



JUSTICE REINVESTMENT IN MICHIGAN

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



This 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.¹ 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.

¹ 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.

Options for Michigan Policymakers

POLICY OPTION	POLICY DETAILS
Strategy 1: Deter Criminal Activity	
<p>1A. Support local law enforcement's targeted crime-fighting strategies.</p>	<ul style="list-style-type: none"> • Create and fund a demonstration grant program for local law enforcement agencies to design and deploy specific crime-fighting operations in partnership with local prosecutors and community and faith-based groups. Funds could support activities such as overtime, analysis of crime data, and police/community partnerships. • Direct the Michigan Department of Corrections (MDOC) to adapt the state's information system for supervising probationers and parolees to meet the needs of law enforcement.
<p>1B. Reduce crime lab backlogs to speed investigations.</p>	<ul style="list-style-type: none"> • Provide the Michigan State Police with additional resources to reduce significantly the delays in processing evidence. State funding should help cover the costs associated both with hiring and training additional staff and with outsourcing expenses while new staff is being trained.
<p>1C. Increase employment opportunities for at-risk young adults.</p>	<ul style="list-style-type: none"> • Target young adults who are disconnected from both school and work and are at-risk for criminal involvement and victimization. • Support, in partnership with private foundations, demonstration projects in communities with the highest percentages of disconnected young adults. Engage and provide an intensive set of education and employment opportunities to disconnected young adults in these communities.
Strategy 2: Lower Recidivism	
<p>2A. Reduce rates of re-arrest among probationers.</p>	<ul style="list-style-type: none"> • Improve risk assessment and data systems to allow probation officers to target supervision resources and interventions at high-risk probationers. • Assess the quality of community corrections programs. • Revise Michigan's Community Corrections Act to focus resources on probationers determined to be high-risk, as defined not simply by the offense committed, but by a validated risk instrument. • Provide local Community Corrections Advisory Boards with funds to target high-risk probationers with the goal of reducing re-arrest rates for this population by 10 percent.
<p>2B. Respond to probation violations with swift, certain, and proportional sanctions.</p>	<ul style="list-style-type: none"> • Establish pilot projects in jurisdictions where capacity in local jails is set aside to allow the application of short and swift jail stays in response to violations.
<p>2C. Expand employment services for high-risk probationers/parolees.</p>	<ul style="list-style-type: none"> • Target high-risk probationers returning from jail and parolees returning from prison to maximize reductions in recidivism. • Reinvest in pilot sites that will provide immediate transitional employment, including job placement services, case management, mentoring, and basic skill-building.

POLICY OPTION**POLICY DETAILS****Strategy 3: Reduce Spending on Corrections****3A.
Ensure that offenders in prison serve 100–120% of their court-imposed minimum sentence.**

(Effective for those sentenced after April 1, 2009.)

- Require that people sentenced to prison after the effective date of this policy serve *no less than 100% of their court-imposed minimum sentence and no more than 120% of that sentence.*
- Offenders who are serving sentences with a statutory maximum of life (see partial list of these offenses, p. 5) would *not* be affected by this policy.
- Direct the parole board to release offenders who have served 100% of their court-imposed minimum sentence except in cases where there is failure to complete required programs that are determined to reduce an offender’s risk to public safety or institutional misconduct.
- Permit the parole board to hold an offender beyond 120% of their court-imposed minimum sentence in cases where the offender poses a very high risk of re-offending as determined by a validated risk assessment.

**3B.
Limit time served on first parole revocation for condition violations.**

- Require people revoked for the first time from parole for condition violations to serve no more than 9 months in prison.
- Apply this policy to anyone admitted to prison after April 1, 2009, for their first parole revocation.

**3C.
Ensure supervision for everyone released from prison.**

- Require offenders who have served 100% of their minimum sentence to be released at least 9 months prior to their statutory maximum sentence in order to ensure a period of intensive supervision in the community.

**3D.
Continue the parole board’s administrative actions to reduce the population that has served more than 100% of their minimum sentence.**

- During the last 6 months, the parole board has administratively taken steps to expand community-based options, utilize new risk assessments, and pursue other strategies to reduce the population currently in prison who have served 100 % of their court-imposed minimum sentence.
- If the parole board is able to continue pursuing these administrative options as they have for the past 6 months, the policies and practices will have an impact on the resulting prison population from the baseline projection.

