

# final minutes

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## **Criminal Justice Policy Commission Meeting**

9:00 a.m. • Wednesday, September 6, 2017

Senate Appropriations Room • 3<sup>rd</sup> Floor State Capitol Building

100 N. Capitol Avenue • Lansing, MI

### **Members Present:**

Senator Bruce Caswell, Chair  
Stacia Buchanan  
D. J. Hilson  
Kyle Kaminski  
Sheryl Kubiak  
Barbara Levine  
Sarah Lightner  
Laura Moody  
Representative Jim Runestad  
Sheriff Lawrence Stelma  
Jennifer Strange (via teleconference)  
Judge Paul Stutesman  
Andrew Verheek  
Judge Raymond Voet

### **Members Excused:**

Senator Patrick Colbeck  
Representative Vanessa Guerra  
Senator Bert Johnson

### **I. Call to Order and Roll Call**

The Chair called the meeting to order at 9:00 a.m. and asked the clerk to take the roll. A quorum was present, and absent members were excused.

### **II. Approval of August 2, 2017 CJPC Meeting Minutes**

The Chair asked members if there were any corrections to the proposed August 2, 2017 CJPC meeting minutes. There were none. **Commissioner Hilson moved, supported by Commissioner Verheek, to approve the minutes of the August 2, 2017 meeting as proposed. There was no further discussion. The minutes were approved by unanimous consent.**

### **III. Progress Update from Hornby Zeller Associates, Inc. on Study of County Costs to Redirect 17-Year-Olds to Juvenile Justice System**

Karen Hallenbeck from Hornby Zeller Associates, Inc. provided a progress report. She highlighted some of the survey results from the courts, the prosecuting attorneys, and the sheriffs (see handout for more details) and noted that data collection on the ground has begun. The Chair asked members to send any questions they have for Hornby Zeller to Susan Cavanagh for distribution to all members. Ms. Hallenbeck added that they are still waiting for a decision to be made by DHHS as to whether they will receive the data that had been requested. Representative Runestad inquired if the Department is not cooperating with Hornby Zeller and Ms. Hallenbeck explained the process they have used and what has transpired so far regarding the Department's responses to their requests. Commissioner Kubiak noted that the data presented is laid out by county geography and wondered how that is taken into consideration given the different response rates. She also raised questions about cross county use of juvenile detention centers. Ms. Hallenbeck responded to both of her questions. Chair Caswell asked how not having access to DHHS data will affect the study. Ms. Hallenbeck responded they are looking for other data sources if they are not given access to DHHS data. Ms. Hallenbeck responded to other questions raised by Representative Runestad about county participation and the kinds of crimes being looked at.

### **IV. Update of Recommendation to the Legislature for Uniform Jail Management System**

The Chair called on Commissioner Kubiak for an update. She reported that, as requested by the Commission at the last meeting, the Data Subcommittee met with Sheriff Blaine Koops of the Sheriffs' Association and discussed a possible recommendation. The Data Subcommittee's recommendation is as follows:

The Criminal Justice Policy Commission recognizes the need for unified data from the jails across the State of Michigan. Currently, there is 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).

The Chair then called on Nick Plescia from Senator Colbeck's Office to speak on the updated version of Senate Bill 11. Mr. Plescia provided an overview of the substitute (see attached) and responded to questions. The Chair noted that the proposed recommendation does not fit in with the current draft of the substitute for Senate Bill 11, but the legislature may be open to any recommendation that may be made by the Commission. Commissioner Kubiak inquired if there is a vision to unify and integrate the jail data and Commissioner Hilson commented that the Commission recognized the importance of obtaining a complete picture and not using a piece meal approach. Representative Runestad asked if there has been any analysis done to determine the financial aspect of aggregating the data from all the counties and suggested it would be helpful to have that information. He will have his staff look into finding a method to obtain that cost information. Mr. Bridges asked if there is an incentive for the counties to participate and if they are included as an agency that can obtain reports as provided in the bill. Mr. Plescia did not believe counties are included, but offered that is something that can be reviewed. Commissioner Kaminski asked Mr. Plescia to walk through the steps of who holds the data, who collects the data, and who analyzes the data. Commissioner Levine inquired about access to the aggregated data and if it would be subject to the Freedom of Information Act. Mr. Plescia noted that, as written, the data is not subject to FOIA and the purpose is to have the data available to the Legislature only, but he will consider the FOIA issue further. Mr. Bridges wondered if there is any particular time frame in mind for when the data will be in a system that can be used. Mr. Plescia responded that there is no set time frame and that for the counties, data collection is subject to appropriations.

