REPORT TECHNICAL APPENDIX:
Compilation of Michigan Sentencing and Justice Reinvestment Analyses

May 2014

Council of State Governments Justice Center
csgjusticecenter.org
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</tbody>
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General Analysis
- Crime
- General Sentencing Outcomes
- Prison Trends

Sentencing Analysis

Supervision Analysis
**General Analysis**

Since 2008, Crime Is Down 17% and Arrests Are Down 11%

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Index Crimes</strong></td>
<td>- 29%</td>
<td>- 17%</td>
</tr>
<tr>
<td>Violent</td>
<td>- 28%</td>
<td>- 16%</td>
</tr>
<tr>
<td>Property</td>
<td>- 29%</td>
<td>- 17%</td>
</tr>
<tr>
<td><strong>Index Arrests</strong></td>
<td>- 13%</td>
<td>- 11%</td>
</tr>
<tr>
<td>Violent</td>
<td>- 35%</td>
<td>- 15%</td>
</tr>
<tr>
<td>Property</td>
<td>- 1%</td>
<td>- 9%</td>
</tr>
<tr>
<td><strong>Non-Index Assault Arrests</strong></td>
<td>+ 1%</td>
<td>+ 19%</td>
</tr>
<tr>
<td><strong>Weapons Arrests</strong></td>
<td>- 12%</td>
<td>- 7%</td>
</tr>
<tr>
<td><strong>Narcotics Arrests</strong></td>
<td>- 6%</td>
<td>- 13%</td>
</tr>
<tr>
<td><strong>DUI Arrests</strong></td>
<td>- 47%</td>
<td>- 23%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent Crime Rate (per capita)</td>
<td>543</td>
<td>397</td>
<td>- 27%</td>
</tr>
<tr>
<td>Property Crime Rate (per capita)</td>
<td>3,444</td>
<td>2,466</td>
<td>- 28%</td>
</tr>
</tbody>
</table>
**General Analysis**
Low Violent Crime Clearance Rates in Detroit, Flint, Pontiac, and Saginaw

*Clearance rate*: the percent of reported crimes “cleared” by an arrest

### 2011 Violent Index Crime Clearance Rates

<table>
<thead>
<tr>
<th>Location</th>
<th>Reported Crimes</th>
<th>Reported Arrests</th>
<th>Clearance Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michigan</td>
<td>39,247</td>
<td>12,520</td>
<td>32%</td>
</tr>
<tr>
<td>Detroit</td>
<td>14,153</td>
<td>2,809</td>
<td>20%</td>
</tr>
<tr>
<td>Flint</td>
<td>2,140</td>
<td>206</td>
<td>10%</td>
</tr>
<tr>
<td>Pontiac</td>
<td>889</td>
<td>226</td>
<td>25%</td>
</tr>
<tr>
<td>Saginaw</td>
<td>945</td>
<td>235</td>
<td>25%</td>
</tr>
<tr>
<td>Rest of state</td>
<td>21,120</td>
<td>9,044</td>
<td>43%</td>
</tr>
<tr>
<td>U.S.</td>
<td>1,203,564</td>
<td>534,704</td>
<td>44%</td>
</tr>
</tbody>
</table>

Note: Due to updates provided to MSP after initial reporting to FBI, the data available on MSP’s website differ from those reflecting MI in the FBI UCR.


Clearance rates in the “Top Four” are much lower than in the rest of Michigan.

Clearance rates in the rest of Michigan are in line with the rest of the nation.
**Property Crime in Detroit, Flint, Pontiac, and Saginaw**

**U.S. Property Crime Rate for 2011 was:**

![Bar chart showing 2011 Property Index Crime Rate for various locations: State, Detroit, Flint, Pontiac, Saginaw, and Rest of State.](chart)

