





Presentation to

Michigan Law Revision Commission

Initial Planning Meeting

Criminal Sentencing Study

May 22, 2013

Carl Reynolds, Senior Legal & Policy Advisor Andrew Barbee, Research Manager Ellen Whelan-Wuest, Policy Analyst Jason Karpman, Program Associate

Organization of Presentation

Justice Center Background

Sentencing Study and Justice Reinvestment

Process Moving Forward

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Sentencing Study and Justice Reinvestment

Process Moving Forward

Council of State Governments Justice Center

- National non-profit, non-partisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence



You May Know Us from Our Justice Reinvestment Work

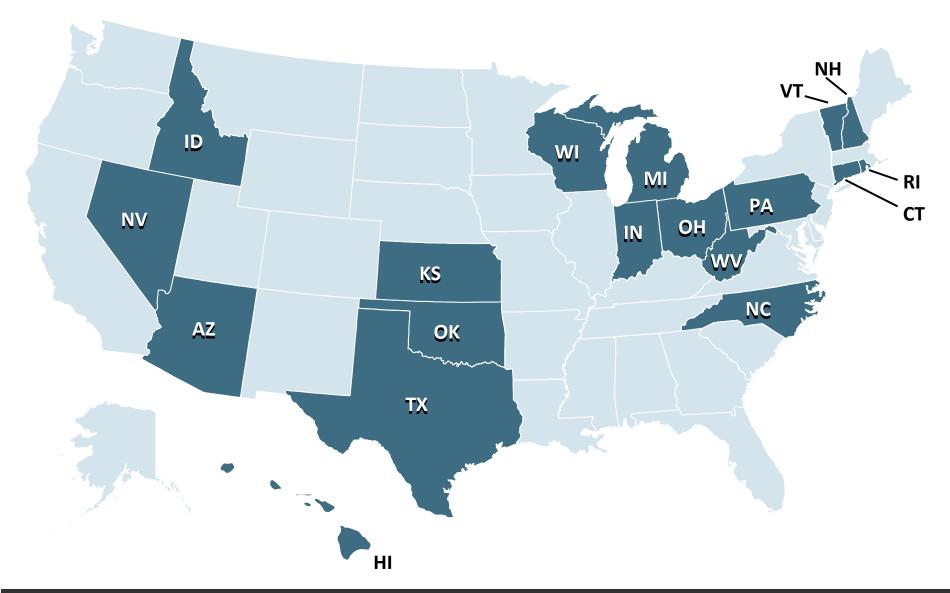
Justice Reinvestment

a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.





CSG Justice Reinvestment States to Date



Summary Michigan Justice Reinvestment from 2008-10





JUSTICE REINVESTMENT IN MICHIGAN

Policy Options to Deter Crime, Lower Recidivism, and Reduce Spending on Corrections



his brief describes a range of policy options that the Council of State Governments Justice Center (Justice Center) has developed for Michigan policymakers. It tracks the findings outlined in a companion report, Analyses of Crime, Community Corrections, and Sentencing Policies. Both the report and this policy brief were developed in response to a request from Governor Jennifer M. Granholm, Senate Majority Leader Michael D. Bishop, and Speaker of the House Andy Dillon for intensive technical assistance to address the high rates of crime and victimization in Michigan and to reduce spending on corrections.

To guide the Justice Center's collection and analysis of data, the state leaders established a bipartisan, interbranch working group, the Justice Reinvestment Working Group. The working group agreed that whatever policies they decide to advance should be consistent with the principles of justice reinvestment. In other words, to the extent policy changes effectively lower the Department of Corrections' budget, a portion of those savings should be reinvested in strategies that the working group has determined will reduce crime and strengthen communities.

The options in this policy framework draw heavily on the expertise and experience of the working group members and a diverse group of Michigan stakeholders, including local government officials and representatives of community-based organizations.

These options are not a finite set of recommendations; they are a range of data-driven options that Michigan's leaders should fully consider in partnership with a broad group of stakeholders to ensure that taxpayer dollars are being invested in efforts that will make communities safer and stronger while reducing corrections spending.

During the initial meetings, the Justice Center and the working group agreed that any analyses and policy options related to the Department of Corrections operations (such as labor management, where there might be opportunities for increased efficiencies) would be beyond the scope of the project. Additional policy options were discussed and considered during the working group process, however, policymakers concluded that the options offered in this brief were among the most likely to achieve consensus on reducing crime and victimization and generate significant savings given the current circumstances in Michigan.

