

Patterson targets 'career criminals'

By Tim Richard
staff writer

H E CALLS IT "a modest plan." But Oakland County Prosecutor L. Brooks Patterson's new program for criminal justice reform contains two bombshells aimed at two politically potent groups who are in a position to fight him.

Patterson's plan is to limit sharply the discretion of 1) county prosecutors and 2) judges in trying and sentencing defendants.

"Prosecutors should be required to routinely charge felons who have prior convictions as 'career criminals' whenever possible," writes Patterson in a 31-page essay issued in December.

"Because of the demonstrated leniency of the courts when sentencing habitual felons, the legislature should create severe mandatory penalties for career criminals when convicted under a formal 'career criminal prosecution.'"

PROSECUTORS are jealous of their authority to charge defendants as they see fit.

One could see this when the legislature debated a county home-rule bill and when the Wayne County Charter Commission wrote the first such charter in Michigan.

Prosecutors insist on being separately elected, not appointed by a county executive (the way the U.S. president appoints an attorney general). Prosecutors argue that by answering to the voters, they can free themselves from pressures of a higher-up to show leniency to politically potent defendants.

The same argument surfaced in 1982 when the Michigan Legislature debated tougher drunk driving laws. While Mothers Against Drunk Driving (MADD) argued for prison terms for third-offense drunk drivers, prosecutors in effect argued they should be free to charge a drinking driver with "first offense" as many times as they deemed proper.

DITTO WITH circuit judges. A major battle — won by the judges — during the 1984 session of the legislature was over the extent to which judges should be required by law to impose stiff sentences.

The judges won. The bill died in committee, and the Michigan Supreme Court imposed sentencing "guidelines" for the judges.

Patterson's "modest" proposal attacks the judiciary head-on:

"Such guidelines should be the responsibility of the legislature. The attempt by the Supreme Court to usurp that authority is clearly objectionable on that basis.

"There is no quarrel that an uncomfortable disparity in sentencing exists, but I suggest the remedy for correcting that abuse is mandatory sentencing for all crimes. Certainly the state must adopt mandatory sentencing for violent crimes, especially those involving career criminals."

PATTERSON'S plan contains 10 chapters of sometimes complex recommendations. All stem from a single starting point — the lack of swift, sure, harsh punishment for those who commit crimes, particularly crimes of violence.

Of the more than 600,000 major felonies reported (in 1980) only 68,056 were solved or "cleared by arrests." In that same year, a mere 4,067 people went to prison.

"The alarming bottom line: Only .06 percent of the felons who committed more than one-half million major felonies in Michigan were put behind bars," he said.

Starting his fourth four-year term this week, Patterson frequently has found himself at odds with the criminal justice establishment over his sentencing, prison building and capital punishment proposals.

Here is an outline of Patterson's proposals:

CAREER CRIMINALS — About 15 percent of hard-core criminals commit 70-80 percent of crime. Prosecutors and judges "underutilize" the law for special prosecution of career criminals.

Prosecutors should be required to charge felons with prior convictions as "career criminals" whenever possible. These cases should be docketed for accelerated trial — 45 days instead of the permissible six months. Penalties should be mandatory, not left to judicial discretion.

SENTENCING — The legislature should mandate penalties. Victims of crime should be allowed to speak in open court regarding sentencing of the felon who injured them.

Michigan felons convicted of multiple crimes currently serve their prison terms concurrently — that is, all at the same time. Patterson argues for making sentences consecutive because "Once a person has committed one breaking and entering, he might as well commit 100 because he can only serve one prison term."

PAROLE REFORM — He would abolish the State Parole Board, which exercises no judgment but simply calculates prison populations and eligible release dates.

He would abolish "the dangerous charade of halfway houses," which would be unnecessary if there were no "time off for good behavior." Patterson contends halfway houses are poorly supervised anyway.

Under his system, every convict would serve his full term and could not be given "disciplinary credits" for good behavior, as currently permitted. On the contrary, he would set up a system of additional prison time for bad behavior.

Parole hearings, now open only to the prisoner, would be open to prosecutors, police and even victims of crime before a prisoner could be released on parole.

BAIL BONDS — In the metropolitan area, 25-35

percent of crimes are committed by persons already out of jail on bail bond and awaiting court disposition of their earlier cases.

Court rules for setting of bond should consider "protection of the public," a factor not currently considered. Judges should be allowed to deny bond not only in murder cases but also in "career criminal" cases awaiting "accelerated trial."

JUVENILES — Half of all persons arrested for major crimes are younger than 20. Patterson would lower the juvenile age in Michigan from the current 16 to 14.

He would abolish the law that forces juvenile courts to relinquish control over the youth once he reaches age 19. "There should be provisions made to retain jurisdiction, including incarceration, until the court is satisfied that the public will be protected upon his release."

School children should be required by law to spend at least two years in a character-building program, such as scouting. Schools would monitor their participation.

PRISON SPACE — Under present law, the governor must top 90 days of prisoners' sentences when state prisons become overcrowded. Patterson argues that, since the law has been invoked nine times, some prisoners have had as much as nine times 90, or 810 days, cut from their sentences.

He would provide more prison space without raising taxes by converting existing buildings. As sites, he pointed to 1) the former Kinross air base in the Upper Peninsula, 2) the Wayne County Elmore property in Westland and 3) the Clinton Valley Hospital near Pontiac.

He also would allow "double bunking" of prisoners.

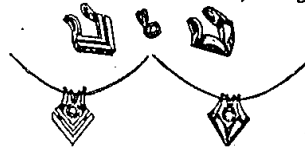
'The state must adopt mandatory sentencing for violent crimes, especially those involving career criminals.'

— L. Brooks Patterson



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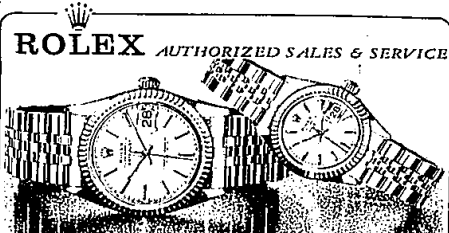
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