



The Lost of Michigan

Released Prisoners Needing State Identification

By Nelson P. Miller



Fast Facts:

Identification is critical to the rehabilitation of released prisoners.

One agency helps 1,000 agencies try for identification each year—succeeding only half the time.

Practice tip: help incarcerated clients plan for and obtain identification.

Several dozen people stood outside the shelter, huddled as if in a scrum to avoid the chill, whipping wind. The moment the doors opened, they pressed inside for showers, haircuts, and mail. Others lined up under a hand-lettered sign, paper-clipped to string hanging from the ceiling and reading “IDENTIFICATION,” to see the two weary volunteers who had toiled for years in the cluttered cubicle beneath the large sign.

Ten years ago it might have been thought preposterous that not having picture identification could be a serious impediment to jobs and job training, subsidized rental housing, check cashing, and government benefits. However, in a post-9/11 world, identification means everything.

Studies show that the first few weeks after release can be critical to whether a prisoner embraces rehabilitation. The old temptations that led to the conviction are not on the other side of thick walls but often within arm’s reach. A released prisoner waiting months while homeless on the streets to get the first real opportunity to reenter society is not the best strategy to avoid the enormous economic, social, and personal cost of recidivism.

Recidivism is a human-loss, public-safety, and economic issue. Michigan incarcerates approximately 50,000 prisoners, of which the Department of Corrections released 10,300 in 2005.¹ The number of prisoners being released in the state of Michigan has increased by 40 percent since 1990.² Michigan’s recidivism rate is about 48 percent within two years of release—contributing enormously to Michigan’s \$2 billion annual corrections budget. The recidivism rate was less than half that for the Michigan Prisoner ReEntry Initiative’s 1,200-participant pilot project, saving the state \$9 million.

Identification services were a critical part of the ReEntry Initiative. The average cumulative minimum sentence of about eight years is far longer than the Secretary of State’s time periods for lapse of accepted documentation. A 2004 pilot study sponsored by the Department of State and Department of Corrections found that it was taking from three to five weeks for released prisoners to obtain the state-identification card³—a finding that agency rep-

resentatives call too optimistic. Plans were made to include identification planning in case management and transition accountability plans and in the pre-release curriculum.

In 2005 and 2006, one Grand Rapids homeless shelter tried helping 2,500 individuals obtain identification—succeeding in just 1,200 cases, each taking one to two months or more and costing from \$30 to \$60. Many individuals were waiting in the corrections center or referred by the Michigan Prisoner ReEntry Initiative, local parole officers, and other social-service agencies. Late in 2007, the legislature’s Department of Corrections’ budget authorization urged the department to help prisoners obtain identification before release.

Identification presents a special problem in Michigan for the just-released prisoner. The Secretary of State does not accept the Department of Corrections’ yellow prison-identification card—with the prisoner’s name, photograph, birthday, height, weight, eye color, tattoos, scars, and security-threat group—as proof sufficient to issue a state identification card. Applicants must show primary and secondary documents, such as birth certificates, that are often lost or unavailable to released prisoners as a result of incarceration. Prisoners do not always get back the things with which they enter prison. Property does not always stay with them in prison.

The Secretary of State’s office has expressed reasons for the resistance—primarily, that some prisoners are incarcerated under aliases rather than their legal names, and swapping prison identification for state identification could be a security risk. Some Department of Corrections officials disagree, noting that the department requires fingerprints and court-records checks for prison identification—and that it has DNA records for uncertain cases. There is something Kafkaesque about convicting and incarcerating prisoners, long term, not knowing who they are.

There are also cost and administrative concerns if the Secretary of State were required to provide an identification service within the prisons rather than to simply accept prison identification as proof at existing offices already offering identification services.

