

**SENATE FISCAL AGENCY  
 MEMORANDUM**

**DATE:** February 4, 2009  
**TO:** Members of the Senate  
**FROM:** Lindsay Hollander, Fiscal Analyst  
**RE:** Council of State Governments Justice Center Report

On January 22, 2009, the Council of State Governments Justice Center released a report detailing criminal justice policy analysis and options. This report was completed at the request of the Governor, the Senate Majority Leader, and the Speaker of the House. The Justice Center released the report after spending one year consulting with stakeholders and working with a group consisting of members of the Senate and House as well as officials from the Michigan Department of Corrections (MDOC) and the Governor's office. The report is in two parts: "Analyses of Crime, Community Corrections, and Sentencing Policies"<sup>1</sup> and "Policy Options to Deter Crime, Lower Recidivism, and Reduce Spending on Corrections."<sup>2</sup> The policy options in the latter part were developed based on the Justice Center's analysis outlined in the first part. The policy options portion of the report includes strategies for reducing the prison population and potential savings that would be achieved through these strategies. Additionally, this report includes strategies for reinvestment in order to deter criminal activity and reduce recidivism, in order to reduce crime in the long-term. The following is a summary of the report.

**Deter Criminal Activity**

The report proposed to fund a grant program for local law enforcement agencies for crime-fighting operations in partnership with prosecutors and community groups. This proposal comes out of the Justice Center finding that Michigan's violent crime rate (536 crimes per 100,000) is the highest in the Great Lakes region, while law enforcement personnel per capita (263 per 100,000) is the lowest in the region. Additionally, only 28% of violent crimes in Michigan resulted in an arrest or were otherwise cleared, in comparison with 44% nationally. The report suggests that grant funds could be used for data analysis, overtime costs, and policy/community partnerships. The report does not specifically mention using grant funds for law enforcement personnel, but additional personnel may be required for such programming. The report also calls for the MDOC to modify the Offender Management Network Information (OMNI) to allow law enforcement more access to information about probationers and parolees. Law enforcement agencies can already access some of the information available on OMNI. Additionally, the State plans to enable users to access OMNI through the Internet. Four contractors are currently working to complete the necessary system programming.

The report also proposes to provide the Michigan State Police with additional crime lab staff. According to the report, backlogs in evidence processing are undermining "the swift and certain apprehension of offenders." An analysis of what resources would be required to reduce processing delays is in progress.

The report also proposes to support training and employment programming for at-risk young adults in communities with high percentages of disconnected young adults. The Justice Center found that 27,500 individuals between the ages of 16-19 who do not have a high school diploma are not working or attending school. According to the report, disconnected youth are at risk for both criminal involvement and victimization. The No Worker Left Behind program is currently allocated \$130.6 million in Federal and State funding for employment and training-related programming.

<sup>1</sup> [http://www.michigan.gov/documents/corrections/CSG\\_Crime\\_and\\_Corrections\\_Analyses\\_264058\\_7.pdf](http://www.michigan.gov/documents/corrections/CSG_Crime_and_Corrections_Analyses_264058_7.pdf)

<sup>2</sup> [http://www.michigan.gov/documents/corrections/CSG\\_Recommendations\\_and\\_Options\\_264059\\_7.pdf](http://www.michigan.gov/documents/corrections/CSG_Recommendations_and_Options_264059_7.pdf)

## Lower Recidivism

The report also focuses on proposals that target probationers. The report proposes to improve risk assessment for probationers so their field agents can properly allocate resources and programming. The MDOC's COMPAS risk assessment tool is currently being utilized for probationers in some counties. Additional resources may be required to roll out COMPAS in all counties. Moreover, the report suggests utilizing programs through the Community Corrections Act (Public Act 511 of 1988) for high-risk probationers. Currently, PA 511 states that Community Corrections Advisory Boards (CCABs) can receive funding for offenders "who would likely be sentenced to imprisonment in a state correctional facility or jail, would not increase the risk to public safety, have not demonstrated a pattern of violent behavior, and do not have a criminal record that indicates a pattern of violent offenses." According to the Justice Center, the criteria do not focus resources on high-risk probationers because the criteria focus on offense type instead of the likelihood of recidivism. Risk assessment paired with targeting community corrections funding at high-risk probationers may improve the rate at which felony probationers are arrested for index offenses<sup>3</sup>. In 2007, 7% of felony probationers were rearrested for an index crime. Additionally, probation violators<sup>4</sup> account for a quarter of annual prison intake.