Justice Reinvestment in Michigan

2008: Working Group formed and research conducted

2009: Final report and policy options delivered

2010: Despite not making any statutory changes, State invested in the following:

- · Law enforcement strategies to reduce crime
- Risk reduction strategies for high-risk probationers
- Additional parole agents
- GPS electronic monitoring
- Reentry programming

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State Leaders Request Assistance with Sentencing Study



RICK SNYDER

STATE OF MICHIGAN EXECUTIVE OFFICE LANSING

BRIAN CALLEY

January 23, 2013

Marshall Clement Director, State Initiatives Council of State Governments Justice Center 216 1st Ave, Suite 453 Seattle. WA, 98104

Re: Assistance with review and analysis of Michigan Sentencing Guidelines

Dear Mr. Clement:

Please accept this formal request for the Council of State Governments to assist the Michigan Law Revision Commission (Commission) in reviewing, analyzing and making recommendations regarding changes to the Michigan Sentencing Guidelines.

The Commission is required by statute to examine the common law and statutes of this state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms. The Commission is also tasked with recommending changes in the law it considers necessary in order to modify or eliminate antiquated and inequitable rules of law, and bring the law of this state into harmony with modern conditions.

As part of an effort to reinvent government, there is an interest in determining whether there is a need to update the provisions of the Code of Criminal Procedure, Act No. 175 of the Public Acts of 1927, specifically Chapter XVII, Sentencing Guidelines originally adopted in 1988. Information on the Sentencing Guidelines is published by the Michigan Judicial Institute at: http://courts.michigan.gov/mij/resources/sentencing-guidelines/sg.htm.

Michigan public safety agencies have pledged their cooperation and both the Michigan Senate and Michigan House of Representatives have requested the Commission to review this very important issue. In addition, funding has been allocated through the appropriations process to assist in these efforts.

The assistance of the Council of State Governments is respectfully requested to offer technical support to the Commission as they undertake a review of the law and advise the Legislature of changes that may be appropriate to update its provisions in light of present circumstances. Because of its potential impact on public safety programs of the state, the Commission has been requested to complete this review as quickly as possible.

Sincerely,

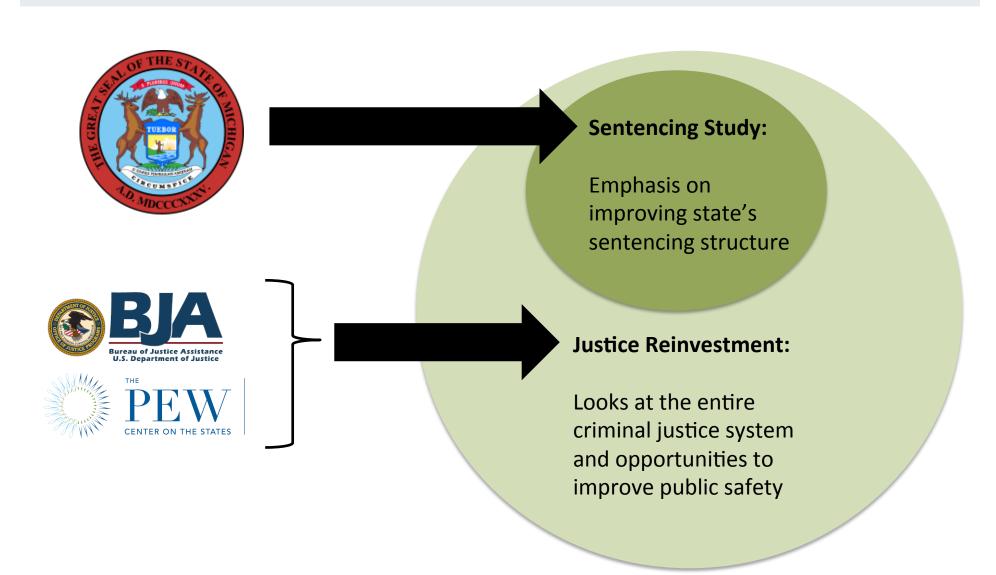
Rick Snyder Governor Randy Richardville Senate Majority Leader Jase Bolger Speaker of the House

GEORGE W. ROWNEY BUILDING + 111 SOUTH CAPITOL AVENUE + LANSING, MICHIGAN 48905 sww.michigan.gov

SB 233

Sec. 351. The funds appropriated in part 1 for the legislative council shall be used for a contract with the Council of State Governments to continue its review of Michigan's sentencing guidelines and practices, including, but not limited to, studying length of prison stay and parole board discretion.