The discussion of this agenda item and Senate Bill 11 will be highlighted in the minutes and sent to the House and Senate so they are aware of some of the questions the Commission has raised around this issue. A discussion of putting more about access in the recommendation followed. The Chair asked that Commissioners Kubiak, Levine, and Hilson work on a separate recommendation on access to criminal justice data in general and present this recommendation at the next meeting. Commissioner Stelma was added to work on this recommendation.

The Commission then returned to the proposed recommendation.

**Commissioner Hilson made a motion, supported by Commissioner Lightner, to adopt the recommendation as proposed.** The Chair asked if there were any amendments.

**Judge Stutesman moved, supported by Commissioner Verheek, to strike "there is" in the second sentence and add "the Commission has". The proposed amendment was discussed further. The Chair asked the clerk to call the roll. The motion prevailed and the amendment was adopted by unanimous consent.**

**Yeas—13**

**Senator Caswell  
Commissioner Buchanan  
Commissioner Hilson  
Commissioner Kaminski  
Commissioner Kubiak  
Commissioner Levine**

**Commissioner Lightner  
Commissioner Moody  
Commissioner Stelma  
Commissioner Strange  
Judge Stutesman  
Commissioner Verheek  
Judge Voet**

**Nays—0**

**Commissioner Hilson moved, supported by Commissioner Lightner, to adopt the recommendation as amended to read as follows:**

**"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)."**

**There was no further discussion. The motion prevailed and the recommendation was adopted by unanimous consent.**

**Yeas—13**

**Senator Caswell  
Commissioner Buchanan  
Commissioner Hilson  
Commissioner Kaminski  
Commissioner Kubiak  
Commissioner Levine**

**Commissioner Lightner  
Commissioner Moody  
Commissioner Stelma  
Commissioner Strange  
Judge Stutesman  
Commissioner Verheek  
Judge Voet**

**Nays—0**

**V. Data Subcommittee Update**

**a. Discussion of Extending an Invitation to Acivilate**

The Chair shared that he was asked by Senator Proos if the Commission has any interest in having a company called Acivilate come in to share information about what they do with the Commission. After discussion, an invitation will not be extended to Acivilate at this time.

**b. Discussion of Extending an Invitation to Staff of the Criminal Justice Administrative Records System (CJARS)**

Mr. Bridges provided information and an overview of this project. After discussion, an invitation will be extended to them.

**c. Draft Substitute for Senate Bill 11**

This agenda item was discussed earlier.

**d. Data Subcommittee Update**

Commissioner Verheek reported that much of the Data Subcommittee's discussion at their last meeting centered around data prepared by Grady Bridges. He called on him for a report. Mr. Bridges began with information on the difference between descriptive and inferential statistics. He then provided an explanation of the information found in the tables on the Sentencing Grid for Class D Offenses handouts he distributed (see attached). Commissioner Kubiak recommended that, in terms of going forward, the data be limited to crimes against persons and those with no habitual offender status. Other variations were suggested and additional questions were raised. Commissioner Kubiak suggested that, with regard to disparity, we start with the initial straddle cell study document to answer the disparity questions. He agreed and will also tie in the questions found on the priorities list. He noted that it would be helpful to define disparity so he knows what the Commission wants to look at. Commissioner Stutesman suggested it would be easiest to look at those in a straddle cell who went to prison and those who didn't. Mr. Bridges continued and inquired about what other questions on the priority list he should focus on. The Data Subcommittee will meet to discuss these questions and any other data variations to consider and will bring back more information to the next meeting.

**e. Priority List Update**

This agenda item was included under the report given by Mr. Bridges.

**VI. Bail Bond Reform Subcommittee Update**

Because the Commission adopted a recommendation on this issue at the last meeting, the Chair noted that no further updates are needed.

**VII. Mental Health Subcommittee Update**

Commissioner Lightner reported that they have received data from the surveys and will try to be ready to present the information at the next Commission meeting.

**VIII. Commissioner Comments**

The Chair asked if there were any comments from the Commissioners. Commissioner Buchanan shared that she submitted her resignation from the Commission to the Governor effective tomorrow due to her appointment to the bench. Commissioner Verheek offered praise to Grady Bridges for the work he has done for the Commission.

**IX. Public Comments**

The Chair asked if there were any public comments. There were no public comments.

**X. Next CJPC Meeting Date**

The next CJPC meeting is scheduled for **Wednesday, October 4, 2017, at 9:00 a.m. in the Senate Appropriations Room, 3<sup>rd</sup> Floor of the State Capitol Building.**

**XI. Adjournment**

There was no further business. The Chair adjourned the meeting at 11:56 a.m.

