

Sentencing and Justice Reinvestment Initiative



March 19, 2014

Michigan Law Revision Commission

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Council of State Governments Justice Center

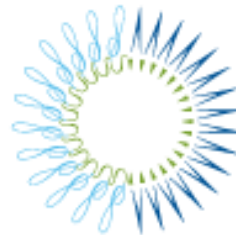
Justice Reinvestment Partners

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

Justice Reinvestment:

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

Partner with Bureau of Justice Assistance and Pew Charitable Trusts



Michigan's Approach to Sentencing Grounded in Principles of Proportionality and Public Safety

1979 Zalman Study

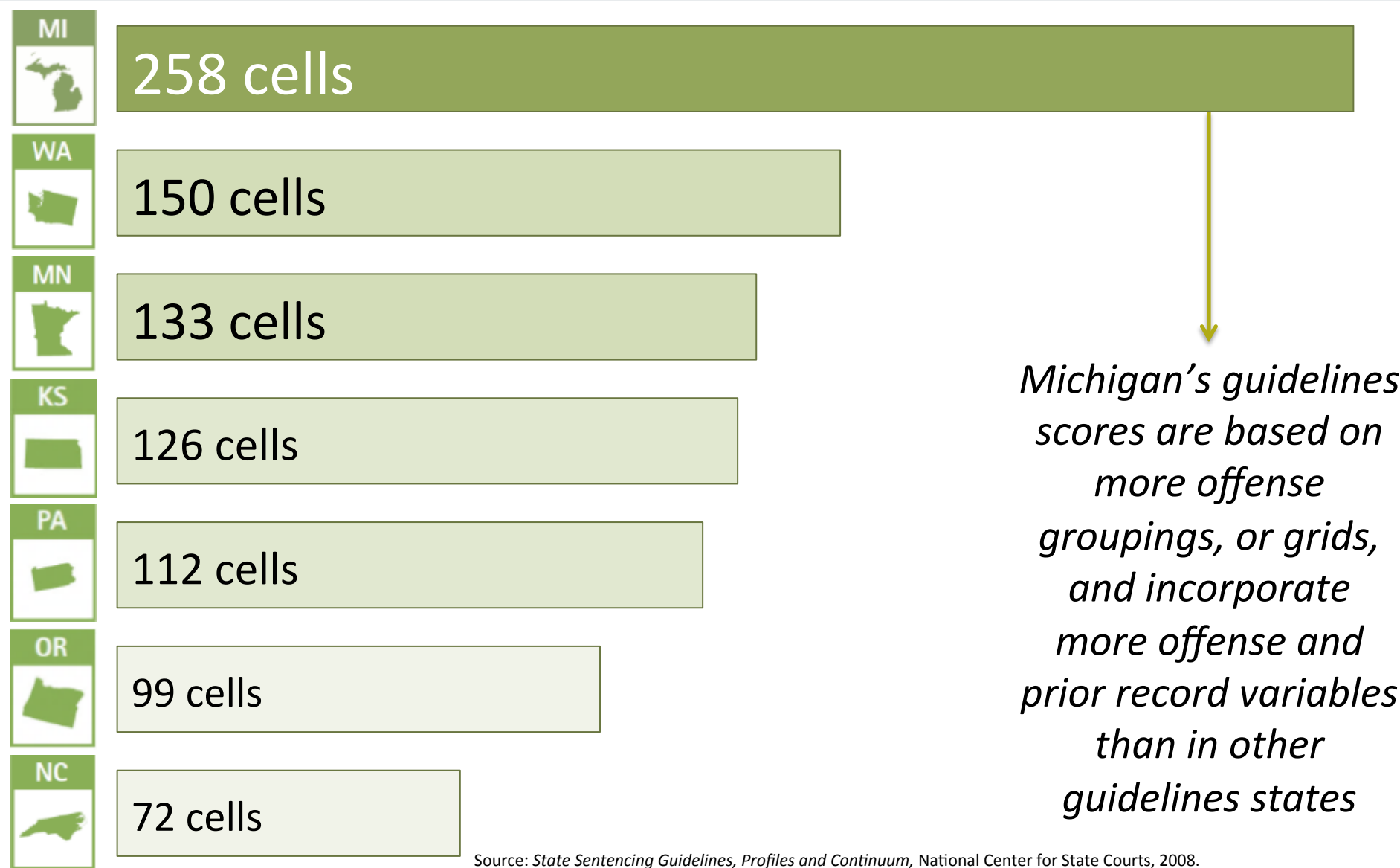
"Not all sentencing variation should be considered unwarranted or disparate. . . It is only when such variation takes the form of differing sentences for similar offenders committing similar offenses that it can be considered disparate."

1997 Report of the Sentencing Guidelines Commission

"It is the mission of the Commission, based upon statutory mandates and the collective philosophy of its members, to:

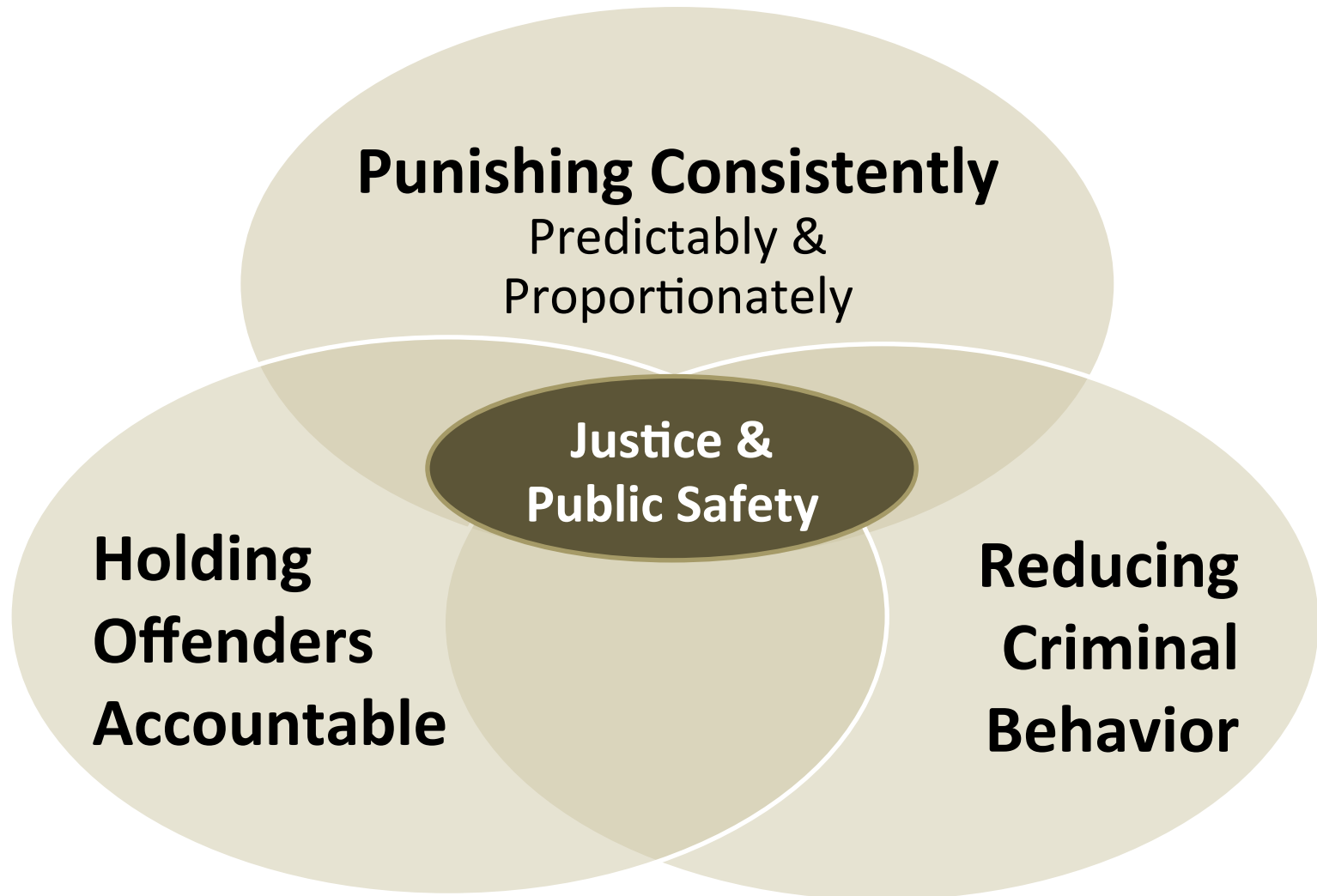
- ❑ Develop sentencing guidelines which provide protection for the public, are proportionate to the seriousness of the offense and the offender's public record, and which reduce disparity in sentencing throughout the state."

Michigan's Guidelines Take Greater Care to Categorize and Score Offenses and Crime Specific Variables



Source: *State Sentencing Guidelines, Profiles and Continuum*, National Center for State Courts, 2008.

Michigan's Examination of Sentencing, Parole, and Probation Is Fundamentally about Justice and Public Safety



Punishing Consistently

Findings to Date:

- ✓ Opportunities for significant disparity built into sentencing guidelines
- ✓ Significant disparity in actual sentencing for similar cases and between localities
- ✓ Minimum prison sentence lengths creeping upward based purely on discretion

Today's Presentation:

- ❑ Use of habitual enhancement compounds disparity by “double counting” prior convictions in some, but not all, eligible cases.
- ❑ Disparity in minimum sentences can translate into greater disparity in time served for those sentenced to prison.

Holding Offenders Accountable & Reducing Criminal Behavior

Findings to Date:

- ✓ Sentencing guidelines structure terms of incapacitation, but fail to structure supervision to reduce recidivism and accountability
- ✓ Supervision revocation terms are not structured within the guidelines
- ✓ Swift and certain sanctioning of probation violations dependent on voluntary adoption by courts

Today's Presentation:

- ❑ Guideline cell ranges increase disproportionately to risk.
- ❑ Time served beyond minimum has unclear impact on public safety but greatly increases cost to the State.

Investing Wisely:

Focusing Program Investments to Increase Public Safety

- ❑ Recent efforts to reduce parolee recidivism should be replicated in probation.
- ❑ Lengthy incarceration terms for violators limits resources for reducing violations.
- ❑ Existing state resources funding programs to reduce recidivism should be better targeted.



Improved investments will yield greater accountability and reductions in criminal behavior.

Section One

Punishing Consistently

Sentencing Enhancements Increase Disparity

- Automatic PRV scoring and discretionary habitual enhancements usually count the same convictions twice.

Sentencing Disparity in Time Served

- Range between minimum and statutory maximum allows for wide discretion in release decision making.
- Similar sentences can result in very different time served.
- Parole decisions consider many of the same factors as sentencing.

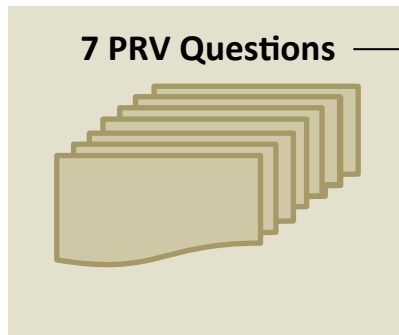
Accountability and Reducing Criminal Behavior

Investing Wisely

Multiple Ways of Counting Prior Felonies Create Disparity

1. Prior record of felony convictions (counted in the PRV) drives the sentencing cell rightward, increasing the lower end of the minimum range.
2. Optional habitual laws: any prior felonies may be counted a second time at sentencing to increase the upper end of the minimum range, widening the already wide standard cell range.
3. Disparity results from the dramatically different application of habitual sentencing by locality and the even wider (yet not always utilized) range it allows.

Sentencing Guidelines Require Scoring of Past Criminality Through Seven Prior Record Variables



PRV questions address things such as prior felony convictions, prior misdemeanor convictions, and prior juvenile adjudications.

❖ *Scoring of these 7 questions slots defendant into one of six PRV Levels on the sentencing grids.*

Using Grid E,
OV Level II
as an example...
Non-Habitual Minimum Prison
Sentence Length (SL) Ranges

PRV Level A	PRV Level B	PRV Level C	PRV Level D	PRV Level E	PRV Level F
0 Pts	1-9 Pts	10-24 Pts	25-49 Pts	50-74 Pts	75+ Pts
NA	NA	NA	7-23 Mos	10-23 Mos	12-24 Mos

Effect is that punishment severity increases based on accumulation of priors.

Source: *Sentencing Guidelines Manual*, Michigan Judicial Institute, June 2012.

Defendants with Multiple Prior Felonies Will Typically Fall into Cells with Much More Severe Sentencing Options

2 of the 7 PRV questions already address prior* felony convictions

- PRV 1 scores prior *high severity* felony convictions:
- 25 pts for 1 prior
 - 50 pts for 2 priors
 - 75 pts for 3+ priors

- PRV 2 scores prior *low severity* felony convictions:
- 5 pts for 1 prior
 - 10 pts for 2 priors
 - 20 pts for 3 priors
 - 30 pts for 4+ priors

3 Prior High Severity Felonies = PRV Level F

* Must fall w/in a 10 year gap rule.

