Sentencing and Justice Reinvestment Initiative

May 13, 2014

Michigan Law Revision Commission

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Council of State Governments Justice Center
www.csgjusticecenter.org
Council of State Governments Justice Center and 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:**

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 Faces Persistent Criminal Justice Challenges

- Some of the most violent communities in the US
- Significant loss of law enforcement resources during the past decade
- Corrections exceeds one-fifth of the State’s budget

**Recent Efforts**

- Michigan Prisoner Reentry Initiative (MPRI)
- Safe Cities Initiative

*State leaders ready to look at sentencing to have deeper understanding of what the drivers are and whether improvements can be made to be more effective.*
Michigan Helped Fund the Project and Specifically Asked for Recommendations Around Sentencing and Parole

January 2013: SB 233, Section 351

“The funds appropriated ...shall be used for a contract [between the Michigan Law Revision Commission and] the Council of State Governments to continue its review of Michigan’s sentencing guidelines and practices, including, but not limited to, studying length of prison stay and parole board discretion.”

“reviewing, analyzing and making recommendations regarding changes to the Michigan Sentencing Guidelines”
Michigan’s Examination of Sentencing, Parole, and Probation Is Fundamentally about Justice and Public Safety

Punishing Consistently
Predictably & Proportionately

Justice & Public Safety

Holding Offenders Accountable
Reducing Criminal Behavior
<table>
<thead>
<tr>
<th><strong>May 2013 through April 2014:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ 7.5 million records from 10 databases representing more than 200,000 individuals</td>
</tr>
<tr>
<td>✓ 15 site visits to Michigan</td>
</tr>
<tr>
<td>✓ 100+ meetings and 150+ conference calls</td>
</tr>
<tr>
<td>✓ 6 presentations to MLRC</td>
</tr>
<tr>
<td>✓ 10 presentations to prosecutors, judges, defense attorneys, victim advocates, sheriffs, and county officials</td>
</tr>
</tbody>
</table>
Section One

Consistency and Predictability

Michigan’s sentencing system can be more consistent and predictable

- Precise scoring and sorting, but varied and inconsistent punishments.
- Effective time served can be more predictable.

Public Safety and Cost

Evaluation and Monitoring
People with similar criminal histories convicted of similar crimes receive significantly different sentences.
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.

Source: Sentencing Guidelines Manual, Michigan Judicial Institute, June 2012..
Most Felony Cases Fall in Grid Cells
Allowing “Grab-Bag” of Possible Punishments

### Types of Cell

<table>
<thead>
<tr>
<th>Allowable sanctions*</th>
<th>Intermediate</th>
<th>Straddle</th>
<th>Prison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fees/fines only</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Probation only (5 year max)</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Jail only (1 year max)</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Up to 1 year in jail plus probation</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Prison</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

* A judge may impose a sentence other than what is considered allowable according to the sentencing guidelines so long as a substantial and compelling reason for the departure is entered into the record.

- 62% of Cases
- 27% of Cases
- 11% of Cases

89% of all felony sentences scored into intermediate or straddle cells

Punishments Are Overlapping and Not Distinct, So Complex Scoring Yields Illusory Precision

“Grid E” Most Frequently Used of All Grids

72% of grid cells allow for 6-12 month jail sentence

64% of grid cells allow for 12-24 month prison sentence

75% of grid cells allow for up to 5 years probation

Consistency & Predictability

FINDING

Disparity in Sentencing: Most Frequently Used Straddle Cell

Very different sentencing outcomes...

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>77</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td></td>
<td></td>
<td></td>
<td>69</td>
<td>36</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>

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.

1 Consistency & Predictability

Background

Geography Compounds Disparity in Actual Sentencing for 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></td>
<td></td>
<td>402</td>
</tr>
</tbody>
</table>

The 10 most populous counties accounted for 299 (74%) of the 402 sentences falling in this one straddle cell.

- 6 of the 10 counties didn’t use prison at all
- 1 county used prison for almost a third of cases
- 2 counties used probation for more than half of cases

Structure sanctions in the guidelines to produce more consistent sentences.
Consistency & Predictability

POLICY OPTION 1A

Structure use of probation, jail and prison within the guidelines to increase predictability.

- Each guidelines cell should have a single presumptive sentence of probation, jail or prison.
- Instead of using straddle cells, the guidelines should clearly assign jail or prison as the presumptive sentence.
- For individuals with little or no criminal history who are convicted of less serious crimes, the presumptive sentence should be probation.
- Judges should retain their current ability to depart from the guidelines.

