

Faces behind the Figures

Are we safer because they're behind bars?



Thomas Mart Vangieson, 314375

Crime: Delivery or manufacture of a controlled substance less than 50 grams

Sentence: 3 to 20 yrs

Returned for five years for technical violation: July 31, 2006



Kenneth J. McMillan, 310841

Crime: Possession controlled substance less than 25 grams

Sentence: 1½ - 15 yrs

Crime: Operating vehicle with suspended license, second offense

Sentence: 1½ - 15 yrs

Returned for five years for technical violation: Sept. 20, 2006

Thomas M. Vangieson and Kenneth J. McMillan have histories of substance abuse. Both were convicted of low level drug offenses. Neither has any history of violence and both were doing well on parole. Nevertheless, as a result of the Michigan parole board's "zero tolerance gun" policy, both were returned to prison for five years when pellet guns were found in their homes.

Thomas Mart Vangieson, 46, has had a substance abuse problem since childhood which resulted in a conviction for attempting to sell less than six grams of cocaine at his work. He was sentenced to three to 20 years.

An eight-year Army veteran, Vangieson had been married and has a daughter. His only other conviction was for a misdemeanor -- cashing a no account check -- for which he received two years of probation. Until his arrest, he had been working as a pattern maker at a company in Roseville.

His adjustment in prison was good; he worked in food services and he was paroled shortly after he reached his minimum sentence in 2005.

Back in the community, he continued to have substance abuse problems and completed residen-



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tial and out-patient drug treatment programs. He found employment as a maintenance manager at a cooperative apartment complex and, according to his agent, had excellent reporting habits.

In March 2006, Vangieson began experiencing seizures as a result of a 1988 car accident. He is apparently suffering from a growth in his brain which causes him tremors and tics as well as seizures.

In June 2006, during a routine check of his residence, agents found, in a closet, a BB gun and a 24 inch sword in a scabbard, which Vangieson described as an Indiana Jones souvenir sword. They also found pellets and BBs in a jar and fire crackers in a lock box. Vangieson admitted to drinking beer. An empty can and a full one were found in his home. He explained that the pellet gun and other items had been acquired prior to parole and stored in the garage of a previous residence. When he moved to his current home, he moved the items with him.

Vangieson's parole agent argued against revoking parole. He noted Vangieson's overall good adjustment and pointed out the fact that Vangieson was working and participating in the Michigan Prisoner Reentry Initiative. The agent said the condition of the contraband "did support violator's claim that this was old property that he had accumulated some time previously." The BB gun was stored in a closet, and there was no evidence to indicate that Vangieson had been using it or was a danger to society.

Nevertheless, the parole board ordered Vangieson's return to prison because the "severity of the violations involving weapons constitutes too great a risk to the community to consider any diversions." Vangieson cannot not be released again until 2011 when he'll be 49 years old.

Kenneth John McMillan

Kenneth John McMillan was a 54-year-old substance abuser who had committed non-violent property and drug crimes to support a habit that began when he was about 20. A divorced father, he had served time in jail and had been on probation for crimes such as receiving and concealing stolen goods, retail fraud and attempted uttering and publishing. He had served in the Army and was honorably discharged in 1980,

McMillan's last probation for possession of less than 25 grams of a controlled substance and for driving with a suspended license was revoked because he absconded and failed to take part in a residential treatment program. He was sentenced as an habitual offender to prison in January of 2003 with sentences of 1.5 years to 15 for both crimes.

McMillan was paroled on Oct. 21, 2003. His parole was largely uneventful until October of 2004 when he was sentenced to 18 months of probation and one year in jail for shoplifting; earlier he absconded from parole by not enrolling in a residential substance abuse treatment program and had tested positive for drugs on two previous occasions. As a result of the new crime, his term of parole was extended from 2005 to 2007.

After the shoplifting and jail sentence, McMillan seemed to settle down. He was a maintenance worker for McDonald's and was a residential manager at a boarding house where he lived.

In August of 2006, agents made a spot check at his boarding residence and found a pellet gun in his bedroom and a bowie knife mounted on the wall over the fireplace in the common room of the house. McMillan told the agents that he didn't realize a pellet gun was considered a firearm and that the knife had been gift which he hung up for display. He said he used the gun, which had been given to him by his nephew, to shoot at ground hogs that were damaging his garden.

In the Parole Board Notice of Action, the author of the report agreed: "The knife in his case does appear to have been used as a decorative piece. It does not appear to have occurred to parolee that a pellet rifle was considered a firearm or a simulated firearm."

Nevertheless, McMillan's parole was revoked and he was returned to prison for five years. He will be considered again for parole when he is 59 years old.

The parole board's zero tolerance for guns policy was enacted in 2004 to reduce gun violence. Parolees who possess guns or knowingly associate with others who possess firearm automatically have their parole revoked for five years or until they have served their maximum sentence, whichever comes first.

A firearm is considered to be any weapon capable of firing a missile of any type, including BB shot and pellets and includes an imitation firearm or a simulation of a firearm. The parole board's discretion to depart from the policy is rarely exercised.