*(Minutes approved at the October 4, 2017 CJPC meeting.)*

MICHIGAN STUDY OF 17 YEAR OLDS IN THE ADULT COURT AND CORRECTIONAL SYSTEM  
 SURVEY RESULTS OF SHERIFF OFFICES

**Response Rate**

- Twenty-two County Sheriff Offices completed the survey, at least in part.

County Grouping 1	1
County Grouping 2	8
County Grouping 3	5
County Grouping 4	1
County Grouping 5	4
Unknown Grouping	3

**Physical Setting**

- On average, the survey results show there are an average of 238 beds per jail.

Number of Beds	Number of Counties	Percent of Counties
0 – 49	3	14%
50 – 99	6	27%
100 – 199	6	27%
200 – 499	5	23%
500 – 999	1	5%
1000+	1	5%
Total	22	100%

- Between January and March 2017, 212 youth 17 years old were in jail while 17 youth, under the age of 17, were placed in jail. The majority of the 17 year old individuals were male (77%); the same is true for juveniles (82%).
- Three offices reported housing detainees (pre-sentencing) from other counties in their county jails, while six reported housing prisoners from other counties.
- Two of offices reported housing prisoners in another county.

**Staffing**

- Close to half (47%) of the Sheriff Offices' deputies were responsible for providing supervision within the jails, with another 38 percent responsible for road patrol.
- Forty-six percent of the support staff were responsible for providing services or engaging in other types of support activity.

Division	Number of Deputies	Number of Support Staff
Jail Supervision	689	75
Road Patrol	560	67
Investigation	76	5
Administrative Support	33	94
Services	10	100
Other	96	105
Total	1464	446

MICHIGAN STUDY OF 17 YEAR OLDS IN THE ADULT COURT AND CORRECTIONAL SYSTEM  
SURVEY RESULTS OF SHERIFF OFFICES

- 19 counties reported that staff have completed the Managing Youthful Offenders training. The number of staff who have completed the training, by Division are listed below.

Sheriff	3
Deputies	68
Jail Supervision	25
Other	25

**Statistics**

- Between January and March 2017, 11,235 arrests were made by the responding Sheriff Offices.
  - On average, 1.8 percent of those arrests involved a 17 year old, while an average of 0.1 percent involved a juvenile waived to the adult court.
- As of April 30, 2017, the jails were housing 882 pre-sentence detainees, of which no more than six were 17 years old.
- As of April 30, 2017, the jails were housing 1,434 prisoners, of which 49 or three percent were 17 years old.

**Process and Services**

- Seventeen Sheriff Offices reported using videoconferencing for court hearings. Sheriff offices estimate that close to 23 percent of the court hearings involving those housed in their jails are conducted via videoconferencing.
- Other key responsibilities of the Sheriff Office<sup>1</sup> include, among others:

Civil Processing	50 percent
Court Security	56 percent
Marine Patrol	50 percent
Traffic Control	31 percent

- A number of the Sheriff Offices reported using assessments to identify the service needs of juveniles under the age of 17.

Education Assessments	45 percent
Health Assessments	55 percent
Mental Health Assessments	55 percent
Other Assessments	14 percent

- One of the Sheriff Offices reported that juveniles are provided continued education with a local school if sentenced as an adult for a felony. None of the other Sheriff Offices reported providing services to juveniles, other than those provided to adults.
- Nineteen of the responding Sheriff Offices reported that they provide at least one program or service to those housed in their jails.

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<sup>1</sup> N = 16

MICHIGAN STUDY OF 17 YEAR OLDS IN THE ADULT COURT AND CORRECTIONAL SYSTEM  
 SURVEY RESULTS OF SHERIFF OFFICES

Program or Service	Number of Offices	Percent of Offices	Percent Evidence-Based
Case Management	8	42%	38%
Cognitive Behavioral Programming	14	74%	64%
Community Services	13	68%	8%
Crisis Management	9	47%	56%
Domestic Violence Programming	6	32%	33%
Educational Programming	14	74%	50%
Employment/Vocational Training	4	21%	50%
Intensive Supervision	1	5%	0%
Mental Health Programming	16	84%	38%
Pretrial Services	8	42%	38%
Psychiatric Care	11	58%	45%
Public Health Program	6	32%	17%
Religious Programming	17	89%	6%
Sex Offender Treatment Programming	3	16%	100%
Substance Abuse Programming	15	79%	33%
Work Crew	14	74%	14%

- Three of the Sheriff Offices indicate that services are available in adjacent counties which are not available within their counties. Two of the three reported they would be willing to partner with adjacent counties to offer services to those they serve.

**Budget Information**

- Of the 15 Sheriff Offices that provided their overall budget for State Fiscal Year 2016, the average budget amounted to \$12.6 million, while the median was \$5.2 million.