Accountability Strategy

Charge a state agency, independent body, or outside organization with periodically assessing the implementation progress, the fiscal and public safety impact of these policies on various components of the state’s overall criminal justice system, and the outcomes for people released from prison and under community supervision and the communities where they return.

Cost-Savings Analysis

The following analysis projects the impact of the policy options in strategy 3 on the base prison population projection if the policies are enacted by April 1, 2009. These projections assume no changes to current trends in prison admissions or to the criminal code. Cost savings are based on projected savings as calculated by the Michigan Department of Corrections that could be realized if the projections are accurate.

	2009	2010	2011	2012	2013	2014	2015
Base Prison Population Projection (See note on projections, p.5)	48,638	48,456	48,712	48,749	48,757	48,944	49,081
Alternate Projection without SAI	48,638	49,537	50,617	50,370	50,378	50,565	50,702
3a: 100–120% of minimum sentence to be served	0	-65	-515	-1,606	-2,585	-3,544	-4,315
3b: Limit time served on first parole revocation	0	-34	-223	-270	-273	-260	-282
3c: Ensure supervision for all released from prison	0	-309	-674	-631	-386	-255	-284
3d: Parole board's administrative post-ERD reduction	-182	-876	-1,296	-	-	-	-
Combination 1: Resulting population from 3a + 3b	48,642	48,359	47,985	46,904	45,886	45,069	44,394
Combination 2: Resulting population from 3a + 3b + 3c	48,605	48,100	47,408	46,526	45,648	45,062	44,477
Combination 3: Resulting population from 3a + 3b + 3c + 3d	48,456	47,308	46,334	45,333	44,527	43,972	43,509
Estimated FY Savings According to MDOC from Combination 3 (Savings from FY2010 baseline.)	\$0	\$0*	\$15.6m	\$31.2m	\$62.4m	\$62.4m	\$90.7m

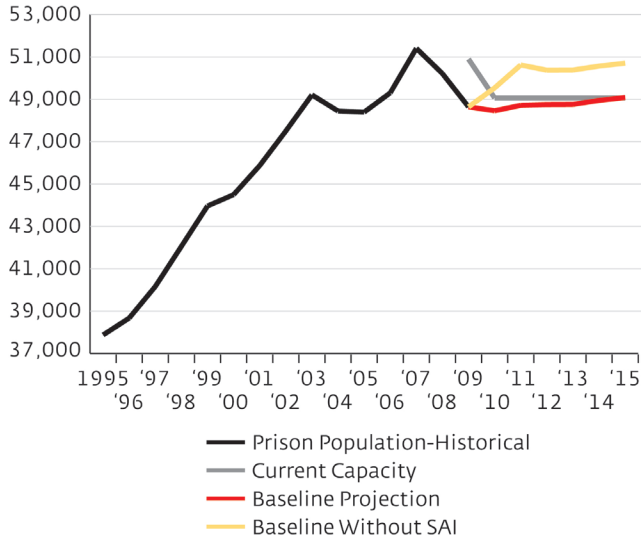
Reinvestment in Strategies 1, 2, and 3

Successful implementation of the policy options described in strategies 1, 2, and 3 depends on upfront and sustained reinvestment of a substantial portion of the projected savings.

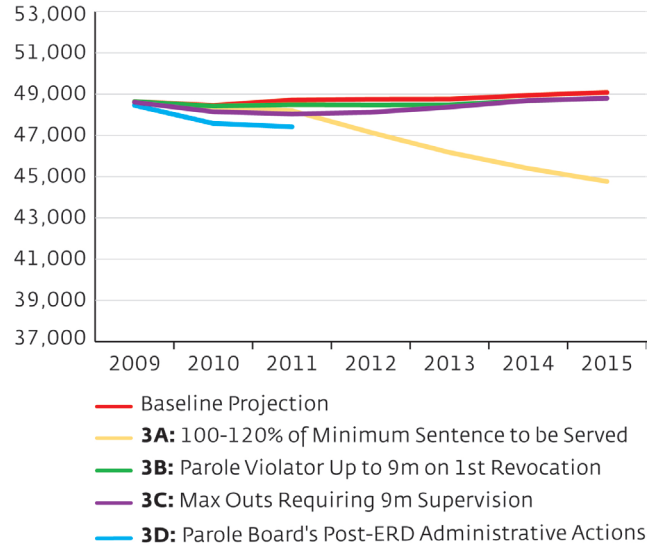
FY2011 - 2015 CUMULATIVE COST SAVINGS: \$262 million

*The Michigan Department of Corrections and the Parole Board have taken administrative measures to reduce the population currently in prison past their earliest release dates. Some of these measures include expanding community-based options and utilizing new risk assessments. These efforts were discussed and considered during the working group process and reflect a consensus understanding of their rationale and scope. As a result of these efforts, savings totaling \$16 million will be generated in the FY10 budget.