Grid E, OV Level II

Non-Habitual Minimum Prison SL Ranges for Grid E, Offense Level II

PRV Level A	PRV Level B	PRV Level C	PRV Level D	PRV Level E	PRV Level F
0 Pts	1-9 Pts	10-24 Pts	25-49 Pts	50-74 Pts	75+ Pts
NA	NA	NA	7-23 Mos	10-23 Mos	12-24 Mos

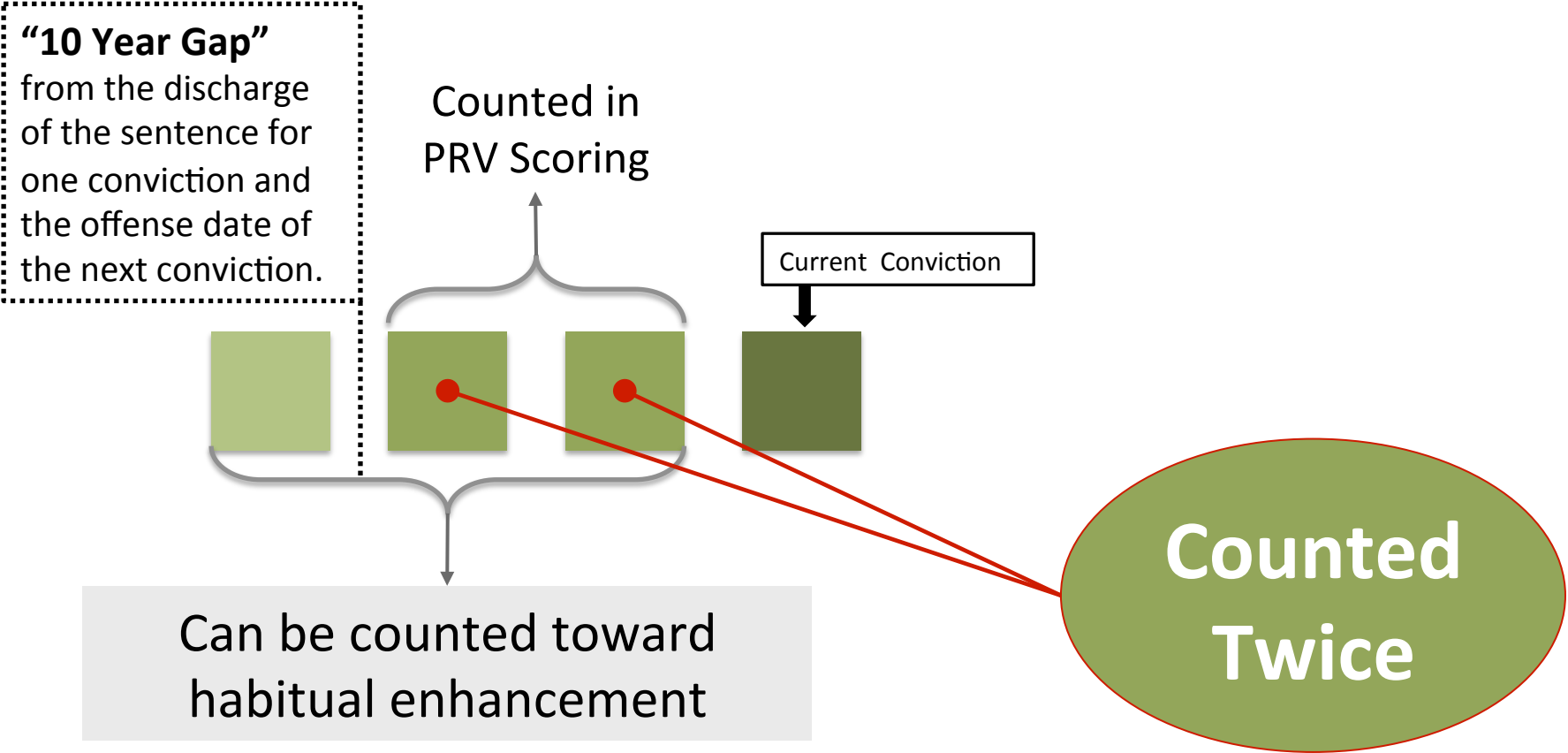
Prison not an option
(absent a departure).

Prison is an option
✓ With a minimum of up to 2 years in prison.

Source: *Sentencing Guidelines Manual*, Michigan Judicial Institute, June 2012.

Habitual Sentencing Allows Double Counting of Prior Felony Convictions

Example of defendant with 3 prior felony convictions as an adult:



Source: *Sentencing Guidelines Manual*, Michigan Judicial Institute, June 2012.

Double Counting of Prior Felonies

Adds Yet Another Layer of Time in Prison

Prior felony convictions can also be used to “habitualize” the defendant for even higher punishment ranges.

Grid E, OV Level II

Non-Habitual Minimum Prison SL Ranges for Grid E, Offense Level II

PRV Level A	PRV Level B	PRV Level C	PRV Level D	PRV Level E	PRV Level F	
0 Pts	1-9 Pts	10-24 Pts	25-49 Pts	50-74 Pts	75+ Pts	
NA	NA	NA	7-23 Mos	10-23 Mos	12-24 Mos	
			1 Prior Felony Conviction (HO2)	7-28 Mos	10-28 Mos	12-30 Mos
			2 Prior Felony Convictions (HO3)	7-34 Mos	10-34 Mos	12-36 Mos
			3+ Prior Felony Convictions (HO4)	7-46 Mos	10-46 Mos	12-48 Mos

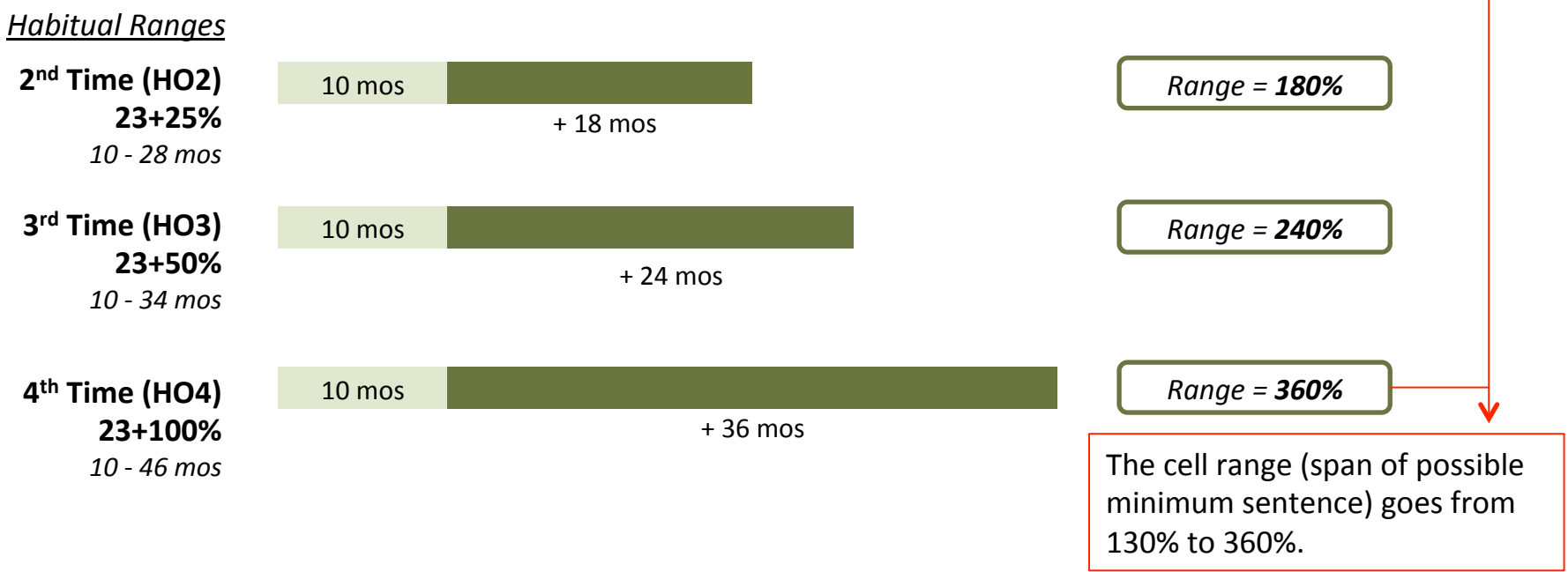
- Consider two defendants with the same instant offense underlying a new felony conviction:**
- A. Defendant with *three prior low severity convictions* (20 PRV points) will fall into Column C where prison is not an option.
 - B. Defendant with *four prior low severity convictions* (30 PRV points) will fall into Column D where prison is an option. Furthermore, the prior convictions can be counted again to double the minimum prison term.

Adding the Layer of Habitual Sentencing Further Increases Already Broad Minimum Prison Sentence Length Ranges

Prison sentence range for most frequently used cell in Michigan’s guidelines (Grid E, PRV-E, OV-II)



“Habitualization” further increases the minimum range



Source: *Felony Sentencing (BIR) Data 2008-2012*, Michigan Dept. of Corrections; *Sentencing Guidelines Manual*, Michigan Judicial Institute, June 2012.

Additional Ways that Counting Prior Felonies and Habitual Sentencing Impact Sentencing

When electing to sentence as an habitual offender:

- ✓ Judge may also increase statutory maximum time in prison by 50%, 100% or up to life in prison depending on the habitual offender level.

When counting offenses to use as a fourth offender:

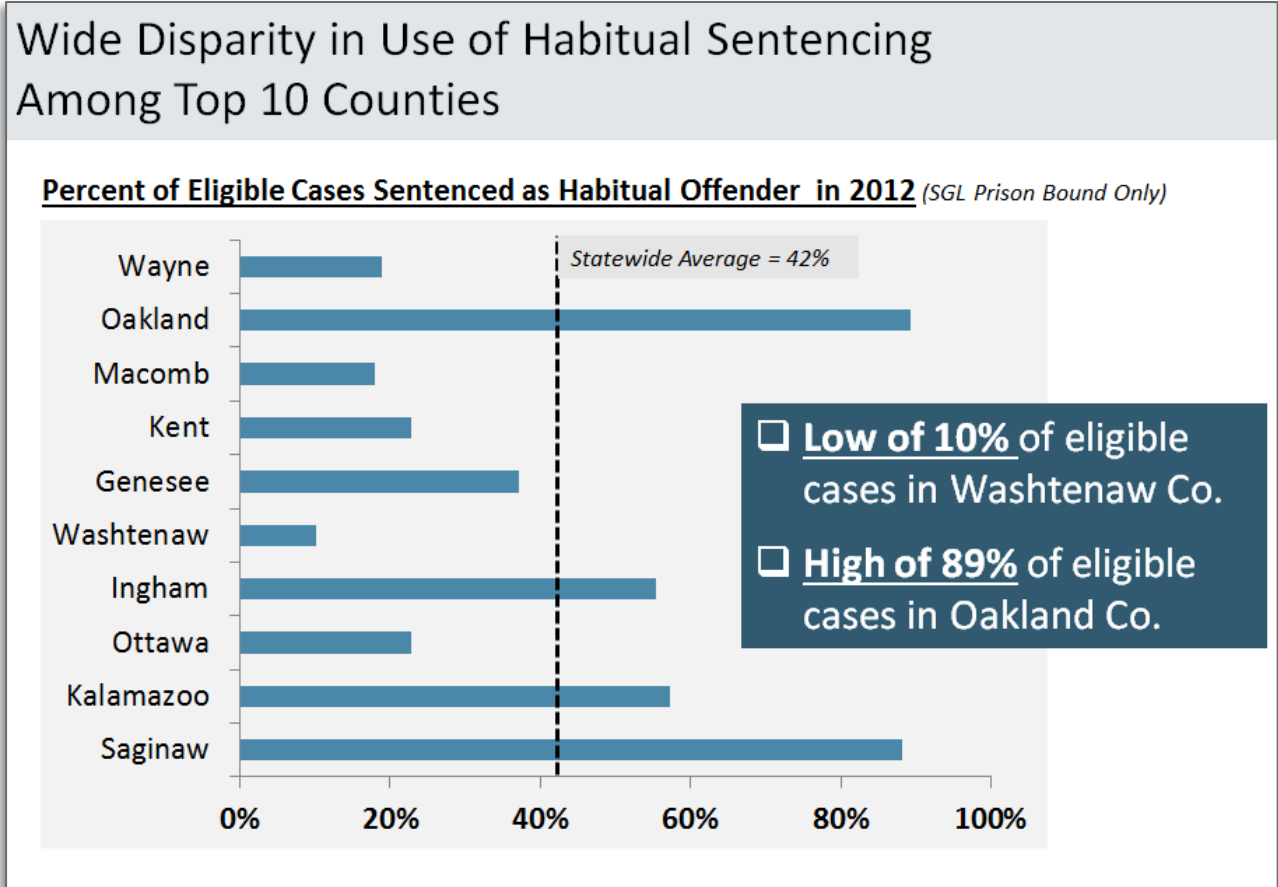
- ✓ Defendant does not have to have had three opportunities to reform; the three priors can arise from a single act or transaction. *People v. Gardner* (2008)

For person, property, and some drug offenses:

- ✓ Offense Variable 13 (*Continuing Pattern of Criminal Behavior*) scores all crimes within a five-year period, regardless of conviction, to determine a pattern of 3 or more offenses.
 - Scoring of this variable has the effect of moving defendants downward in the grids into more serious punishment ranges.

Source: *Sentencing Guidelines Manual*, Michigan Judicial Institute, June 2012.

Unlike PRV Scoring, Application of Habitual Enhancement Is Discretionary



Wide variance in use of the habitual sentencing option guarantees that similar cases will be sentenced in very different ways.

“Sentenced as Habitual Offender” means that the sentence imposed actually fell into the elevated sentence range higher than the next lower level.

Cost of Habitual Sentencing Option Is Unpredictable and Potentially Huge

**Minimum Prison SL Range – High
Utilization Guidelines Cell**

Lower	Upper
10 Mos	23 Mos
	28 Mos (HO2)
	34 Mos (HO3)
	46 Mos (HO4)

In 2012, there were over 1,000 defendants eligible to be habitualized at the HO3 level.

- ✓ Statewide, 36% were sentenced at the elevated level of the HO3 ranges.

10% Habitualized

- 900 sentenced to 12 months in prison yields bed demand of 900 per day (\$32M)
- 100 sentenced to 30 months in prison yields bed demand of 250 per day (\$9M)

36% Habitualized

- 640 sentenced to 12 months in prison yields bed demand of 640 per day (\$23M)
- 360 sentenced to 30 months in prison yields bed demand of 900 per day (\$32M)

90% Habitualized

- 100 sentenced to 12 months in prison yields bed demand of 100 per day (\$4M)
- 900 sentenced to 30 months in prison yields bed demand of 2,250 per day (\$80M)

Annual Cost

\$41M

\$55M

\$84M

Source: *Felony Sentencing (BIR) Data 2008-2012*, Michigan Dept. of Corrections; and *Corrections Background Briefing*, December 2012, House Fiscal Agency.

Michigan's Sentencing Guidelines

Do Not Control Ultimate Length of Stay in Prison

Sentencing guidelines dictate minimum sentence in most cases.

For example, consider a court-imposed sentence of 12 months in prison for the offense of Retail Fraud – 1st Degree (Class E Grid)

←
Min sentence = 12 months

Max sentence = 60 months (set in statute) →

After serving sentence imposed by Court, the Parole Board determines release date.

Inmates with this offense type served an **average of 19 months*** in prison prior to first release.

- Range of 5 to 80 months.