Less than \$1,000,000	1
\$1,000,001 to \$3,000,000	5
\$3,000,001 to \$6,000,000	2
\$6,000,001 to \$10,000,000	1
\$10,000,001 to \$15,000,000	2
\$15,000,001 to \$20,000,000	2
\$20,000,001 to \$25,000,000	1
Greater than \$25,000,000	1

- Of the 12 Sheriff Offices that provided an average cost per day to house a detainee or prisoner, the average rate was \$56 a day, while the median was \$43 a day. Rates ranged from a low of \$8 a day to a high of \$98 a day.

MICHIGAN STUDY OF 17 YEAR OLDS IN THE ADULT COURT AND CORRECTIONAL SYSTEM  
 SURVEY RESULTS OF PROSECUTING ATTORNEYS

**Response Rate**

- Thirty-two Prosecuting Attorney offices completed the survey, at least in part.

County Grouping 1	3
County Grouping 2	12
County Grouping 3	5
County Grouping 4	6
County Grouping 5	2
Unknown Grouping	4

**Charges Against Juveniles**

- Since the start of 2017, Prosecuting Attorney offices report less than 20 percent of the defendants against whom charges were filed were 17 years of age or younger.
- Of the 305 Assistant Prosecuting Attorneys working in 29 offices across Michigan, 24 percent work with juvenile cases.
- Four offices (13%) use a formal assessment to decide when to file charges against an individual charged with committing a non-violent crime. Three of those offices reported they use one tool for juveniles and a different one for adults to make that decision.
- Fifty-six percent (18) of the Prosecuting Attorney offices report they take other special considerations into account when charging a juvenile with having committed an offense.

**Processing Juvenile Cases**

- One quarter or seven offices report there are differences in cost that are incurred when investigating juveniles as compared to adults.
  - Four state that the investigation process is more intensive; more research is conducted.
  - Two state that extra testing or evaluations are completed.
  - One states additional hearings are held.
- Two-thirds of the offices (19) state that formal assessments are used to help make sentencing recommendations for juveniles. External service providers often complete those assessments.

Assessment Type	Number	Percent
Autism Screening	1	5%
Competency Evaluation	2	11%
Family Assessment	2	11%
Mental Health Assessment	1	5%
Predisposition Report	1	5%
Probation Report	2	11%
Psychological Evaluation	11	58%
Risk Assessment	1	5%
Sex Offender Assessment	4	21%
Substance Abuse Assessment	4	21%
Victim Impact Statement	1	5%



**MICHIGAN STUDY OF 17 YEAR OLDS IN THE ADULT COURT AND CORRECTIONAL SYSTEM  
SURVEY RESULTS OF PROSECUTING ATTORNEYS**

- The defendant or his/her family is most often (83%) responsible for paying for the assessment when it is completed by an external provider, similar to that of adults (89%).
- All but one office (96%) reported that appeals are available for cases involving juvenile defendants. Appeal cases are more common among cases involving an adult.

**Budget Information**

- Ninety-seven percent, i.e., all but one, of the Prosecuting Attorney offices maintain a budget separate from that of the courts.
- The budgets for all but one office (95%) distinguish between personnel, non-personnel and capital expenditures.
- Two-thirds of the offices report revenue sources within their budgets.
- Only one office reported maintaining records of the hours incurred to process a case.

MICHIGAN STUDY OF 17 YEAR OLDS IN THE ADULT COURT AND CORRECTIONAL SYSTEM  
 SURVEY RESULTS OF COURTS

**Response Rate**

- Thirty-five courts responded to the survey, across 22 known counties.

District Courts	13
Circuit Courts	12
Probate/Family Courts	10
County Grouping 1	4
County Grouping 2	10
County Grouping 3	5
County Grouping 4	2
County Grouping 5	1
Unknown Grouping	5

**Staffing**

- With the exception of Administrators and Court Officers, courts are primarily staffed with full-time staff members.

Staff Type	Circuit Court		District Court		Probate/Family Court	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time
Judges	45	2	31	4	13	2
Magistrates	0	0	19	9	2	0
Referees	38	2	3	0	9	0
Administrators	18	10	17	0	8	1
Clerks	87	0	173	12	26	0
Court Officers	13	3	12	7	0	1
Probation Officers	121	0	46	4	22	1
Administrative	347	0	21	0	5	0
Other	69	0	2	1	0	0
<b>Total</b>	<b>738</b>	<b>17</b>	<b>323</b>	<b>37</b>	<b>85</b>	<b>5</b>

- Four of the courts have a multiple district plan.
- Close to three-quarters (74%) of the courts have jurisdiction over civil infractions committed by juveniles under the age of 17.
- Twenty-three percent of the courts have at least one problem solving court that serves juveniles under the age of 17, while 54 percent have one that serves adults.