<table>
<thead>
<tr>
<th>Location</th>
<th>Reported Crimes</th>
<th>Reported Arrests</th>
<th>Clearance Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michigan</td>
<td>252,233</td>
<td>35,629</td>
<td>14%</td>
</tr>
<tr>
<td>Detroit</td>
<td>45,033</td>
<td>2,529</td>
<td>6%</td>
</tr>
<tr>
<td>Flint</td>
<td>6,895</td>
<td>206</td>
<td>3%</td>
</tr>
<tr>
<td>Pontiac</td>
<td>2,521</td>
<td>212</td>
<td>8%</td>
</tr>
<tr>
<td>Saginaw</td>
<td>1,969</td>
<td>165</td>
<td>8%</td>
</tr>
<tr>
<td>Rest of state</td>
<td>195,815</td>
<td>32,517</td>
<td>17%</td>
</tr>
<tr>
<td>U.S.</td>
<td>9,063,173</td>
<td>1,639,883</td>
<td>18%</td>
</tr>
</tbody>
</table>

*Clearance rate: the percent of reported crimes “cleared” by an arrest*

**Note:** Due to updates provided to MSP after initial reporting to FBI, the data available on MSP’s website differ from those reflecting MI in the FBI UCR.

**General Analysis**

Clearance rates in Detroit, Flint, Pontiac, and Saginaw are much lower than in the rest of Michigan.

Clearance rates in the rest of Michigan are in line with the rest of the nation.

General Analysis

Michigan Incarcerates Comparably to National Averages, but More than Exemplar Guidelines States

<table>
<thead>
<tr>
<th>Michigan</th>
<th>BJS Urban Counties</th>
<th>North Carolina</th>
<th>Kansas</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INCARCERATION</strong></td>
<td><strong>INCARCERATION</strong></td>
<td><strong>INCARCERATION</strong></td>
<td><strong>INCARCERATION</strong></td>
</tr>
<tr>
<td>76%</td>
<td>73%</td>
<td>66%</td>
<td>31%</td>
</tr>
<tr>
<td>Prison 21%</td>
<td>Prison 40%</td>
<td>Prison 42%</td>
<td>Prison 24%</td>
</tr>
<tr>
<td>Jail 55%</td>
<td>Jail 33%</td>
<td>Jail 24%</td>
<td>Jail 7%</td>
</tr>
<tr>
<td><strong>PROBATION ONLY</strong></td>
<td><strong>PROBATION ONLY</strong></td>
<td><strong>PROBATION ONLY</strong></td>
<td><strong>PROBATION ONLY</strong></td>
</tr>
<tr>
<td>24%</td>
<td>27%</td>
<td>34%</td>
<td>69%</td>
</tr>
</tbody>
</table>

Michigan has highest percentage of jail sentences

General Analysis

Prison Population Driven More by Prison Release Rates than Prison Commitments

General Analysis

Sentencing Analysis
- Process & Complexity
- Disparity
- Sentence Length & Time Served

Supervision Analysis
Sentencing Guidelines Use System of Grids, and Punishment Severity Increases as One Moves Rightward or Downward

Offense type determines which of the nine grids a case will fall into.

- Position on a grid based on prior criminal history and aggravating factors.

- Prior criminal history and current relationship to the criminal justice system scored through Prior Record Variables (PRV)
  - PRV answers slot case into columns

- Aggravating factors addressed through Offense Variables (OV)
  - OV answers slot case into rows

3 Cell Types Determine Punishment Options:

- Intermediate Sanctions
- Straddle
- Prison
Michigan’s Sentencing Guidelines Aim for High Precision in Sorting Felony Defendants

Narrowing the offense/offender profile into 1 of 258 cells

- 9 Different Grids
- 33 Scoring Choices Across 7 PRVs
- 76 Scoring Choices Across 20 OV

Guidelines Scoring Process

Defendant is “scored” and awaiting sentencing.

258 cells spread across 9 different offense grids
Only 14% of “New” Cases Lead to Prison in Michigan, Versus 20% of All Guidelines Cases

Key Distinction

Total Guidelines Sentences to Prison: 8,881

20% of All SGL Sentences

2012 Guidelines Sentences: 44,049

Brand New Cases: 25,523 (58%)
- 3,597 (14%) to Prison
- 14,115 (55%) to Jail
- 7,615 (30%) to Probation
- 196 (< 1%) to Other

New Offense Violators: 13,837 (31%)
- 4,337 (31%) to Prison
- 7,082 (51%) to Jail
- 2,349 (17%) to Probation
- 69 (< 1%) to Other

