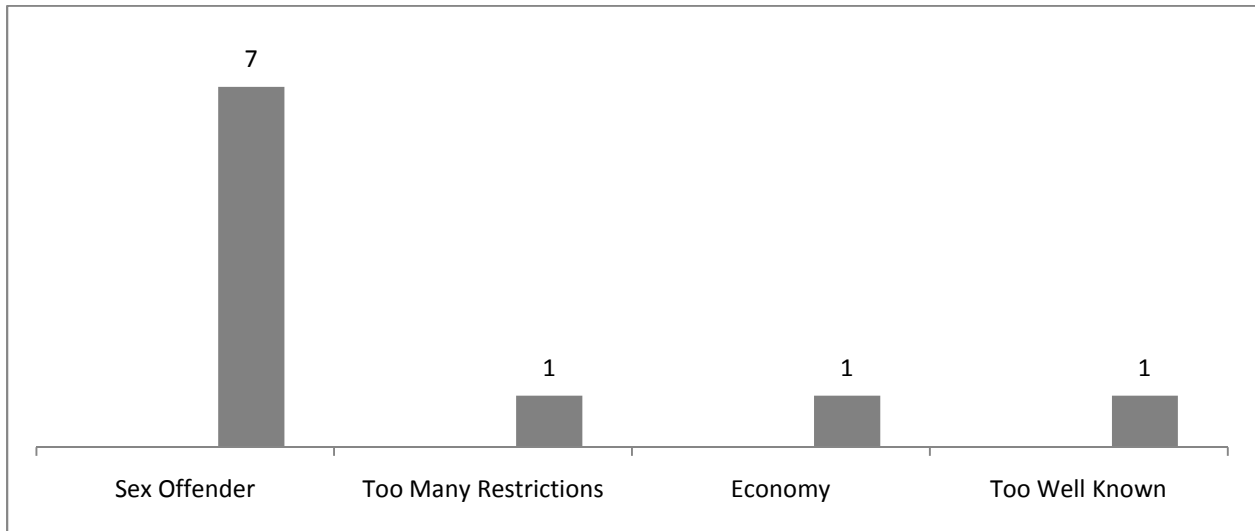
MPRI does not physically find the offenders a job, but does provide the tools to allow the offender to find employment. MPRI teaches inmates how to write a resume, practice interviewing skills, and how to use their contacts to find a job. They make sure the offender has his driver's license and social security card so the offender is ready for work as soon as he is released from prison. In the year 2010, UPMPRI spent \$587.00 on Adult Education programs for sex offender parolees. This was about half of the amount they spent in 2009, which was \$1,665.00.

This researcher talked to Parole Agent Andrea Johnston about finding employment for the sex offenders and she said that it is, "Very hard. Even the dumps don't want to employ them. There are no kids around the dumps but they already have a contract with the sheriff's department and don't have a need for more workers. Most of the offenders would love to go to work. It gives them a sense of accomplishment and something to do." In Figure 6, this researcher asked the six unemployed sex offenders why they thought it was so hard to find a job. There were several reasons they felt they were not being hired. Some of the offenders gave more

than one answer. The most important reason, they felt, was the fact that they were a sex offender.

Figure 6

*Barriers to Employment*



*Transportation*

All sex offenders need transportation to see their probation officers, therapists, charities, and to get to work. MPRI helps them obtain bus tickets and/or taxi fare if needed. One problem with the Upper Peninsula is that the services provided by MPRI are not consistent from county to county. For instance, Delta County uses its public buses to transfer children to school. For this reason, sex offenders are not allowed to use the buses. Crystal Falls in Iron County does not even have busses. Fortunately, the two offenders that reside in that county reported that they did not receive any help with transportation because it wasn't needed. In Delta County, MPRI pays for taxis or gives sex offenders used bicycles in order to get to their appointments. One hundred

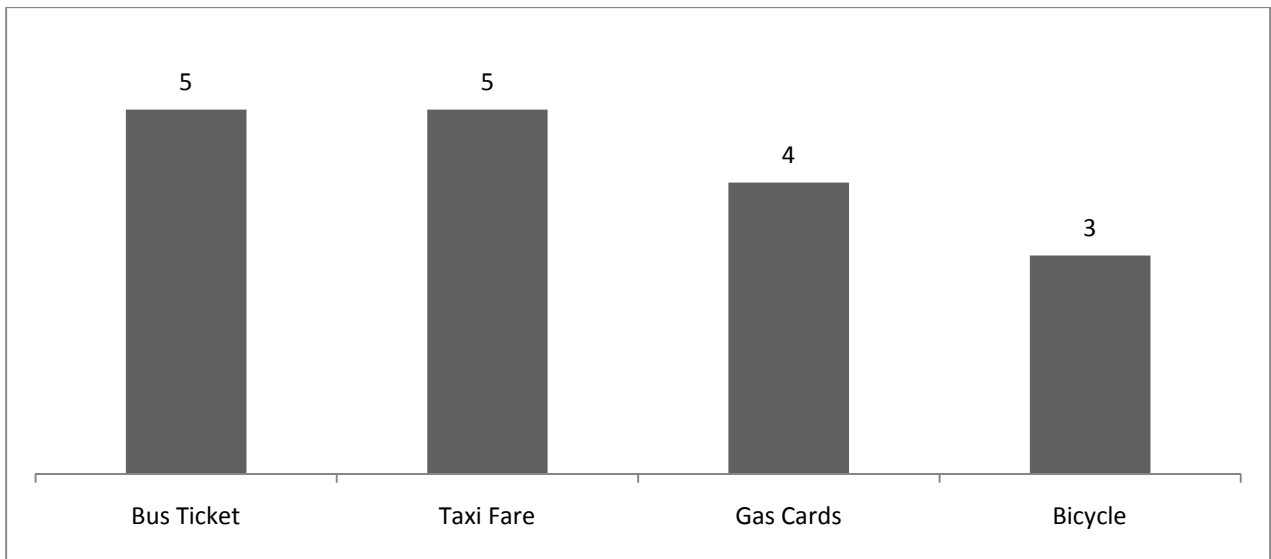


percent of the taxi fares and bicycles were issued in Delta County.

Seventeen or 85% of the parolees stated that they had received one bus ticket a month for three to six months or taxi cab fare for the same amount of time. One hundred percent of those that received help with transportation costs said that it was also “adequate for their needs.” Parolees may even walk to their meetings if they reside close enough to the meeting site. However some of the offenders stated that it is, “too cold to walk in the winter.” Most of the parolees interviewed have found an alternative form of transportation without using MPRI funds as time went on. Figure 7 shows answers to the contingency question, “Did you receive any assistance in the form of gas cards, taxi fare, bus tickets, or a bicycle? Seventeen out of twenty six offender parolees stated that they received bus tickets, taxi fare, a bicycle, or gas cards.

Figure 7

*MPRI Provided Transportation*

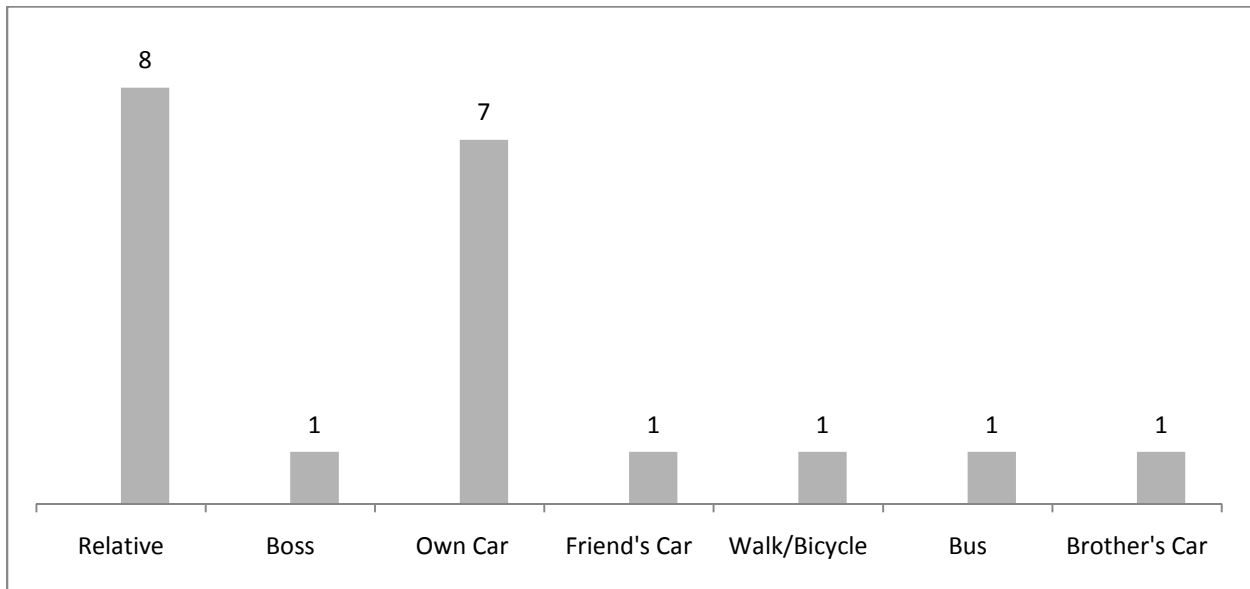


MPRI has given some sex offenders a limited amount of gas cards which they or their families can use to drive the offenders to their parole meetings, etc. Figure 8 shows who

provided the major transportation to the offender.

