



## CRIMINAL JUSTICE POLICY COMMISSION

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### Adopted CJPC Recommendations as of 9/18/2019

#### Recommendation approved at the September 2, 2015 CJPC Meeting:

1. "In order to properly inform the recommendations of the Criminal Justice Policy Commission, it is necessary to have a robust centralized data collection system. The Commission believes that data must be collected from prisons, jails, probation departments, parole systems, community corrections, courts, juvenile justice, law enforcement arrest data, and specialty courts. The building of this system must meet the requirements of the Headlee amendment. Information in this system must be accessible by the Michigan Department of Corrections, the Supreme Court Administrators Office, and other pertinent entities. Based on this information, we respectfully encourage the legislature to review the data when formulating new criminal justice legislation."

#### Recommendations approved at October 7, 2015 CJPC Meeting:

2. "It is the recommendation of the Commission that no immediate action be taken pursuant to the changes brought about by the Lockridge decision of the Michigan Supreme Court. It is the recommendation of the Commission that data on sentencing, community placement, and prison entries be tracked to determine changes that may be occurring because of this decision and to develop Commission recommendations as needed to modify the guidelines."
3. "It is recommended by the Criminal Justice Policy Commission that sentencing guidelines be kept as the best method for reducing disparity, increasing sentence predictability, and promoting proportionality, while continuing to be transparent. The current guidelines have reduced sentence disparities and increased predictability across the state since their adoption. It is important that the Commission be retained so that continuing research on this issue may be enhanced and presented to the legislature for their discussion."
4. "It is the recommendation of the Criminal Justice Policy Commission to establish a subcommittee to examine and analyze the data elements outlined in the governing statute. Data elements included in the statute include use of jails/prisons, sentencing patterns at the local level (including misdemeanors), effectiveness of sentencing guidelines, and recidivism (e.g. re-arrest, returns to prison). Once these elements have been examined, the subcommittee can expand its functions to include the analysis of other aspects of the criminal justice system (e.g. juvenile justice, specialty courts, prosecuting attorneys, criminal defense, mental health, and substance abuse). In the process of examination and analysis the subcommittee will identify any areas lacking information that would be needed by the Commission to recommend sound public policy options to the legislature and Governor."

### Recommendations Approved at January 6, 2016 CJPC Meeting

5. **“In order to provide the legislature and Governor with an accurate evidence-based analysis of the criminal justice system in an on-going manner, the Criminal Justice Policy Commission makes the following recommendation: It is recommended that the legislature fund on-going research, data collection, and data system implementation activities in the amount of \$500,000 for the Criminal Justice Policy Commission. This will enable the Commission to provide the legislature and Governor with on-going research and analysis of all facets of the criminal justice system for their use in establishing legislation. It is further recommended that this funding be separate from the Michigan Department of Corrections budget.”**
6. **“It is the recommendation of the Criminal Justice Policy Commission that the Commission track and analyze data for three different measures of recidivism—re-arrest recidivism, re-conviction recidivism, and re-incarceration recidivism in prison or jail of an individual within three (3) and five (5) years of their release from incarceration, or placement on probation, or conviction, whichever is later. All measures of recidivism are to include probation and parole violations as well as misdemeanors and felonies. It is further recommended that data on technical violators be collected separately from new crime violators. “**

### Recommendation Approved at the February 3, 2016 CJPC Meeting

7. **“It is the recommendation of the Criminal Justice Policy Commission that monies should be more equitably distributed between evidence-based programs to serve the parole and probation populations. Evidence-based programs designed to help these populations are quite different in each programmatic area and need to be funded for success. Appropriately funded evidence-based programs that result in success for probationers have the potential to save the taxpayers significant money by avoiding the high cost of incarceration while effectively preventing crimes. Evidence-based programs must be evaluated utilizing an objective evaluation tool that measures both process and outcomes to determine effective programming that will result in reducing the number of those who recidivate.”**

### Recommendation Approved at May 4, 2016 CJPC Meeting

8. **“The Criminal Justice Policy Commission feels that each citizen bears personal responsibility for his/her actions. The citizens of this state have a right to impose punishment on those negative actions that impact the well-being of individuals and safety of our communities through the criminal justice system, with the goal being to prevent crime and hold individuals responsible for their actions. As a result, punishment (e.g. fines, diversion, supervision, confinement) is a component of the criminal justice system, but this punishment must be commensurate with the impact of the negative actions, and should be consistent for offenders committing similar crimes with similar criminal histories.**

**In addition, the Criminal Justice Policy Commission also recognizes that society in general will benefit if the perpetrators of crime can be rehabilitated, and, as a result, not return to a life of crime when released from probation, jail or prison. Evidence-based options and tools for rehabilitation should be available throughout the criminal justice continuum, from arrest through discharge from supervision.”**

#### Recommendation Approved at the August 3, 2016 CJPC Meeting

9. "Although an offender's criminal history is clearly related to his risk of recidivism, the risk predictive accuracy of each guidelines system's criminal history score and all score components should be validated using recidivism data. The risk-prediction value of each score component should also be measured against the added costs and other negative consequences of the sentence enhancements associated with that component."