* Based on 2012 Prison Releases

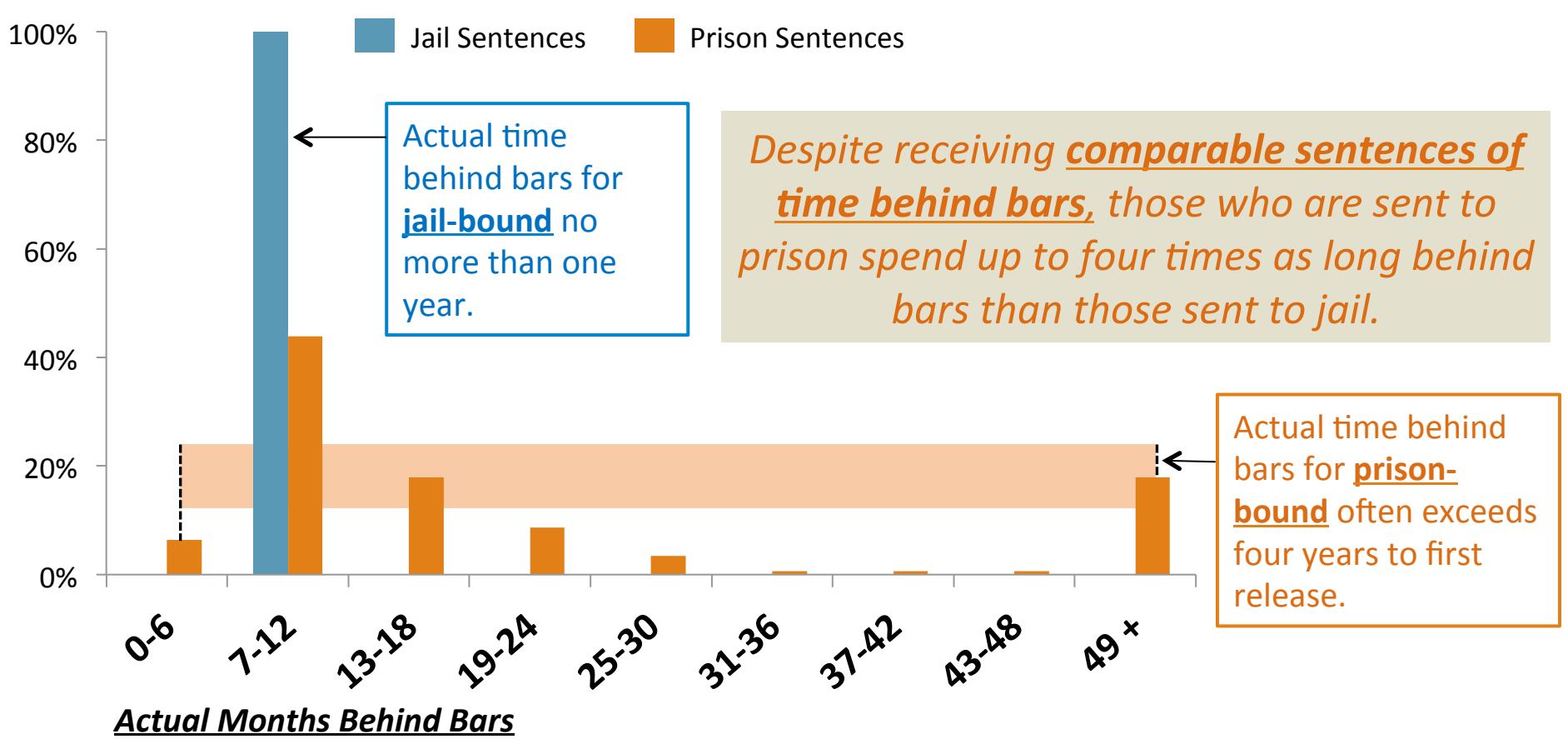
Period of time controlled by Parole Board usually 300-400% longer than minimum imposed by the Court.

- ❑ This introduces significant opportunity for disparity into the system.

Source: *Felony Sentencing (BIR) Data 2008-2012* and *Prison Releases Data 2008-2012*, Michigan Dept. of Corrections.

Despite Similar Sentence Lengths Imposed by Court, Those Going to Prison Will Spend Much Longer Behind Bars

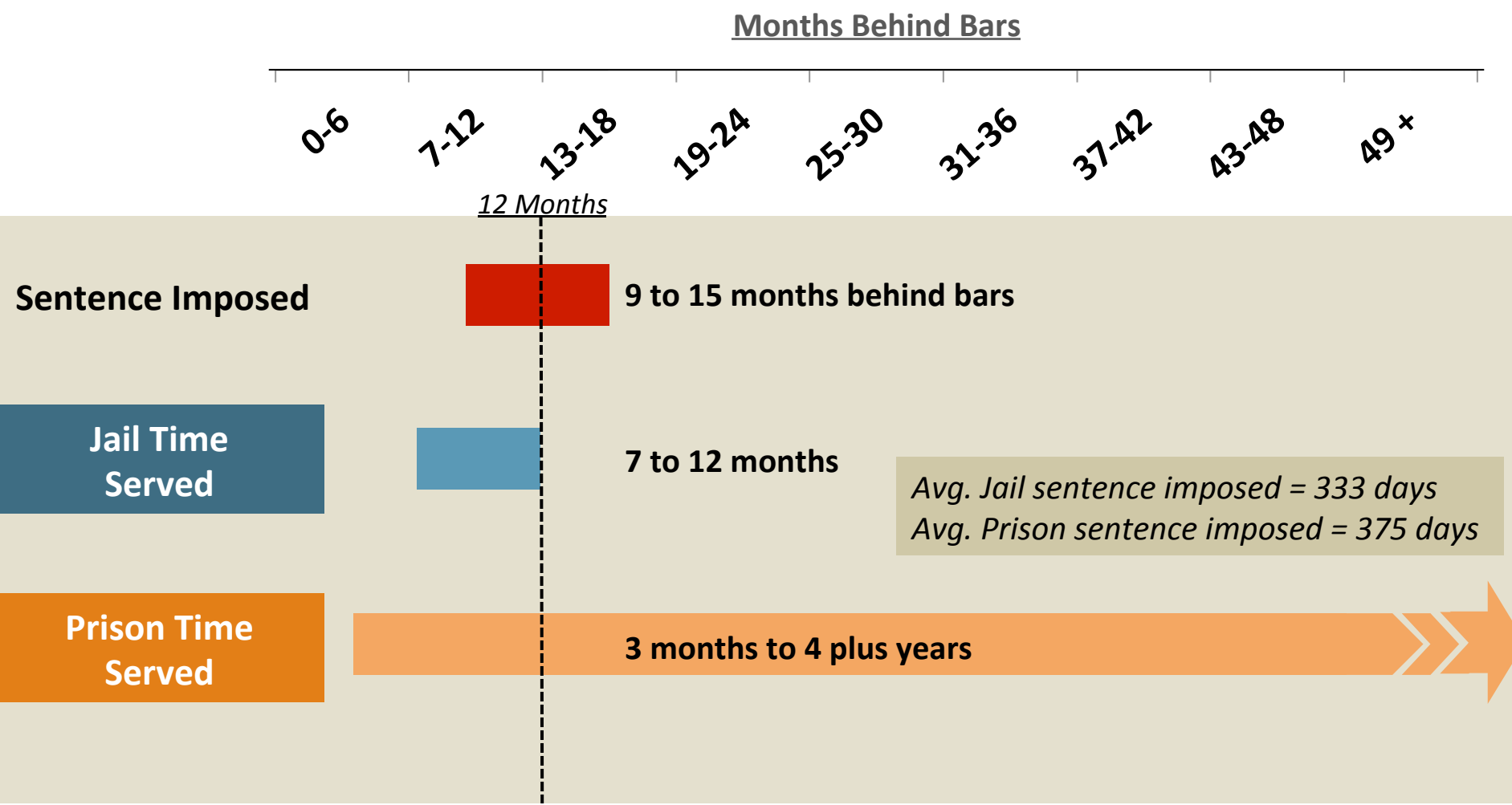
Time Served Behind Bars for 2008 Cases Sentenced to Terms of Incarceration of 9-15 Months
(“New” cases only; excludes habitualized cases)



Source: Felony Sentencing (BIR) Data 2008-2012 and Prison Releases Data 2008-2012, Michigan Dept. of Corrections.

Similar Sentences Can Result in Very Different Amounts of Time Served

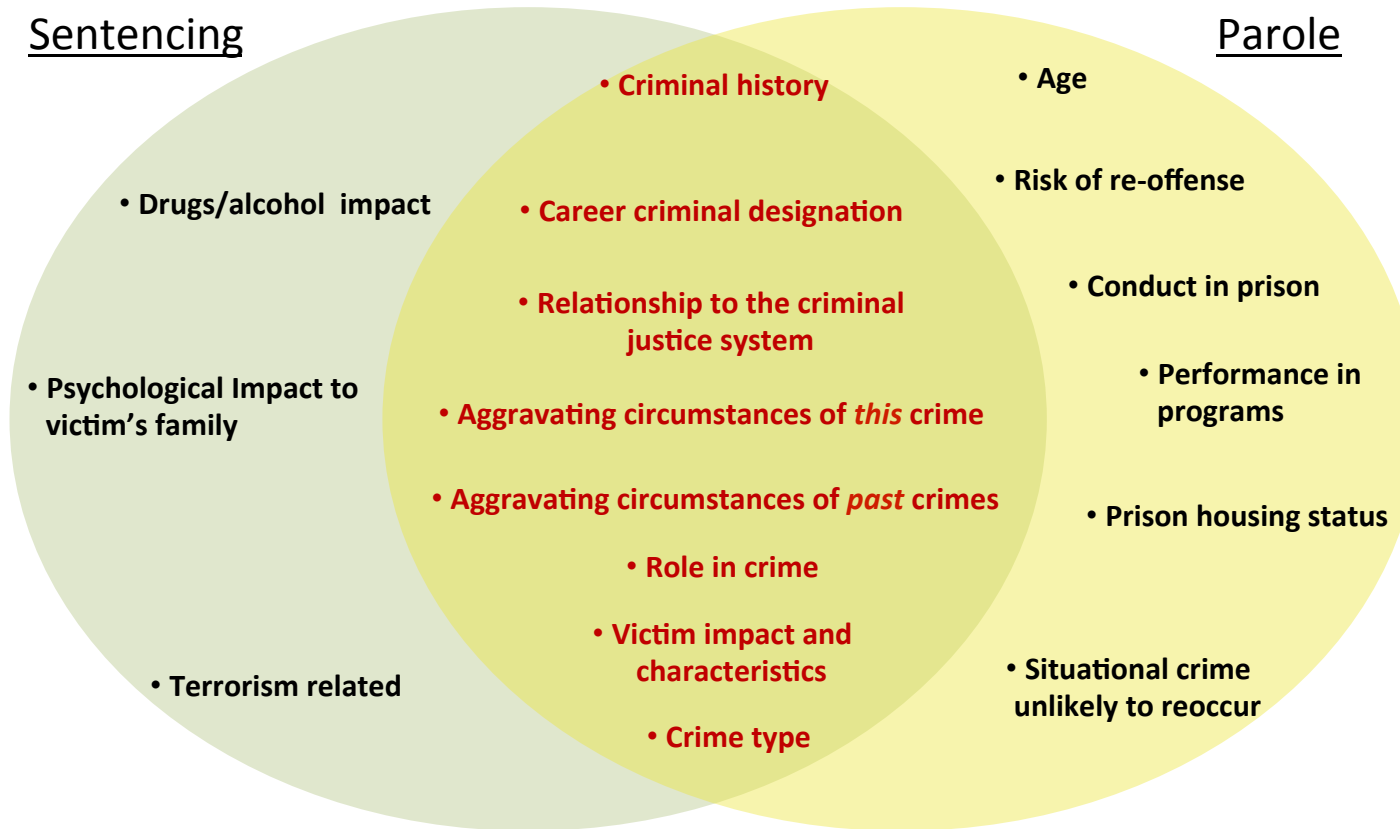
Time Served Behind Bars for 2008 Cases Sentenced to Terms of Incarceration of 9-15 Months
(“New” cases only; excludes habitualized cases)



Source: *Felony Sentencing (BIR) Data 2008-2012* and *Prison Releases Data 2008-2012*, Michigan Dept. of Corrections.

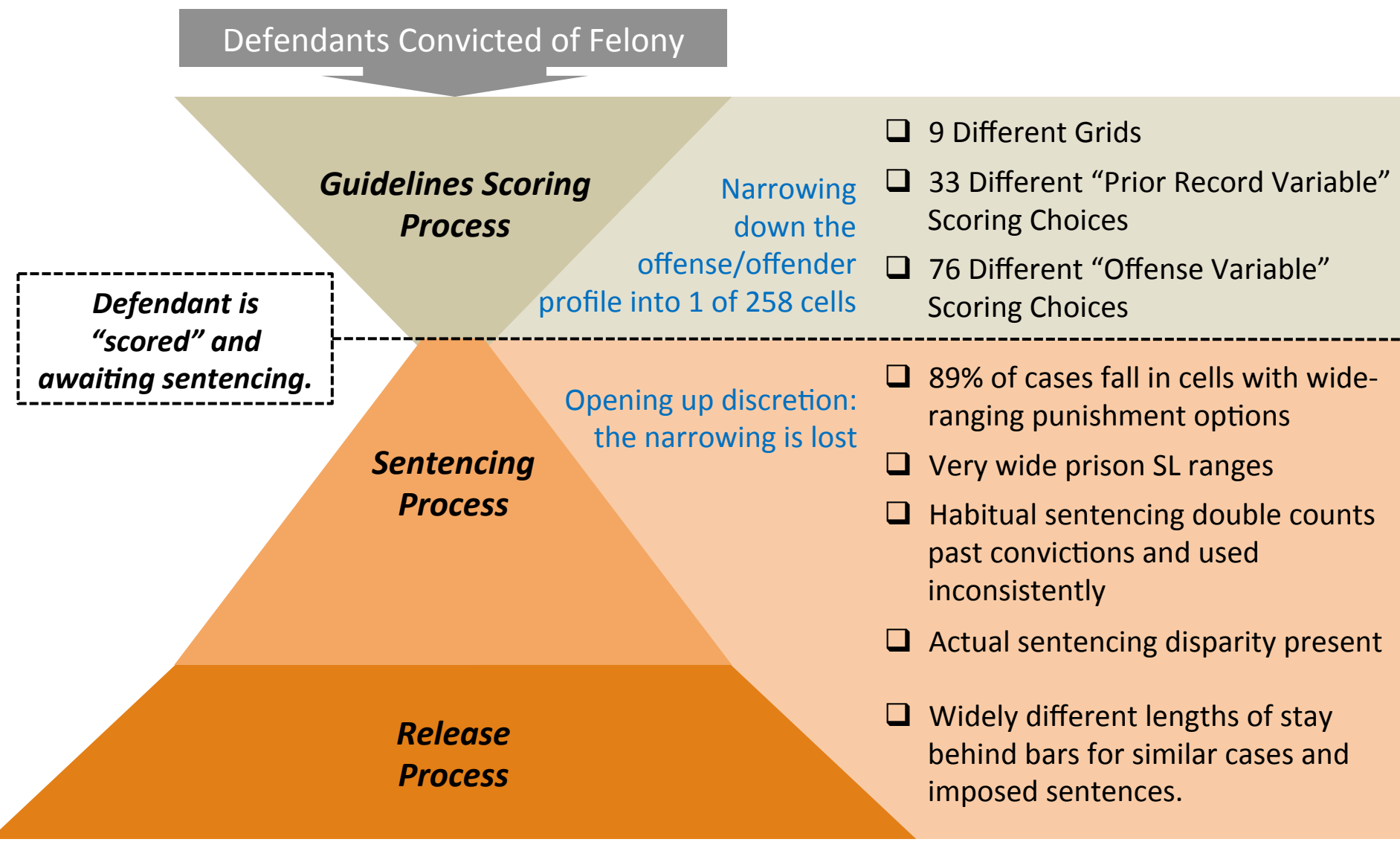
Sentencing Guidelines and Parole

Formally Consider Many of the Same Factors



Source: *Sentencing Guidelines Manual*, Michigan Judicial Institute, June 2012; and Michigan Dept. of Corrections Policy Directive 06.05.100 (*Parole Guidelines*).