Prob. Compliance Violators: 4,689 (11%)
- 947 (20%) to Prison
- 3,742 (80%) to Jail


Possession < 25g cases in the ‘G’ grid *Intermediate* cells
(Total 2012 sentences = 3,304)

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>489</td>
<td>462</td>
<td>696</td>
<td>601</td>
<td>349</td>
<td>313</td>
</tr>
<tr>
<td>II</td>
<td>39</td>
<td>36</td>
<td>85</td>
<td>99</td>
<td>76</td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>12</td>
<td>7</td>
<td>16</td>
<td>24</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Despite falling in the same cell on the same grid for the same offense, defendants punished disparately:

- As little as a few months in jail without any supervision to follow,
- As much as 5 years on probation, or
- Minimum of up to 2 years in prison with potential for parole supervision of varying length.

Very different sentencing outcomes

**Supervision**

- Probation: 238 cases
  - Avg. term imposed = 18 mos.
  - Range of 1–60 mos.

- “Behind Bars”
  - **Prison**: 246 cases
    - Avg. min. term imposed = 21 mos.
    - Range of 18–24 mos.
  - **Jail**: 2 cases
    - Avg. term imposed = 2 mos.
    - Range of 1–365 days

Application of Guidelines Yields Disparity in Sentencing: Most Frequently Used *Straddle* Cell

### Brand new cases in the ‘E’ grid *Straddle* cells
(Non-habitual; total 2012 sentences = 1,463)

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td></td>
<td></td>
<td></td>
<td>402</td>
<td></td>
<td></td>
</tr>
<tr>
<td>II</td>
<td></td>
<td></td>
<td></td>
<td>359</td>
<td>141</td>
<td>69</td>
</tr>
<tr>
<td>III</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>77</td>
<td>26</td>
</tr>
<tr>
<td>IV</td>
<td></td>
<td></td>
<td>69</td>
<td>36</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>10</td>
<td>27</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VI</td>
<td>7</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Very different sentencing outcomes

**Supervision**

- **43** Prison
  - Avg. min. term imposed = 17 mos.
  - Range of 6–36 mos.

- **224** Jail
  - Avg. term imposed = 6 mos.
  - Range of 1–365 days.

- **134** Probation
  - Avg. term imposed = 24 mos.
  - Range of 9–60 mos.

**Despite falling in the same cell on the same grid, defendants punished disparately:**

- As little as a few months in jail without any supervision to follow,
- As much as 5 years on probation, or
- Minimum of up to 3 years in prison with potential for parole supervision of varying length.

### Sentencing of Defendants as Habitual Offenders

<table>
<thead>
<tr>
<th>Habitual Offender Type</th>
<th>2008</th>
<th></th>
<th>2012</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td># Eligible</td>
<td>% Sentenced</td>
<td># Eligible</td>
<td>% Sentenced</td>
</tr>
<tr>
<td>Habitual – 2nd</td>
<td>1,271</td>
<td>22.2%</td>
<td>1,088</td>
<td>24.4%</td>
</tr>
<tr>
<td>Habitual – 3rd</td>
<td>1,141</td>
<td>33.5%</td>
<td>1,088</td>
<td>35.6%</td>
</tr>
<tr>
<td>Habitual – 4th</td>
<td>4,226</td>
<td>44.8%</td>
<td>4,044</td>
<td>49.1%</td>
</tr>
<tr>
<td>Habitual – Subtotal</td>
<td>6,638</td>
<td>38.5%</td>
<td>6,220</td>
<td>42.4%</td>
</tr>
</tbody>
</table>

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

2,556 Defendants Sentenced as Habitual Offenders in 2008

2,638 Defendants Sentenced as Habitual Offenders in 2012

Approach to Habitual Sentencing Compounds Disparity and Raises Fundamental Issues of Fairness

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

Must be counted in PRV scoring

Can be counted toward habitual enhancement

“10 Year Gap” from the discharge of the sentence for one conviction and the offense date of the next conviction.

