

## **DESPITE TOUGH PAROLE LAWS , A FEW STILL KILL - BURDENED SYSTEM CAN'T ALWAYS COPE OR PREDICT**

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About 10 times each year, Michigan prison parolees **kill** someone.

They commit the crimes **despite a** system recognized **as** one of the nation's **toughest** , most unforgiving, and costly in its treatment of violent criminals and sex offenders hoping to be paroled after serving their minimum sentences.

**Still** , there are human errors in the **parole** system and no guarantees that convicted felons won't commit the worst of crimes once they're set free.

In the 10 years ending in 2003, at least 105 parolees - one out of every 530 - had returned to prison for homicide convictions. The relatively small band of parolee killers is vexing to policymakers. It's an issue again because Patrick Selepak is accused of three killings last month and prison authorities have admitted that mistakes in the **parole** system kept him out of jail.

Michigan made obvious and major reforms after two horrific cases. One incident ended governors' practice of releasing inmates early to reduce overcrowding and sparked **a** massive prison building boom. The other - the 1992 Leslie Allen Williams case - led to far more **parole** denials.

In 1990, nearly half of sex offenders and nearly two-thirds of Michigan's other violent convicts who were eligible for **parole** gained release from prison. By 2004, those numbers had dropped to 13% for sex offenders and 34.5% for other violent convicts.

With each new high-profile killing by **a** parolee, calls echo for tighter **parole** standards.

"Are we trying to push people out of prison too quickly and too often?" Rep. John Pastor, R-Livonia, asked at **a** tense hearing on the Selepak matter on Tuesday.

Prison system watchdogs argue that the emotion overshadows the fact that Michigan's get- **tough parole** approach has caused an explosion in prison costs.

"The proportion of parolees committing violent crime is very, very tiny," said Barbara Levine, executive director of the Citizens Alliance on Prisons & Public Spending, **a** Lansing group advocating more **parole** and smaller prison budgets. "All of the thousands of people who make it don't make news."

As of February, the state prison system held more than 15,000 inmates who were either eligible for **parole** or were sent back to prison on nonviolent technical violations, Levine said.

The number of **parole**-eligible inmates is virtually unchanged from three years ago, when Levine's group estimated that if just 40% of eligible inmates were paroled, the state could save some \$150 million a year.

And the 1 of every 530 parolees who **kills**, gets past the **parole** board with no suspicion of the violence to come.

Consider two parolees - former prison bunkmates - who brutally killed a Livonia jeweler and his family over a bag of gold in December 2002.

John Wolfenbarger of Detroit and Dennis Lincoln of Flint were paroled from prison months before stalking jeweler Marco Pesce and killing him, his mother and his three children execution-style in the Pesce home a few days before Christmas. They're now serving life sentences without **parole**.

**Parole** board members declared there was "reasonable assurance" that both could be safely returned to society. Wolfenbarger had "matured" after three previous breaking-and-entering convictions. Lincoln "developed good insight" after serving eight years for a gas station holdup, the board concluded.

The recent headlines in Selepak's case are a chilling reminder to Marco Pesce's brother, Fabrizio, of how horribly wrong **parole** can go.

"It makes me relive everything," Fabrizio said Thursday. "Can't we find a system with traps and checks to take out some of the risks?"

Former Corrections Director Ken McGinnis said Thursday that Michigan's **parole** system was changed substantially in the 1990s, based on system failures laid bare by the depredations of Williams, a convicted killer and rapist.

The system of sanctions for noncriminal **parole** violations - including missing appointments or failing drug tests - was tightened, he said.

**Parole** officers lost some discretion to waive penalties for violations. Williams, for instance, wasn't sent back to prison even though he was caught shoplifting, was suspected in a rape case and dropped out of sex offender therapy without permission.

In 1992, McGinnis appointed 10 new **parole** board members, many of them former cops and prosecutors.

After Williams' case, **parole** approval rates, especially for sex offenders, quickly dropped. By the end of 1994, prison officials estimated that 1,600-1,700 inmates were **still** behind bars who would not have been without the changes. The state paid about \$40 million more to keep them in prison.

Patrick Urbin's two teenage daughters were killed by Williams. Urbin said the changes haven't eliminated mistakes.

"We tried to make them more accountable. In this situation, I don't know who you blame," he said.

State Rep. David **Law**, R-Commerce Township, a member of the House Judiciary Committee, which is reviewing the department's Selepak decisions, said it was too early to determine whether more changes are needed.

"I have a lot of questions that I want to see answered," **Law** said.

In contrast to Michigan's **parole** board, which hears thousands of appeals each year, many states have moved from discretionary prison releases to specific sentences with mandatory supervised release, according to the U.S. Department of Justice.

In Michigan, the 1,100 field agents who supervise 72,218 monthly **parole** and probation cases are stretched beyond their limits, according to a consultant's report completed last week for the Department of Corrections.

