

COUNTY OF OAKLAND
OFFICE OF THE SHERIFF

MICHAEL J. BOUCHARD



August 26, 2014

Michigan Law Revision Commission
P.O. Box 30036
Lansing, Michigan 48909

Dear MLRC Members:

After a thorough review of the Council of State Governments Justice Center's report "Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System", I have grave concerns about the suggestions that have been made in its findings.

While I support much needed reform to the sentencing guidelines in the state of Michigan, the recommendations made will severely impact my correctional facilities and capacity levels. Program suggestions, such as 'Swift and Sure', will bring an influx of probation and parole violators into the Oakland County Jail. While these individuals would be housed for a short time, the bed space they will occupy will impact potential overcrowding and require additional employee time and resources.

Since the economic downturn of the last decade, I have had to make several difficult budgeting choices, which have included the shuttering of correctional and housing facilities. This has affected our overcrowding levels and has led to implementing emergency overcrowding procedures on some occasions. Furthermore, with the federal Prison Rape Elimination Act standards that are now in effect, classification levels and housing options are more difficult to comply with as space is limited in our facilities. By adding additional inmates to the Oakland County Jail, whether through the Swift and Sure program or by diverting prisoners to jails (as this report suggests), will negatively impact local agencies.

Furthermore, using the model suggested in CSG's report, more individuals would likely be using Community Corrections programming. The model suggested would combine the current Re-Entry program with Community Corrections. The new model would make the Community Corrections programs take individuals with misdemeanors as well as felonies. The current system is underfunded and adding in felony offenses to this model puts public safety at risk.

By diverting criminals from prison, ultimately, the burden to bear falls on county correctional facilities. These individuals are either given sentences to jail or they are sent out into the community with the potential for recidivism which also will cause them to be placed back into a

county facility. Jails are not equipped to replace the role of prisons and cannot be tasked with the same programming that the Michigan Department of Corrections provides.

Most troubling, is that this model was put together without input from locals. When presented to my agency, there was no concrete data or statistics that would demonstrate the positive effects of these new reforms. Now, stakeholders are being asked for feedback again, without any data or projections of the cost, savings, crime rates, and prison/jail population numbers. At this time, I have been forced to look at the current picture and use my own projections to formulate a model suggested by CSG.

Lastly, with the pending Michigan Supreme Court case *People v. Lockridge*, sentencing guidelines may face a reexamination based on the decision and holding of the case. It would behoove the MLRC and the Michigan Legislature to look at the effects that the decision of this case will have on the current sentencing guidelines before taking further action.

There are many troubling points in this report, and I would ask the Michigan Law Revision Commission to take a step back and examine the long-term effects that this proposed plan would have on local agencies, and ultimately public safety in our communities.

If you should have questions or need input, I am happy to provide feedback and suggestions to aid in the revision of this plan. I implore you to look at other alternatives at this time.

Sincerely,



Michael J. Bouchard
Oakland County Sheriff