Current conviction

Counted twice
# Wide Disparity in Use of Habitual Sentencing Among Top 10 Counties

## Percent of Eligible Cases Sentenced as Habitual Offender in 2012

<table>
<thead>
<tr>
<th>County</th>
<th>Percent of Eligible Cases Sentenced</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wayne</td>
<td>20%</td>
</tr>
<tr>
<td>Oakland</td>
<td>89%</td>
</tr>
<tr>
<td>Macomb</td>
<td>40%</td>
</tr>
<tr>
<td>Kent</td>
<td>40%</td>
</tr>
<tr>
<td>Genesee</td>
<td>40%</td>
</tr>
<tr>
<td>Washtenaw</td>
<td>10%</td>
</tr>
<tr>
<td>Ingham</td>
<td>60%</td>
</tr>
<tr>
<td>Ottawa</td>
<td>20%</td>
</tr>
<tr>
<td>Kalamazoo</td>
<td>60%</td>
</tr>
<tr>
<td>Saginaw</td>
<td>80%</td>
</tr>
</tbody>
</table>

*Statewide average = 42%*

- **Low of 10%** of eligible cases in Washtenaw Co.
- **High of 89%** of eligible cases in Oakland Co.

Cost of Habitual Sentencing Option Is Unpredictable and Potentially Huge

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)

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.

Michigan Ranges are Much Greater than Other Guidelines States and Have Fewer Departures as a Result

Each of the examples below summarizes non-habitual prison sentences from the most frequently used cell in the state’s respective guidelines.

**MICHIGAN**  
(Column E, Row II, Grid E)  
*Guideline Range:*  
Min-Min = 10 months  
Min-Max = 23 months  

```
10
```

Range = **130%**

**NORTH CAROLINA**  
(Column II, Row H, Felony Grid)  
*Guideline Range:*  
Min-Min = 6 months  
Min-Max = 8 months  

```
6
```

Range = **33%**

**KANSAS**  
(Column A, Row 9, Nondrug Grid)  
*Guideline Range:*  
Min-Min = 15 months  
Min-Max = 17 months  

```
15
```

Range = **13%**

**Actuals Imposed:**

- **MICHIGAN:** 89% within range  
- **NORTH CAROLINA:** 76% within range  
- **KANSAS:** 68% within range

Minimum Prison Sentence Range Is Wide, and Sentences Range Across It and Beyond

Min SL Distribution for Del./Man. < 50g I-II CS (Class D): Prior Level F, Offense Level I–Straddle Cell (excl. Habitual Offenders)

Min-Min = 10 months
Min-Max = 23 months

Minimum SL Imposed:
- 9% to 10 months
- 24% to 12 months
- 14% to 18 months
- 11% to 23 months

Prison Sentence Length Ranges:
Min-Max Usually 100–300% Greater than Min-Min

2012 SGL Non-Habitual Sentences to Prison—Relationship of Actual Minimum Imposed Compared to Minimum Required

35% of sentences are 110–190% of the Min-Min
15% of sentences are 200–290% of the Min-Min
6% of sentences are 300–390% of the Min-Min
17% of sentences are 400% or more of the Min-Min

More than one-third of defendants sentenced to prison are ordered to serve a minimum sentence that is at least twice as long as that required by law.

Length of Minimum Prison Sentences Has Increased by Almost Three Months

**Length of Minimum Prison Sentence Imposed**

- **2008**: 42.9 months
- **2012**: 45.6 months

**Cost Impact of the Increase**

- The 8,881 individuals sentenced to prison in 2012 will serve on average at least 2.7 months longer compared to the 2008 average.
- Translates to an additional 1,971 prison beds occupied on any given day.
- At $98 per day, cost to Michigan is an additional $70 million each year.