Figure 8

*Who Provided Transportation*



UPMPRI devotes a relatively small amount of monies to transportation costs compared to other services it provides. During the year 2010, UPMPRI spent \$5,160.67 on transportation. Even though transportation is relatively inexpensive, it is one of the most important aspects of maintaining the sex offenders' independence. The sex offender has to find a way to work, parole meetings, and other required meetings. Likewise, he needs transportation to obtain daily living essentials.

*Support Systems*

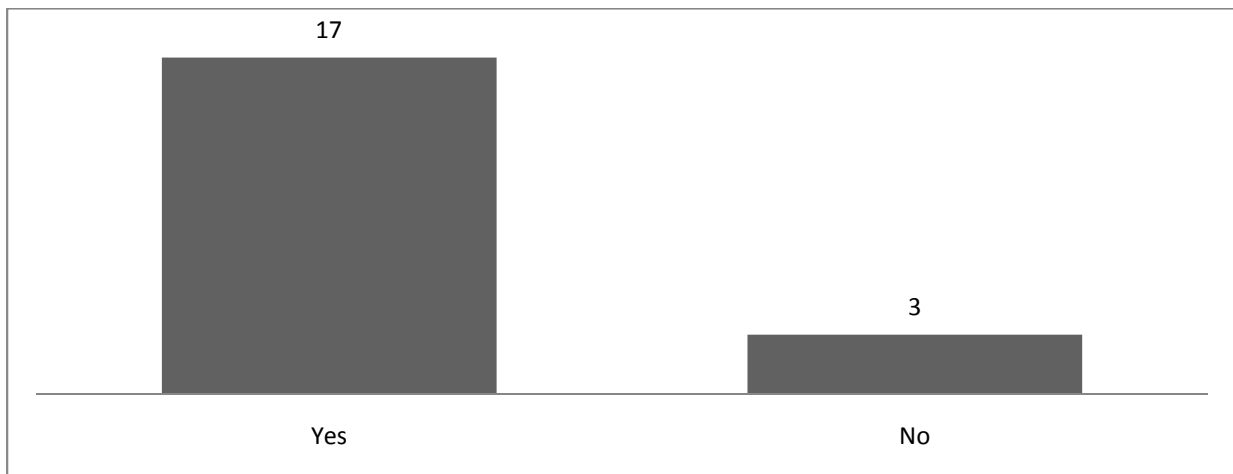
While in prison, it is important for inmates to have contact with their families and friends.

It helps to prevent homelessness and recidivism (LaVigne, Naser, Brooks, & Castro, 2005). One person specifically stated in the interview that he was lonely and another said he was afraid to date.

The researcher asked the question, “Do you have a positive support system that encourages you to succeed and if not, how do you cope?” Seventeen stated, “yes,” while three denied having a good support system. One parolee added that he raped his step granddaughter and the family won’t have anything to do with him. He is estranged from his family and because of this he attends counseling for depression. Most of these offenders have received help for depression and other types of mental illnesses. Many of the parolees also look to their parole agents and sex offender therapists for support. One offender who was charged with CSC-III was not allowed to see his own children. Criminal Sexual Conduct-III means that he had “sex by force or coercion with a subject that was between thirteen and fifteen years old” (Mi.gov, 2011 p.3). It is hard for him but he has friends and family in which he interacts with. Other sex offender parolees reported that they cope by doing puzzles, reading, and otherwise keeping busy.

Figure 9

*Support Systems*

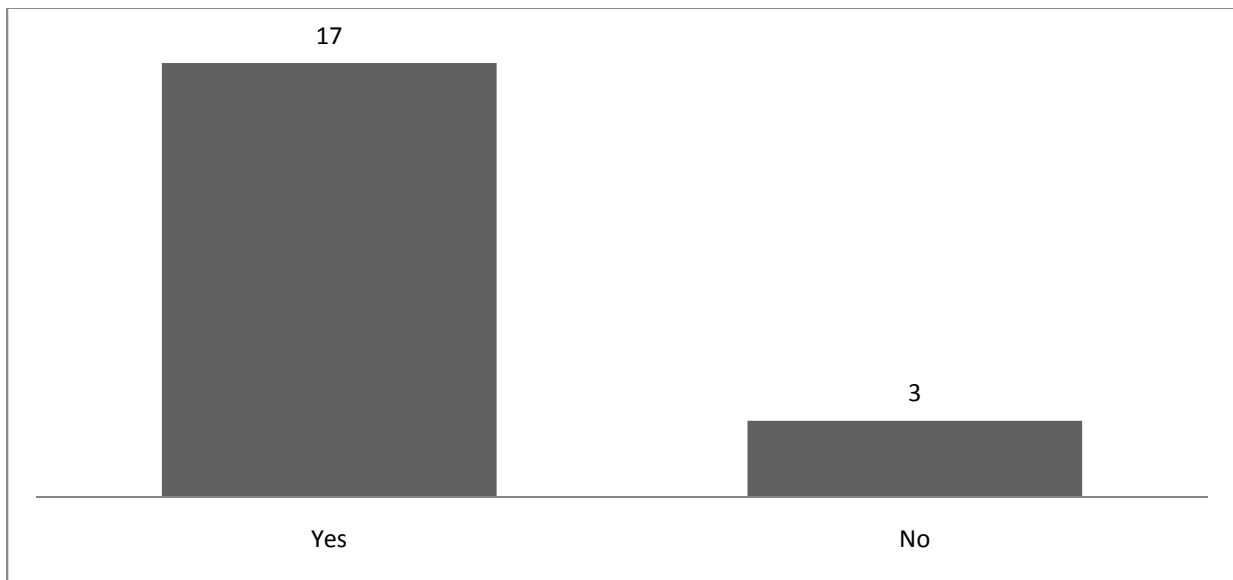


*Services Provided by MPRI*

All twenty of the parolees were asked to, “Describe your overall impression of the MPRI program.” This researcher also asked them if “They were satisfied.” Seventeen of the offenders stated that the services that were provided to them by MPRI were adequate for his needs. As stated earlier, they are provided with the basic necessities such as food, housing, clothing, a telephone and transportation as well as identification cards, birth certificates, and other services provided by local agencies in the sex offenders’ communities.

Figure 10

*Satisfaction of Services*



The three sex offenders who stated they were dissatisfied with MPRI were either unaware that they were entitled to the services MPRI provided or were told that they were going to get certain things such as a car when they got out of prison and of course did not. Some sex offender parolees have also stated that they had not received any MPRI classes in prison so they were not

prepared when released. The parole agents and many other people who work with these sex offenders have heard these complaints as well. Somehow when they were in prison, the parolees “were told one thing but MPRI did not deliver.” A few also believed that they have not been provided enough. However, when they were asked what else they needed they couldn’t say. Others believe that there is no reason to attend sex offender therapy because they have already gone through the program in prison. The sex offender therapy takes a year to complete. Other parolees disagree with that and say there cannot be too much therapy.