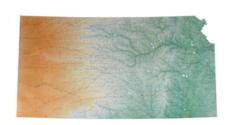
Additional Opportunity to Incorporate Sentencing Study Within Justice Reinvestment Initiative



Recent JR Projects in West Virginia and Kansas Further Illustrate Sentencing Issues versus JR Issues



West Virginia SB 371



Kansas HB 2170

Sentencing

Statutory sentence ranges give parole board more influence over length of incarceration, but generous good time incentivized max-outs.

Sentencing

Lack of statutory sentencing options forced judges to choose between doing nothing or full revocation as response to purely technical violations

Broader JR

Failure to use risk assessment and fund community based treatment causes increasing recidivism.

Broader JR

Inadequate funding of communitybased treatment and failure to focus resources on higher risk probationers led to poor outcomes

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Key Components of the Process: Data, Collaboration and Leadership

Data

Justice Center synthesizes and conceptualizes the data that Michigan provides

- System flow/dynamics
- Guideline scoring
- Risk reduction capacity

Collaboration

Justice Center supports in convening state leaders to participate in active discussions

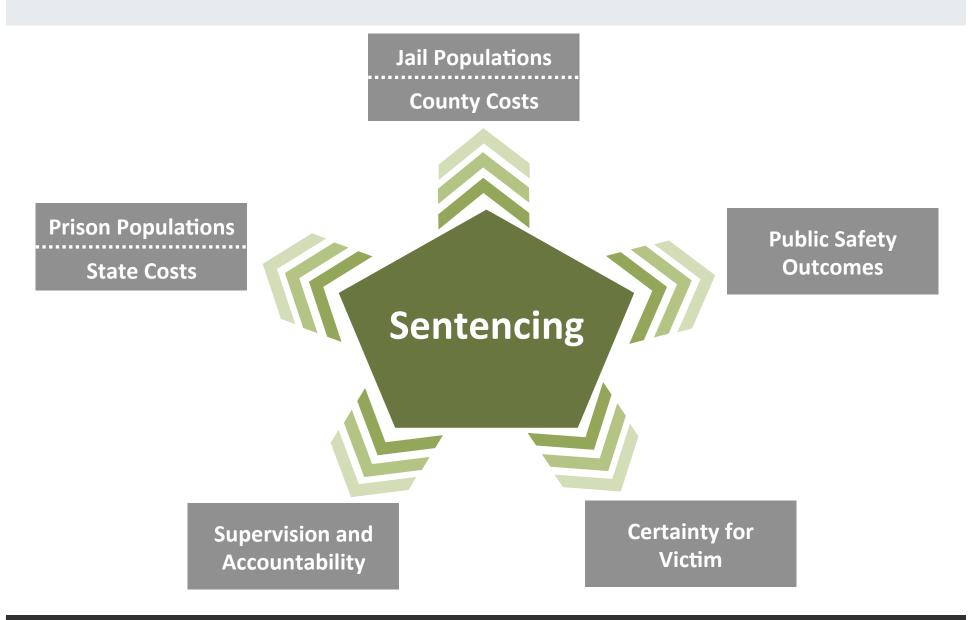
- Bipartisan
- Inter-branch
- Inter-disciplinary

Leadership

Michigan provides leadership and the Justice Center provides support

- Communication
- Policy adoption
- Sustainability

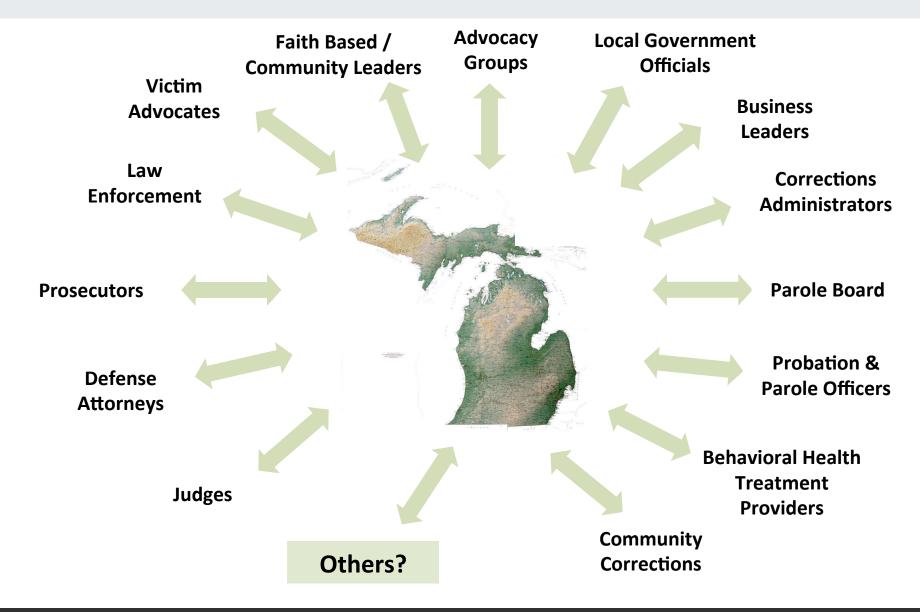
Project to Focus on Numerous Areas Impacted by Sentencing