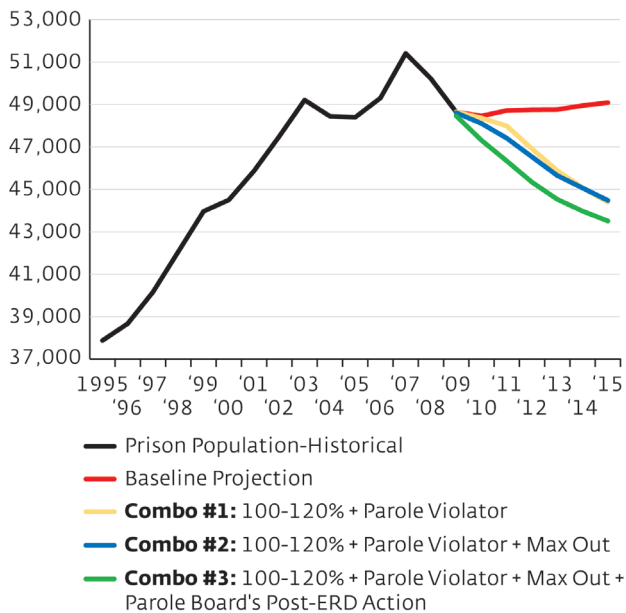
1995–2015: Past Prison Population, Current Capacity, Baseline Projection, and Alternate Projection Without SAI



2009–2015: Baseline Projection, Impact of Three Statutory Policy Options, and Administrative Post-ERD Reduction



1995–2015: Past Prison Population, Baseline Projection, and Three Combinations of Options



Partial List of Criminal Offenses in Michigan with a Statutory Maximum Sentence of Life Imprisonment

- Murder 1st Degree
- Murder 2nd Degree
- Attempted Murder
- Kidnapping
- Rape
- Criminal Sexual Conduct - 1st Degree
- Criminal Sexual Conduct - 2nd Offense
- Armed Robbery
- Carjacking
- Assault with Intent to Murder
- Assault with Intent to Rob While Armed
- Assault Pregnant Individual Causing Miscarriage/Stillbirth
- Habitual Offender - 4th Offense
- Bank Robbery / Safe Breaking
- Narcotic/Cocaine Possession 1,000 or More Grams
- Controlled Substance - Attempt Felony

Note on Base and Alternate Prison Population Projection: Dr. James Austin, the projections consultant under contract with CSG, was tasked by the justice reinvestment working group to “certify” the projections used in this analysis. The base projection takes into account the recent expansion of the SAI program that is designed, in part, to reduce the expected length of stay for persons who complete the program. The SAI is currently scheduled to sunset on September 30, 2009. Should this program be terminated, the population projection would have to be adjusted to reflect this change from current policy. An alternate projection is provided in this report forecasting a spike in the prison population if SAI is not continued.

To learn more about the justice reinvestment strategy
in Michigan and other states, please visit:
www.justicereinvestment.org.

JUSTICE CENTER THE COUNCIL OF STATE GOVERNMENTS

The Justice Center is a national, nonpartisan organization that works with policymakers to develop data-driven, consensus-based strategies that increase public safety and strengthen communities. Assistance from the Justice Center is made possible in part through funding support provided by the Bureau of Justice Assistance, a component of the U.S. Department of Justice, and the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States.



BJA Bureau of Justice Assistance



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To learn more about the Bureau of Justice Assistance, please visit: <http://www.ojp.usdoj.gov/BJA/>.

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To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.

Points of view, recommendations, or findings stated in this document are those of the authors and do not necessarily represent the official position or policies of the United States Department of Justice, The Pew Charitable Trusts, Council of State Governments Justice Center, or the Council of State Governments' members.

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