



A.R.R.O.

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CHOICES

FAIR CHANCES

April 19th, 2019

Criminal Justice Committee House of Representatives:

I have spoken to Brandon DuBois Representative Brann's clerk and requested to get a meeting with Representative Brann and to be given the opportunity to testify before this bill is passed through the house and was referred to this committee. I have sent opposition a few weeks ago, and have started a campaign in opposition to House Bills 4031 and 4032.

In the last few years our Legislators have come together in a Bi-Partisan manner and Michigan can be proud of the fact that we have become "Smart on Crime" while keeping our streets safer. The data in Michigan supports that the work our Legislators have done has made a difference.

House Bills 4031 and 4302 take a step backwards to the progress made in criminal justice reform. The statute as it currently reads works good for clients in the system. To increase fines and fees to a set amount of \$30.00 a month is outrageous for clients that are mounted with debt for restitution, child support, child care, and taking care of their families. No one disputes that people that commit crimes must have consequences but putting an extra burden in fines, fees, and GPS monitoring continues to keep people in poverty instead of allowing them a real second chance at redemption. If you keep the statute the way it is currently and clarify how fees and fines can be waived for the indigent, justice would be better served and Michigan would continue in the bragging rights of lower crime rates and recidivism. It would be more beneficial to have clients do community service by cleaning our highways or having them fill in all the pots holes until we can pay to get the roads paved. The State of Michigan would benefit more from community service than fines and fees that they won't ever see.

The current statute allows for a sliding scale based on a client's income. I run a probation and parole program and not one of the clients pay more than \$20 a month, and instead most pay \$7.50 a month. I can provide you this documentation. The current statute allows for indigent clients' fees to be waived by their probation agent and Michigan Department of Corrections. In the current bill there is NO mechanism in place to define indigent or who will be eligible. If they are unable to pay and was not considered indigent, they have to pay an attorney to get the fines and fees waved, adding even more fees and debt for the client. Leaving indigency qualifications up to the MDOC's or a judge's digression leaves room for conflict and bias.

Please accept this written testimony in opposition of House Bills 4031 and 4032. This is our second submitted testimony as we have acquired more information since that time. We hope that this information will influence your decision for the vote next Tuesday, April 23rd. This is one piece of legislation that doesn't need to be fixed and legislators should spend more time on bills that will help the State of Michigan.

Sincerely,

Monica Jahner-Manager

Mia Dawson-Intern

STATE OF MICHIGAN 30th Circuit Court - Ingham County	ORDER OF PROBATION	CASE NO. (1)18-355-FH
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ORI: MI330055J Court Address: 313 West Kalamazoo, 3rd Floor
Lansing Michigan 48933

Court Telephone: (517)483-6500

THE PEOPLE THE STATE OF MICHIGAN OF Ingham County	V	Defendant's name, address and telephone no.			
		CTN 33- 18002410- 01	TCN	SID 5611194K	DOB 01/22/2000

Probation Officer: MICHAEL J GLEASON Term: 1 year(s) 6 month(s) (06/27/2018)

Offenses:
(1) 750.110A2 - Home Invasion - 1st Degree

<input checked="" type="checkbox"/> Judgment of guilt is deferred under:	<input type="checkbox"/> MCL 333.7411, Controlled Substance Act	<input type="checkbox"/> MCL 750.350a, Parental Kidnapping Act	<input checked="" type="checkbox"/> MCL 762.14, Youthful Trainee Status
<input type="checkbox"/> MCL 600.1070, Drug Treatment Court	<input type="checkbox"/> MCL 600.1095, Mental Health Court	<input type="checkbox"/> MCL 600.1206, Veterans Court	

Pursuant to 18 USC 922(g)(8), the court found, at a hearing, that the defendant represents a credible threat to the physical safety of one or more persons as defined in 19 USC 922(g)(8) and 18 USC 921 (32) and named in item 9. **Needed for NCIC entry.