## CHAPTER FOUR: CONCLUSION

The purpose of this study is to explore how effective the Michigan Prisoner ReEntry Initiative is to sex offenders in the central Upper Peninsula. Because of this, the information obtained is unique to the sex offenders in this study, anyone who works with sex offenders from rural areas, and MPRI. However, because the sample size is small, the information obtained is not generalizable to other cities and the study cannot be duplicated as each offender has his own opinion about the program. Since laws aimed at sex offenders are usually developed by people who have had limited contact with sex offenders, this research could show law makers that instituting strict restrictions is not the answer to reducing the recidivism of sex offenders. The restrictions seem to create more problems for the sex offender and society rather than solving them. However, because of this study and others like it, professionals and society at large could have a better understanding of what a sex offender copes with on a day to day basis. All sex offenders should be treated as individuals as they have their own unique problems. One long prison sentence alone does not cure all sex offenders as has been shown.

Once sex offenders are placed on parole, they are limited to where they can go. It may be hard for them to make friends and ultimately stay out of prison. Many sex offenders who are released from prison are young. They might not have any children or they may be divorced. Being labeled a “sex offender” prevents them from associating with a lot of women because the women may have children. One man stated in the study that he is afraid to date. Maybe he does not want to tell certain people that he is a sex offender or maybe he knows he still has a problem. He did not explain. There are many unintended consequences once one is labeled a sex offender and it is hard for some offenders to return to society.

Another problem with this study is that it is really not known whether the sex offenders interviewed were telling the truth or whether they were trying to impress their parole officer by volunteering for this study. They would have nothing to gain for not telling the truth however. The parolees were told at the beginning of the study that there would be no benefit for them individually but there may be for future sex offenders. Most of the offenders were eager to report their history while in prison and parole, and about the MPRI. This researcher does believe that most answered the questions honestly however, because there were similar trends found throughout the study, even though each parolee had a unique experience.

Finally, MPRI appears to have been able to help most sex offenders from reoffending and most of the sex offenders that were involved in this study were pleased with the extra support that they had received from MPRI. However, what was considered a parole violation which sent someone back to prison prior to 2005 may now only be a violation with less serious sanctions imposed.

Every state has its own reentry programs and they are not the same as the next state. Also, as shown in Michigan, each county offers different opportunities for successful reentry. One problem with UPMPRI may be its lack of consistency. Several parolees indicated that they were told by corrections' officers in Lower Michigan that MPRI would give them a new car once on parole. Most of these inmates actually believed they were going to get a car. UPMPRI does not give parolees cars however, what they do receive is access to therapy programs, housing, employment, and transportation assistance, and help acquiring the basic necessities in which to live just to mention a few. Since the area is smaller, there may be more personal contact with mentors and more care may be taken to ensure public safety as well. However, there have to be

organizations, professionals, and volunteers willing to spend time with the parolees. These mentors could make all the difference in a parolee's life as well as make UPMPRI successful. This researcher has attended many Steering Committee meetings and talked to many parole officers, prison personnel, and community volunteers, and it appears to her that the parole officers and other UPMPRI specialists spend significant amounts of time with these parolees and are working hard to make the UPMPRI a successful program for all parolees.

A comparison between other reentry programs of similar size states should be conducted to really understand if MPRI is successful at reducing recidivism for sex crimes. It seems as if MPRI was developed out of an economic need rather than really looking at what a sex offender in particular needs to be successful even though the program is evidence based. Legislators, academics, and therapists still do not agree on the best way to handle a sex offender but this researcher believes MPRI is working hard to assist sex offenders rather than to release the offenders to fend for themselves.

Because the Upper Peninsula is a large area and fewer than one hundred sex offenders are paroled among fifteen counties each year, it would be more convenient for MPRI if the offenders could be released to halfway houses. In the long run it would be cheaper than paying rent at a motel and it would save the aggravation of finding housing. It may be safer for the sex offender as well. If MPRI is going to be in existence in the future, this should be suggested. Wherever the halfway houses are located, parole specialists need to be accessible, however.

There should be an incentive to hire a sex offender such as a tax break for at least two years while they are on parole. Sex offenders can work in areas that have no children around such as in a bakery, mechanic shop, in the mines, logging, or even training therapy dogs for



example. To accomplish this, it would take volunteers who are willing and unafraid to work with sex offenders who are able to give someone a second chance. They would also need to give the sex offender time off to see his parole officer and his sex offender therapist. It is hard in the Upper Peninsula to find a job for a person who has never committed a crime let alone someone who is a convicted sex offender so an enticement should be given.

Something has to be done to employ released sex offenders, either educated or not, because being gainfully employed may keep them from returning to prison. They need to be able to support themselves and/or their families. It has been shown in many studies that if a man is employed, he feels better about himself and does not tend to recidivate. In this study, it was shown that these sex offender parolees wanted to work. Hopefully MPRI will prove successful in helping sex offenders return to society as law abiding citizens who are able to take care of themselves.

Finally, two of the parolees reported to this researcher that they were paroled to the city in which they committed their crimes. They had no networking systems in which to find a job as they knew no one in the area. One of the men paroled the day after he was interviewed. During the two years he was on parole, he never found employment nor was he able to pay for his own housing. Most people acquire employment through contacts with other people. Sex offenders are restricted from getting to know many people. He did report however, that after he returned to his home in Indiana, he had a job waiting for him at a Pizza Hut. His best friend had found it for him. This researcher believes that in extenuating circumstances such as this, sex offenders should be paroled where they have a support system which may help them reenter society easier.

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## Appendix A

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**Application for Review of Research  
Involving Human Subjects**  
**NMU Institutional Review Board (IRB)**



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Submission of this application signifies that you have read the NMU IRB Policy Manual and agree to adhere to the procedures and policies explained therein, and that you have completed the requisite CITI Human Subjects Research Training Modules. You must include your CITI Completion Report as an attachment to this IRB application.

Submission of applications to the IRB review will be conducted electronically according to the following procedure:

1. After completing this application, the principal investigator will forward the application to the Department Head for approval.
2. If the Department Head approves the project, s/he will forward the application electronically to the administrative assistant to the IRB ([kmaki@nmu.edu](mailto:kmaki@nmu.edu)) and the IRB chair ([dereande@nmu.edu](mailto:dereande@nmu.edu)). Please copy the principal investigator on the e-mail.

- 
- I. Name of Investigator** Lynda F. Rayburn-James  
**Department** Criminal Justice  
**Mailing Address** 1642 M-28 Marquette, Mi 49855  
**Phone** 906-458-7945  
**Email** lrayburn@nmu.edu
- II. Faculty Advisor** (for student research) Dr. Dale Kapla  
**Advisor's Phone** 227-1616  
**Advisor's E-mail** dkapla@nmu.edu
- III. List the CITI Modules you have taken within the past 12 months:**

**IV. Project Title:** The MPRI & Sex Offenders: An Exploratory Study of Sex Offender Transition Programs

**V. Funding:** Pending funding decision      Currently funded      Not funded

**List source of funding (if applicable):**

**VI. Proposed project dates:** from 12/10/10 to 12/11/2011

**Note:** Do not begin your research (including potential research subjects) until you receive notification that your application has been approved by the IRB. This process will take approximately 2 weeks (excluding breaks).

**VII. Type of Review** (check one)

Administrative review	Yes <sup>1</sup>	No
Expedited review	Yes <sup>2</sup>	No
Full review	Yes <input checked="" type="checkbox"/>	No

<sup>1</sup> If yes, explain why you feel your project should receive an administrative review (please relate your argument to one of the categories listed under Section I Part D in the IRB Manual).

<sup>2</sup> If yes, explain why your project should be expedited (please relate your argument to one of the categories listed under Section I Part D in the IRB Manual) and complete this application form.

**IX. Project Description (Abstract)**

Please limit your response to 200 words

The purposes of the Michigan Prisoner Reentry Initiative (MPRI) are to aid current and recently released prisoners in their transition to society and prevent them from recidivating. Various agencies such as Michigan Works, Great Lakes Recovery Centers, the Department of Human Services, parole and probation agencies, prisons and families of the prisoners/parolees, are involved in the initiative. These agencies and groups work collaboratively to provide services that the prisoner/parolee needs for day-to-day living such as housing, transportation, clothing, food, job training, sex offender and substance abuse treatments. However, the MPRI has limited resources and there is little evaluation of how effective, if at all, such programs and services are at accomplishing the initiative's goals. Although there are existing programs and services for all classifications of prisoners, there is one salient offender population that is of particular interest to the success of the MPRI program- sex offenders. This is because contrary to 'traditional offenders', sex offenders have specific restrictions placed upon them that may impede their successful transition into society. Specifically, each is required to register with law enforcement as a sex offender and is restricted from living near schools and children. These requirements create challenges for the offender and the MPRI, and this research seeks to expose those challenges to provide baseline data targeted toward the effectiveness of current, and future, services. Thus, this study aims to provide the administrators of the MPRI with an overview of the services currently received by sex offenders, and a picture of how effective such initiatives are in an offender's successful transition back into society.