Justice Center Data Requests Are Underway

Data	Source	Status
Crime and Arrest	State Police	
Criminal History	State Police	
Court Dispositions	Judiciary; DOC	Requested
Jail	Kent and Jackson Counties; DOC	
Community Corrections	Kent and Jackson Counties	
Probation	Department of Corrections	Requested
Prison	Department of Corrections	Requested
Parole	Department of Corrections	Requested
Parole Board Decision-Making	Department of Corrections	Requested
Behavioral Health Treatment	???	

Project Will Require Stakeholder Engagement



Project Will Require *Collaboration and Leadership*

Michigan Legislature

Richard McLellan Chair Michigan Executive

Jane Wilensky
Executive Secretary

Anthony Derezinski Vice-Chair

Sen. Tonya Schuitmaker

MLRC

Rep. Andrew Kandrevas

Sen. Vincent Gregory

Rep. Tom Leonard

George E. WardPublic Member

John G. Strand
Ex Officio Member

Hon.William Whitbeck Public Member

CSG Justice Center

Practitioner Advisory
Members?

Project Will Require *Significant Commitment*



Four

2-3 hour meetings with the Justice Reinvestment Working Group

75+

in-person meetings with stakeholders in the criminal justice system

1.2 million

data records analyzed



Four

2-3 hour meetings with the Justice Reinvestment Working Group

100+

in-person meetings with stakeholders in the criminal justice system

650,000+

data records analyzed



At Least Five

2-3 hour meetings with the Michigan Law Revision Commission

555

in-person meetings with stakeholders in the criminal justice system

???

data records analyzed

Tentative Project Timeline

Dates	Activity
May – October 2013	Data Collection
June 20	MLRC Meeting – Kick off
June	Begin soliciting stakeholder input
July-August	Finish data collection & begin detailed data analysis
September	MLRC Meeting – Review Findings
September-October	Additional data analysis & meetings with stakeholders
November	MLRC Meeting – Review Findings
December 21, 2013	at T
January 2014	MLRC Meeting – Review Findings
January – March 2014	Model potential policy options
March 2014	MLRC Meeting – Discuss Policy Options
March – October	Brief state leaders & stakeholders on policy options



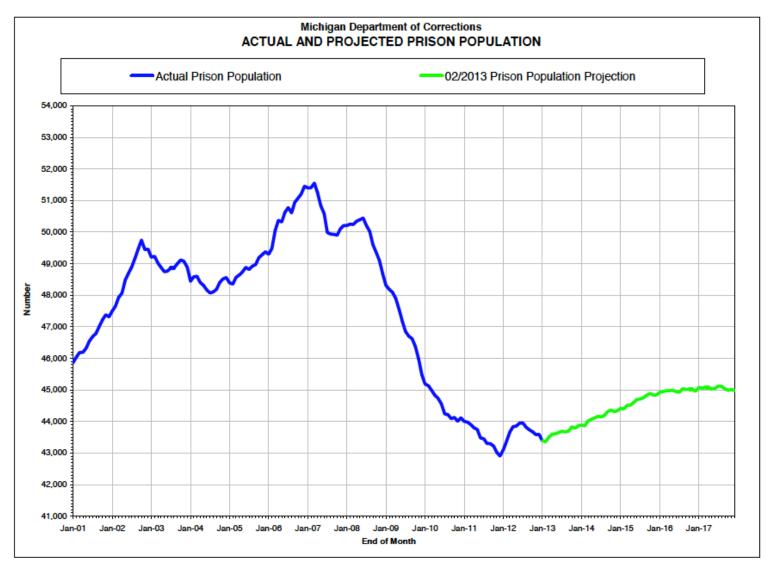
Thank You

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JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

This material was prepared for the State of Michigan. The presentation was developed by members of the Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.

Prison Population Has Declined, but Is Expected to Rebound



Source: MDOC Office of Research & Planning 2/07/2013