IT IS ORDERED that the defendant be placed on probation under the supervision of the probation officer named above for the term indicated, and the defendant shall:

- Not violate any criminal law of any unit of government.
- Not leave the state without the consent of this court.
- Make a truthful report to the probation officer monthly, or as often as the probation officer may require, either in person or in writing, as required by the probation officer.
- Notify the probation officer immediately of any change of address or employment status.
- Not Purchase or possess a firearm. (Needed for NCIC entry)
- Pay the following to the court:

Fine.....	\$
Costs.....	\$
Restitution.....	\$
Crime Victim Assessment.....	\$130.00
Attorney Fee.....	\$200.00
State Costs.....	\$68.00
Drug Court Fee.....	\$
Other.....	\$
TOTAL.....	\$398.00

6. a. The due date for payment is _____

6. b. Total amount due may be paid in _____ per _____ starting on _____
installments of \$ _____
and paid in full by the due date stated on the judgement of _____
sentence or by _____

Fines, costs and fees not paid within 56 days of the date owed or of any installment payment date are subject to a 20% late penalty on the amount owed.

7. Pay a supervision fee to the Department of Corrections in the amount of \$ 180.00 The fee is payable immediately.

Total amount due may be paid in 10 installments of \$ _____ per month starting on _____
payable to the State of Michigan.

8. Comply with the attached wage assignment order.

9. Other:

- 02.0 You must not use or possess alcoholic beverages or other intoxicants. You must not enter bars or other places where the primary purpose is to serve alcoholic beverages for drinking on site, unless the field agent has first given you written permission for your employment at a specific location.
- 02.4 You must not use or possess any controlled substances or drug paraphernalia, unless prescribed for you by a licensed physician, or be with anyone you know to possess these items.
- 03.1 You must participate in an adult education or GED program as directed by the field agent.
- 04.16 You must obey all Court Orders.
- 04.22 You must comply with written or verbal orders made by the field agent.
- 06.4 You must make genuine efforts to find and maintain legitimate employment of a minimum of 30 hours per week, unless engaged in an alternative program approved by the field agent. You must provide ongoing verification of employment or alternative program to the field agent. You shall

- not give reason to be terminated or voluntarily terminate your employment or alternative program, unless you first obtain written permission from the field agent.
- 16. 08.0 You must serve jail time as follows: 12 days , with credit for 12 days served.
 - 17. 08.18 You must pay \$ 68 State Cost as ordered by the Court.
 - 18. 08.2 You must pay a crime victim's assessment in the amount of \$ 130 as ordered by the court.
 - 19. 08.6 You must pay attorney fees of \$ 200 as ordered by the court. These fees may be paid at the rate of \$ per month.
 - 20. 09.01 You must obey standard conditions of Probation as set forth by your probation agent.
 - 21. 09.02 Not purchase or possess a firearm. (Needed for NCIC entry)
 - 22. 09.03 Shall obey all rules and regulations of all court-ordered programs.
 - 23. 09.04 Total amount due shall be paid on a pro rata monthly basis as directed, and paid in full by the end of probation, unless otherwise ordered. Fine, costs, and fees not paid within 56 days of the date owed are subject to a 20% late penalty on the amount owed. If a cash bond/ bail was personally posted by the defendant, payment toward the total is to first be collected out of that bond/ bail and allocated as specified under MCL 775.22.
 - 24. 09.80 You must execute a wage assignment to pay restitution if you are employed and miss two regularly scheduled payments.
 - 25. 09.81 Any remaining bond monies must be applied to fines and costs.

Failure to comply with this order may result in a revocation of probation and incarceration.

Date	Judge The Honorable William E. Collette	P12056 Bar No.
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I have read or heard the above order of probation and have received a copy. I understand and agree to comply with this order. I also understand that federal and/or state law may prohibit me from possessing or purchasing ammunition or a firearm (including a rifle, pistol, or revolver) if the court found I represent a credible threat to the physical safety of a named person and/or explicitly prohibited (in item 9) the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury to that named person.

Date	Defendant's signature
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If the judgment of guilt is deferred as stated above, the clerk of the court shall advise the Michigan State Police Criminal Justice Information Center of the disposition as required under MCL 769.16a. A case in which judgment of guilt is deferred shall be maintained as a nonpublic record.

