

Parole board members will rewrite a page in history

By PAT MURPHY
Staff Writer

When members of the parole board meet later this month to consider freedom for four so-called "drug lifer" inmates, they will begin rewriting a page of Michigan history.

They will also be creating a mountain of work for the Oakland County prosecutor's office. "We intend to monitor each case to make sure that people who don't deserve parole remain in prison," said Oakland Prosecutor David Goreyca.

The Parole Appeal Division within Goreyca's office plans to monitor individual cases as the Michigan parole board interviews drug lifer inmates for possible release. "We'll be looking at each case," said Assistant Prosecutor Diane D'Agostini, lead attorney within the division.

"We'll look at the inmate's case history," she said, "and we'll look at their behavior while in prison. We don't consider drug trafficking to be a nonviolent crime."

Under changes enacted by the Legislature last summer, some of the inmates now serving life in prison under the drug lifer law are, or will be, eligible for parole — something specifically precluded in 1978 when lawmakers enacted the controversial drug lifer law.

That law was one of several measures enacted in the fall of 1978 by a legislature convinced tougher laws were needed to deal with narcotics-related crimes. It mandated that anyone convicted of trafficking in 650 or more grams of heroin or cocaine would go to prison for life, with no chance of parole.

Since then, 248 people — including 73 from Oakland County — have been sentenced to mandatory life, according to the Michigan Department of Corre-

tions (DOC).

Going to work

The real work of determining who goes free — and who won't — begins Oct. 15, when the parole board begins holding commutation hearings on four drug lifer inmates, all from Wayne County. The hearings are expected to last days, if not weeks, after which the parole board will make recommendations to Gov. John M. Engler.

"This isn't a process that happens overnight," said John Truscott, spokesman for Engler, whose signature will set the inmates free. "The parole board carefully evaluates each case, and then makes a recommendation. The governor has never gone against the recommendation of the board."

Truscott said the difference between parole and commutation is significant. When a person is paroled, he said, he or she has numerous restrictions, such as periodically reporting to a parole officer and travel limitations. "When a person's sentence is commuted, that's it," Truscott said. There are fewer, if any, restrictions.

The governor's office decided to commute the sentences of 20 drug lifer inmates — rather than releasing them on parole — as a matter of consistency, Truscott said. "We will be treating them as if they had been sentenced under today's law rather than the law as it existed 20 years ago."

Once those 20 inmates — all first offenders — are considered for commutation, Truscott said, other drug lifer inmates will be considered for parole, which also involves similar hearings.

In either set of hearings, Oakland County will be deeply involved, according to Goreyca.

OAKLAND COUNTY

"It doesn't make much difference to use if a sentence is commuted or if an inmate is paroled," he said. "We're going to be watching."

Keeping track of prisoner releases is nothing new for Oakland County, said Assistant

Prosecutor D'Agostini, who said her division monitors parole hearings and, in some cases, goes to court to reverse or modify paroles that have already been granted.

Team effort

In most cases, she said, her office is working at the request of, or in conjunction with, the victims of crime, their survivors or the police department that

"We'll look at the inmate's case history and we'll look at their behavior while in prison."

Diane D'Agostini
—Assistant prosecutor

handled the original case. "When we intervene at a hear-

ing, we can argue the prisoner shouldn't be released," said D'Agostini. "Once parole has been granted, we have to go to judge to argue the parole board abused its discretion."

In 1997, the Oakland prosecutor's office argued against parole at 19 hearings, D'Agostini said, 11 were denied. In that same year, her office was successful in getting five of 11 paroles revoked.

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