RELATED GOALS:
- Punish predictably
- Hold offenders accountable
- Reduce criminal behavior

![Prior Record Variable Level Table]

<table>
<thead>
<tr>
<th>Prior Record Variable Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
</tr>
<tr>
<td>I</td>
</tr>
<tr>
<td>II</td>
</tr>
<tr>
<td>III</td>
</tr>
<tr>
<td>IV</td>
</tr>
<tr>
<td>V</td>
</tr>
<tr>
<td>VI</td>
</tr>
</tbody>
</table>

Offense Variable Level
POLICY OPTION

1B

Reduce the wide ranges in possible sentence lengths in cells that include the possibility for a prison sentence.

• Reduce the degree of overlapping sentencing ranges in guidelines cell within the same grid.

• Discretion should remain for judges to establish sentence lengths tailored to individual cases within narrowed ranges.

• Discretion should remain for prosecutors to request habitual enhancements in eligible cases, but without counting prior criminal history twice.

RELATED GOALS:

• Punish predictably
• Hold offenders accountable
• Reduce criminal behavior
After a person is sentenced, it remains unclear how much time they will actually serve.
Guidelines structure prison in/out decision, but ultimate length of stay is unpredictable.

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

| Max sentence = 60 months (set in statute) |
|-----------------|------------------|
| Min sentence = 12 months |

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.

Sentencing guidelines dictate minimum sentence in most cases.

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

**FINDING**

**Background**

2. Significant Portion of Minimum Sentences to Prison Are at Upper Ends of Broad Allowable Ranges

**Actual Minimum Imposed as Percent of Minimum Required**

(2012 SGL Non-Habitual Sentences to Prison)

38% of defendants sentenced to prison are given a minimum sentence at least twice as long as the guidelines minimum.

Double Counting Prior Convictions Compounds Disparity and Raises Fundamental Issues of Fairness

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

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

Must be counted in PRV Scoring

Current Conviction

Can be counted toward habitual enhancement

Counted Twice
Minimum Sentences Are Increasing for Non-Habitualized and Habitualized Offenders

**Length of Minimum Prison Sentence Imposed**

<table>
<thead>
<tr>
<th>Year</th>
<th>Non Habitual Sentences</th>
<th>Habitual Sentences</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>41.4 mos</td>
<td>46.4 mos</td>
</tr>
<tr>
<td>2012</td>
<td>43.4 mos</td>
<td>50.2 mos</td>
</tr>
</tbody>
</table>

- **Non Habitual Sentences**: 5% Increase
- **Habitual Sentences**: 8% Increase

Increase in minimum sentence length cannot be attributed to changes in cases in terms of offense seriousness, more prior history or aggravating factors, or consecutive sentencing.

Source: *Felony Sentencing 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)

<table>
<thead>
<tr>
<th>Months Behind Bars</th>
<th>0-6</th>
<th>7-12</th>
<th>13-18</th>
<th>19-24</th>
<th>25-30</th>
<th>31-36</th>
<th>37-42</th>
<th>43-48</th>
<th>49+</th>
</tr>
</thead>
</table>

**Sentence Imposed**

- 9 to 15 months behind bars

**Jail Time Served**

- 7 to 12 months

**Prison Time Served**

- 3 months to 4 plus years

**Average Sentence Imposed:**

- Jail = 333 days
- Prison = 375 days

Existing Disparity in Release Decision-Making Costs the State and Has Questionable Benefits

FINDING

2. **Background**

Consistency & Predictability

2-Yr Re-Arrest Rates by Time Served Beyond Min.
(2010 Releases to Parole Excluding Parole Violator Adms)

- **Violent**
- **Sex**
- **Drug**
- **Other Nonviolent**

Re-arrest rates are similar regardless of when paroled.

These inmates are held for an average of 2.6 years beyond ERD.

At $98 per day, this costs the State $61 million annually.

Make the length of time a person will serve more predictable at sentencing.
Consistency & Predictability

POLICY OPTION 2

Truth in sentencing should be enhanced by establishing minimum and maximum periods of incarceration at sentencing.