#### Recommendation Approved at the December 7, 2016 CJPC Meeting

10. "The Commission recognizes that there is a significant amount of incarcerated persons with mental illness, who are at times routed to the criminal justice system due to a lack of immediate and accessible crisis intervention services. The Commission recommends that the creation of local or regional crisis centers and crisis intervention training for local law enforcement agencies be supported as a viable option for stabilization of mental health crises and that this venture is a partnership between local and state governments. Compassion for those people with mental health issues is of importance, but must also be balanced with the safety of the community and the sharing of financial burden by state and local governments for providing such services."

#### Recommendation Approved at the August 2, 2017 CJPC Meeting

11. "Pre-trial detention practices and trends are being reviewed and evaluated on a national level. Nationally, evidence exists that suggests an inappropriate use of pre-trial detention as well as evidence where pre-trial detention should have been used but was not, which lead to unintended consequences. The Criminal Justice Policy Commission recommends to the legislature to review and evaluate the current bail/bond practices in the State of Michigan to assist in determining whether or not pre-trial detention is being used appropriately by our State Courts. One goal of this evaluation should be to make sure that pre-trial detention is being used to ensure that a defendant will appear at all court proceedings and to protect both public safety and victims. Another important goal of this evaluation should be to determine what factors courts are using to determine bail, whether courts are using the required factors the rules provide, and what if any of those factors need to be removed, modified or added to ensure a defendant's right to a fair bond determination. The Commission recognizes that a universal method of collecting this data does not exist and that the important data points to help properly evaluate this system have not been identified. Therefore, the Commission recommends that the legislature either assist in putting in place a system to identify the pertinent data points and a universal mechanism to collect it or provide this Commission or like entity the resources to answer those questions."

#### Recommendation Approved at the September 6, 2017 CJPC Meeting

12. "The Criminal Justice Policy Commission recognizes the need for unified data from the jails across the State of Michigan. Currently, the Commission has no method for assessing recidivism that involves jail incarceration within and across county jails. This data is needed to effectively answer questions regarding any jail incarceration, return to jail, and effectiveness of jail-based and community programs. Optimally, the unification of this county-level data would entail a seamless, 'behind the scene interface' that would negate any additional workload for jail administrators. As

such, there are two primary options that should be considered: 1) build and own this interface within the state (similar to the SCAO's Judicial Data Warehouse); or 2) utilize an existing structure and state contract mechanism with a private vendor that has a behind the scenes interface with jails currently (i.e., MI-VINE used to notify victims of crime). Decision-making should consider costs to build, utilize, or modify data interface; access to and ownership of data; anonymity of the data; and the ability to integrate this proposed data with existing state data (i.e. MDOC, JDW)."

**Recommendation Approved at the February 7, 2018 CJPC Meeting**

13. "The state of Michigan is exploring the costs and benefits of a unified system to collect and house criminal justice data for the purpose of facilitating sound public policy determinations, allowing state agencies to conduct performance assessments, and enabling the public to monitor government operations. The goal of the Criminal Justice Policy Commission (CJPC) is to balance access to unified/integrated data with respect for individual-level confidentiality. To strike this balance, we recommend that:

- 1) access to aggregate data be broadly available, and
- 2) access to individual data necessary for research designed to inform public policy be governed by confidentiality agreements that protect against the public release of information attributable to a named individual."

**Recommendation Approved at the March 7, 2018 CJPC Meeting**

14. "The Commission recognizes the need for prompt initial standardized mental health screenings to be administered, preferably at booking, in a consistent manner within jail systems, to both ensure that those within the jail population with mental health needs are identified as well as to improve comparable data collection. As cost is of concern, the Commission recommends that jails implement a free evidenced-based screening tool such as the Kessler Psychological Distress Scale (K6) or the Brief Jail Mental Health Screen. Additionally, the Commission recommends that these screens be administered within a private setting and without the presence of other inmates or by self-report in order to safeguard confidentiality and elicit accurate screening results."

**Recommendation Approved at the September 18, 2019 CJPC Meeting**

15. "Historically, the purpose of Michigan's habitual offender statutes was to increase punishments for "habitual criminals" – that is, individuals who demonstrated persistent patterns of offending over time. This understanding was relied upon by judges, prosecutors, and defense attorneys for decades and was confirmed by 1987 and 1990 Michigan Supreme Court opinions affirming that each predicate felony must "arise from separate criminal incidents." However, in 2008 the Court in *People v Gardner* overruled its own precedents and dramatically changed its interpretation of the habitual offender statutes, ruling that multiple convictions arising from the *same criminal incident* can be counted separately. The Criminal Justice Policy Commission

believes that the former long-established understanding of habitual offending better reflects the sentencing goals of Michigan and should be restored. It therefore recommends that the Legislature amend MCL 769.11 and .12 to direct that: *“Not more than 1 conviction arising out of the same transaction shall be considered a prior felony conviction.”* In addition, the Legislature should take into consideration any and all input from stakeholders and their respective organizations as the legislation proceeds through the legislative process.”