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AN ILLUSION OF CONTROL

Can dangerous out-of-State parolees be adequately supervised?

By Julius Wachtel, (c) 2010

Where once stood a young (16) year old misguided fool, who's (sic) own life he was unable to rule. Now stands a 27 year old man, who has learned through 'the school of hard knocks' to appreciate and respect the rights of others. And who has in the midst of the harsh reality of prison life developed the necessary skills to stand along (sic) and not follow a multitude to do evil, as I did as a 16 year old child.

Maurice Clemmons was eleven years into a ninety-five year sentence for armed robbery, burglary and other crimes when [his words](#) stirred former Arkansas Governor and one-time Presidential candidate Mike Huckabee to grant him clemency. Convicted when only seventeen, Clemmons was paroled against the advice of prosecutors who feared that the explosively violent youth was still dangerous. "Mr. Huckabee made him parole-eligible twenty-one years before he would have been," Larry Jegley, the current D.A. said in a recent interview. "Otherwise, he'd [still] be cooling his heels in the Department of Corrections." Clemmons certainly wouldn't have been in position to [murder four Lakewood \(Wash.\) police officers](#) last week. But he was, and he did.

It took less than a year for Clemmons to break his promise to the Governor. In July 2001 the supposedly reformed man landed back in prison for robbery. He wound up doing three years for parole violation, while the robbery charge was dismissed because of an administrative blunder. Clemmons was released in 2004 and his supervision was transferred to the State of Washington.

Shortly before relocating Clemmons reportedly [robbed a man at gunpoint](#) but wasn't charged because the victim stopped cooperating with police. His criminal ways continued. In 2005 the Feds linked Clemmons, then living in Tacoma, to an interstate drug trafficking ring. He then apparently took up armed robbery; a composite drawing bearing an uncanny resemblance makes him a prime suspect in a string of holdups between April 2008 and April 2009. But in May 2009 his luck ran out. Arrested on a variety of charges ranging from punching a Sheriff's deputy to raping a 12-year old relative, he faced a third strike. Arkansas promptly issued a no-bail warrant. It seemed that the incorrigible offender's get-out-of-jail-free card was finally revoked.

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Clemmons was detained for a mental evaluation. Despite outbursts, threats to kill jail workers and self-reported hallucinatory episodes about “people drinking blood and people eating babies, and lawless on the streets, like people were cannibals” a judge ultimately declared him competent to stand trial and [set bail at \\$190,000](#). On November 24, 2009 Clemmons and his friends forked over a tidy ten percent to a bail agent and he was let go. He would kill the officers five days later.

What about the parole warrant? Despite Washington’s protests, Arkansas dropped the no-bail provision. They later [explained their decision](#) (which saved them having to pay for their ward’s return) as being motivated, in part, by the fact that Washington seemed so blasé about Clemmons that it had him on unsupervised status before his arrest.

To find another parole transfer that went horribly wrong we need look no further than [Phillip Garrido](#). In 1977 Garrido drew a 50-year Federal term for kidnapping and a concurrent five years to life in Nevada for rape. Twenty-two years later, after serving eleven years in Federal and Nevada prisons and another eleven on Federal parole, his supervision was transferred to Nevada. A few months later, in June 1999, it was transferred to California.

What authorities didn’t know was that Garrido had kidnapped an eleven-year old girl eight years earlier and, helped by his wife, was holding the teen and the two daughters he fathered with her as captives. And that’s where things were in August 2009 when a suspicious cop who saw Garrido with the children ran his name and discovered he was a registered sex offender. Parole agents detained Garrido, then released him with instructions to return the next day. Amazingly he did so, bringing along his wife, the kidnap victim and the two kids. Both women lied their heads off – the kidnap victim said she was an abused wife on the run – and had it not been for the intercession of a local officer who got Garrido to admit the truth the fiend would still likely be free.

How is it that a registered sex offender who kept a young woman and two children penned up in a shack could avoid being caught for a decade? A recent [State investigative report](#) suggests that California had little interest in the man. Only five months after his arrival agents began trying to get Nevada to release him from supervision. Ignoring the many red flags in his thick Federal parole file, they inexplicably construed Garrido’s most serious offense (kidnapping) as “non-sexual.” Categorized as a low-risk offender, Garrido was only visited once to three times per year, a clear violation of even the most permissive rules. Even in 2008, when Garrido’s status was upgraded and he was fitted

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with a GPS, a lack of concern persisted, and alerts about his unauthorized wanderings and the device being repeatedly turned off were ignored.

Disinterest in Garrido was evident on the few occasions when agents actually visited. Not only did they miss the utility wires that ran to the shed where the kidnapped teen and the children lived, but when they encountered one of the kids in the house they took Garrido's word that she was his brother's daughter. Had agents checked with neighbors they would have learned that one had spoken with the kidnap victim through the fence. Had they bothered to compare notes with local police they would have discovered that an officer was called to the residence in 2006 by a neighbor who said that Garrido was a sex addict and had children living in tents in his backyard.

But they didn't.

It's impossible to draw conclusions from a sample of two. Still, considering how poorly these indisputably serious offenders were "supervised" one can't help but be skeptical of parole oversight in general and of out-of-State offenders in particular. A [1998 study](#) of the compact governing interstate parole faulted receiving and sending States, the former for being slow to report misconduct and the latter for their reluctance in retaking violators. One frustrated manager complained that savvy offenders took advantage of the situation, "[making] supervision a waste of time and a mockery to the criminal justice system as a whole." Serious problems were reported for high-risk parolees and particularly sex offenders, for whom special transfer policies and controls did not exist.

To address these and other issues [a new Interstate Compact](#) was put into place in 2000. Did things change for the better? A 2008 "[compliance issues survey](#)" lists "failure to retake an offender" as agents' third most frequent complaint.

For lovers distance might make the heart grow fonder, but in the criminal justice system it mostly breeds contempt. Parole agencies are primarily concerned with their own clients, who after all constitute their funding base. Legal differences between jurisdictions and uncooperative judges can make it difficult to keep problematic out-of-State parolees locked up long enough to sort out the means of their return. Even agents who want to do the right thing are hampered by information gaps and the pressures of everyday business. Really, in times of diminishing resources transferring supervision of dangerous offenders to distant jurisdictions with different laws, procedures and priorities flies in the face of reason. It's just another recipe for disaster.

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