Problem Solving Court	Juveniles	Adults
Drug Treatment Court	6	13
DWI/Sobriety Court	0	13
Family Dependency Court	2	2
Mental Health Court	2	5
Other	0	12
<b>Total</b>	<b>8</b>	<b>19</b>

MICHIGAN STUDY OF 17 YEAR OLDS IN THE ADULT COURT AND CORRECTIONAL SYSTEM  
SURVEY RESULTS OF COURTS

**Processing and Services**

- On average, 21 percent of the cases received annually by the Circuit courts involve individuals under the age of 18; four percent of the cases received involve 17 year olds.
- On average, four percent of the cases received annually by the District courts involve individuals under the age of 18; approximately one percent of the cases received involve 17 year olds.
- Seven (20%) of the courts report they use information technology to process juvenile cases, while 15 (43%) report they use information technology to process adult cases.

Technology	To Process Juveniles	To Process Adults
Videoconference Arraignment	7	15
Videoconference Trial	1	3
Videoconference Sentencing	3	7

- Twelve of the courts reported using at least one type of program or service prior to trial for juveniles and 15 reported using at least one type of program or service prior to trial for adults.
- Probation services and drug screening programs are most commonly used for juveniles while supervision and release and drug screening are most commonly used for adults.

Pre-Trial Program or Service	Percent for Juveniles	Percent for Adults
Drug Screening Program	75%	93%
Electronic Surveillance	67%	53%
Pretrial Investigation Services	50%	73%
Probation Services	83%	67%
Supervision and Release	50%	80%
Other	8%	0%

- Eighteen of the responding courts reported they use a screening and/or assessment tool to identify the service needs of individuals placed on probation, of which 11 courts identified at least one type of tool they use for juveniles and a dozen courts for adults.
- Forty percent of the courts report the tools used to assess the service needs of juveniles differ from those used to assess the needs of adults.

Screening/Assessment Tool	Percent for Juveniles	Percent for Adults
Education Assessment	91%	42%
Health Assessment	73%	42%
Mental Health Assessment	91%	67%
Other	45%	42%

- Ten of the courts reported they use assessments to identify the service needs of offenders at other points in the court process. The courts are more likely to use them to assess the needs of juveniles than adults.
- Eighteen of the responding courts reported that they provide at least one program or service to offenders.

MICHIGAN STUDY OF 17 YEAR OLDS IN THE ADULT COURT AND CORRECTIONAL SYSTEM  
 SURVEY RESULTS OF COURTS

Program or Service	Number of Courts	Percent of Courts	Percent Evidence-Based
Case Management	14	52%	64%
Cognitive Behavioral Programming	9	33%	67%
Community Services	15	56%	27%
Crisis Management	8	30%	25%
Domestic Violence Programming	11	41%	55%
Educational Programming	12	44%	58%
Employment/Vocational Training	8	30%	38%
Intensive Supervision	17	63%	59%
Mental Health Programming	12	44%	67%
Pretrial Services	10	37%	50%
Psychiatric Care	7	26%	57%
Public Health Program	6	22%	67%
Religious Programming	4	15%	0%
Sex Offender Treatment Programming	6	22%	50%
Substance Abuse Programming	14	52%	86%
Work Crew	7	26%	14%

- Eleven of the courts indicate that services are available in adjacent counties which are not available within their counties, of which ten reported they would be willing to partner with adjacent counties to offer services to those involved in their court systems.
- Eleven courts reported their county operates a detention center for juveniles.
  - The average bed capacity for secure facilities was 38 beds, with an average occupancy rate of 68 percent in State Fiscal Year 2016.
  - The average bed capacity for non-secure facilities was also 38 beds, with an average occupancy rate of 58 percent in State Fiscal Year 2016.

**Budget Information**

- Of the 11 courts that provided an overall budget for State Fiscal Year 2016, the average budget across the courts amounted to \$24.5 million, while the median was \$14 million.

	Circuit Court	District Court	Probate/Family Court
Median	\$21,546,169	\$2,437,700	\$816,000
Average	\$21,546,169	\$2,749,666	\$16,336,116

- Twenty-six courts reported that detailed data which break out personnel, non-personnel and capital expenditures are available for release. Revenue streams can also be identified within the budgets.

DRAFT 4

A bill to create the criminal justice data collection and management program act; to describe the criminal justice data collection and management program; to provide for certain grants; and to provide for the powers and duties of certain state and local governmental officers and entities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "criminal justice data collection and management program act".

3           Sec. 2. As used in this act:

4           (a) "County jail" means a facility operated by a county for  
5 the physical detention and correction of individuals charged with  
6 or convicted of criminal offenses and ordinance violations,  
7 individuals found guilty of civil or criminal contempt, and  
8 juveniles detained by court order.