Minimum Sentences Are Increasing for Non-Habitualized and Habitualized Offenders

**Sentencing Analysis**

Only Two Classes Showed Average Scoring Changes Large Enough to Move Cases to Cells with Longer Minimums

**SGL Sentences to Prison** – Average Minimum Sentence Length (Months), Average Offense Variable Score, and Average Prior Record Value Score

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd Deg. Mur.</td>
<td>277.9</td>
<td>309.6</td>
<td>113</td>
<td>117</td>
<td>30</td>
<td>28</td>
</tr>
<tr>
<td>Class A</td>
<td>121.4</td>
<td>132.7</td>
<td>59</td>
<td>59</td>
<td>33</td>
<td>32</td>
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<tr>
<td>Class B</td>
<td>54.9</td>
<td>59.4</td>
<td><strong>37</strong></td>
<td><strong>33</strong></td>
<td>34</td>
<td>38</td>
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<tr>
<td>Class C</td>
<td>41.5</td>
<td>41.8</td>
<td>34</td>
<td>33</td>
<td>42</td>
<td>41</td>
</tr>
<tr>
<td>Class D</td>
<td>26.4</td>
<td>27.8</td>
<td><strong>24</strong></td>
<td><strong>25</strong></td>
<td>58</td>
<td>63</td>
</tr>
<tr>
<td>Class E</td>
<td>19.1</td>
<td>20.3</td>
<td>18</td>
<td>20</td>
<td>58</td>
<td>59</td>
</tr>
<tr>
<td>Class F</td>
<td>18.9</td>
<td>19.1</td>
<td>23</td>
<td>25</td>
<td>51</td>
<td>54</td>
</tr>
<tr>
<td>Class G</td>
<td>16.3</td>
<td>17.6</td>
<td>17</td>
<td>18</td>
<td>64</td>
<td>61</td>
</tr>
<tr>
<td>Class H</td>
<td>14.8</td>
<td>15.6</td>
<td><strong>15</strong></td>
<td><strong>16</strong></td>
<td>64</td>
<td>66</td>
</tr>
</tbody>
</table>

Average Minimum Sentences Have Increased Across Offense Classes and Cell Types

Increases in sentence lengths occur across all grids and apply to all cell types except Class B Straddle Cells.

Cases Are Not Migrating to More Serious Offense Classes

## Distribution of Guidelines Prison Sentences by Class

<table>
<thead>
<tr>
<th>Grid</th>
<th>2008</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd Deg. Mur.</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Class A</td>
<td>11%</td>
<td>11%</td>
</tr>
<tr>
<td>Class B</td>
<td>12%</td>
<td>11%</td>
</tr>
<tr>
<td>Class C</td>
<td>13%</td>
<td>14%</td>
</tr>
<tr>
<td>Class D</td>
<td>18%</td>
<td>16%</td>
</tr>
<tr>
<td>Class E</td>
<td>27%</td>
<td>27%</td>
</tr>
<tr>
<td>Class F</td>
<td>7%</td>
<td>7%</td>
</tr>
<tr>
<td>Class G</td>
<td>9%</td>
<td>10%</td>
</tr>
<tr>
<td>Class H</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Total Cases</strong></td>
<td><strong>9,411</strong></td>
<td><strong>8,851</strong></td>
</tr>
</tbody>
</table>

Increase in overall average minimum sentence length is not due to cases moving from less to more serious offense classes.

Fewer than 5% of Guidelines Prison Sentences Imposed Involve Consecutive Sentencing Consistently from 2008–12

**Percent of Guidelines Prison Sentences Involving Consecutives**

- 2008: 4.5%
- 2009: 4.1%
- 2010: 4.5%
- 2011: 4.1%
- 2012: 4.2%

Guidelines Silent on Use of Supervision

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

- PRV Level A: 0 Pts
- PRV Level B: 1-9 Pts
- PRV Level C: 10-24 Pts
- PRV Level D: 25-49 Pts
- PRV Level E: 50-74 Pts
- PRV Level F: 75+ Pts

- Twice as likely to be re-arrested as those in PRV Level A.
- PRV Score Does a Good Job Predicting Risk of Re-Arrest
- Yet the guidelines provide almost no structure around who gets supervision and how much.
Repeat Offenders Five Times Less Likely to Be Supervised After Release from Jail

“Brand New” 2012 SGL Non-Prison Sentences:
Percent Breakdown of Supervision vs. No Supervision

For non-prison sentences, as the degree of risk increases, the probability of being supervised decreases.