**IX. Subjects in Study** (check all that apply)

NMU students	Pregnant women, fetuses, or neonates	NMU faculty or staff
Cognitively impaired	Prisoners	X Adult, non-student
Minor	Non-native speakers	X Parolees (all male)

**Number of subjects-** 10-25

**Age range of subjects-** 18 and older

**X. Procedures**

- A.** Describe how the subject pool will be identified and recruited. If the subjects receive payment or compensation for participation, state the amount and form of payment.

According to the program specialist for the MPRI program in the Upper Peninsula, Phylis Thomas, seventy-eight sex offenders (both incarcerated and recently released) in the U.P. received services from the MPRI in 2009. Upon entrance into the prison system, a prisoner is ‘enrolled’ in the MPRI program where they receive an individual plan targeted toward the eventual goal of release. Normally, this plan includes the completion of a GED for non-graduates, entry-level job training, and substance abuse treatment if applicable. Six weeks prior to release (parole), prison personnel ensures that the prisoner has possession of his birth certificate and social security card, as these are required for parolees to receive services from MPRI agencies upon release.

The pool of MPRI participants will come from an established list of all male prisoners and parolee from various probation officers and Charlene Mullen, a program specialist employed at Marquette Branch Prison. This researcher would like to take a sample of ten to twenty-five subjects using a voluntary convenience sample in order to obtain information about parolees who parole to rural areas versus more populated areas. The study will be limited to Marquette, Alger, Baraga, Delta, and Iron Counties. The researcher realizes that a sample size of ten to twenty-five may not yield generalizable results for the overall effectiveness of the MPRI statewide; however, such a random sample provides a snapshot of the effectiveness of MPRI sex offender treatment in the Central Upper Peninsula, which may have applicability throughout Michigan. Furthermore, data collection consists of in-person interviews, and increasing the sample size is not feasible.

Kevin Ayotte, a probation supervisor, will contact the various parole officers for each of the potential participants in the sample prior to the researcher scheduling an interview, and provide them with a document (via email) explaining the details and purpose of the study. The parole officer will share this document with the potential participant and ask the parolee if he would like to meet with the researcher, who will be in another office prior and after the parolee’s regular meeting with his parole officer. If the parolee is willing to participate, the researcher will again explain the study before making future arrangements regarding what time to meet. The interviews will take place at the probation/parole offices near the parolee’s residence. This arrangement of meeting places does not place unnecessary transportation costs or interference with the parolee’s employment, as they will take place in conjunction with the parolee’s scheduled appointment at the agency.

There is no compensation for participation.

- B.** Discuss where the study will take place and any equipment that will be involved.

Interviews will be conducted in an office at the parole/probation offices in the counties listed above (see letters of cooperation from the parole office – Appendix A). Researcher equipment includes pencil and paper.

- C. Describe what the participants will be doing in the research project and how long will they be asked to participate. Attach any interview scripts, questionnaires, surveys, or other instruments that the participants will be asked to complete or respond to.

Each participant will be asked a series of demographic and open-ended questions pertaining to employment history, family life, and questions about the NPRI program (see Appendix B). All answers will be recorded by the researcher using a pencil and paper. The interviews will last no longer than one hour.

It is important that the participant understands that the information obtained will remain confidential unless he announces to the researcher that he has a plan to hurt himself or sexually assault another person. The parolee will be informed of this verbally before the interview begins.

Prior to any questions being asked, each participant will be asked to sign an informed consent statement (see Appendix C), if consent is given. The researcher will provide a copy of this statement in addition to the statement being read by the researcher to ensure complete understanding of the terminology used.

- D. If there are any costs—laboratory tests, drugs, supplies, etc.—to the subjects for participating, they should be explained.

The subjects will not incur any costs, beyond time by participating in this study.

- E. If deception is involved or information withheld from the subjects, please justify the withholding and describe the debriefing plan.

Each participant will be supplied the abstract of the study to assist in their complete understanding of the topic under study, in addition to reiteration of voluntariness and confidentiality prior to any questioning. If the participant cannot read I will read the description of the research to the subject myself. I will also read the consent form to him so he completely understands his role in the study.

## XI. Risks

Describe the nature and likelihood of possible risks (physical, psychological, social, etc.) to the subjects and precautions that will be taken to minimize them. **Simply stating “none” is unacceptable; most research presents some risk to subjects.**

The researcher understands that participants may be experiencing various levels of stress, and every effort will be made to minimize any risk of emotional harm. This includes stress over the voluntariness and confidentiality of the study, and that no identifying information will appear on any document. Also, there may be some stress or uneasiness related to any difficulties experienced while transitioning from prison, however. The researcher has several years of experience working with prison inmates and with sex offenders and recognizes the emotional sensitivity of the topic. In addition, the participant has the option of ending the interview at any time if they are emotionally unable to answer any or all questions. A referral card will be offered to each participant, whether the interview is completed or not, that lists the several social service and mental health agencies near the participant's home area should one be needed. Finally, the questions focus almost entirely on transitional issues, such as program specifics and effectiveness of services offered to facilitate smooth transition from prison to society, and not on the crime committed.

## **XII. Benefits**

Describe the benefits to the subject and/or society. The IRB must have sufficient information to make a determination that the benefits outweigh risks.

There could be several benefits to the sex offender and society in addition to collecting original data on the MPRI. For instance, data will identify particular services the MPRI provides which are most important for the success of the offender, including length and type of services offered. This, in turn, assists current and future offenders with their transition, and a possible reduction in the overall recidivism rate. The goals of the MPRI are to benefit society (and the parolee) by reducing costs and assist in transitioning parolees' into successful and productive members of society.

## **XIII. Voluntary Participation**

Describe how you will ensure subject participation is voluntary. A copy of the consent form to be signed by the subject should be attached to this proposal, (See Section IV in the IRB Manual for information about informed consent forms.) If your research is exempted from obtaining a signed informed consent release, please include a written protocol that indicates how informed consent will be obtained.

Potential participants are will be given information about the study from their probation officer in which the potential participant will be reassured that refusal does not affect their parole in any manner. The researcher will also reassure those agreeing to participate that their identity will not appear on any document, and that their responses will not link to them in any way. Additionally, participants will be informed that should the results of the study be reported or published in any manner, any identifying information will be omitted so that identities can not be ascertained. The researcher, prior to beginning the interview, will reiterate the voluntariness and confidentiality of participation, in addition to stressing their right to end the interview at any time and for any reason. Finally, an informed consent form read, understood and signed by each participant is a requirement before beginning the interview (see Appendix C).

## **XIV. Confidentiality of Data**

Describe how you plan to protect the confidentiality of the data collected. Include a description of where the data will be stored and who will have access to it. If the data will be coded to protect subject identity, this should be explained. NOTE: ALL DATA MUST BE RETAINED FOR 7 YEARS

All information obtained by participants that will be written down on paper during the interview will be kept in a a locked file cabinet located at Northern Michigan University in Dr. Dale Kapla's office at 109 Gries Hall. Each consent form obtained will be kept in a separate location from the interview data further ensuring confidentiality. The only people with access to the participants' interviews are the researcher and possibly the researcher's professors Dr. Dale Kapla and Dr. Tim Hilton who may help the researcher with the study if help is needed. When the data is entered into a computer, the information will be placed in a password protected file. There will be no identifying marks or other identifying information on the paperwork. In the event that someone should obtain access to the information, no one will be able to identify the participant.

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Upon approval from the IRB, you will be issued a project number. Please list this project number on all materials distributed to your participants. If your project is approved, you will have one year from the date you receive your project number to conduct your research.

Within one year of your project approval, you must submit either an End of Project Report or request a one-year extension by submitting a Project Renewal Form.

At any point, should you wish to make changes to your protocol, you must submit a Project Change Form before initiating the changes.

If any unanticipated problems arise involving human subjects, you must immediately notify the IRB chair ([dereande@nmu.edu](mailto:dereande@nmu.edu)) and NMU's IRB administrator ([tseethof@nmu.edu](mailto:tseethof@nmu.edu)) and must submit an Unanticipated Problem/Adverse Event form.