- The maximum period of incarceration established at sentencing should be specific to each individual case rather than defaulting to the most severe penalty allowed by statute.
- The difference between minimum and maximum prison sentences should be narrow enough to provide greater predictability about time served, while still allowing for consideration of institutional behavior in final release decisions.
- Probation sentences should specify a maximum period of incarceration in jail or prison that can be applied as a sanction in response to probation violations.
Section Two

- Consistency and Predictability
- Public Safety and Cost
- Evaluation and Monitoring

**Michigan’s sentencing system can reduce recidivism and costs to taxpayers**

- Sentencing can allocate and guide probation supervision to reduce recidivism
- Funding can be targeted to achieve better public safety outcomes
Supervision resources are not prioritized to reduce recidivism.
Guidelines Silent on Use of Supervision Despite Ability to Sort by Risk Using PRV Score

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

- 2008: 25%
- 2009: 35%
- 2010: 46%

PRV Level A: 25%
PRV Level B: 35%
PRV Level C: 45%
PRV Level D: 48%
PRV Level E: 46%
PRV Level F: 45%

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.

### Guidelines Do Not Structure “Who” Gets Supervision

#### Background

1,181 people with significant criminal history received sentences that involved no supervision at all after release from jail.

<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>Total Non-Prison Sentences</td>
<td>6,891</td>
<td>4,065</td>
<td>5,528</td>
<td>3,246</td>
<td>1,348</td>
<td>848</td>
</tr>
<tr>
<td>Jail Only</td>
<td>361</td>
<td>230</td>
<td>530</td>
<td>602</td>
<td>333</td>
<td>246</td>
</tr>
</tbody>
</table>

Higher recidivism risk by virtue of criminal history (PRV) scores.

Source: *Felony Sentencing Data 2008-2012, Michigan Dept. of Corrections.*
Supervision Resources for Probation Are Not Clearly Focused Around Recidivism Reduction

**FINDING**

**Background**

*Actual Average Length of Supervision*

for Cases Successfully Completing Probation in 2012

<table>
<thead>
<tr>
<th>Risk Level</th>
<th>Months on Supervision</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>23</td>
</tr>
<tr>
<td>Medium</td>
<td>24</td>
</tr>
<tr>
<td>Low</td>
<td>25</td>
</tr>
</tbody>
</table>

Virtually the same dosage regardless of risk misplaces resources

Source: *Probation Terminations Data 2008-2012 and COMPAS Risk/Needs Data, Michigan Dept. of Corrections.*
Use risk of re-offense to inform probation and post-release supervision.
Use risk of reoffense to inform the use, conditions, and length of supervision terms at the time of sentencing.

- Felony convictions involving higher levels of prior criminal history should include a period of supervision as part of the sentence.
- Supervision terms should account for risk by basing probation and post-release supervision lengths on PRV score.

**Prior Record Variable Level**

<table>
<thead>
<tr>
<th>All Grids</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of Supervision</td>
<td>9 mos</td>
<td>12 mos</td>
<td>18 mos</td>
<td>24 mos</td>
<td>30 mos</td>
<td>36 mos</td>
</tr>
</tbody>
</table>

**RELATED GOALS:**
- Punish predictably
- Hold offenders accountable
- Reduce criminal behavior
FINDING 4

High recidivism rates generate unnecessary costs.
Probation Has Not Experienced the Recidivism Reductions Achieved by Parole

With close to 30,000 new felony probation placements each year, the difference between a 23% and 18% re-arrest rate is approximately 1,500 arrest events.

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

- Re-arrest rate would be 18%.

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%.*

## FINDING Background

### 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>Average Admissions</th>
<th>Length of Stay</th>
<th>Cost per Day</th>
<th>Annual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Off. Prob. Revs.</td>
<td>1,590 (37 mos)</td>
<td></td>
<td>$98</td>
<td>$249 M</td>
</tr>
<tr>
<td>Tech. Prob. Revs.</td>
<td>1,030 (25 mos)</td>
<td></td>
<td>$98</td>
<td>$249 M</td>
</tr>
<tr>
<td><strong>Prison</strong></td>
<td><strong>6,951 beds/day</strong></td>
<td></td>
<td><strong>$98</strong></td>
<td><strong>$249 M</strong></td>
</tr>
</tbody>
</table>

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

**Note:** *Technical* means there was no new conviction.

<table>
<thead>
<tr>
<th>Violation Type</th>
<th>Average Admissions</th>
<th>Length of Stay</th>
<th>Cost per Day</th>
<th>Annual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Off. Prob. Revs</td>
<td>2,295 (7 mos)</td>
<td></td>
<td>$45</td>
<td>$57 M</td>
</tr>
<tr>
<td>Tech. Prob. Revs</td>
<td>3,742 (7 mos)</td>
<td></td>
<td>$98</td>
<td>$294 M</td>
</tr>
<tr>
<td><strong>Jail</strong></td>
<td><strong>3,473 beds/day</strong></td>
<td></td>
<td><strong>$98</strong></td>
<td><strong>$294 M</strong></td>
</tr>
</tbody>
</table>