The report, obtained by the Free Press, contends that the state needs 350 more agents.

"The job has become so complex," said Alan Kilar, the union representative for the state's **parole** agents. "Every time there's one of these (killings by parolees), the powers that be make more policy."

In Wayne County, there are 4,500 parolees, 1,300 of whom have disappeared, Wayne County Sheriff Warren Evans said. He estimated Thursday that 250-300 people in the county violate their **parole** each month.

Last fall, **parole** agents in Macomb County held an informational picket.

"They're not adequately able to do the job with the high caseloads," Kilar said.

(SIDEBARS)

## MURDERS BY 2 PAROLEES LED TO CHANGES

The two Michigan parolees responsible for greatest changes in the system:

Wayne Lamarr Harvey, 48

Imprisoned: At 19, in 1976, for seven felonies, including two murders in a Detroit robbery; sentenced to 15-40 years.

Paroled: July 1984.

Reoffended: October 1984; went on spree that ended with East Lansing police officer and store clerk dead of gunshot wounds.

Problems: Sentence was reduced eight times under a 1981 **law** aimed at reducing prison overcrowding.

Today: Serving life without **parole** at Macomb Correctional Facility.

Changes: Then-Gov. James Blanchard never signed another emergency overcrowding order. **Law** authorizing the orders was repealed.

Leslie Allen Williams, 52

Imprisoned: **As a** teenager in 1971 for abduction and rape of West Bloomfield girl. Paroled 14 days in 1983 before going back to prison after abducting a woman in Wolverine Lake.

Paroled: August 1990.

Reoffended: From August 1991 through January 1992, Williams abducted, raped and killed four Oakland County girls.

Problems: **Parole** was not revoked even though he was arrested for shoplifting and suspected in sexual assault.

Today: Doing life without **parole** at Standish Maximum Correctional Facility.

Changes: Rules for handling **parole** violations were codified and punishments made mandatory.

## PAROLEES WHO KILLED

Daniel Franklin

Pontiac slayings led to big review, found **few** errors

Franklin, now 36, spent the 1990s in and out of prison before the Legislature amended **a law** that appeared to require the recalculation of some drug sentences. In his case, prison officials bungled the recalculation and he got out three years early in 2003. But he was convicted again: Five days later, he used **a** butcher knife to **kill** his ex-wife and her 10- and 8-year-old daughters at their home in Pontiac. The killings led to **a** review of 470 other cases that found 13 similar errors (none with similar outcomes). Franklin is serving **a** life sentence without the possibility of **parole** .

Michael Anthony

Handling of case and sentencing remains **a** mystery

Anthony, now 58, was sentenced to 10 years for rape in 1979 and served it. He returned to prison for an assault conviction in 1991; he was paroled in '96, absconded on **parole** in 1997, and was in and out of custody again **a few** more times. Somehow, he never served **a** day of **a** 15- to 30-year term for **a** Detroit rape in 1991. He was arrested in January 2002 and charged with killing two women in his Highland Park home. Wayne County and state officials never fully explained what happened. He's serving life without **parole** .

John Wolfenbarger and Dennis Lincoln

Family's killings shook Livonia

Wolfenbarger, 34, and Lincoln, 30, met in prison in the 1990s. Wolfenbarger was serving 5 to 15 years for several serious crimes. Lincoln was doing 6 to 20 for assault, **a** conviction that stemmed from the armed robbery of **a** gas station. They both served about eight years. Lincoln was paroled in January 2002, Wolfenbarger that August. Both were deemed good risks for **parole** success. But they were convicted again: In December 2002, they went to the home of Livonia jeweler Marco Pesce, stole jewelry and cash, then killed the jeweler, his mother and his three young children. Both men are serving life without **parole** .

By Dawson Bell

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ILLUSTRATION: Chart MARTHA THIERRY Detroit Free Press;Photo;Photo 2003 photo by SYLWIA KAPUSCINSKI Detroit Free Press;Photo RICHARD LEE Detroit Free Press

CAPTION:

Wayne Lamarr Harvey

Leslie Allen Williams

Michael Anthony

Daniel Franklin

2003 photo by SYLWIA KAPUSCINSKI/Detroit Free Press

John Wolfenbarger, right, and Dennis Lincoln, left, speak with their attorneys in 16th District Court. They are serving life sentences for the murders of a Livonia family while the men were on **parole** in 2002.

CAPTIONWRITER: In COURT: Patrick Selepak, charged with two counts of murder in the deaths of a New Baltimore couple, is returned Thursday to the Macomb County Jail after his preliminary hearing was rescheduled. His lawyer says Selepak's confession was coerced. Page 4A.

MEMO: SEE **PAROLE** CHART IN MICROFILM PAGE 1A;SIDEBARS ATTACHED;PRISON PAROLEES

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