## Appendix B

Date:

Inside Address

Dear :

I am writing to invite you to participate in a research study. The purpose of the study is to find out how effective the Michigan Prisoner Reentry Program (MPRI) is in aiding sex offenders transitioning back to society from prison. I am interested in your perspective.

I am inviting you to be in this study because you have been released from prison and are currently on parole. While on parole, and being enrolled in MPRI, you have certain criteria you have to follow. Because of this reason, you are qualified to take part in this study. The study will consist of 10-25 participants, just like you, who deal with the same day to day issues, such as how to obtain housing, a job, and how to get to work.

If you agree to participate, I would like you to answer some questions regarding how you obtained housing, a job, and how you get to work if you have a job. For example, one question would be, "Describe your housing situation." The entire interview in which you are being asked to participate in will take no longer than one hour. Most of the questions are open-ended, which may result in some of your answers being longer than others. You will be free to refuse to answer any questions you wish.

I will keep the information you provide confidential; however, federal regulatory agencies and the Northern Michigan University Institutional Review board may look at the research I have collected in order to see that the research is being conducted properly. Also, Dr. Dale Kapla and Dr. Tim Hilton will have access to the records so they can help me with the data should I need it. They will not know who you are. There will be no names on the notes or reports that I write. Also, as I deliver the results, no names will be used.

Along with this consent form, I have also included a certificate of consent. This is another step to ensure confidentiality. This form prevents the use of the information you reveal to me from being subpoenaed to court. However, if you reveal to me that you may kill yourself or sexually abuse another individual, I will have to report it to the police.

You may or may not experience some stress regarding the questions you are going to be asked. A referral card of various mental health agencies in your area will be provided should you need some help handling the stress. I have kept the questions really general with no references to what you went to prison for so your stress levels should be low. We hope that others may benefit in the future from what we learn as a result of this study.

You will not have any costs other than your time for being in this research study and you will not be paid for taking part.

Taking part in this research study is completely voluntary. Again, you have the right to withdraw from the study at any time without penalty. Withdrawal will not affect you in any way if you do. If you have any further questions regarding your rights as a participant in a research project you may contact Dr. Terry Seethoff of the Human Subjects Research Review Committee of Northern Michigan University (906-227-2300) tseethof@nmu.edu. Any questions you have regarding the nature of this research project will be answered by the principal researcher who can be contacted as follows: Dr. Kapla (906-227-2660) dkapla@nmu.edu.

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I have read the above "Informed Consent Statement." The nature, risks, demands, and benefits of the project have been explained to me. I understand that I may ask questions and that I am free to withdraw from the project at any time without incurring ill will or negative consequences. I also understand that this informed consent document will be kept in the locked office of Dr. Dale Kapla at Northern Michigan University. The data you provide me with will also be kept the locked office of Dr. Dale Kapla but in a separate area to help maintain confidentiality. Access to this document is restricted to the principle investigators whom are my professors Dr. Dale Kapla and Dr. Timothy Hilton.

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Subject's Signature

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Date

Thank you very much for your consideration.

Sincerely,

Lynda Rayburn-James

Master's student



## Appendix C

### Questions for Subjects of the Michigan Prisoner Re-entry Initiative Program

1. Sex-
  - a. Male
  - b. Female
2. Race-
  - a. White
  - b. Native American
  - c. African American
  - d. Hispanic
  - e. Other
3. Age-
  - a. 18-25
  - b. 26-30
  - c. 31-35
  - d. 36-40
  - e. 41 or older
4. Children-
  - a. 1
  - b. 2
  - c. 3
  - d. 4 or more
5. Marital Status-
  - a. Married
  - b. Divorced
  - c. Widowed
  - d. Never married
6. Education Level
  - a. 1<sup>st</sup> -6<sup>th</sup>
  - b. 7<sup>th</sup> -9<sup>th</sup>
  - c. 10<sup>th</sup> -12<sup>th</sup>
  - d. Some college
  - e. College degree
7. What city did you reside in before you went to prison?
8. Describe your housing situation. Examples:
  - a. Immediate family
  - b. Extended family members

- c. Alone in an apartment or home
  - d. Alone in a motel
9. Describe how you came to find housing after release.
- a. Did you receive help from MPRI? Explain.
10. Describe the jobs you have had in your life.
- a. Are you working now?
  - b. How do you think your previous work experience has prepared you for re-entering the job force?
  - c. How has the MPRI helped you in obtaining a job
  - d. If you have not found a job yet, describe what you think the MPRI should be focusing on differently if anything.
  - e. Why do you believe you are have difficulty finding a job?
11. How do you get back and forth from your place of residence to probation, employment, treatment programs, etc.?
- a. Public transportation- Is it available?
  - b. Friends
  - c. Family
  - d. Bicycle
  - e. Walk
12. If MPRI provides bus tickets for you, how long does or did that service last? Was it adequate?
15. Do you have a positive support system that encourages you to succeed?
- a. How have they encouraged you?
  - b. If not, describe how do you cope?
16. Explain how the services you received have helped you?
- a. Great Lakes Recovery, Michigan Works, Michigan Re-hab, etc.
  - b. Were they provided for a long enough period of time or not?
17. Describe what services you may have needed when you reentered the community that NPRI did not provide you with if any.
18. Describe your overall impression of the MPRI program.

Appendix D

Act No. 18

Public Acts of 2011

Approved by the Governor

April 12, 2011

Filed with the Secretary of State

April 12, 2011

EFFECTIVE DATE: July 1, 2011

**STATE OF MICHIGAN**

**96TH LEGISLATURE**

**REGULAR SESSION OF 2011**

**Introduced by Senators Pavlov, Jones, Pappageorge, Nofs and Proos**

## **ENROLLED SENATE BILL No. 189**

AN ACT to amend 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prohibit certain individuals from engaging in certain activities within a student safety zone; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,” by amending sections 6, 7, 8, 8c, 8d, 9, and 10 (MCL 28.726, 28.727, 28.728, 28.728c, 28.728d, 28.729, and 28.730), section 6 as amended by 1996 PA 494, section 7 as amended by 2004 PA 237, section 8 as amended and sections 8c and 8d as added by 2004 PA 240, section 9 as amended by 2005 PA 132, and section 10 as amended by 2006 PA 46, and by adding section 8a; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 6. (1) The officer, court, or agency registering an individual or receiving or accepting a registration under section 4 or receiving notice under section 5(1) shall provide the individual with a copy of the registration or notification at the time of registration or notice.

(2) The officer, court, or agency registering an individual or receiving or accepting a registration under section 4 or notified of an address change under section 5(1) shall forward the registration or notification to the department in a manner prescribed by the department immediately after registration or notification.

Sec. 7. (1) Registration information obtained under this act shall be forwarded to the department in the format the department prescribes. Except as provided in section 5b(3), a \$50.00 registration fee shall accompany each original registration. All of the following information shall be obtained or otherwise provided for registration purposes:

(a) The individual's legal name and any aliases, nicknames, ethnic or tribal names, or other names by which the individual is or has been known. An individual who is in a witness protection and relocation program is only required to use the name and identifying information reflecting his or her new identity in a registration under this act. The registration and compilation databases shall not contain any information identifying the individual's prior identity or locale.

(b) The individual's social security number and any social security numbers or alleged social security numbers previously used by the individual.

(c) The individual's date of birth and any alleged dates of birth previously used by the individual.

(d) The address where the individual resides or will reside. If the individual does not have a residential address, information under this subsection shall identify the location or area used or to be used by the individual in lieu of a residence or, if the individual is homeless, the village, city, or township where the person spends or will spend the majority of his or her time.

(e) The name and address of any place of temporary lodging used or to be used by the individual during any period in which the individual is away, or is expected to be away, from his or her residence for more than 7 days. Information under this subdivision shall include the dates the lodging is used or to be used.

(f) The name and address of each of the individual's employers. For purposes of this subdivision, "employer" includes a contractor and any individual who has agreed to hire or contract with the individual for his or her services. Information under this subsection shall include the address or location of employment if different from the address of the employer. If the individual lacks a fixed employment location, the information obtained under this subdivision shall include the general areas where the individual works and the normal travel routes taken by the individual in the course of his or her employment.

(g) The name and address of any school being attended by the individual and any school that has accepted the individual as a student that he or she plans to attend. For purposes of this subdivision, "school" means a public or private postsecondary school or school of higher education, including a trade school.

(h) All telephone numbers registered to the individual or routinely used by the individual.

