

August 26, 2014

Tony Derezinski, Vice-Chair
Michigan Law Revision Commission
P.O. Box 30036
Lansing, MI 48909-7536

Mr. Derezinski -

Thank you for providing the Michigan Association of Community Corrections Advisory Boards (MACCAB) and other organizations an opportunity to offer commentary on the proposed legislative changes and draft legislation crafted by the Council of State Governments Justice Center (CSG). This opportunity allows front-line stakeholders such as ourselves to detail our concerns with these proposed legislative changes as well as note the aspects of the proposed changes where we find agreement. The following paragraphs provide insight into MACCAB's opinions regarding the proposed legislative changes to Public Act (PA) 511 which addresses community corrections programming in Michigan. MACCAB is an organization which represents the interests of community corrections advisory boards (CCAB) from across Michigan with the membership made up of each of the managers that work for their respective CCABs.

As a group, MACCAB supports the inclusion of language in PA 511 that spells out the need for evidence-based programming coupled with the evaluation and auditing of these services. Community Correction Advisory Boards (CCABs) and the Office of Community Corrections (OCC) offices they oversee have been pushing the implementation and use of evidence-based practices within local counties and communities for over a decade. Evidence of these programs and services include the widespread use of cognitive-behavioral treatment (CBT) programs by CCABs in Michigan to assist offenders with modifying their criminal thinking patterns as well as the implementation of actuarial risk/need assessment tools to guide pretrial release and supervision decisions. The use of evidence-based practices and services in Michigan by OCC offices across the state has been a major contributor to the declining prison commitment rate in Michigan. Having this language codified in PA 511 reinforces the work that OCC has accomplished over the past ten years.

There are, however, a number of concerns that MACCAB members have noted with regards to this proposed legislation. Five of these concerns are detailed below:

- 1) OCC managers and CCAB members, to the best of our knowledge, were not involved with the original CSG work that led to the development of the proposed changes to PA 511. Not only was this non-involvement by our members evident in the reporting and information put forth by CSG, this non-involvement has resulted in proposed legislation that does not reflect how our offices feel about being forced into a relationship with reentry services in Michigan. MACCAB cannot support changes to PA 511 when the very people who are charged with implementing OCC services in Michigan were excluded from the process. Although a good number of our membership attended the available public forums across the state, it does not

appear that the concerns voiced by our membership at those meetings were taken into consideration by CSG staff when crafting these proposed legislative changes.

- 2) Our membership has significant concerns regarding the forced relationship between reentry and community corrections that is proposed in this legislation. Due to the changes in reentry and drastic defunding of the program on the state level, our membership, many of which have worked directly with reentry services in Michigan prior to joining their local OCC offices, have noted that reentry is not the program it was when it was first initiated. Primary among our concerns is that combining the two offices will reduce the effectiveness of OCC offices in order to bolster a faltering reentry program. Additionally, our membership also has reservations that combining the two programs, OCC offices will lose local control and oversight that has been a cornerstone of PA 511. A forced relationship with reentry has the potential to impact the ability of counties to locally control their OCC offices. This local control has given OCC offices and their staffs the flexibility to respond to issues and provide programming to offenders that is specific to the needs of those offenders in each county. Forcing reentry into community corrections, in our opinion, opens the doors to expanding centralized oversight and micromanaging of local OCC offices by MOCC and the State.
- 3) There is a distinct lack of modeling that details where the jail and prison savings would come from as well as which counties would benefit from these savings. Our membership has voiced concerns at public forums and with CSG staff over the numbers and comparisons used in their reports as they apply to community corrections. Some of these concerns include comparisons of probation and parole violators when these are two separate populations with different means of addressing issues and violations as well as possible issues with estimating jail and prison bed savings. Without knowing how these legislative changes to PA 511 would impact each CCAB, our membership cannot support moving forward with the proposed changes.
- 4) CCAB managers have been concerned with defining and measuring recidivism for a number of years. However, our state office and board have been reluctant to provide a static definition of recidivism that would apply equally to all CCABs across Michigan. While the proposed changes to PA 511 do provide a variety of recidivism definitions, it is our belief that the definition that we will be judged most closely is the one that addresses prison commitment rates. While this may apply and be workable for some of our larger counties, this definition does not necessarily work for smaller counties where there are fewer prison commitments due to a smaller population size. The other definitions of recidivism included in this proposed legislation are broad to the point that they could be easily modified by each county to where no accurate and fair comparisons between counties could be made by researchers or state employees looking to evaluate the effectiveness of community corrections programming and services. Additionally, our offices would need access to accurate sentencing and jail data in order to track and measure recidivism. At this time, many of our members are reporting a lack of access to jail data in their local communities as well as a lack of access to sentencing data provided by MDOC. Until this data can be accurately and consistently provided, local CCAB managers will continue to have difficulties measuring and tracking recidivism. Also, our membership has voiced concerns that a total focus on reducing recidivism may impact funding for pretrial services through CCABs in

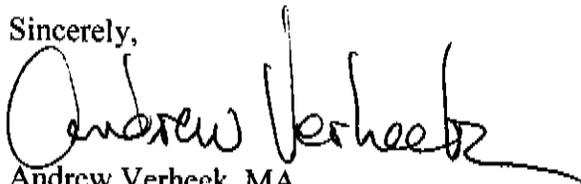
Michigan. Pretrial funding is an evidence-based program that has been shown to impact prison commitments and jail utilization and losing funding for these services may lead to increased levels of prison commitments and higher jail utilization in counties where pretrial supervision programs operate.

- 5) MACCAB has been working with MOCC and other MDOC staff over the past month to develop our own modifications to PA 511. This work was initiated by both parties after an acknowledged that PA 511, as it currently reads, is slightly outdated and needs to be brought in line with how community corrections is currently implemented across Michigan. What makes this initiative worth pursuing is the collaboration and partnership between the state and local CCABs. These are the two organizations with first-hand knowledge and experience of community corrections and are the experts on the workings of these services in Michigan. We believe that proposed legislation created through this collaboration will more accurately reflect how community corrections has changed over the years and how it currently operates in local communities across Michigan. MACCAB does not wish to see our efforts go to waste because of proposed legislation that was drafted with little to zero input from the employees and managers that know community corrections best.

Based on these and other concerns regarding these legislative changes, our membership cannot support CSG's recommended changes to PA 511. While there are some good additions to the Act, a majority of the changes cause concern and discouragement in our membership that our comments and input at the public forums were not taken into consideration. We would recommend that the MLRC not endorse or move forward with these changes at this time.

Thank you for your time. If there are any questions or need for further clarification with regards to the information in this letter, please feel free to contact me at (616) 632-5367 or andrew.verheek@kentcountymi.gov.

Sincerely,



Andrew Verheek, MA

Kent County Office of Community Corrections

President, Michigan Association of Community Corrections Advisory Boards