Michigan's Sentencing Structure Undermines Intent to Narrow Discretion and Reduce Disparity



Section Summary:

Punishing Consistently

Habitual Sentencing Is Discretionary and Not Always Used

But relies on double-counting of prior felonies:

- ❖ Adds more time to already increased sentence ranges
- ❖ Varied use by locality ensures disparate sentencing results

Prison Release Process Makes Time Served Unpredictable

Even among similar sentences:

- ❖ Very different time served outcomes
- ❖ Parole reconsiders many factors already accounted for at original sentencing

Section Two

Punishing Consistently

Accountability and Reducing Criminal Behavior

Relationship of Sentencing Guidelines to Recidivism

- Offense level (OV) and prior record (PRV) as proxies for future criminality
- Questionable structure for punishment and assignment of supervision

Impact of Time Served

- Huge cost to system with unclear public safety outcomes

Investing Wisely

Sentencing Guidelines Should Be Structured to Support Recidivism Reduction and Public Safety

The “sorting” of the guidelines results in more severe punishment options as the PRV and OV scores increase.

- ❖ *Do these increasing punishment options increase accountability?*
- ❖ *Do they generate reductions in future criminal behavior?*

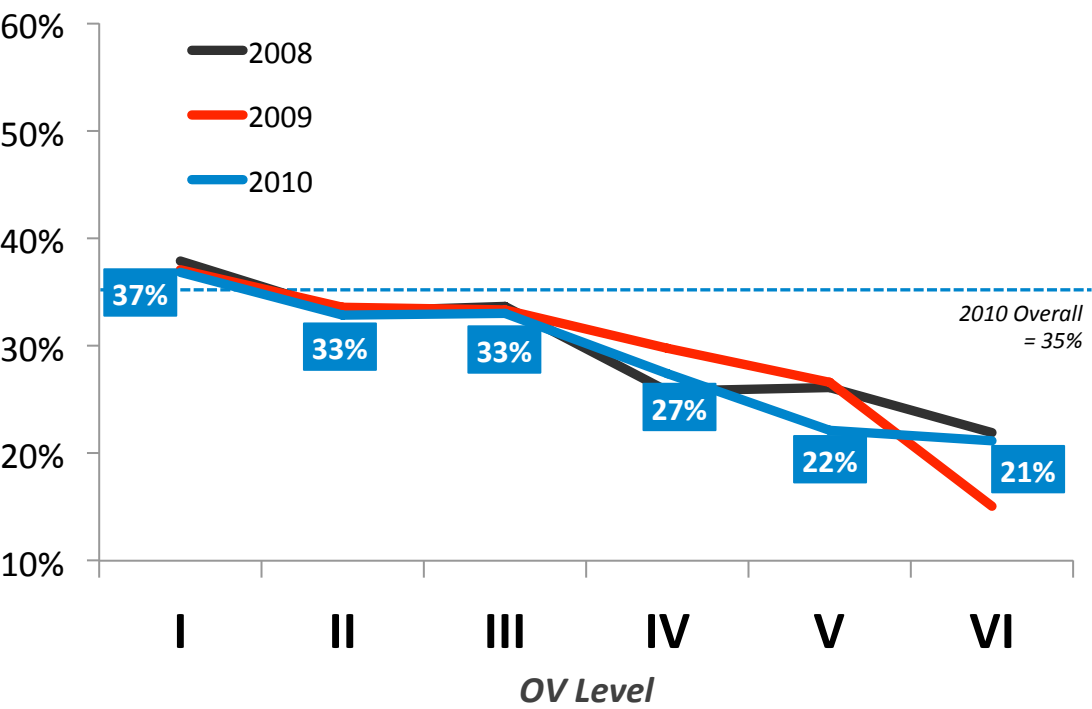
To what extent are increasing OV Levels (more aggravating offense factors) related to future criminal behavior?

To what extent are increasing PRV Levels (higher criminal history) related to future criminal behavior?

OV Level	PRV Level										Offender Status		
	A 0 Points		B 1-9 Points		C 10-24 Points		D 25-49 Points		E 50-74 Points			F 75+ Points	
I 0-9 Points	0	3*	0	6*	0	9*	5	23	7	23	9	23	HO2
		3*		7*		11*		28		28		28	
		4*		9*		13*		34		34		34	
		6*		12*		18*		46		46		46	
II 10-24 Points	0	6*	0	9*	0	11*	7	23	10	23	12	24	HO2
		7*		11*		13*		28		28		30	
		9*		13*		16*		34		34		36	
		12*		18*		22		46		46		48	
III 25-34 Points	0	9*	0	11*	0	17*	10	23	12	24	14	29	HO2
		11*		13*		21		28		30		36	
		13*		16*		25		34		36		43	
		18*		22		34		46		48		58	
IV 35-49 Points	0	11*	0	17*	5	23	12	24	14	29	19	38	HO2
		13*		21		28		30		36		47	
		16*		25		34		36		43		57	
		22		34		46		48		58		76	
V 50-74 Points	0	14*	5	23	7	23	14	29	19	38	22	38	HO2
		17*		28		28		36		47		47	
		21		34		34		43		57		57	
		28		46		46		58		76		76	
VI 75+ Points	0	17*	7	23	12	24	19	38	22	38	24	38	HO2
		21		28		30		47		47		47	
		25		34		36		57		57		57	
		34		46		48		76		76		76	

OV Score Does a Poor Job Predicting Risk of Re-Arrest

Two Year Re-Arrest Rates by OV Level:
All Probation and/or Jail Sentences (2008-10 Sentence Cohorts)



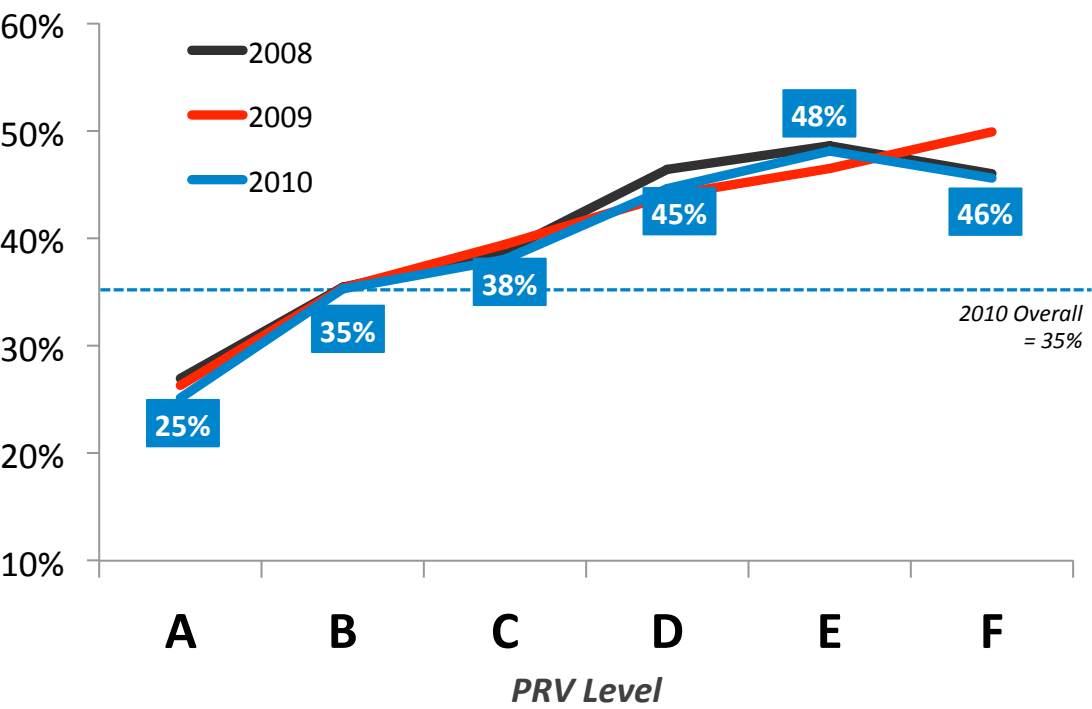
Cases in the more serious OV Levels actually have lower re-arrest rates.

- In other words, having more aggravating factors associated with the underlying case **is not** correlated with higher likelihood of recidivism.
- Suggests value of OV scoring **is not** about preventing future crime but more about “just desserts.”

Source: Felony Sentencing (BIR) Data 2008-2012, Michigan Dept. of Corrections; and Criminal History Records, Michigan State Police.

PRV Score Does a Good Job Predicting Risk of Re-Arrest

Two Year Re-Arrest Rates by PRV Level:
All Probation and/or Jail Sentences (2008-10 Sentence Cohorts)



Cases in the more serious PRV levels have higher re-arrest rates.

- In other words, having more criminal history associated with the underlying case is correlated with higher likelihood of recidivism.
- Suggests PRV scoring can be used to help predict future criminality.

Source: Felony Sentencing (BIR) Data 2008-2012, Michigan Dept. of Corrections; and Criminal History Records, Michigan State Police.

Guidelines Fail to Structure Supervision In Relation to Future Criminality

Twice as likely to be
re-arrested as those
in PRV Level A.

Sentencing Grid for Class E Offenses—MCL 777.66
Includes Ranges Calculated for Habitual Offenders (MCL 777.21(3)(a)–(c))

OV Level	PRV Level										Offender Status		
	A 0 Points		B 1-9 Points		C 10-24 Points		D 25-49 Points		E 50-74 Points			F 75+ Points	
I 0-9 Points	0	3*	0	6*	0	9*	5	23	7	23	9	23	
		3*		7*		11*		28		28		28	HO2
		4*		9*		13*		34		34		34	HO3
		6*		12*		18*		46		46		46	HO4
II 10-24 Points	0	6*	0	9*	0	11*	7	23	10	23	12	24	
		7*		11*		13*		28		28		30	HO2
		9*		13*		16*		34		34		36	HO3
		12*		18*		22		46		46		48	HO4
III 25-34 Points	0	9*	0	11*	0	17*	10	23	12	24	14	29	
		11*		13*		21		28		30		36	HO2
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		13*		21		28		30		36		47	HO2
		16*		25		34		36		43		57	HO3
		22		34		46		48		58		76	HO4
V 50-74 Points	0	14*	5	23	7	23	14	29	19	38	22	38	
		17*		28		28		36		47		47	HO2
		21		34		34		43		57		57	HO3
		28		46		46		58		76		76	HO4
VI 75+ Points	0	17*	7	23	12	24	19	38	22	38	24	38	
		21		28		30		47		47		47	HO2
		25		34		36		57		57		57	HO3
		34		46		48		76		76		76	HO4

There is no connection between the
guidelines and imposition of supervision:

- ☐ Who gets supervised?
- ☐ And for how long?

*For example, does it make sense
that those in PRV Level A would
be supervised for as long as those
in PRV Levels D-F?*

*Does it make sense that those in
PRV Levels D-F sentenced to jail
would have no supervision after
release?*

Sentencing Guidelines Can Result in Time Served that Is Disproportionate to Future Criminality

Twice as likely to be re-arrested as those in PRV Level A.

For Sentences Involving Incarceration:

- Time behind bars limited to 1-3 months in jail.
- Time behind bars could be anywhere from to 5-60 months in prison.

Sentencing Grid for Class E Offenses—MCL 777.66
Includes Ranges Calculated for Habitual Offenders (MCL 777.21(3)(a)–(c))

OV Level	PRV Level						Offender Status
	A 0 Points	B 1-9 Points	C 10-24 Points	D 25-49 Points	E 50-74 Points	F 75+ Points	
I 0-9 Points	3*	6*	9*	23	23	23	HO2
	0	0	11*	5	7	9	HO3
	4*		13*				HO4
	6*		18*				