The report also suggests expanding employment services for both probationers and parolees in order to reduce recidivism. According to the report, 50% of probationers and 50-70% of parolees are unemployed. Potential services include transitional employment, job placement services, case management, mentoring, and skill-building. Michigan Prisoner Re-entry Initiative (MPRI) sites already provide these services for parolees, along with other re-entry services including housing, education, and treatment at a cost of \$2,600 per offender<sup>5</sup>. Expanding such services to individuals sentenced to felony probation and assessed as high risk may require approximately \$15.5 million.<sup>6</sup>

According to the Justice Center, 20% of the 7,352 probationers who were incarcerated in 2007 for violating the conditions of their supervision were sent to prison. The report suggests utilizing beds set aside in local jails for probation violators in order to provide short and swift sanctions. This would be a less-costly alternative to sending probation violators to prison. The MDOC already utilizes this approach for some parole violators. The Intensive Detention Re-entry Program (IDRP) provides short jail stays for parole violators in the Clinton County Jail at a cost of \$35 per day and the Ingham County Jail at a cost of \$36 per day. While the average stay in prison for a parole violator is 16 months, the average stay in the IDRP program is 33 days, resulting in significant savings for the MDOC. While in jail, the parole violators receive employment training and re-entry planning. If jail beds were available in other counties, this program could be expanded to probation violators. Retargeting community corrections programming may make additional jail beds available.

## Reduce Spending on Corrections

In order to reduce the number of prisoners, the report proposes three statute changes. The first would require that offenders sentenced to prison after the April 1, 2009 proposed effective date serve no more than 120% of their court-imposed minimum sentence. Offenders can currently serve up to their maximum sentence, which can be significantly greater than the minimum sentence. According to the report, for offenders admitted to prison in 2007, the average minimum sentence was 3.7 years and the average maximum sentence was 14 years. The parole board can parole the prisoner anytime between his or her minimum and maximum sentence. The proposal would limit this discretion. The proposal excludes offenders convicted of offenses with a maximum sentence of life imprisonment. Additionally, if a prisoner's maximum sentence is less than 120% of the minimum sentence, if the prisoner was not paroled prior to their maximum, they would be discharged at that point. For offenders who were sentenced prior

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<sup>3</sup> Index offenses include murder, rape, robbery, aggravated assault, burglary, larceny, and arson.

<sup>4</sup> Includes probationers sent to prison for technical violations and new offenses.

<sup>5</sup> Fiscal Year 2007-08 Governor's Budget Recommendation

<sup>6</sup> Of the 29,214 offenders placed on probation in 2007, the Justice Center identified 5,981 as high-risk.

to April 1, 2009, the MDOC has stated that the parole board will utilize supervision tools such as electronic monitoring to parole more offenders who have served beyond their minimum sentence. The report also proposes to limit the time served in prison to nine months for parole revocations due to a violation of parole conditions. This policy would be restricted to first-time revocations and would apply to anyone admitted to prison on a parole revocation after April 1, 2009. The average time served on a parole revocation is currently 16 months.

The report also proposes that all prisoners who have served their minimum sentence be paroled at least nine months prior to their maximum sentence in order to ensure a period of supervision. Approximately 1,700 offenders discharge from prison at their maximum sentence every year. As such, they do not receive any supervision following their release. This proposal would not result in a substantial decrease in the prison population. However, supervision for these offenders may reduce their recidivism.

Table 1 shows these proposals' effect on the prison population and potential savings. The savings in the first two years is primarily due to actions the parole board is taking administratively to parole more prisoners who have reached their minimum sentences.

Table 1

Estimated Prison Population and Expenditure Reductions								Total
Calendar Year	2009	2010	2011	2012	2013	2014	2015	Change
Projected Prison Population	48,638	48,456	48,712	48,749	48,757	48,944	49,081	443
Projected Prison Population if CSG Proposals are Implemented	48,456	47,308	46,334	45,333	44,527	43,972	43,509	-5,129
Estimated Annual Savings from Prior Year if CSG Proposals are Implemented in Millions*	\$0	\$16.0	\$15.6	\$15.6	\$31.2	\$0	\$28.3	\$106.7

\*Savings is for the fiscal year, and was calculated by the Michigan Department of Corrections

The reductions shown in Table 1 would result in the closure of approximately four prisons and one camp, or, alternatively, three prisons and four camps. Depending on which facilities closed, this would result in a position reduction of approximately 1,200 to 1,300 full-time equated (FTE) positions.

The report also proposes the State implement an accountability strategy. The Justice Center suggests a State agency, independent body, or third-party should assess the implementation of the policies laid out in the report as well as the impact on public safety and the criminal justice system. The cost of this recommendation would depend on the frequency of the assessment as well as who conducts the assessment.

Please do not hesitate to contact me if you have any further questions.

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c: Gary S. Olson, Director  
Ellen Jeffries, Deputy Director  
Kathryn Summers-Coty, Chief Analyst