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

**Note:** *Technical* means there was no new conviction.

### Technical Parole Violators

<table>
<thead>
<tr>
<th>Number</th>
<th>Length of Stay</th>
<th>Cost of Incarceration</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,193</td>
<td>13 months</td>
<td>$84 Million</td>
</tr>
<tr>
<td>2,343</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

= $38,304 per technical violator returned

### Technical Probation Violators

<table>
<thead>
<tr>
<th>Number</th>
<th>Length of Stay</th>
<th>Cost of Incarceration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,030</td>
<td>25 months</td>
<td>$76 Million</td>
</tr>
<tr>
<td>2,116</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

= $73,786 per technical violator revoked

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

**Arrests within One Year**

- **Felony**
  - 3,531
  - 23%
- **Misdemeanor**
  - 3,470

- **Felony**
  - 1,473
  - 24%
- **Misdemeanor**
  - 1,252

**2011 Felony Probation Placements**
- 30,446

**2011 Prisoners Released to Parole**
- 11,161

**Source:** Felony Sentencing Data 2008-2012 and Prison Releases Data 2008-2012, Michigan Dept. of Corrections; and Criminal History Records, Michigan State Police.
Public Safety & Cost

4 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.

<table>
<thead>
<tr>
<th>OV Level</th>
<th>A (0 Points)</th>
<th>B (1-9 Points)</th>
<th>C (10-24 Points)</th>
<th>D (25-49 Points)</th>
<th>E (50-74 Points)</th>
<th>F (75+ Points)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I 6-9 Points</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>II 10-24 Points</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>7</td>
<td>9</td>
</tr>
</tbody>
</table>

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.

Responding to the nature of the violations is not structured by 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

### FINDING

#### Background

Less than 20% of All Probation Cases End in Revocation

<table>
<thead>
<tr>
<th>% of Probation Cases Revoked</th>
<th>Statewide</th>
<th>Top 10 Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td></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, depending on county.**

- **High-risk revoked 7% to 61% of the time, depending on county.**

Hold people accountable and increase public safety for less cost.
Incorporate swift and certain principles in community supervision practices and set clear parameters around length of confinement as a response to parole and probation revocation.

- Strengthen responses to probation supervision violations by granting probation agents the authority and resources to supervise all felony probationers under the principles of swift and certain responses to violations.
- Hold probationers and parolees who violate the terms of their supervision more accountable by establishing sanction periods at the time of their original sentencing.

RELATED GOALS:

- Punish predictably
- Hold offenders accountable
- Reduce criminal behavior
FINDING 5

Funds to reduce recidivism are not targeted to maximize the effectiveness of programs and services.
FINDING

Background

Funding for Front-End Probation Is Inadequate

** 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
## FINDING Background

Program Resources not Clearly Related to Reducing Criminal Behavior

<table>
<thead>
<tr>
<th>County A</th>
<th>County B</th>
<th>County C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community Corrections Funding</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessment = 4%</td>
<td>Assessment = 23%</td>
<td>Assessment = 0%</td>
</tr>
<tr>
<td>Group-Based = 37%</td>
<td>Group-Based = 17%</td>
<td>Group-Based = 17%</td>
</tr>
<tr>
<td>Jail Monitor &lt; 1%</td>
<td>Jail Monitor = 5%</td>
<td>Jail Monitor = 15%</td>
</tr>
<tr>
<td>Supv./Case Mgmt. = 22%</td>
<td>Supv./Case Mgmt. = 27%</td>
<td>Supv./Case Mgmt. = 29%</td>
</tr>
<tr>
<td>DDJR = 9%</td>
<td>DDJR = 23%</td>
<td>DDJR = 4%</td>
</tr>
<tr>
<td>Admin = 22%</td>
<td>Admin = 5%</td>
<td>Admin = 27%</td>
</tr>
</tbody>
</table>

| **Community Corrections Program Delivery** |                              |                               |
| Assessment = 41%         | Assessment = 62%              | Assessment = 0%               |
| Elec. Mon. = 10%         | Elec. Mon. = 2%               | Elec. Mon. = 5%               |
| Community Service/ Work Crew = 15% | Community Service/ Work Crew = 0% | Community Service/ Work Crew = 8% |
| Group-Based = 11%        | Group-Based = 1%              | Group-Based = 1%              |
| Jail Monitor = 0%        | Jail Monitor = 8%             | Jail Monitor = 76%            |
| Supv./Case Mgmt. = 6%    | Supv./Case Mgmt. = 21%        | Supv./Case Mgmt. = 2%         |
| Sub. Abuse = 8%          | Sub. Abuse = 0%               | Sub. Abuse = 0%               |