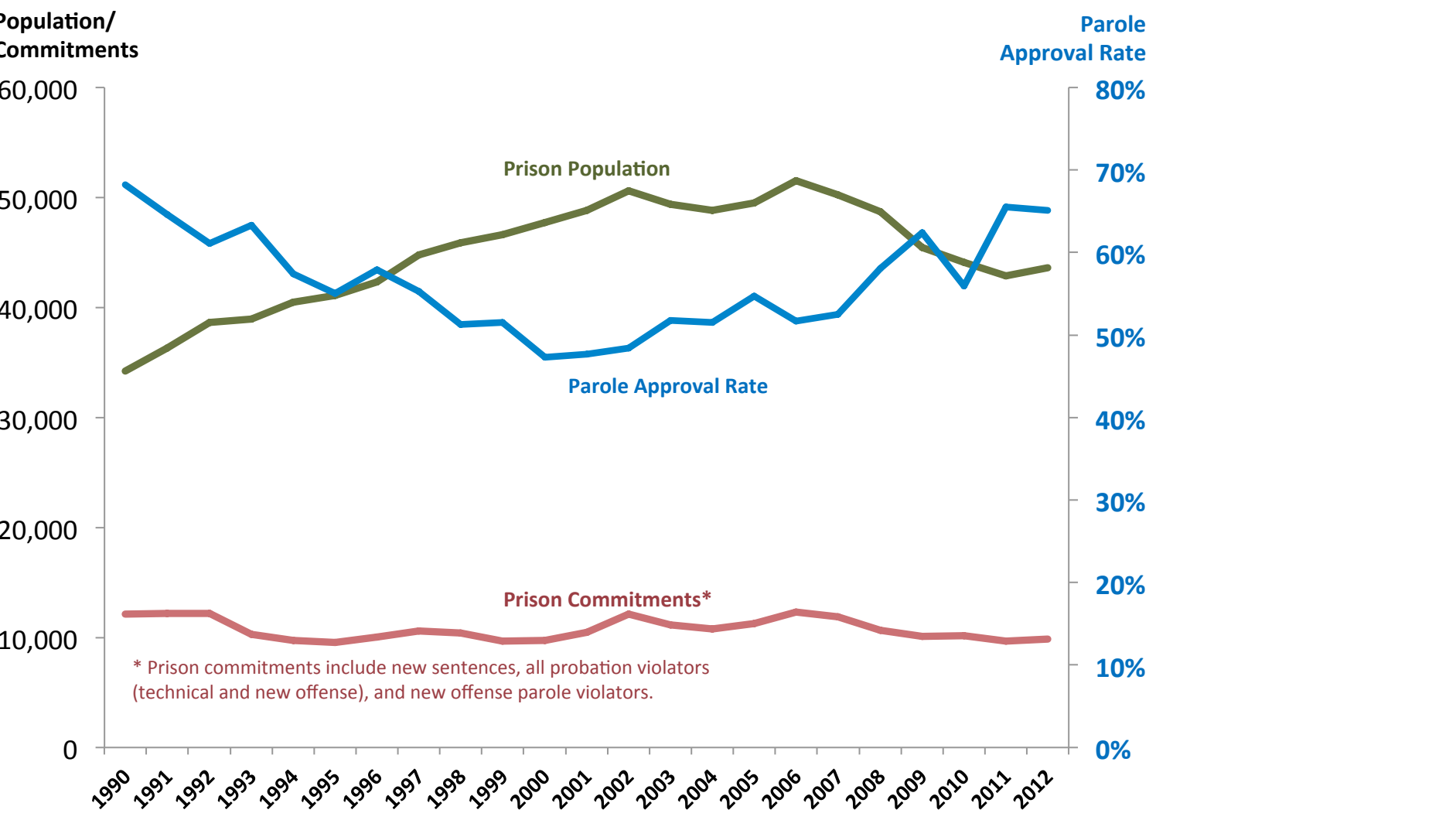
PRV A 25% Re-arrest rate
1-3 months in jail

PRVs D-F 46% Re-arrest rate
5-60 months in prison

While the odds of future criminality are 2 times higher, the length of incarceration is 5 to 20 times higher.

Source: Felony Sentencing (BIR) Data 2008-2012 and Prison Releases Data 2008-2012, Michigan Dept. of Corrections; and Criminal History Records, Michigan State Police.

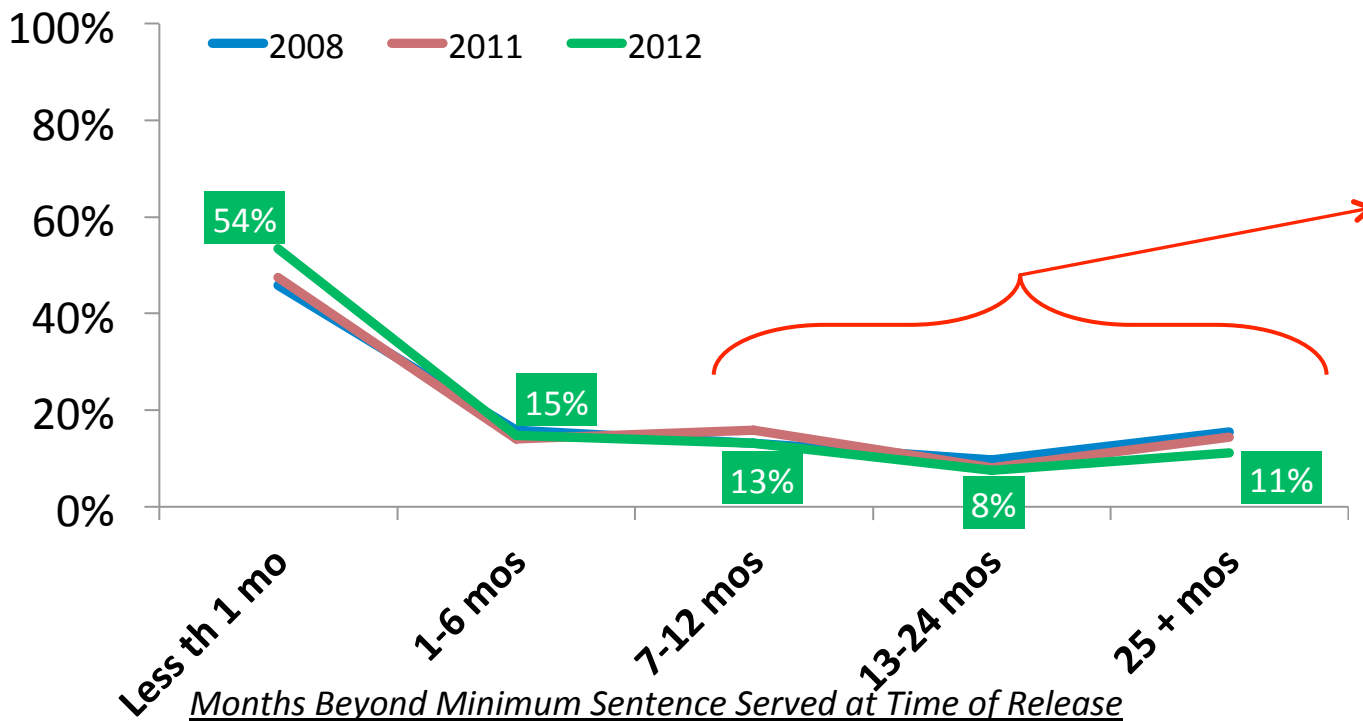
Prison Population Driven More by Prison Release Rates than Prison Commitments



Source: 2006-2011 Statistical Reports, MI Dept. of Corrections; 2008-2012 Intake Profiles, MI Dept. of Corrections; Trends in Key Indicators, MI Dept. of Corrections, February 2013.

Two Thirds of Initial Parole Releases Occur within Six Months of Becoming Eligible

First Release to Parole – Length of Stay Beyond Required Minimum 2008, 2011 and 2012 *(excludes all parole violator admissions)*

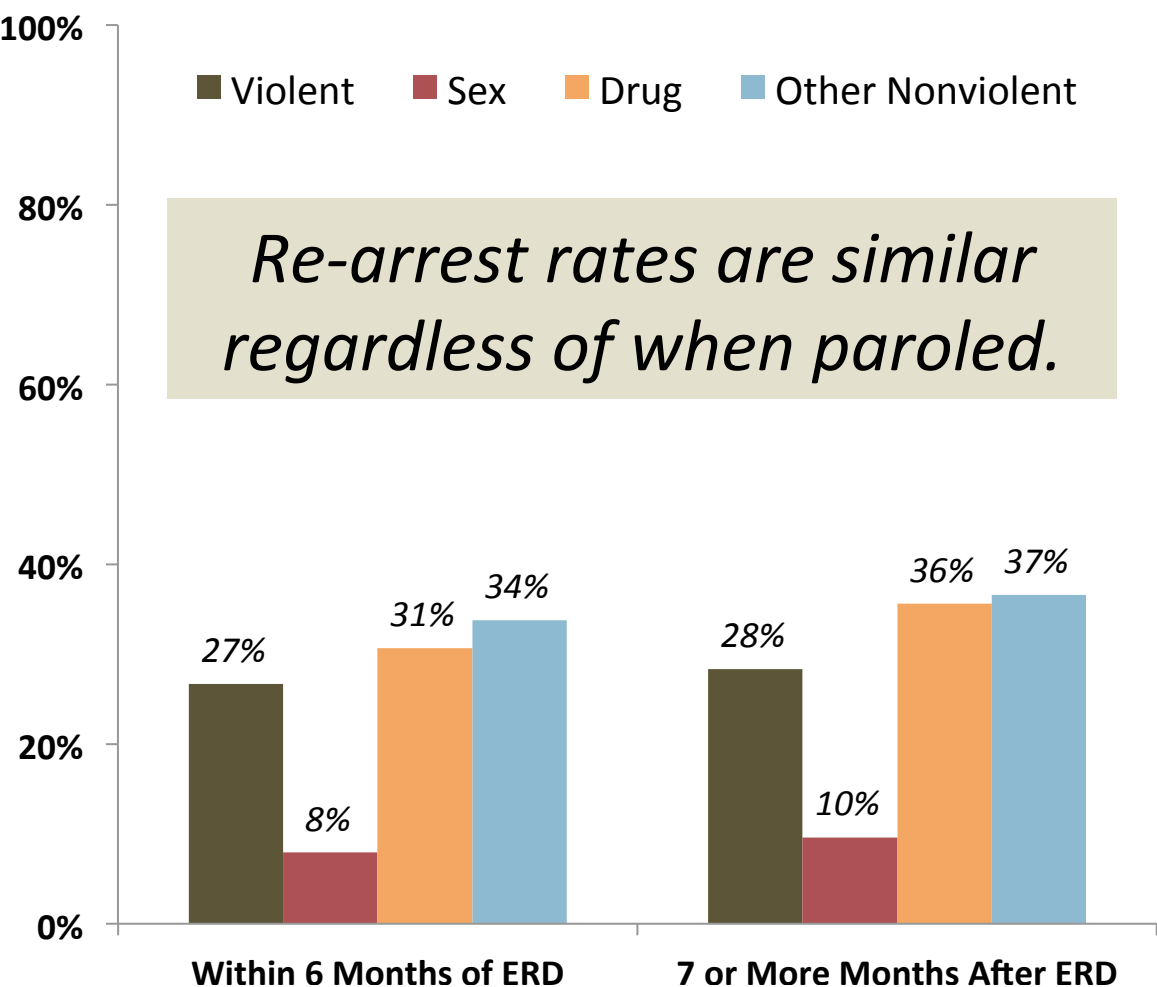


In 2012, this represented 1,711 inmates released seven or more months after their ERD.

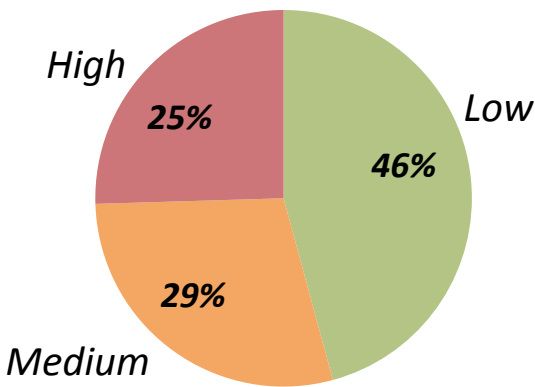
Re-Arrest Rates Very Similar for Those Held Further Beyond Earliest Release Date

2 Year Re-Arrest Rates by Time Served Beyond Minimum:

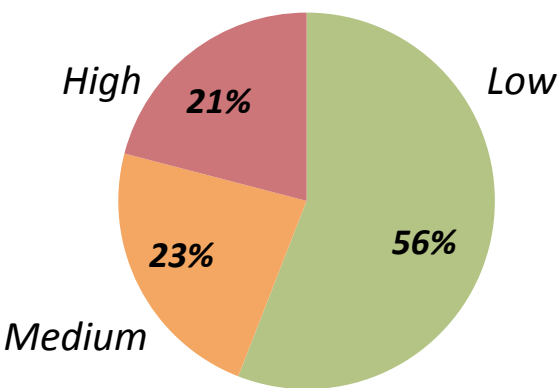
(2010 Releases to Parole Excluding Parole Violator Admissions)



Risk Breakdown of Those Released w/in 6 months:

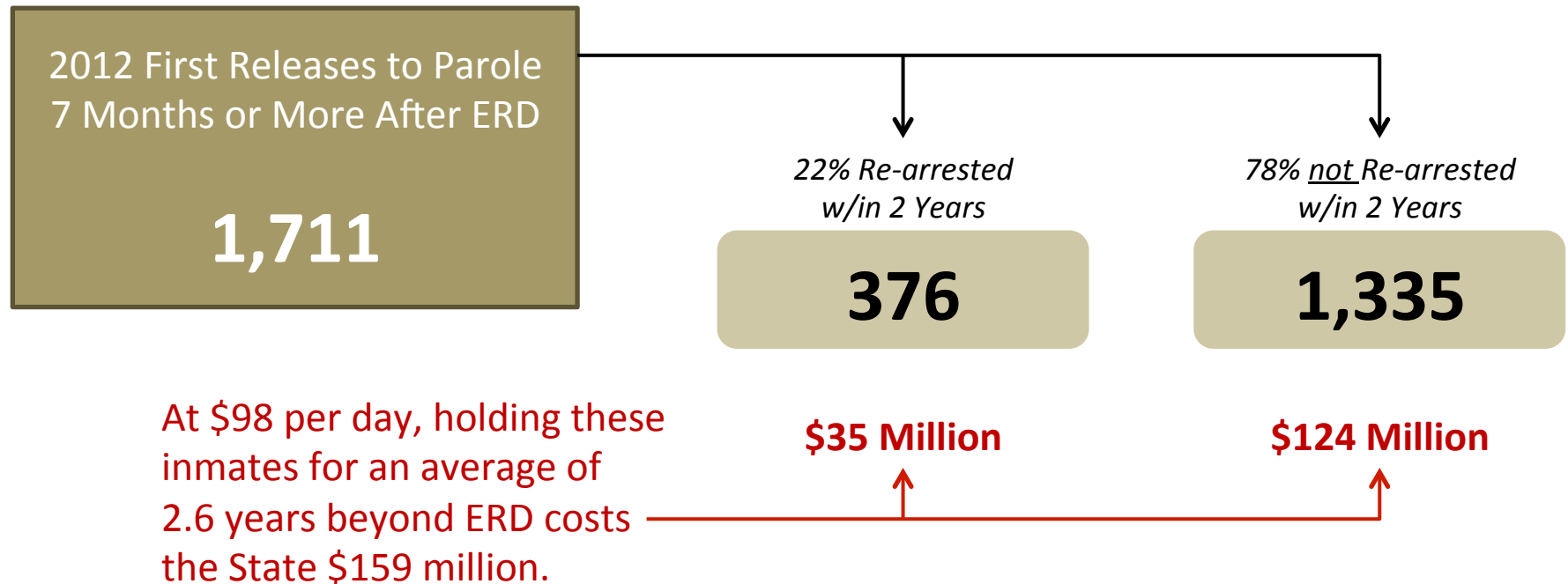


Risk Breakdown of Those Released 7+ months:



Source: Prison Releases Data 2008-2012 and COMPAS Risk/Needs Data, Michigan Dept. of Corrections; and Criminal History Records, Michigan State Police.

