

Faces behind the Figures

Are we safer because they're behind bars?



CITIZENS ALLIANCE ON PRISONS & PUBLIC SPENDING

403 Seymour Ave., Suite 200, Lansing, MI 48933
517-482-7753 www.capps-mi.org capps@capps-mi.org



Mitchell Kania, No. 370441

Crime: Criminal Sexual Conduct, 3rd degree

Sentence: 1½ - 15 yrs

First Possible Release: Nov, 26, 2002

Projected Parole Date: Nov. 21, 2007

Paroled: Nov. 21, 2007

Kania and his wife, Julianne

Despite parole guidelines scores that indicate Mitchell Kania is at low risk of re-offending and that his crime was "situational, unlikely to recur," the parole board repeatedly denied him release for reasons that lacked credible support. With a parole date finally set for five years after he first became eligible, Kania now faces conditions prohibiting contact with minors that will severely limit where he can live and work, even though he has never offended against a child.

Mitchell Kania was 48-years-old, married and employed as a truck driver, but was on leave from his job for health reasons. His only criminal conviction was for impaired driving in 1980.

Kania and his wife lived in the downstairs flat of a home in Hamtramck; a 19-year-old woman lived upstairs. Mr. and Mrs. Kania both say the woman had visited their apartment on prior occasions. In November 2000, when she came to ask him to reset the circuit breakers, he invited her in. After talking for a while, Kania tried to kiss her. When she went into another room, Kania followed her, then pushed her backward into an adjoining bedroom and onto the bed. Although the victim says she told him several times to stop, he lay on top of her and penetrated her with his finger. She pushed him away and left the apartment. She then called her boyfriend and the police.

In 2001, a jury convicted Kania of third-degree criminal sexual conduct. Since there were no aggravating factors, like serious injury or the use of a weapon, and the victim was an adult who provided no impact statement for sentencing, Kania received a minimum prison term of only 18 months.

When Kania became eligible for parole in November 2002, he had no misconducts, good housing unit reports, a suitable home placement and credible offers of employment. His high parole guidelines score indicated he is at low risk of re-offending and included two positive points for "situational crime, unlikely to recur." However, he had not been able to enter Sex Offender Therapy (SOT) in time to complete it and the parole board denied release for that reason.

Kania completed SOT in May 2003. His therapist wrote:

[Mr. Kania] showed an interest in bringing about change...He reported as what appeared to be remorse and guilt for his actions. He...has shown the ability to use his intellect to gain insight into his past deviant sexual behavior. He did very well and was a group leader...

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Nonetheless, later that year the board continued Kania for another 12 months, stating:

[Kania] expressed very little insight into his sexually assaultive behavior during the parole board interview, despite being described as a leader in the therapy program.

In 2004, the board denied release again, this time without stating any specific reason. It simply asserted that it was still not assured that Kania's risk of re-offending had been diminished.

In 2005, the board denied parole for two years – until November 25, 2007. The reason given was that Kania lied during his interview when he denied having non-consensual sex with his wife's adult niece. This alleged incident was not mentioned in the police report or the presentence investigation report. The board would not reveal the source of its information, so Kania had no means of determining who was accusing him or of challenging their veracity. Prior to Kania's 2007 interview, the niece wrote a forceful letter to the board, denying that Kania had ever sexually assaulted her or that she had ever told anyone he did.

The board finally granted parole in August 2007, nearly five years after Kania first became eligible. Although he had no more programming to complete, his actual release was delayed until November.

Because he will be a registered sex offender, Kania is automatically barred from living within 1,000 feet of a school. This will keep him from returning to his own home. In addition, his parole conditions – standard for all sex offenders -- prohibit him from having contact with anyone under 18, from being within 1,000 feet of a child care center, park, public swimming pool, playground or arcade without his field agent's permission and from using or being in a residence with a computer without permission. These conditions will apply to any job opportunities Kania, now 55, may find.