STATE OF MICHIGAN 30th Circuit Court - Ingham County	ORDER OF PROBATION	CASE NO. (1)17-513-FH
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ORI: MI330055J Court Address: 313 West Kalamazoo, 3rd Floor Lansing Michigan 48933 Court Telephone: (517)483-6500

THE PEOPLE THE STATE OF MICHIGAN OF Ingham County	V	Defendant's name, address and telephone no.			
		CTN 33- 17003364- 01	TCN	SID 5281051P	DOB 05/05/1997

Probation Officer: MICHAEL J. GLEASON Term: 2 year(s) (10/11/2017)

Offenses:
(1) 750 543M - False Report or Threat of Terrorism

<input checked="" type="checkbox"/> Judgment of guilt is deferred under:	<input type="checkbox"/> MCL 333.7411, Controlled Substance Act	<input type="checkbox"/> MCL 750.350a, Parental Kidnapping Act	<input checked="" type="checkbox"/> MCL 762.14, Youthful Trainee Status
<input type="checkbox"/> MCL 600.1070, Drug Treatment Court	<input type="checkbox"/> MCL 600.1095, Mental Health Court	<input type="checkbox"/> MCL 600.1206, Veterans Court	

Pursuant to 18 USC 922(g)(8), the court found, at a hearing, that the defendant represents a credible threat to the physical safety of one or more persons as defined in 19 USC 922(g)(8) and 18 USC 921 (32) and named in Item 9. **Needed for NCIC entry.

IT IS ORDERED that the defendant be placed on probation under the supervision of the probation officer named above for the term indicated, and the defendant shall:

- Not violate any criminal law of any unit of government.
- Not leave the state without the consent of this court.
- Make a truthful report to the probation officer monthly, or as often as the probation officer may require, either in person or in writing, as required by the probation officer.
- Notify the probation officer immediately of any change of address or employment status.
- Not Purchase or possess a firearm. (Needed for NCIC entry)
- | | |
|--|--------------------------------------|
| a. The due date for payment is _____ | 6. Pay the following to the court: |
| b. Total amount due may be paid in _____ per _____ starting on _____ | Fine..... \$ |
| installments of \$ _____ | Costs..... \$ |
| and paid in full by the due date stated on the judgement of sentence or by _____ | Restitution..... \$ |
| | Crime Victim Assessment.... \$130.00 |
| | Attorney Fee..... \$ |
| | State Costs..... \$ |
| | Drug Court Fee..... \$ |
| | Other..... \$60.00 |
| | TOTAL.....\$190.00 |
- Fines, costs and fees not paid within 56 days of the date owed or of any installment payment date are subject to a 20% late penalty on the amount owed.

Pay a supervision fee to the Department of Corrections in the amount of \$ 180.00 The fee is payable immediately.

Total amount due may be paid in 7.50 per month starting on _____

installments of \$ _____ payable to the State of Michigan.
- Comply with the attached wage assignment order.
- Other:

- 02.0 You must not use or possess alcoholic beverages or other intoxicants. You must not enter bars or other places where the primary purpose is to serve alcoholic beverages for drinking on site, unless the field agent has first given you written permission for your employment at a specific location.
- 02.1 You must comply with the requirements of alcohol testing directed by the field agent. You must not attempt to submit any fraudulent or adulterated samples for testing. You must not hinder, obstruct, tamper, or otherwise interfere with the testing procedures. You must present proper identification at the time of testing.
- 02.2 You must comply with the requirements of drug testing directed by the field agent. You must not attempt to submit any fraudulent or adulterated samples for testing. You must not hinder, obstruct, tamper, or otherwise interfere with the testing procedures. You must present proper identification at the time of testing.