1 (b) "County operations team" means a group of individuals, or  
2 an individual, selected by the governing body of a county  
3 participating in the criminal justice data collection and  
4 management program to work in coordination with the state project  
5 and state operations teams to implement the criminal justice data  
6 collection and management program.

7 (c) "Criminal justice data collection and management program"  
8 or "program" means the program created under section 3.

9 (d) "Department" means the department of technology,  
10 management, and budget.

11 (e) "Offense type" means the category of a criminal offense as  
12 categorized by the department of corrections.

13 (f) "Rearrest recidivism" means the rearrest of an offender as  
14 measured first after 3 years and again after 5 years from the date  
15 of his or her release from incarceration, placement on probation,  
16 or conviction for a criminal offense, whichever is later, for a new  
17 felony or misdemeanor offense, or for a parole or probation  
18 violation.

19 (g) "Reconviction recidivism" means the reconviction of an  
20 offender as measured first after 3 years and again after 5 years  
21 from the date of his or her release from incarceration, placement  
22 on probation, or conviction for a criminal offense, whichever is  
23 later, for a new felony or misdemeanor offense, or for a parole or  
24 probation violation.

25 (h) "Reincarceration recidivism" means the reincarceration in  
26 jail or prison of an offender as measured first after 3 years and  
27 again after 5 years from the date of his or her release from



1 incarceration, placement on probation, or conviction for a criminal  
2 offense, whichever is later, for a new felony or misdemeanor  
3 offense, or for a parole or probation violation.

4 (i) "Report" means aggregated data and statistics collected  
5 under this act. A report does not include any data that contain  
6 uniquely identifying information that is not already available to  
7 the public or any information that could reasonably lead to the  
8 disclosure of nonpublic information as determined by the state  
9 operations team.

10 (j) "State correctional facility" means any facility that  
11 houses prisoners under the jurisdiction of the department of  
12 corrections.

13 (k) "State operations team" means a group of individuals, or  
14 an individual, employed by the legislative council as an at-will,  
15 nontenured employee, employed by a third party under contract with  
16 the legislative council, or under contract with the legislative  
17 council, to execute state-level data collection processes and  
18 criminal justice data collection processes and to manage the  
19 collection of data from counties participating in the criminal  
20 justice data collection and management program and from state  
21 agencies and departments, including, but not limited to, the  
22 department, the state court administrative office, the department  
23 of corrections, the department of state police, and the prosecuting  
24 attorneys coordinating council.

25 (l) "State project team" means a group of individuals, or an  
26 individual, employed by the legislative council as an at-will,  
27 nontenured employee, employed by a third party under contract with



1 the legislative council, or under contract with the legislative  
2 council, to develop and assist in the implementation of processes  
3 and technology improvements that facilitate the collection of  
4 criminal justice data from the counties participating in the  
5 criminal justice data collection and management program and from  
6 state agencies and departments, including, but not limited to, the  
7 department, the state court administrative office, the department  
8 of corrections, the department of state police, and the prosecuting  
9 attorneys coordinating council.

10 Sec. 3. (1) Subject to appropriation, a criminal justice data  
11 collection and management program is created within the legislative  
12 council.

13 (2) Subject to appropriation, the legislative council shall  
14 assign a state operations team to oversee the work activities of  
15 the state project team and the county operations teams.

16 (3) The criminal justice data collection and management  
17 program may be implemented in counties selected by the state  
18 operations team in consultation with the county's governing body,  
19 and must work in coordination with state agencies and departments,  
20 including, but not limited to, the department, the state court  
21 administrative office, the department of corrections, the  
22 department of state police, and the prosecuting attorneys  
23 coordinating council.

24 (4) Subject to appropriation, the department, the state court  
25 administrative office, the department of corrections, the  
26 department of state police, and the prosecuting attorneys  
27 coordinating council must be provided any necessary and available





1 funding to implement technological changes and additional data  
2 collection or new data collection practices necessary to accomplish  
3 the objectives of this act based upon the recommendation of the  
4 state operations team.

5 (5) Subject to appropriation, the counties participating in  
6 the criminal justice data collection and management program must be  
7 provided any necessary and available funding to implement  
8 technological changes to county data collection systems based upon  
9 the recommendation of the state operations team.

10 (6) Subject to appropriation, the counties participating in  
11 the criminal justice data collection and management program must be  
12 provided any necessary and available funding to implement  
13 additional data collection and new data collection practices based  
14 upon the recommendation of the state operations team.