Almost 1,200 Higher-Risk Felons Sentenced to Jail Without Post-Release Supervision

<table>
<thead>
<tr>
<th>PRV Level</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>No prior criminal history</td>
<td>7,307</td>
<td>4,339</td>
<td>6,414</td>
<td><strong>4,116</strong></td>
<td><strong>1,973</strong></td>
<td><strong>1,374</strong></td>
</tr>
<tr>
<td>Significant criminal history</td>
<td></td>
<td></td>
<td></td>
<td><strong>602</strong></td>
<td><strong>333</strong></td>
<td><strong>246</strong></td>
</tr>
<tr>
<td>Total Sentences</td>
<td>361</td>
<td>230</td>
<td>530</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jail Only</td>
<td>361</td>
<td>230</td>
<td>530</td>
<td><strong>602</strong></td>
<td><strong>333</strong></td>
<td><strong>246</strong></td>
</tr>
</tbody>
</table>

1,181 offenders with significant criminal history received sentences that involved no supervision at all (only received a period of time in jail).

- Represents 16% of total cases involving offenders with significant criminal history.

Sentencing Analysis

Guidelines Silent on Responding to Violations of Supervision

Probationers committing supervision violations can only be responded to according to where they originally fell in the grids.

No more than 3 months of jail to serve as an incentive to comply (less if there were any pretrial jail credits).

No less than 12 months of jail to sanction noncompliance. If prison is chosen, even longer period of confinement due to parole function.

Guidelines provide supervision sanction options only in the extreme.

In other words, responding to the nature of the violations in a calibrated way is not built into the guidelines. It’s either so little as to be meaningless or so severe that multiple violations are tolerated in hopes of avoiding the hammer.
Wide Variance in Revocation Rates Across All Risk Levels
Further Evidence of Inconsistency and Disparity

Less than 20% of All Probation Cases End in Revocation

<table>
<thead>
<tr>
<th>Risk Level</th>
<th>Statewide</th>
<th>Top 10 Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of All Probation Cases Closed Due to Revocation</td>
<td>17%</td>
<td>15%</td>
</tr>
</tbody>
</table>

Note: Based on 2012 Felony Case Closures Data

But there is tremendous regional difference. Looking at the 10 most populous counties:

- Low-risk revoked 2% to 22% of the time.
- High-risk revoked 7% to 61% of the time.
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

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

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)

<table>
<thead>
<tr>
<th>Max sentence = 60 months (set in statute)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min sentence = 12 months</td>
</tr>
</tbody>
</table>

After serving sentence imposed by court, The parole board determines release date.

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.

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

Many sentencing guideline schemes have a predictable period of post-release supervision.

Regardless of time in prison, there will be a predictable period of supervision following release.

But under Michigan law, with parole release discretion overlaid on the guidelines, the effect is that as release from prison is delayed, the potential for post-release supervision is reduced.

Time in prison directly impacts potential for supervision upon release from prison.

Worst of the worst released with no supervision
Sentencing Guidelines and Parole Formally Consider Many of the Same Factors

Sentencing

- Criminal history
- Career criminal designation
- Relationship to the criminal justice system
- Aggravating circumstances of this crime
- Aggravating circumstances of past crimes
- Role in crime
- Victim impact and characteristics
- Crime type
- Drugs/alcohol impact
- Psychological impact to victim’s family
- Terrorism related
- Terrorism related

Parole

- Age
- Risk of re-offense
- Conduct in prison
- Performance in programs
- Prison housing status
- Situational crime unlikely to reoccur

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

Re-arrest rates are similar regardless of when paroled.

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

2012 First Releases to Parole 7 Months or More After ERD

1,711

22% Re-arrested w/in 2 Years
376

78% Not Re-arrested w/in 2 Years
1,335

At $98 per day, holding these inmates for an average of 2.6 years beyond ERD costs The state $159 million.

$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?