(i) All electronic mail addresses and instant message addresses assigned to the individual or routinely used by the individual and all login names or other identifiers used by the individual when using any electronic mail address or instant messaging system.

(j) The license plate number, registration number, and description of any motor vehicle, aircraft, or vessel owned or regularly operated by the individual and the location at which the motor vehicle, aircraft, or vessel is habitually stored or kept.

(k) The individual's driver license number or state personal identification card number.

(l) A digital copy of the individual's passport and other immigration documents.

(m) The individual's occupational and professional licensing information, including any license that authorizes the individual to engage in any occupation, profession, trade, or business.

(n) A brief summary of the individual's convictions for listed offenses regardless of when the conviction occurred, including where the offense occurred and the original charge if the conviction was for a lesser offense.

(o) A complete physical description of the individual.

(p) The photograph required under section 5a.

(q) The individual's fingerprints if not already on file with the department and the individual's palm prints. An individual required to be registered under this act shall have his or her fingerprints or palm prints or both taken not later than September 12, 2011 if his or her fingerprints or palm prints are not already on file with the department. The department shall forward a copy of the individual's fingerprints and palm prints to the federal bureau of investigation if not already on file with that bureau.

(r) Information that is required to be reported under section 4a.

(2) A registration shall contain all of the following:

(a) An electronic copy of the offender's Michigan driver license or Michigan personal identification card, including the photograph required under this act.

(b) The text of the provision of law that defines the criminal offense for which the sex offender is registered.

(c) Any outstanding arrest warrant information.

(d) The individual's tier classification.

(e) An identifier that indicates whether a DNA sample has been collected and any resulting DNA profile has been entered into the federal combined DNA index system (CODIS).

(f) The individual's complete criminal history record, including the dates of all arrests and convictions.

(g) The individual's Michigan department of corrections number and status of parole, probation, or supervised release.

(h) The individual's federal bureau of investigation number.

(3) The form used for notification of duties under this act shall contain a written statement that explains the duty of the individual being registered to provide notice of changes in his or her registration information, the procedures for providing that notice, and the verification procedures under section 5a.

(4) The individual shall sign a registration and notice. However, the registration and notice shall be forwarded to the department regardless of whether the individual signs it or pays the registration fee required under subsection (1).

(5) The officer, court, or an employee of the agency registering the individual or receiving or accepting a registration under section 4 shall sign the registration form.

(6) An individual shall not knowingly provide false or misleading information concerning a registration, notice, or verification.

(7) The department shall prescribe the form for a notification required under section 5 and the format for forwarding the notification to the department.

(8) The department shall promptly provide registration, notice, and verification information to the federal bureau of investigation and to local law enforcement agencies, sheriff's departments, department posts, and other registering jurisdictions, as provided by law.

Sec. 8. (1) The department shall maintain a computerized law enforcement database of registrations and notices required under this act. The law enforcement database shall contain all of the following information for each individual registered under this act:

(a) The individual's legal name and any aliases, nicknames, ethnic or tribal names, or other names by which the individual is or has been known.

(b) The individual's social security number and any social security numbers or alleged social security numbers previously used by the individual.

(c) The individual's date of birth and any alleged dates of birth previously used by the individual.

(d) The address where the individual resides or will reside. If the individual does not have a residential address, information under this subsection shall identify the location or area used or to be used by the individual in lieu of a residence or, if the individual is homeless, the village, city, or township where the individual spends or will spend the majority of his or her time.

(e) The name and address of any place of temporary lodging used or to be used by the individual during any period in which the individual is away, or is expected to be away, from his or her residence for more than 7 days. Information under this

subdivision shall include the dates the lodging is used or to be used.

(f) The name and address of each of the individual's employers. For purposes of this subdivision, "employer" includes a contractor and any individual who has agreed to hire or contract with the individual for his or her services. Information under this subsection shall include the address or location of employment if different from the address of the employer.

(g) The name and address of any school being attended by the individual and any school that has accepted the individual as a student that he or she plans to attend. For purposes of this subdivision, "school" means a public or private postsecondary school or school of higher education, including a trade school.

(h) All telephone numbers registered to the individual or routinely used by the individual.

(i) All electronic mail addresses and instant message addresses assigned to the individual or routinely used by the individual and all login names or other identifiers used by the individual when using any electronic mail address or instant messaging system.

(j) The license plate number or registration number and description of any motor vehicle, aircraft, or vessel owned or regularly operated by the individual and the location at which the motor vehicle, aircraft, or vessel is habitually stored or kept.

(k) The individual's driver license number or state personal identification card number.

(l) A digital copy of the individual's passport and other immigration documents.

(m) The individual's occupational and professional licensing information, including any license that authorizes the individual to engage in any occupation, profession, trade, or business.

(n) A brief summary of the individual's convictions for listed offenses regardless of when the conviction occurred, including where the offense occurred and the original charge if the conviction was for a lesser offense.

(o) A complete physical description of the individual.



- (p) The photograph required under section 5a.
  - (q) The individual's fingerprints and palm prints.
  - (r) An electronic copy of the offender's Michigan driver license or Michigan personal identification card, including the photograph required under this act.
  - (s) The text of the provision of law that defines the criminal offense for which the sex offender is registered.
  - (t) Any outstanding arrest warrant information.
  - (u) The individual's tier classification and registration status.
  - (v) An identifier that indicates whether a DNA sample has been collected and any resulting DNA profile has been entered into the federal combined DNA index system (CODIS).
  - (w) The individual's complete criminal history record, including the dates of all arrests and convictions.
  - (x) The individual's Michigan department of corrections number and the status of his or her parole, probation, or release.
  - (y) The individual's federal bureau of investigation number.
- (2) The department shall maintain a public internet website separate from the law enforcement database described in subsection (1) to implement section 10(2) and (3). Except as provided in subsection (4), the public internet website shall contain all of the following information for each individual registered under this act:
- (a) The individual's legal name and any aliases, nicknames, ethnic or tribal names, or other names by which the individual is or has been known.
  - (b) The individual's date of birth.
  - (c) The address where the individual resides. If the individual does not have a residential address, information under this subsection shall identify the village, city, or township used by the individual in lieu of a residence.
  - (d) The address of each of the individual's employers. For purposes of this

subdivision, “employer” includes a contractor and any individual who has agreed to hire or contract with the individual for his or her services. Information under this subsection shall include the address or location of employment if different from the address of the employer.

(e) The address of any school being attended by the individual and any school that has accepted the individual as a student that he or she plans to attend. For purposes of this subdivision, “school” means a public or private postsecondary school or school of higher education, including a trade school.

(f) The license plate number or registration number and description of any motor vehicle, aircraft, or vessel owned or regularly operated by the individual.

(g) A brief summary of the individual’s convictions for listed offenses regardless of when the conviction occurred.

(h) A complete physical description of the individual.

(i) The photograph required under this act. If no photograph is available, the department shall use an arrest photograph or Michigan department of corrections photograph until a photograph as prescribed in section 5a becomes available.

(j) The text of the provision of law that defines the criminal offense for which the sex offender is registered.

(k) The individual’s registration status.

(l) The individual’s tier classification.

(3) The following information shall not be made available on the public internet website described in subsection (2):

(a) The identity of any victim of the offense.

(b) The individual’s social security number.

(c) Any arrests not resulting in a conviction.

(d) Any travel or immigration document numbers.

(e) Any electronic mail addresses and instant message addresses assigned to the

individual or routinely used by the individual and any login names or other identifiers used by the individual when using any electronic mail address or instant messaging system.

(f) The individual's driver license number or state personal identification card number.

(4) The public internet website described in subsection (2) shall not include the following individuals:

(a) An individual registered solely because he or she had 1 or more dispositions for a listed offense entered under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18, in a case that was not designated as a case in which the individual was to be tried in the same manner as an adult under section 2d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

(b) An individual registered solely because he or she was the subject of an order of disposition or other adjudication in a juvenile matter in another state or country.

(c) An individual registered solely because he or she has been convicted of a single tier I offense.

(5) The compilation of individuals shall be indexed alphabetically by village, city, township, and county, numerically by zip code area, and geographically as determined appropriate by the department.