10. 02.4 You must not use or possess any controlled substances or drug paraphernalia, unless prescribed for you by a licensed physician, or be with anyone you know to possess these items.
11. 02.8 You must complete outpatient or residential substance abuse treatment when you are referred by the field agent.
12. 02.9 You must complete a substance abuse assessment when you are referred by the field agent.
13. 03.4 You must complete the MRT and Tri-Cap program. and then Cristo Rey after Tri-Cap.
14. 03.6 You must complete the Michigan Department of Corrections Special Alternative Incarceration Program, including all aftercare programming and supervision.
15. 03.7 You must comply with the Michigan Department of Corrections Electronic Monitoring Program and/or remote alcohol monitoring when referred by the field agent and reimburse the State at a rate established by the Michigan Department of Corrections.
16. 04.0 You must not enter Sexton High School unless you first obtain written permission from the field agent.
17. 04.16 You must obey all Court Orders.
18. 04.18 You must not engage in any assaultive, abusive, threatening, or intimidating behavior.
19. 04.19 You must not have verbal, written, electronic, or physical contact, without permission of the field agent, with anyone you know to have a felony record. You must not have verbal, written, electronic, or physical contact with anyone you know to be engaged in any behavior that constitutes a violation of any criminal law of any unit of government.
20. 04.20 You must not use any object as a weapon. You must not own, use, or have under your control or area of control a weapon of any type or any imitation of a weapon. You must not be in the company of anyone you know to possess these items.
21. 04.21 You must contact the supervising field agent no later than the first business day following your placement on probation or release from jail.
22. 04.22 You must comply with written or verbal orders made by the field agent.
23. 04.23 You must allow the field agent into your residence at any time for probation supervision.
34. 09.04 SSSPP Intake completed on 5/7/18. All conditions of SSSPP were discussed. Defendant remanded pending transport to SAI. Defendant must complete all aftercare, AA/NA, and NWI.
24. 04.24 You must submit to a search of your person and property, including but not limited to your vehicle, residence, and computer, without need of a warrant if the field agent has reasonable cause to believe you have items which violate the conditions of your probation.
25. 04.25 You must report any arrest or police contact, loss of employment, or change of residence to the field agent within 24 hours, weekends and holidays excepted.
26. 04.5 You must not have verbal, written, electronic, or physical contact with Erika DeLong, either directly or through another person and you must not be within 500 feet of their residence, school, or place of employment.
27. 06.4 You must make genuine efforts to find and maintain legitimate employment of a minimum of 30 hours per week, unless engaged in an alternative program approved by the field agent. You must provide ongoing verification of employment or alternative program to the field agent. You shall not give reason to be terminated or voluntarily terminate your employment or alternative program, unless you first obtain written permission from the field agent.
28. 08.0 You must serve jail time as follows: 2 days , with credit for 2 days served.
29. 08.16 You must comply with DNA testing and pay a \$ 60 fee as ordered by the Court.
30. 08.2 You must pay a crime victim's assessment in the amount of \$ 130 as ordered by the court.
31. 09.01 Defendant to be placed on 90 days MDOC tether after Tri-Cap.
32. 09.02 AA/NA/CA as directed 2 per week for the 1st 6 months and then as directed.
33. 09.03 Shall obey all rules and regulations of all court-ordered programs.
35. 09.80 At a 05/02/18 Bench Warrant Arraignment Hearing, the defendant was sentenced to Continue HYTA Probation, and was remanded to the Ingham County Jail until placement in Swift and Sure Sanctions Probation Program and transport to the 90 day Special Alternative Incarceration Boot Camp probation program. Also assessed was a \$150 Bench Warrant Fee.
36. 09.81 The defendant must successfully complete the Swift and Sure Sanctions Probation Program.
37. 09.82 It is further ordered that the Probation Officers of this Court or any other supervising agent are hereby authorized and empowered pursuant to MCL 771.4 to affect the apprehension, detention and confinement of the defendant, up to 72 hours, on reasonable cause to believe that the defendant has violated a condition of the probation order for for conduct inconsistent with the public good.

Failure to comply with this order may result in a revocation of probation and incarceration.

		P23262
Date	Judge The Honorable Clinton Canady III	Bar No.

I have read or heard the above order of probation and have received a copy. I understand and agree to comply with this order. I also understand that federal and/or state law may prohibit me from possessing or purchasing ammunition or a firearm (including a rifle, pistol, or revolver) if the court found I represent a credible threat to the physical safety of a named person and/or explicitly prohibited (in item 9) the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury to that named person.