15 (7) The department shall distribute the funds, based upon the  
16 recommendations of the state operations team, that are appropriated  
17 for the state court administrative office, the department of  
18 corrections, the department of state police, the prosecuting  
19 attorneys coordinating council, and the counties participating in  
20 the criminal justice data collection and management program under  
21 subsections (4), (5), and (6).

22 (8) The counties participating in the criminal justice data  
23 collection and management program shall, through their county  
24 operations teams, collect and provide data to the state operations  
25 team that support the determination of all of the following:

- 26 (a) County jail capacity.  
27 (b) Rearrest recidivism.



- 1 (c) Reconviction recidivism.  
2 (d) Reincarceration recidivism.  
3 (e) The application of sentencing guidelines.  
4 (9) Subject to appropriation and the existence of available  
5 data, the state operations team shall collect data from the state  
6 court administrative office, the department of corrections, the  
7 department of state police, and the prosecuting attorneys  
8 coordinating council as necessary to support the determination of  
9 all of the following:  
10 (a) State correctional facility capacity.  
11 (b) Rearrest recidivism.  
12 (c) Reconviction recidivism.  
13 (d) Reincarceration recidivism.  
14 (e) The application of sentencing guidelines.  
15 (10) The state operations team shall collect the data under  
16 subsections (8) and (9) and provide that data to the department.  
17 (11) The department shall house and maintain the data provided  
18 by the state operations team under subsection (10).  
19 (12) The state operations team shall use data collected under  
20 subsections (8) and (9) to generate reports.  
21 (13) If in the judgment of the state operations team it is not  
22 practicable for the state operations team to generate useful  
23 reports including both felony and misdemeanor data, due to a lack  
24 of sufficient funding or a lack of available data, the state  
25 operations team may generate reports including only felony data.  
26 (14) To facilitate the collection of data under subsection  
27 (9), the department shall enter into data sharing or data services



1 agreements with the state court administrative office, the  
2 department of state police, the department of corrections, and the  
3 prosecuting attorneys coordinating council setting forth the terms  
4 under which data will be shared with the state operations team,  
5 including, but not limited to, the terms of ownership of the data,  
6 definitions of the scope of data to be collected, and any  
7 restrictions on the handling or use of the data that may be  
8 necessary, appropriate, or required by law.

9 (15) Subject to appropriation, the department shall charge the  
10 legislative council for a service provided by the department to the  
11 legislative council under this act. The rate charged under this  
12 subsection must reflect the actual cost for the service provided  
13 and the department shall provide the legislative council with an  
14 invoice detailing actual costs of the service provided upon a  
15 request for payment.

16 Sec. 4. (1) Except as otherwise provided in this section, the  
17 data collected by the state operations team under this act are  
18 confidential and are not subject to disclosure under the freedom of  
19 information act, 1976 PA 442, MCL 15.231 to 15.246.

20 (2) The department shall only allow access to the data  
21 collected under this act by members of the department and the state  
22 operations team and shall provide the state operations team access  
23 to the data collected under this act.

24 (3) The legislative council shall request the department of  
25 state police to do both of the following for all individuals  
26 employed by the legislative council as a part of the state  
27 operations team:



1 (a) Conduct a criminal history check on the individual.

2 (b) Conduct a criminal records check through the Federal  
3 Bureau of Investigation on the individual.

4 (4) An individual employed by the legislative council as part  
5 of the state operations team shall give written consent for the  
6 department of state police to conduct the criminal history check  
7 and criminal records check required under this section. The  
8 legislative council shall require the individual to submit his or  
9 her fingerprints to the department of state police for the criminal  
10 history check and criminal records check described under subsection  
11 (3).

12 (5) The legislative council shall request a criminal history  
13 check and criminal records check under this section on all  
14 individuals employed by the legislative council as part of the  
15 state operations team. The legislative council shall make the  
16 request on a form and in the manner prescribed by the department of  
17 state police.

18 (6) Within a reasonable time after receiving a complete  
19 request by the legislative council for a criminal history check and  
20 criminal records check on an individual under this section, the  
21 department of state police shall conduct the criminal history check  
22 and provide a report of the results to the legislative council. The  
23 report must contain any criminal history record information on the  
24 individual maintained by the department of state police.

25 (7) Within a reasonable time after receiving a proper request  
26 by the legislative council for a criminal records check on an  
27 individual under this section, the department of state police shall



1 initiate the criminal records check. After receiving the results of  
2 the criminal records check from the Federal Bureau of  
3 Investigation, the department of state police shall provide a  
4 report of the results to the legislative council.

5 (8) The department of state police may charge the legislative  
6 council a fee for a criminal history check or a criminal records  
7 check required under this section that does not exceed the actual  
8 and reasonable cost of conducting the check.

