

August 25, 2014

Michigan Law Revision Commission
Attention: Jane Wilensky, Executive Secretary
P.O. Box 30036
Lansing, MI 48909-7536

Dear Michigan Law Revision Commission,

I am writing to express my response to the recently submitted Summary of Legislative Recommendations and Draft Legislation by the Council of State Governments Justice Center (CSG) regarding the Swift & Sure Sanctions Probation Program and the Office of Community Corrections.

My response is two-fold: 1) Swift & Sure Sanctions Probation Programming (SSSPP) needs to stay at the county-level as a grant-funded approach to probation supervision until it is a more established, better evaluated program. 2) As the Administrator of my county's Office of Community Corrections, I support the Michigan Association of Community Corrections Advisory Boards' (MACCAB) response as submitted by our President, Mr. Andrew Verheek, and respectfully request that the proposed changes to PA-511 are not considered until further study is given to alternative options.

My response to the CSG's proposal to eliminate SSSPP as we know it comes with a hands-on understanding of what SSSPP was designed to do. I was the first SSSPP Coordinator in the State of Michigan, and as such, I completed a vast amount of research before and while writing my program. I also had several phone and email conversations with Judge Steven Alm, the founder of the HOPE Program (Hawaii's Honest Opportunity Probation with Enforcement), the program after which SSSPP is modeled. Judge Alm repeatedly told me that he created HOPE for two reasons: 1) To hold repeat offenders accountable through consistency and predictability, and 2) To force the Department of Corrections probation agents to do their jobs. Unfortunately, these are the very reasons that Michigan also needs SSSPP. The criminal justice system has not been known for its consistency when sanctioning offenders. Sanctions are often delayed, behaviors are excused and sometimes ignored, and the system is simply slow. SSSPP was created to provide an immediate response to probation violations, forcing the hands of the parties involved to all respond quickly and predictably. This, combined with appropriate services, such as cognitive behavioral therapy designed to address criminal thinking, consistent and random drug testing, and frequent reporting, is a proven method to successfully rehabilitate criminal behavior.

The CSG appears to suggest that the Michigan Department of Corrections (MDOC) probation departments should just “do it.” The fact is that the MDOC didn’t do it, which is why SSSPP was created. In its first year, SSSPP only had four counties utilizing it. Judges and MDOC probation staff simply didn’t want to touch it. It challenges judicial and probationary discretion, and it removes the Courts’ authority to not respond to probation violations. Now, a few years later, only 18 Michigan counties are utilizing SSSPP. Many of them continue to struggle with getting consistency from their local Judges and MDOC offices. It is still too soon to determine if SSSPP makes a long-term impact on high risk offenders’ probation success, however one problem still remains: MDOC and Judges are still hesitant to embrace the concept. As with all new strategies in the criminal justice system, SSSPP needs more time to develop and impress its collaborative benefits upon our courts. Only then will the parties utilizing it no longer feel “challenged” in their authority.

In an ideal world, SSSPP would be the status quo for probation. It absolutely makes sense to hold high risk offenders accountable immediately. However, to expect that this will “just happen” is illogical. The entire mindset of the MDOC would be challenged. It is an agency based on punishment, not corrections. There is little to no focus on rehabilitation. They do not have the manpower to provide such intensive supervision to high risk offenders. Keeping SSSPP on a county level, rather than absorbing it into existing MDOC probation, is the only way to maintain that participants receive rehabilitative, corrective programming. High risk offenders that have made it to SSSPP demand more intensive services, such as frequent and random drug testing, frequent supervision contacts, and often some level of therapeutic intervention. MDOC simply does not provide these services, however, county-based SSSPP does. This also has a direct impact on county Prison Commitment Rates (PCRs), which is ultimately the goal of all specialized programming. Changing sentencing guidelines and requirements, as also suggested by the CSG’s recommendations, is not going to fix this issue. However, changing the way probation is seen as a whole will. Recognizing that criminal behaviors so engrained in a person that they are “repeat” offenders and have a history of unsuccessful probation attempts are not fixed by simply saying “don’t do that.” These are often personality traits that will not change without a heavy balance of immediate, predictable sanctions and behavioral treatment. Although SSSPP is not a treatment-based program, the reality is that many participants need, at minimum, cognitive behavioral approaches to address their criminal thinking. County-based SSSPP programming allows for collaborative access to localized services that MDOC does not.

As a member of the MACCAB, I am disappointed that none of our members were interviewed or questioned when the CSG wrote proposals to change the PA511 legislation that dictates the OCC. Yes, the legislation is outdated, and it needs to be written to reflect the times. But to propose significant changes that affect the complete functioning of our county-based offices, suggest a forced union with the Prisoner Re-entry Program, and leave us completely out of the discussion results in the lack of information pertinent to necessary changes.

The CSG's proposed changes to PA511 clearly focuses less on Community Corrections and more on the Prisoner Re-entry Program. Little to no information is provided on how this forced addition will impact our current programming, funding, and staffing, none of which works with parolees. In addition, lumping prisoner re-entry services in with the Office of Community Corrections doesn't take into account the differences in servicing probationers vs. parolees, the complications this causes in county programming, and our county-based CCABs' lack of access to MDOC data. I reiterate that I firmly support the letter submitted by our MACCAB President, Andrew Verheek, and I respectfully request that you do not consider the CSG's proposed changes to PA511 until other options may be considered and submitted by our membership.

Thank you for your consideration,

Dawn M. Wood
Community Corrections Administrator
Adult Drug Court Coordinator
Barry County