(6) The department shall update the public internet website with new registrations, deletions from registrations, and address changes at the same time those changes are made to the law enforcement database described in subsection (1). The department shall make the law enforcement database available to each department post, local law enforcement agency, and sheriff's department by the law enforcement information network. Upon request by a department post, local law enforcement agency, or sheriff's department, the department shall provide to that post, agency, or sheriff's department the information from the law enforcement database in printed form for the designated areas located in whole or in part within the post's, agency's, or sheriff's department's jurisdiction. The department shall provide the ability to conduct a computerized search of the law enforcement database and the public internet website based upon the name and campus location of an institution of higher education.

(7) The department shall make the law enforcement database available to a

department post, local law enforcement agency, or sheriff's department by electronic, computerized, or other similar means accessible to the post, agency, or sheriff's department. The department shall make the public internet website available to the public by electronic, computerized, or other similar means accessible to the public. The electronic, computerized, or other similar means shall provide for a search by name, village, city, township, and county designation, zip code, and geographical area.

(8) If a court determines that the public availability under section 10 of any information concerning individuals registered under this act violates the constitution of the United States or this state, the department shall revise the public internet website described in subsection (2) so that it does not contain that information.

(9) If the department determines that an individual has completed his or her registration period, including a registration period reduced by law under the amendatory act that added this subsection, or that he or she otherwise is no longer required to register under this act, the department shall remove the individual's registration information from both the law enforcement database and the public internet website within 7 days after making that determination.

(10) If the individual provides the department with documentation showing that he or she is required to register under this act for a violation that has been set aside under 1965 PA 213, MCL 780.621 to 780.624, or that has been otherwise expunged, the department shall note on the public internet website that the violation has been set aside or expunged.

Sec. 8a. (1) If an individual fails to register or to update his or her registration information as required under this act, the local law enforcement agency, sheriff's office, or department post responsible for registering the individual or for verifying and updating his or her registration information shall do all of the following immediately after the date the individual was required to register or to update his or her registration information:

(a) Determine whether the individual has absconded or is otherwise unlocatable.

(b) If the registering authority was notified by a registration jurisdiction that the individual was to appear in order to register or update his or her registration information in the jurisdiction of the registering authority, notify the department in a manner prescribed by the department that the individual failed to appear as required.

(c) Revise the information in the registry to reflect that the individual has absconded or is otherwise unlocatable.

(d) Seek a warrant for the individual's arrest if the legal requirements for obtaining a warrant are satisfied.

(e) Enter the individual into the national crime information center wanted person file if the requirements for entering information into that file are met.

(2) If an individual fails to register or to update his or her registration information as required under this act, the department shall do all of the following immediately after being notified by the registering authority that the individual failed to appear as required:

(a) Notify that other registration jurisdiction that the individual failed to appear as required.

(b) Notify the United States marshal's service in the manner required by the United States marshal's service of the individual's failure to appear as required.

(c) Update the national sex offender registry to reflect the individual's status as an absconder or as unlocatable.

Sec. 8c. (1) An individual classified as a tier I offender who meets the requirements of subsection (12) may petition the court under that subsection for an order allowing him or her to discontinue registration under this act.

(2) An individual classified as a tier III offender who meets the requirements of subsection (13) may petition the court under that subsection for an order allowing him or her to discontinue registration under this act.

(3) An individual classified as a tier I, tier II, or tier III offender who meets the requirements of subsection (14) or (15) may petition the court under that subsection for an order allowing him or her to discontinue registration under this act.

(4) This section is the sole means by which an individual may obtain judicial review of his or her registration requirements under this act. This subsection does not prohibit an appeal of the conviction or sentence as otherwise provided by law or court rule. A petition filed under this section shall be filed in the court in which the individual was convicted of committing the listed offense. However, if the conviction occurred in

another state or country and the individual is a resident of this state, the individual may file a petition in the circuit court in the county of his or her residence for an order allowing him or her to discontinue registration under this act only. A petition shall not be filed under this section if a previous petition was filed under this section and was denied by the court after a hearing.

(5) A petition filed under this section shall be made under oath and shall contain all of the following:

(a) The name and address of the petitioner.

(b) A statement identifying the offense for which discontinuation from registration is being requested.

(c) A statement of whether the individual was previously convicted of a listed offense for which registration is required under this act.

(6) An individual who knowingly makes a false statement in a petition filed under this section is guilty of perjury as proscribed under section 423 of the Michigan penal code, 1931 PA 328, MCL 750.423.

(7) A copy of the petition shall be filed with the office of the prosecuting attorney that prosecuted the case against the individual or, for a conviction that occurred in another state or country, the prosecuting attorney for the county of his or her residence, at least 30 days before a hearing is held on the petition. The prosecuting attorney may appear and participate in all proceedings regarding the petition and may seek appellate review of any decision on the petition.

(8) If the name of the victim of the offense is known by the prosecuting attorney, the prosecuting attorney shall provide the victim with written notice that a petition has been filed and shall provide the victim with a copy of the petition. The notice shall be sent by first-class mail to the victim's last known address. The petition shall include a statement of the victim's rights under subsection (10).

(9) If an individual properly files a petition with the court under this section, the court shall conduct a hearing on the petition as provided in this section.

(10) The victim has the right to attend all proceedings under this section and to make a written or oral statement to the court before any decision regarding the petition is made. A victim shall not be required to appear at any proceeding under this section

against his or her will.

(11) The court shall consider all of the following in determining whether to allow the individual to discontinue registration under subsection (12) or (13) but shall not grant the petition if the court determines that the individual is a continuing threat to the public:

- (a) The individual's age and level of maturity at the time of the offense.
- (b) The victim's age and level of maturity at the time of the offense.
- (c) The nature of the offense.
- (d) The severity of the offense.
- (e) The individual's prior juvenile or criminal history.
- (f) The individual's likelihood to commit further listed offenses.
- (g) Any impact statement submitted by the victim under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, or under this section.
- (h) Any other information considered relevant by the court.

(12) The court may grant a petition properly filed by an individual under subsection (1) if all of the following apply:

- (a) Ten or more years have elapsed since the date of his or her conviction for the listed offense or from his or her release from any period of confinement for that offense, whichever occurred last.
- (b) The petitioner has not been convicted of any felony since the date described in subdivision (a).
- (c) The petitioner has not been convicted of any listed offense since the date described in subdivision (a).
- (d) The petitioner successfully completed his or her assigned periods of supervised release, probation, or parole without revocation at any time of that supervised release,

probation, or parole.

(e) The petitioner successfully completed a sex offender treatment program certified by the United States attorney general under 42 USC 16915(b)(1), or another appropriate sex offender treatment program. The court may waive the requirements of this subdivision if successfully completing a sex offender treatment program was not a condition of the petitioner's confinement, release, probation, or parole.

(13) The court may grant a petition properly filed by an individual under subsection (2) if all of the following apply:

(a) The petitioner is required to register based on an order of disposition entered under section 18 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.18, that is open to the general public under section 28 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.28.

(b) Twenty-five or more years have elapsed since the date of his or her adjudication for the listed offense or from his or her release from any period of confinement for that offense, whichever occurred last.

(c) The petitioner has not been convicted of any felony since the date described in subdivision (b).

(d) The petitioner has not been convicted of any listed offense since the date described in subdivision (b).

(e) The petitioner successfully completed his or her assigned periods of supervised release, probation, or parole without revocation at any time of that supervised release, probation, or parole.

(f) The court determines that the petitioner successfully completed a sex offender treatment program certified by the United States attorney general under 42 USC 16915(b)(1), or another appropriate sex offender treatment program. The court may waive the requirements of this subdivision if successfully completing a sex offender treatment program was not a condition of the petitioner's confinement, release, probation, or parole.

(14) The court shall grant a petition properly filed by an individual under subsection (3) if the court determines that the conviction for the listed offense was the result of a consensual sexual act between the petitioner and the victim and any of the following



apply:

(a) All of the following:

(i) The victim was 13 years of age or older but less than 16 years of age at the time of the offense.

(ii) The petitioner is not more than 4 years older than the victim.

(b) All of the following:

(i) The individual was convicted of a violation of section 158, 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.158, 750.338, 750.338a, and 750.338b.

(ii) The victim was 13 years of age or older but less than 16 years of age at the time of the violation.

(iii) The individual is not more than 4 years older than the victim.

(c) All of the following:

(i) The individual was convicted of a violation of section 158, 338, 338a, 338b, or 520c(1)(i) of the Michigan penal code, 1931 PA 328, MCL 750.158, 750.338, 750.338a, 750.338b, and 750.520c.

(ii) The victim was 16 years of age or older at the time of the violation.