Sentencing Analysis

Time Served Beyond Minimum Sentence Carries Potential for Enormous Fiscal Impacts

2012 Sentences to Prison*

8,851

Avg. Min SL = 46 mos
Avg. Max SL = 175 mos

*Excludes non-guidelines and life sentences

If Actual Time Served =

100% of Min SL (46 mos)

33,464 beds

$1.2 billion

125% of Min SL (58 mos)

42,194 beds

$1.5 billion

140% of Min SL (64 mos)

46,559 beds

$1.7 billion

100% of Max SL (175 mos)

127,309 beds

$4.6 billion

Annual Cost ($98 per day) =

General Analysis

Sentencing Analysis

Supervision Analysis
- General Impact Information
- Parole Analysis & Impact
- Probation Analysis & Impact
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

Source: 2006–2013 Statistical Reports, MI Dept. of Corrections.
Reductions in Parolee Recidivism Hold Up When Analyzed in Terms of Arrests

One Year Parolee Re-Arrest Rates

The 6 point decline in parolee re-arrest rate from 2008–11 is a 20% reduction.

Felony Probation Outcomes Have Not Improved in the Same Way

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

- **Re-arrest rate would be 18%**.

Lost Opportunities in Probation Directly Impact Public Safety and Costs to Communities and State

Total Felony Probation Placements in 2012

29,432

At current re-arrest rates:

23% w/in 1 Year

6,769 Arrests

If probation re-arrest rates had fallen like parole:

18% w/in 1 Year

5,298 Arrests

Estimated cost per arrest event is $670. That’s over $1 million in potential savings for local law enforcement with 1,500 fewer arrests.

Almost 1,500 fewer arrests...

...and instances of victimization

...and bookings into county jail

...and initiations of court proceedings
Probationers Account for More Arrest Activity Across All Types of Offenses

Larger probation population generates more arrest activity than parolees across offense types, including among the more violent crimes.

2011 Felony Probation Placements

30,446

Arrests within One Year

- 23% Felony = 3,531
- 24% Misdemeanor = 3,470

2011 Prisoners Released to Parole

11,161

- 23% Felony = 1,473
- 24% Misdemeanor = 1,252

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

PROGRAM FUNDING*

PROBATION

$28 Million

PRISON

$80 Million

PAROLE

$62 Million

$142 Million

TARGET POPULATION**

47,000 probationers

18,000 parolees

PROGRAM INVESTMENT

$596 per person

$2,328 per person

With a parole investment that is 4 times greater per person, is it surprising that parole outcomes have improved and probation outcomes have not?

Source: Written and verbal communications with Budget Office, Michigan Dept. of Corrections.  
* FY 2013 funding  
** Rounded based on 2012 population data
Supervision Analysis

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**

= **$38,304** per technical violator returned

**Technical Probation Violators**

- **1,030**
- 25 months
- **2,116**
- **$76 Million**

= **$73,786** per technical violator revoked

## Supervision Analysis

More than $300 Million Spent Annually Locking Up Probation Violators

### 2008–12 Average Admissions of Probation Violators to Prison and Jail, and Length of Stay

<table>
<thead>
<tr>
<th>Violation Type</th>
<th>Revisions</th>
<th>Length of Stay</th>
<th>Admissions</th>
<th>Beds per Day</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prison</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Off. Prob. Revs.</td>
<td>1,590</td>
<td>37 mos</td>
<td>2,620</td>
<td>6,951</td>
<td>$249 million</td>
</tr>
<tr>
<td>Tech. Prob. Revs.</td>
<td>1,030</td>
<td>25 mos</td>
<td>6,037</td>
<td>3,473</td>
<td>$57 million</td>
</tr>
<tr>
<td><strong>Jail</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Off. Prob. Revs.</td>
<td></td>
<td>7 mos</td>
<td>2,295</td>
<td>3,742</td>
<td></td>
</tr>
<tr>
<td>Tech. Prob. Revs.</td>
<td></td>
<td>7 mos</td>
<td>6,037</td>
<td>3,473</td>
<td></td>
</tr>
</tbody>
</table>

- 2,620 violators admitted to prison annually
  - 39% are compliance violators

- 6,037 violators admitted to jail annually
  - 62% are compliance violators

More than $100 Million Spent Annually Revoking Probation Compliance Violators to Prison and Jail

2012 Probation Compliance Violation Revocations

947 to Prison
- Avg of 23 mos
- = 1,815 Prison Beds at $98/day
- Annual Cost of $64.9M

There has to be a better way to hold probation violators accountable.

3,742 to Jail
- Avg of 7 mos
- = 2,183 Jail Beds at $45/day
- Annual Cost of $35.9M