Additional Incarceration Time Imposes Costs that Could Have Been Used to Bolster Supervision and Reentry

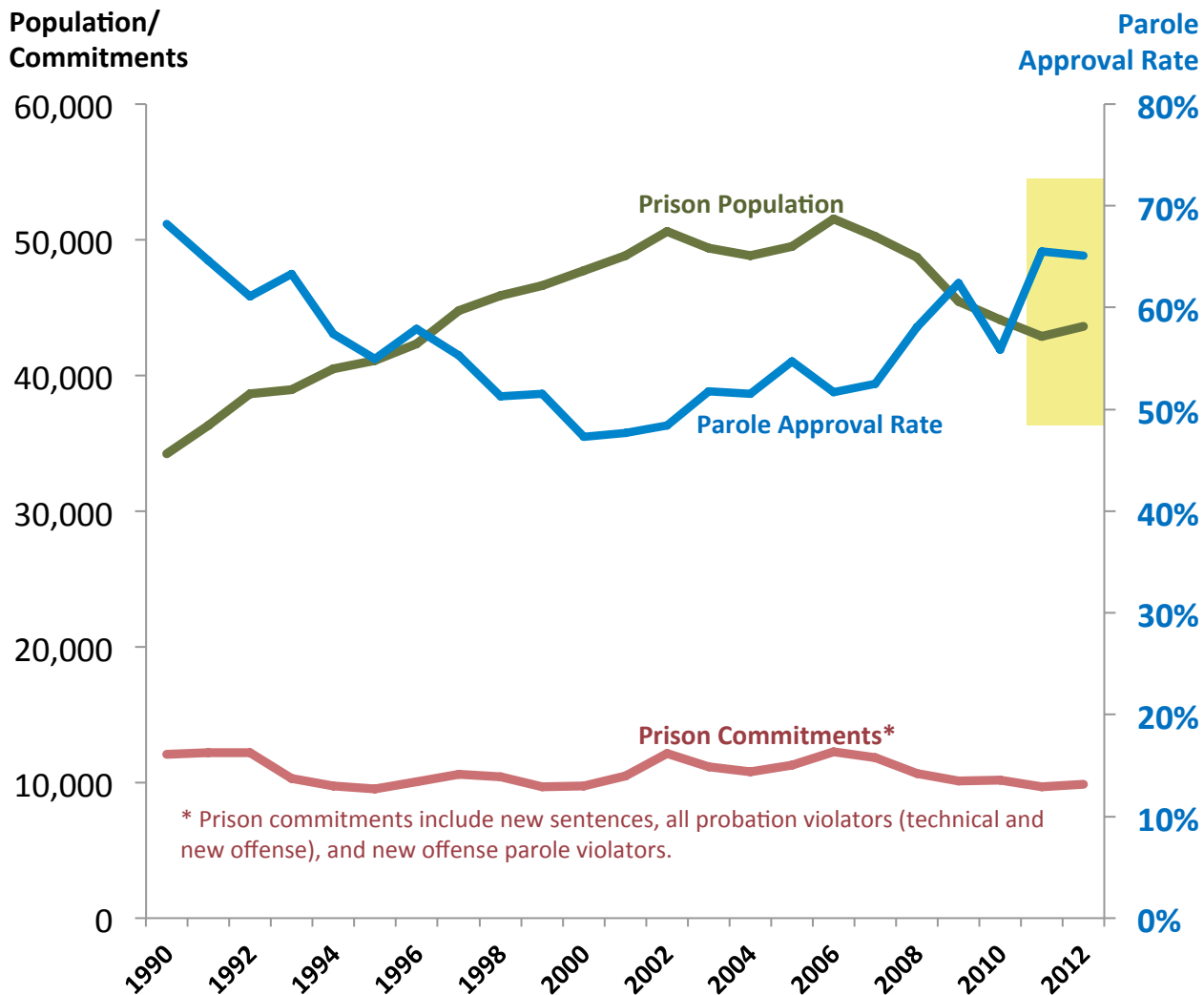


\$159m over the 2.6 years is roughly \$61m spent each year.

➤ Is incarcerating the 78% who don't get re-arrested worth \$61m annually?

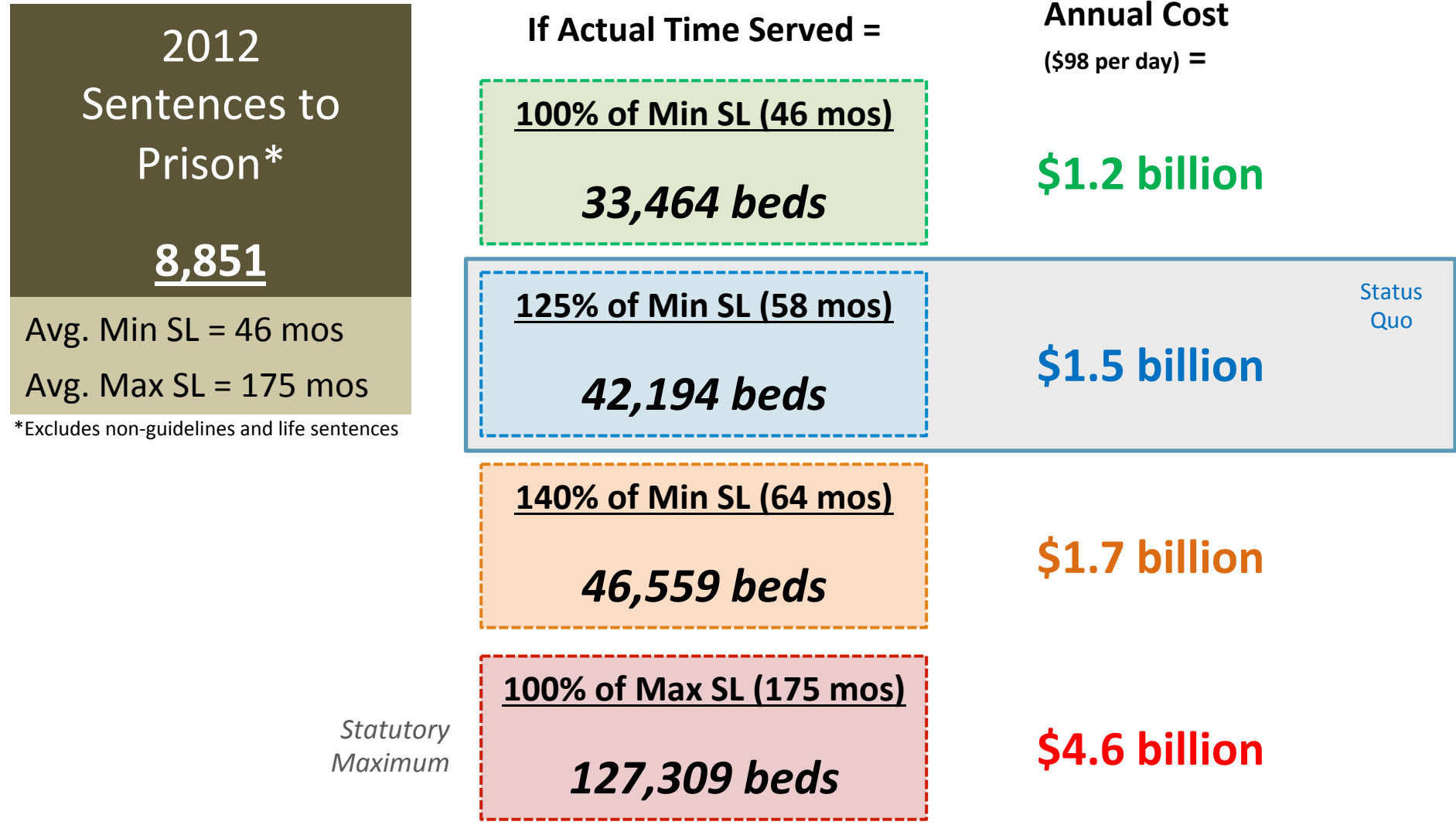
Source: *Prison Releases Data 2008-2012*, Michigan Dept. of Corrections; *Criminal History Records*, Michigan State Police; and *Corrections Background Briefing*, December 2012, House Fiscal Agency.

These High Costs Actually Represent Best Case Scenario Under Present Approach



Since 2010, despite the parole approval rate rising to highest levels, the prison population has actually begun to trend upward.

Time Served Beyond Minimum Sentence Carries Potential for Enormous Fiscal Impacts



Source: *Felony Sentencing (BIR) Data 2008-2012*, Michigan Dept. of Corrections; and *Corrections Background Briefing*, December 2012, House Fiscal Agency.

Section Summary:

Accountability and Reducing Criminal Behavior

Criminal History Predicts Future Recidivism

But guidelines fail to use this strength:

- ❖ No structuring of supervision
- ❖ Sentence length ranges increase disproportionately to increasing risk of recidivism

Most Parole Releases Occur w/in 6 Months of Eligibility

But benefits of holding others longer are unclear:

- ❖ No real difference in recidivism rates
- ❖ High costs of extended incarceration may actually outweigh limited benefits

Section Three

Punishing Consistently

Accountability and Reducing Criminal Behavior

Investing Wisely

Michigan Has Success Story on Reentry

Targeting of Resources to the Front End

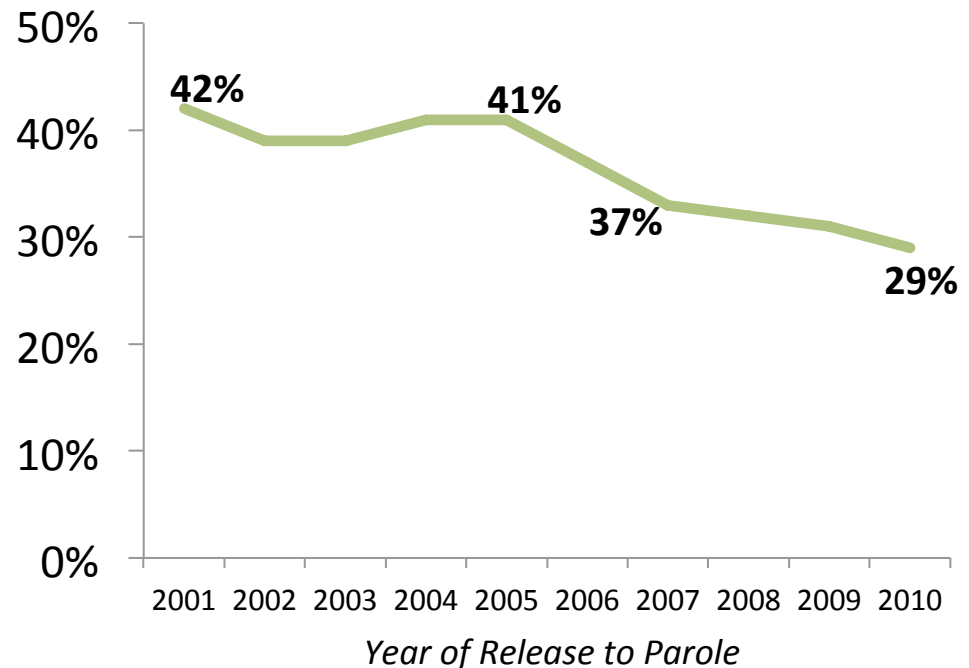
- Why it matters
- Community Corrections and CJRP

Michigan Has Focused on Reducing Parolee Recidivism and Achieved Nationally Recognized Reductions

Changes Begun in 2005:

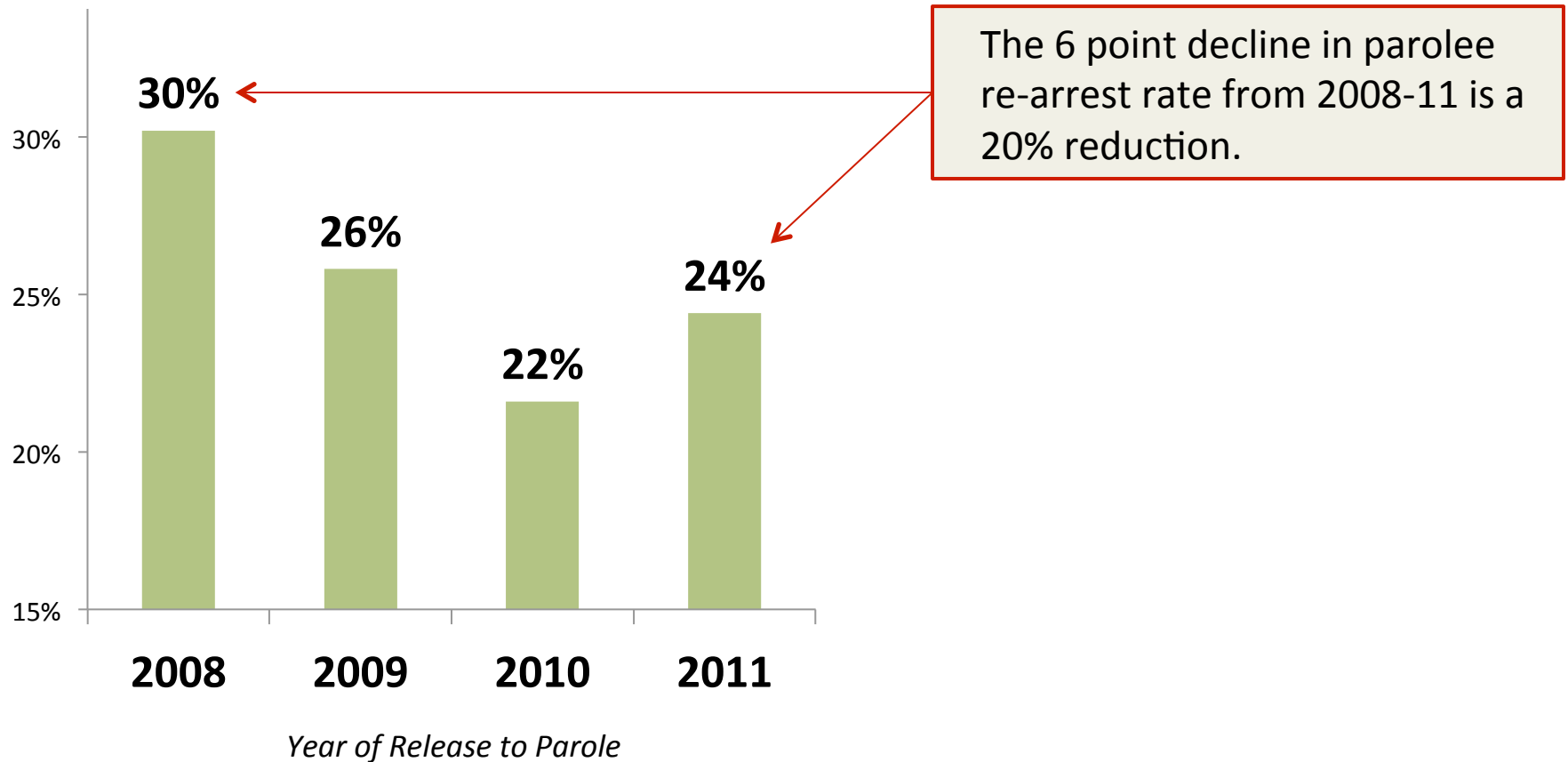
- Integration of risk assessment into parole supervision
- Training of field agents in best practices
- Engaging communities
- Increasing funding for community-based programming for parolees
- Targeting supervision resources towards higher risk parolees