Mark had come to the shelter several weeks earlier for identification help when he was released after four years in prison. The volunteers knew that Mark needed three of the following documents to prove his identity: a birth certificate, school record, marriage license, out-of-state identification, child’s birth certificate, or divorce record. Because Mark went to prison in his late teens without having married or had kids, his only options were two school records and a birth certificate. The volunteers requested that the schools provide Mark with transcripts from elementary, middle, and high school, but were told that only a high-school transcript was available—if Mark could show state identification to get it. Without a third item, Mark was unable to



A Part of Me, Apart from Me by Rodrick Strelau

get state identification. He remained in the corrections center, unable to obtain employment or stable housing, and becoming increasingly discouraged. The volunteers turned to an appeal process and continued to help, but it took several more weeks before Mark received his state identification. When he finally got his state identification, Mark returned to the shelter to thank the volunteers, adding, "I now have my life back."

The Grand Rapids Bar Association gave its 2005 Liberty Bell Award to two lay volunteers who staff an identification program. Accepting the award, they begged the bar for help in providing identification services and getting legislation enacted.

About 24 states have enacted some form of released-prisoner-identification legislation.⁴ Illinois and Montana require the Department of Motor Vehicles to exchange prison identification for state identification. Six states require the Department of Motor Vehicles to accept prison identification as primary identification and 16 other states as secondary identification from individuals seeking to obtain state identification. Other states like New York have inter-agency memoranda of understanding addressing the problem, but there are questions concerning whether those memoranda are followed.⁵

About 20 states—Michigan included—have no legislation and no inter-agency agreement, although initiatives are afoot in several of those states. Michigan representatives have introduced bills several times that would require inter-agency cooperation on released-prisoner identification, but none have made it out of committee. Sen. Martha Scott, co-sponsor with Sens. Switalski and Cropsey of bills on identification, testified before a House committee early in 2007 in support of bills sponsored by Reps. Condino, Hoogendyk, and Jones. The bills' main effect would be to require the Secretary of State to accept Department of Corrections identification as one form of identification.

"This legislation assists our prison population in establishing an identity for reentry into the workforce, once they have paid their debt to society," Senator Scott's press release stated.⁶ "The identification card will smooth their transition and help them in building their new lives."⁷

Legal Aid of Western Michigan researched and articulated five released-prisoner identification models. There are several pilot and proven programs from which to choose, and there has been considerable study. It is not a new issue.

The simplest solution is arguably Illinois's full-exchange method. California's approach of issuing only a single

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state-identification card for both corrections and non-corrections purposes would require greater implementation but could further lower costs.

Outside of the political process, what can members of the Bar do to relieve the problem? Lawyers can advise clients who anticipate incarceration to place identification in a secure location accessible on release. Help clients plan for proof of identity. Lawyers representing released clients can know means for obtaining identification. Michigan and other states, for instance, have statutory procedures for obtaining delayed birth certificates.⁸

Prompt released-prisoner access to identification, whether through political change, administrative agreement, or the individual work of lawyers, would reduce unemployment, homelessness, recidivism, and social-welfare demands while increasing collection of taxes and child support. It is a just and appropriate service for an adult population most in need and at risk—another civil collateral consequence of conviction about which lawyers should be aware. ■



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FOOTNOTES

1. Michigan Prisoner ReEntry Initiative, *Monthly Status Report*, at 1 (February 3, 2006), available at <http://www.michigan.gov/documents/02-01-06_-_MPRI_Monthly_Status_Report_149194_7.pdf>. All websites cited in this article were accessed October 10, 2008.
2. Solomon, Thomson, & Keegan, *Prisoner Reentry in Michigan—Research Report* (October 2004), available at <http://www.urban.org/UploadedPDF/411172_Prisoner_Reentry_ML.pdf>.
3. Michigan Prisoner ReEntry Initiative, *First Year Status Report—October 2003 to October 2004*, at 18 (October 31, 2004), available at <<http://www.nga.org/Files/pdf/reentryupdateMI.pdf>>.
4. See the National H.I.R.E. Network website at <http://www.hirenetwork.org/ID_Survey_Summary.htm>.
5. *Id.*
6. Press Release, Senator Scott, *Sen. Scott Introduces Bill to Provide Prisoners Photo IDs Upon Release* (June 28, 2006), available at <<http://www.senate.michigan.gov/dem/pr.php?id=127>>.
7. *Id.*
8. See MCLA 333.2827.