9 Sec. 5. (1) The legislative council, the governor, or any  
10 agency providing data to the state operations team may request the  
11 state operations team to generate a report from the data collected  
12 under this act. A member of the legislature may request the  
13 legislative council to make a request for a report under this  
14 subsection.

15 (2) A report created by the state operations team under  
16 subsection (1) is subject to the freedom of information act, 1976  
17 PA 442, MCL 15.231 to 15.246.

18 Enacting section 1. This act takes effect 90 days after the  
19 date it is enacted into law.



**Sentencing Grid for Class D Offenses --- MCL 777.65**  
 Sentencing Guidelines - Crime Groups

Group	Freq.	Percent
Person	13,552	95.86
Property	231	1.63
Controlled Subs.	112	0.79
Public Order	9	0.06
Public Safety	159	1.12
Public Trust	75	0.53
<b>Total</b>	<b>14,138</b>	<b>100</b>

**Sentencing Grid for Class D Offenses --- MCL 777.65**  
 Habitual Offender Status

Status	Freq.	Percent
No	12,212	86.38
2nd	701	4.96
3rd	439	3.11
4th	786	5.56
<b>Total</b>	<b>14,138</b>	<b>100</b>

**Sentencing Grid for Class D Offenses --- MCL 777.65**  
 Departures from Recommended Range

Status	Freq.	Percent
None	9,382	66.36
Above	929	6.57
Below	3,827	27.07
<b>Total</b>	<b>14,138</b>	<b>100</b>

**Sentencing Grid for Class D Offenses --- MCL 777.65**  
*Number of Offenders sentenced between Jan. 1, 2012 and Dec. 31, 2016*

PRV Level							
<b>OV Level</b>	<b>A</b> 0 Points	<b>B</b> 1-9 Points	<b>C</b> 10-24 Points	<b>D</b> 25-49 Points	<b>E</b> 50-74 Points	<b>F</b> 75+ Points	<b>Total</b>
<b>I</b> 0-9 Points	934	690	1,077	647	248	273	<b>3,869</b>
<b>II</b> 10-24 Points	763	544	1,168	757	401	404	<b>4,037</b>
<b>III</b> 25-38 Points	247	230	519	472	241	295	<b>2,004</b>
<b>IV</b> 35-49 Points	312	138	514	348	175	225	<b>1,712</b>
<b>V</b> 50-74 Points	253	123	484	253	137	114	<b>1,364</b>
<b>VI</b> 75+ Points	213	111	403	203	111	111	<b>1,152</b>
<b>Total</b>	<b>2,722</b>	<b>1,836</b>	<b>4,165</b>	<b>2,680</b>	<b>1,313</b>	<b>1,422</b>	<b>14,138</b>

**Sentencing Grid for Class D Offenses --- MCL 777.65**  
*Offenders receiving a prison sentence (Jan. 1, 2012 - Dec. 31, 2016)*

**PRV Level**

<b>OV Level</b>	<b>A</b> 0 Points	<b>B</b> 1-9 Points	<b>C</b> 10-24 Points	<b>D</b> 25-49 Points	<b>E</b> 50-74 Points	<b>F</b> 75+ Points
<b>I</b> 0-9 Points	4.62%	2.04%	4.84%	12.40%	25.30%	36.12%
<b>II</b> 10-24 Points	5.28%	6.97%	12.12%	27.29%	40.80%	57.83%
<b>III</b> 25-38 Points	10.86%	12.91%	23.55%	36.28%	56.55%	71.98%
<b>IV</b> 35-49 Points	30.30%	35.33%	56.28%	68.18%	85.47%	91.47%
<b>V</b> 50-74 Points	41.44%	49.53%	75.08%	86.06%	91.03%	94.48%
<b>VI</b> 75+ Points	65.66%	72.67%	89.53%	94.03%	96.10%	98.00%



**Sentencing Grid for Class D Offenses --- MCL 777.65**  
*Average prison sentence length in months*

**PRV Level**

<b>OV Level</b>	<b>A</b> 0 Points	<b>B</b> 1-9 Points	<b>C</b> 10-24 Points	<b>D</b> 25-49 Points	<b>E</b> 50-74 Points	<b>F</b> 75+ Points
<b>I</b> 0-9 Points	3.35	2.41	4.03	6.71	9.63	12.67
<b>II</b> 10-24 Points	5.12	5.58	8.37	12.66	16.02	23.16
<b>III</b> 25-38 Points	10.68	11.57	18.39	22.87	28.08	35.73
<b>IV</b> 35-49 Points	18.45	18.84	37.29	41.11	54.20	72.07
<b>V</b> 50-74 Points	20.62	25.36	53.85	63.45	78.56	100.57
<b>VI</b> 75+ Points	48.52	46.91	97.64	119.22	164.77	188.82