Percentage of Parolees Returning to Prison Within 3 Years of Release



Reductions in Parolee Recidivism Hold Up When Analyzed in Terms of Arrests

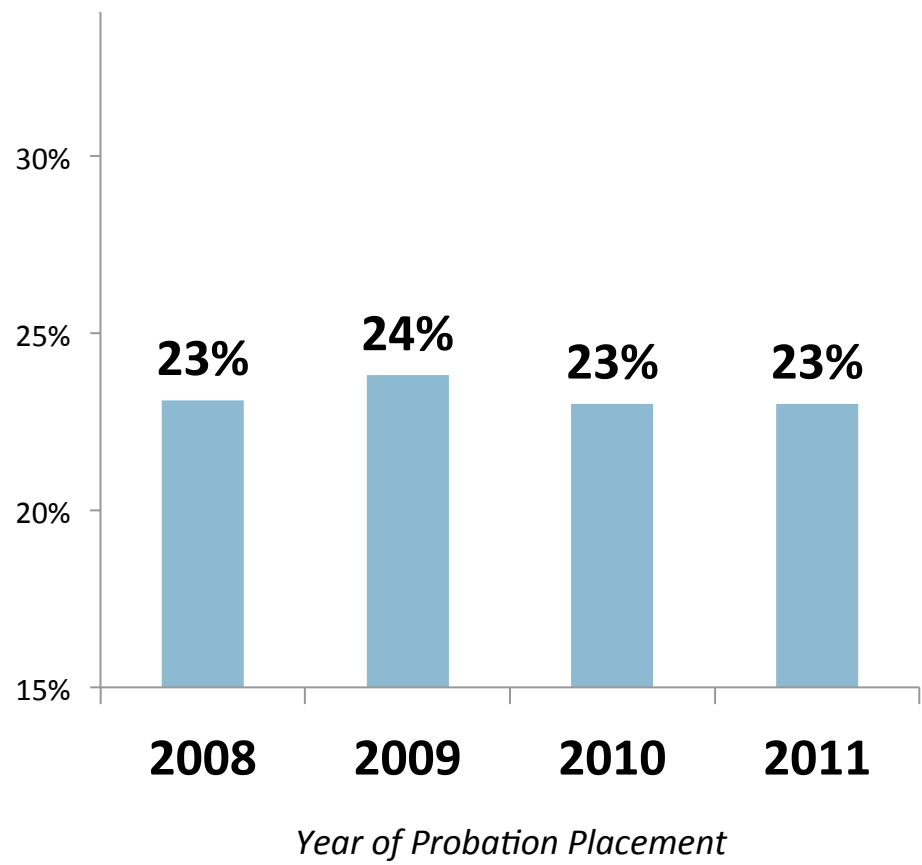
One Year Parolee Re-Arrest Rates



Source: *Prison Releases Data 2008-2012*, Michigan Dept. of Corrections; and *Criminal History Records*, Michigan State Police.

Felony Probation Outcomes Have Not Improved in the Same Way

One Year Felony Probation
Re-Arrest Rates

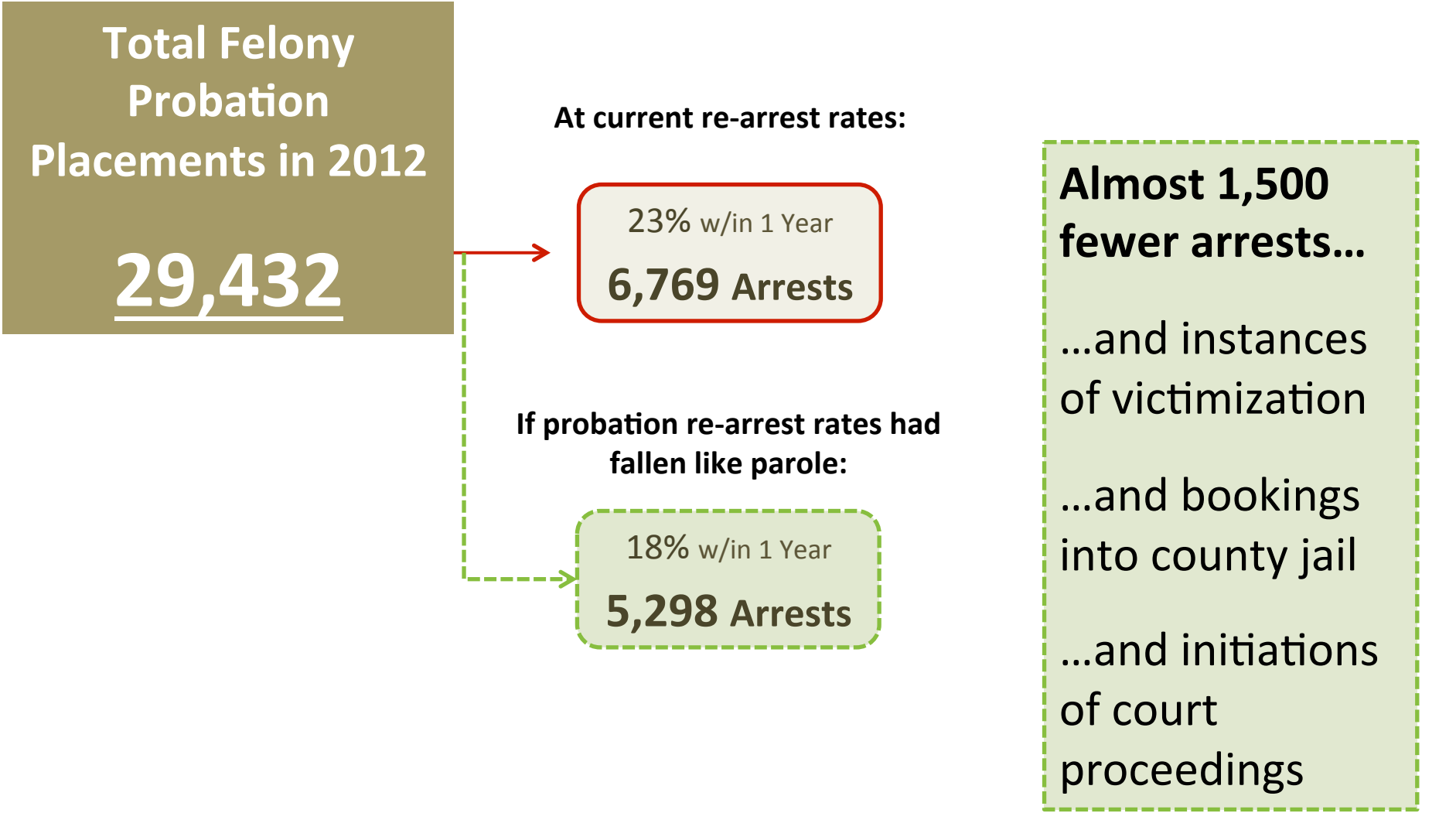


If the felony probationer re-arrest rate from 2008-11 experienced a 20% reduction similar to parole:

❖ *Re-arrest rate would be 18%.*

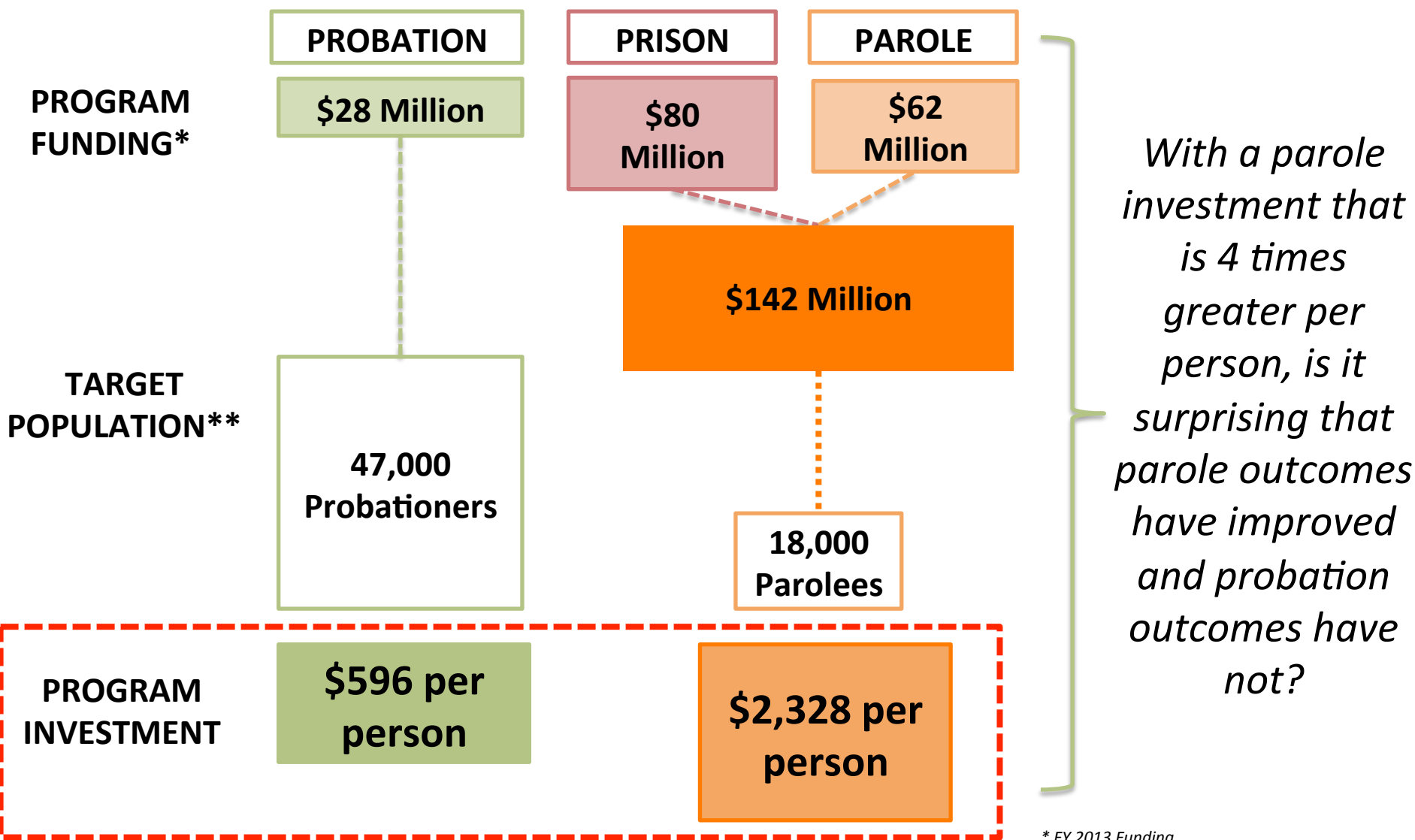
Source: Felony Sentencing (BIR) Data 2008-2012, Michigan Dept. of Corrections; and Criminal History Records, Michigan State Police.

Reducing Probationer Recidivism Could Lower Victimization and Ease the Strain on Local Resources



Source: *Felony Sentencing (BIR) Data 2008-2012*, Michigan Dept. of Corrections; and *Criminal History Records*, Michigan State Police.

Less Funding Devoted for Probationers Despite Higher Population and Impact on New Felony Offenses

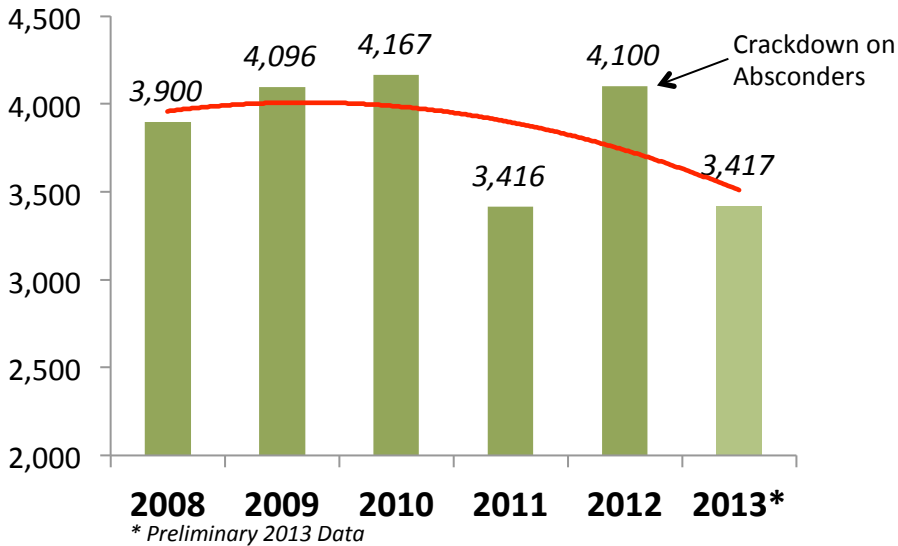


Source: Written and verbal communications with Budget Office, Michigan Dept. of Corrections.

* FY 2013 Funding
** Rounded based on 2012 population data

Public Safety Outcomes Impact Prison Pressure

Parole Violators Returned to Prison

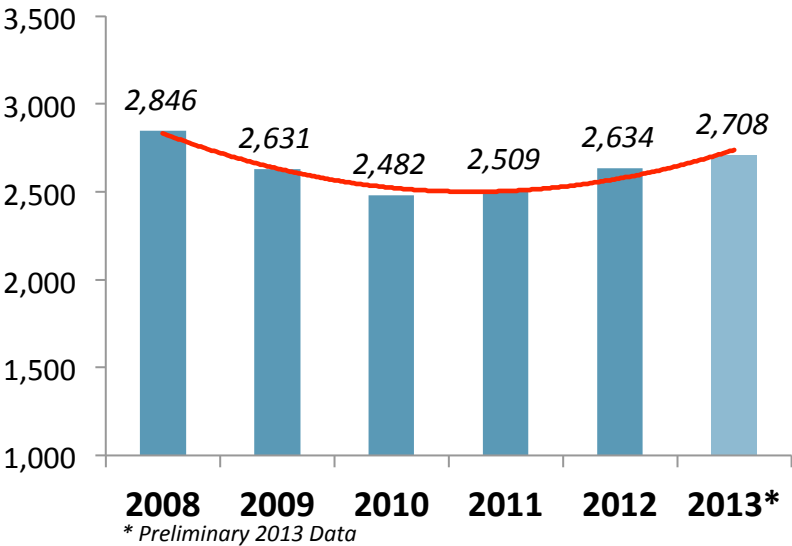


Number of parolees returned to prison trending downward.