(iii) The victim was not under the custodial authority of the individual at the time of the violation.

(15) The court shall grant a petition properly filed by an individual under subsection (3) if either of the following applies:

(a) Both of the following:

(i) The petitioner was adjudicated as a juvenile.

(ii) The petitioner was less than 14 years of age at the time of the offense.

(b) The individual was registered under this act before July 1, 2011 for an offense that

required registration but for which registration is not required on or after July 1, 2011.

Sec. 8d. If the court grants a petition filed under section 8c, the court shall promptly provide a copy of that order to the department and to the individual. The department shall promptly remove an individual's registration from the database maintained under section 8(1).

Sec. 9. (1) Except as provided in subsections (2), (3), and (4), an individual required to be registered under this act who willfully violates this act is guilty of a felony punishable as follows:

(a) If the individual has no prior convictions for a violation of this act, by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(b) If the individual has 1 prior conviction for a violation of this act, by imprisonment for not more than 7 years or a fine of not more than \$5,000.00, or both.

(c) If the individual has 2 or more prior convictions for violations of this act, by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both.

(2) An individual who fails to comply with section 5a, other than payment of the fee required under section 5a(6), is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(3) An individual who willfully fails to sign a registration and notice as provided in section 7(4) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(4) An individual who willfully refuses or fails to pay the registration fee prescribed in section 5a(6) or section 7(1) within 90 days of the date the individual reports under section 4a or 5a is guilty of a misdemeanor punishable by imprisonment for not more than 90 days.

(5) The court shall revoke the probation of an individual placed on probation who willfully violates this act.

(6) The court shall revoke the youthful trainee status of an individual assigned to youthful trainee status who willfully violates this act.

(7) The parole board shall rescind the parole of an individual released on parole who willfully violates this act.

(8) An individual's failure to register as required by this act or a violation of section 5 may be prosecuted in the judicial district of any of the following:

(a) The individual's last registered address or residence.

(b) The individual's actual address or residence.

(c) Where the individual was arrested for the violation.

Sec. 10. (1) Except as provided in this act, a registration or report is confidential and information from that registration or report shall not be open to inspection except for law enforcement purposes. The registration or report and all included materials and information are exempt from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243.

(2) A department post, local law enforcement agency, or sheriff's department shall make information from the public internet website described in section 8(2) for the designated areas located in whole or in part within the post's, agency's, or sheriff's department's jurisdiction available for public inspection during regular business hours. A department post, local law enforcement agency, or sheriff's department is not required to make a copy of the information for a member of the public.

(3) The department may make information from the public internet website described in section 8(2) available to the public through electronic, computerized, or other accessible means. The department shall provide for notification by electronic or computerized means to any member of the public who has subscribed in a manner required by the department when an individual who is the subject of the public internet website described in section 8(2) initially registers under this act, or changes his or her registration under this act, to a location that is in a designated area or geographic radius designated by the subscribing member of the public.

(4) Except as provided in this act, an individual other than the registrant who knows of a registration or report under this act and who divulges, uses, or publishes nonpublic information concerning the registration or report in violation of this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(5) An individual whose registration or report is revealed in violation of this act has a civil cause of action against the responsible party for treble damages.

(6) Subsections (4) and (5) do not apply to the public internet website described in section 8(2) or information from that public internet website that is provided or made available under section 8(2) or under subsection (2) or (3).

Enacting section 1. Sections 11 and 12 of the sex offenders registration act, 1994 PA 295, MCL 28.731 and 28.732, are repealed.

Enacting section 2. This amendatory act takes effect July 1, 2011.

Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 188 of the 96th Legislature is enacted into law.

This act is ordered to take immediate effect.

Secretary of the Senate

Clerk of the House of Representatives

Approved

## Appendix E

### **REPORT TO THE LEGISLATURE**

#### **Pursuant to P.A. 188 of 2010**

#### **Section 608**

#### **GPS Electronic Tether Program**

*Section 608 of 2010 P.A. 188* requires that the Department of Corrections provide a report for the GPS electronic tether program, including information on:

- Details on the failure rate of parolees for whom GPS tether is utilized, including the number and rate of parolee technical violations, including specifying failures due to committing a new crime that is uncharged but leads to parole termination, and the number and rate of parolee violators with new sentences.
- Information on the factors considered in determining whether an offender is placed on active GPS tether, passive GPS tether, radio frequency tether, or some combination of these or other types of electronic monitoring.
- Monthly data on the number of offenders on active GPS tether, passive GPS tether, radio frequency tether, and any other type of tether.

The use of global positioning system (GPS) monitoring allows for the tracking of offender movement in order to determine compliance with supervision plans. The Department only uses active GPS monitoring which constantly monitors offender movements and provides agents with dynamic alerts of boundary violations. Passive GPS monitoring, which stores offender movement information for later review, is no longer used by the Department.

Offenders monitored on GPS consist of parolees who may be monitored up to 2 years and 8 probationers who are monitored based on extenuating circumstances surrounding the nature of their instant offense. To balance public safety interests and available resources, parolees released from prison on or after January 8, 2007, whose current offense requires registration under the Sex Offender Registration Act, shall be monitored on some form of electronic monitoring whenever practical. The Parole and Commutation Board may not require GPS when medical and/or mental capacity issues make it impractical. GPS monitoring may also be used in addition to radio frequency (RF) monitoring as an intervention or sanction for non-compliance with the order for parole for parolees who have breaking and entering-type convictions.

Electronic monitoring shall be used for prisoners granted parole for offenses listed below:

- Group 1: Criminal Sexual Conduct (CSC) 1<sup>st</sup> degree (MCL 750.520b) and CSC 2<sup>nd</sup> degree – either of which is limited to those offenses with a victim under 13 and perpetrator age 17 or older (MCL 750.520c(1)(a)) and if the offense occurred on or after August 28, 2006 – GPS monitoring for life.
- Group 2: Any current offense for CSC 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> other than those in Group 1 – GPS for the entire term of parole.
- Group 3: Any offense that requires registration under the Sex Offender Registration Act - GPS for a minimum of the first 6 months, and then RF monitoring for the remainder of

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the parole term. If the offender screened low risk on the VASOR, the first 6 months of

GPS may be waived and the offender can be supervised on RF monitoring for the entire term.

- Group 4: A conviction for Failure to Register as a Sex Offender - GPS for a minimum of the first 6 months, and then RF monitoring for the remainder of the parole term<sup>1</sup>.
- Group 5: A conviction for felony Aggravated Stalking or serving a sentence for any other crime along with a concurrent probation term for Aggravated Stalking - GPS for the entire term of parole<sup>1</sup>.
- Group 6: A conviction for felony Domestic Violence - GPS for a minimum of the first 12 months, and then RF monitoring for the remainder of the parole term<sup>1</sup>.
- Group 7: Any other offender ordered by the Parole and Commutation Board and identified by the Parole Release Unit - GPS for a minimum of 6 months, and then RF monitoring for a minimum of 6 additional months<sup>1</sup>.

During 2010, there were 2,845 GPS activations and 1,910 terminations. Of the 1,910 terminations, 92 (4.8%) were for administrative reasons. The remaining 1,818 terminations, 559 (30.7%) were a result of technical violations, 54 (3.0%) were a result of new sentence failures, 53 (2.9%) are currently absconders, and 1,152 (63.4%) were a result of successful completion of GPS. Of the 559 terminations that were a result of technical violations, 73 were for uncharged criminal behavior, making up 13.1% of technical violations and 3.8% of all terminations.

Table 1 shows the 2010 end of month populations experienced by each of the Electronic Tether programs.

**Table 1 – Monthly Electronic Tether Program Activity**

**GPS RF Sobriator SCRAM**

<b>Jan</b>	2,786	1,784	244	514
<b>Feb</b>	2,970	1,787	235	545
<b>Mar</b>	3,133	1,763	245	521
<b>Apr</b>	3,242	1,721	233	554
<b>May</b>	3,378	1,763	209	559
<b>Jun</b>	3,452	1,756	204	540
<b>Jul</b>	3,469	1,744	208	546
<b>Aug</b>	3,454	1,734	190	569
<b>Sep</b>	3,505	1,704	184	602
<b>Oct</b>	3,535	1,716	184	637
<b>Nov</b>	3,539	1,740	178	661
<b>Dec</b>	3,500	1,714	177	690

<sup>1</sup> P rovided the parolee remains in compliance with his/her Transition Accountability Plan. Compliance with