✓ Down 18% since 2010 high point.

Note: Parole approval rates during this time at their highest since the early 1990s.

Probation Violators Revoked to Prison



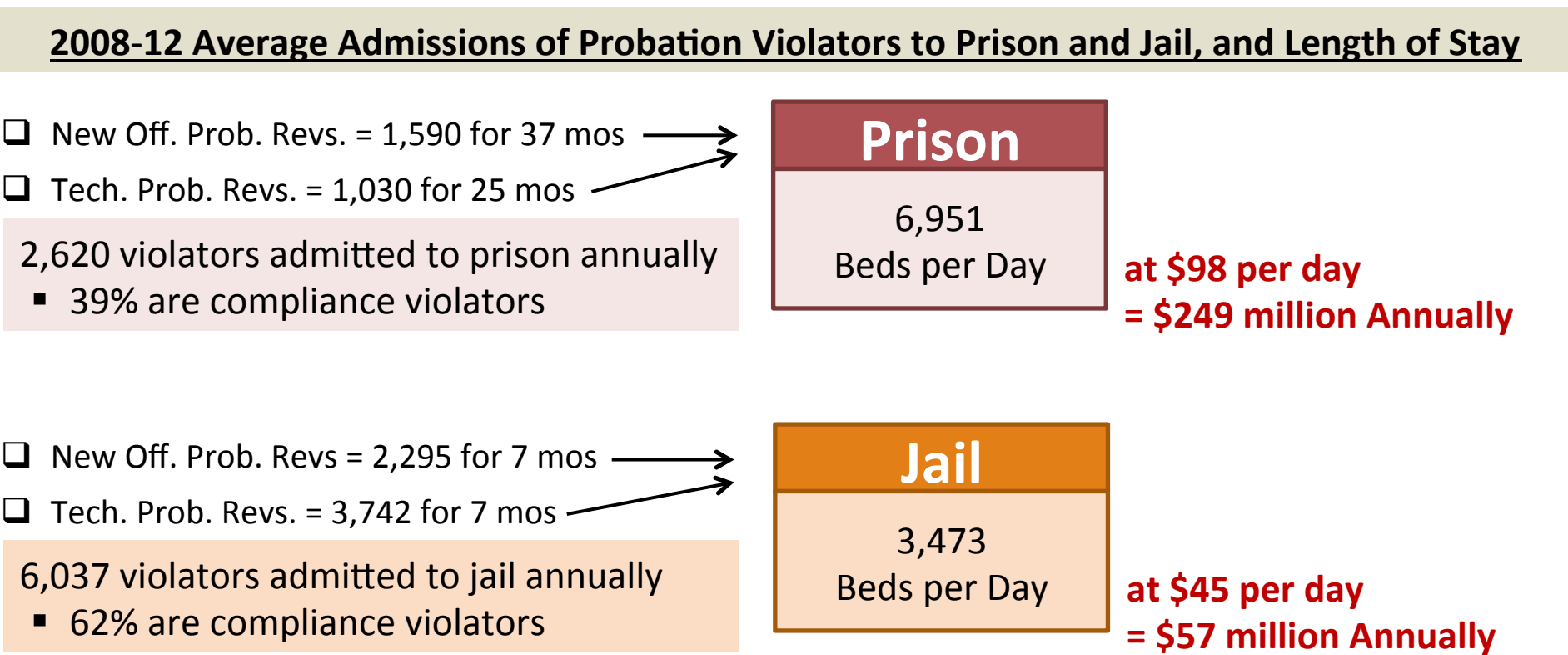
Number of probationers revoked to prison trending upward.

✓ Up 9% since 2010 low point.

Note: Number sentenced to probation during this time down 10%.

Source: 2006-2011 Statistical Reports, MI Dept. of Corrections; 2008-2012 Intake Profiles, MI Dept. of Corrections; MDOC Data Fact Sheet, MI Dept. of Corrections, January 2014.

More than \$300 Million Spent Annually Locking Up Probation Violators



Source: *Felony Sentencing (BIR) Data 2008-2012, Prison Admissions Data 2008-2012, and Prison Releases Data 2008-2012*, Michigan Dept. of Corrections; and *Corrections Background Briefing*, December 2012, House Fiscal Agency.

State Spends Twice as Much Per Person Incarcerating Probation Technical Violators than for Parole

Technical Parole Violators

2,193

13 months

2,343

\$84 Million

*Annual Returns/
Revocations to Prison
(2008-12)*

Length of Stay in Prison

Prison Bed Impact

Cost of Incarceration

Technical Probation Violators

1,030

25 months

2,116

\$76 Million

= \$73,786 per
technical violator
revoked

= \$38,304 per
technical violator
returned

Source: *Prison Admissions and Releases Data 2008-2012*, Michigan Dept. of Corrections; and *Corrections Background Briefing*, December 2012, House Fiscal Agency.

Front-End Resources Include Community Corrections, Voluntary Swift & Sure Program, and Jail Reimbursements

Community Corrections

\$29 Million (2014)

MDOC awards funding for programs aimed at reducing prison commitment rate.

- ✓ Local Buy-In
- ✓ Well Run

But...

- Some programs lack evidence base
- Tired Process

Swift & Sure Sanctions

\$6 Million (2013)

SCAO awards funding for voluntary adoption by circuit courts.

- ✓ Commitment to EBP
- ✓ Generous Funding

But...

- Limited Adoption
- No Delegation to Agents

County Jail Reimbursement

\$15 Million (2014)

State reimburses counties for sending to jail some of those otherwise headed to prison.

- ✓ Fulfills Headlee Obligation

But...

- Complex Eligibility
- Variable Funding

Focus should be on:

- ✓ Getting programs to the right people regardless of where they fall in the grids
- ✓ Ensuring programs have fidelity to evidence base for recidivism reduction (or diversion?)
- ✓ Promoting accountability for probationers

Section Summary:

Investing Wisely

Michigan Has Had Success Reducing Parolee Recidivism

But front-end probation has not:

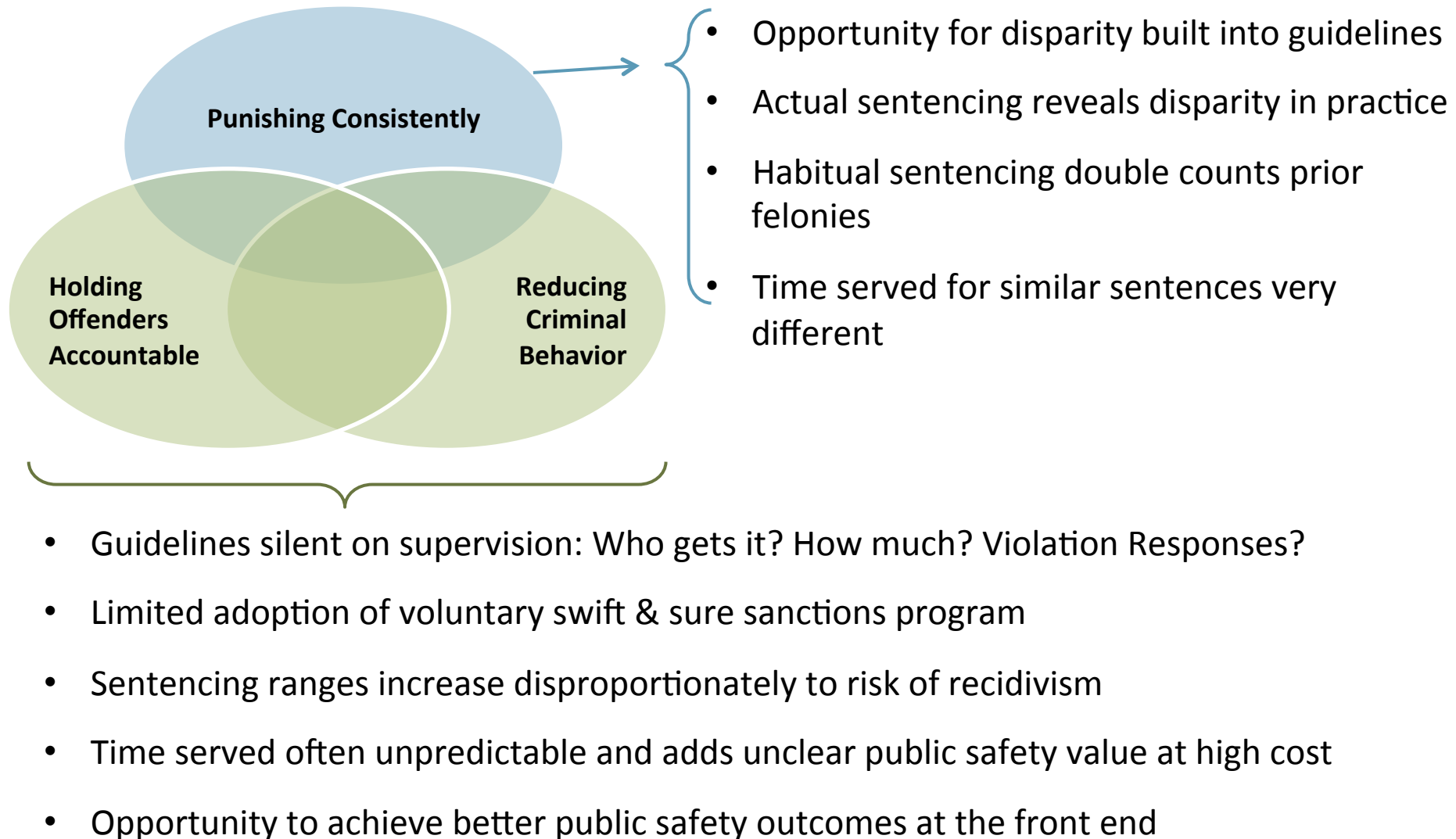
- ❖ Re-arrest rates unchanged in recent years
- ❖ Missed opportunity to reduce crime, victimization, and local costs

Solid Investments Have Been Made in Prison Reentry

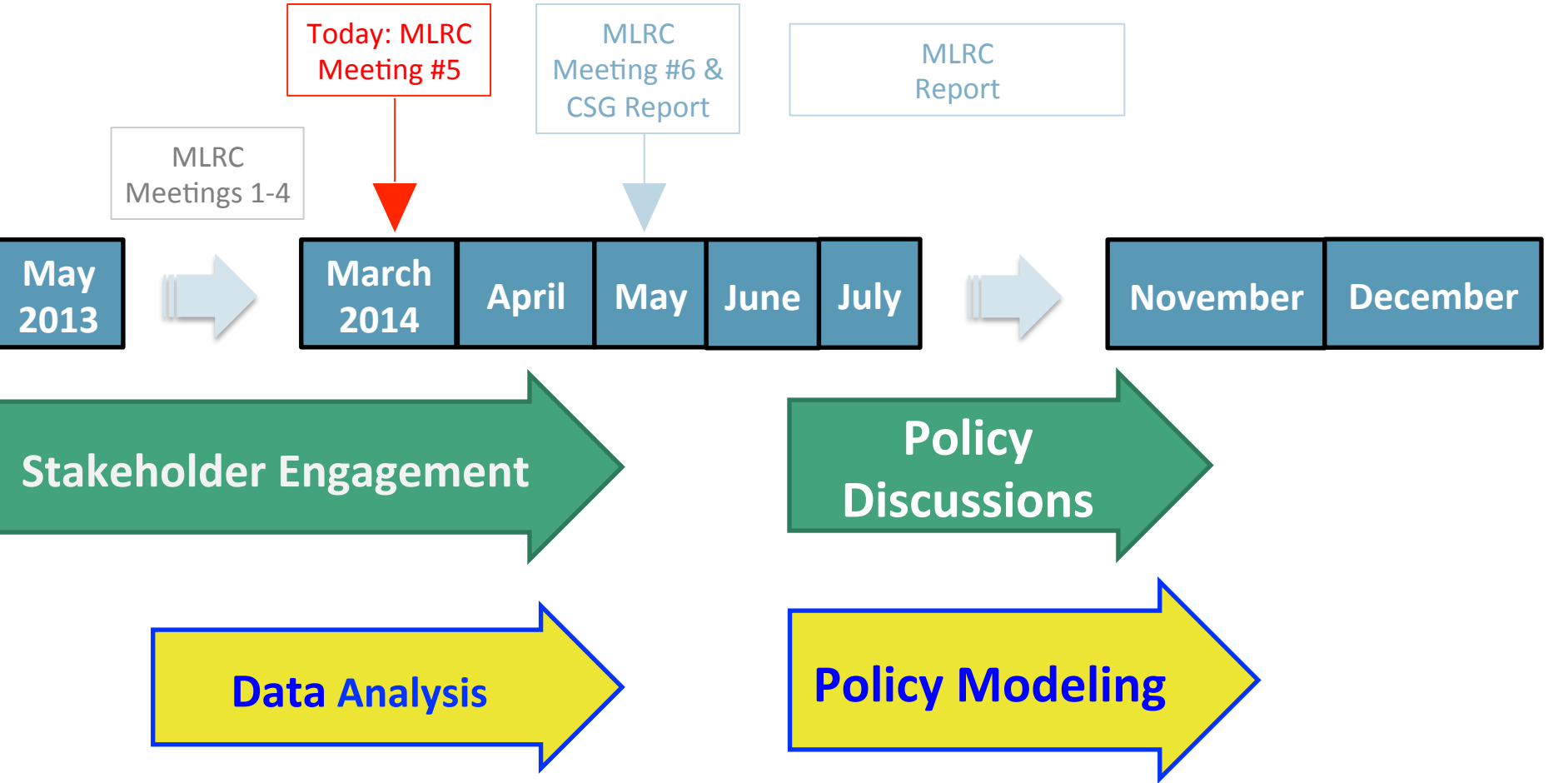
But investments towards the front-end are lacking:

- ❖ Program investments per probationer are half that of parole
- ❖ Largest probation expenditures are on locking up violators

The Takeaways, June 2013 – March 2014



Project Timeline Through 2014



Thank You

A topographic map of Michigan, showing the state's outline and internal features like lakes and terrain. The word "MICHIGAN" is printed in small capital letters above the map.

MICHIGAN

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