Unclear whether the above are tied to needs of high risk probationers.
Concentrate funding on those programs most likely to reduce recidivism.
Focus resources and measure performance based on the goals of reduced recidivism and improved public safety.

- Adopt definitions and measures for evaluating the success of correctional and judicial efforts to reduce recidivism, ensuring that rearrest rates are part of the definition.

- Funding that MDOC administers and makes available for probation and parole programs and services should be prioritized to achieve the following:
  - Reallocate and increase program funding based on the criminogenic needs of people who will most benefit from the programs.
  - Support programs that adopt evidence-based practices and strategies for reducing recidivism.
  - Evaluate community-based programs based on goals and metrics for reducing recidivism.
  - Encourage local innovation, testing new strategies, and increased local capacity to deliver services.

Related Goals:
- Punish predictably
- Hold offenders accountable
- Reduce criminal behavior
State and local officials need better tools to monitor and assess impacts of sentencing

- Policymakers are not informed about the impacts of sentencing guidelines
- Current data around crime, victimization and restitution are insufficient
Policymakers and practitioners do not have an effective mechanism to track sentencing and corrections outcomes.
• Original Sentencing Commission was meant to provide ongoing monitoring of the impact of the guidelines and any modifications to them over time, and intended to define probation revocation terms for guidance to practitioners.

• Commission was disbanded before it could achieve either of these goals.

• Legislature modifies sentencing without independent analysis of the public safety and fiscal impacts of these changes.
Monitor changes to the state’s sentencing practices, along with their impact.
6. Establish a body and standards to independently and collaboratively monitor sentencing and system performances.

- Establish a permanent criminal justice policy commission, sentencing commission, or a comparable presence in Michigan to monitor the impacts of modifications to the guidelines system, and provide policy makers with guidance related to sentencing and the effective implementation of criminal justice policies.

- Ensure appropriate stakeholder representation by including the following perspectives: victim, law enforcement, prosecution, defense, judicial, counties, community corrections, probation, jail, corrections, reentry, and possibly academic experts.
FINDING 7

Data currently collected do not sufficiently measure victimization or inform the extent to which restitution is collected.
Evaluation & Monitoring

7 Crime and Arrest Statistics Improving, but High Crime Persists in Specific Communities

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

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2012</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent Crime Rate (per 100K)</td>
<td>543</td>
<td>397</td>
<td>-27%</td>
</tr>
<tr>
<td>Property Crime Rate (per 100K)</td>
<td>3,444</td>
<td>2,466</td>
<td>-28%</td>
</tr>
</tbody>
</table>

**2011 Violent Index Crime Rate**

- **State**: 397
- **Detroit**: 2,004
- **Flint**: 2,109
- **Pontiac**: 1,485
- **Saginaw**: 1,850
- **Rest of State**: 236

**US Violent Crime Rate for 2011:** 386

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

Limited Information about Restitution Collection Rates Across Systems and Agencies

- Crime Victims Rights Act establishes victim restitution collection as responsibility of the court, but no single agency tracks and enforces restitution orders.
- Existing coordination between the State Court Administrator’s Office and the Attorney General’s office to improve collection tracking and data, but rates of collection remain unknown.
Survey levels of statewide victimization and track restitution collection.
Collect information about victimization beyond traditional crime reporting data, and establish restitution assessment and collection as performance measure for the courts and MDOC.

• Construct and administer a statewide victimization survey to identify crime not captured by uniform reporting.

• Adopt the measurement of restitution assessment and collection as a court and MDOC performance measure with regard to collection among probationers, prison inmates, and parolees.
Summary of Policy Options

- **Consistency and Predictability**
  - Structure guidelines to produce more consistent sentences
  - Make prison time served more predictable

- **Public Safety and Cost**
  - Use risk of re-offense to inform use of supervision
  - Hold people accountable and increase public safety for less cost
  - Concentrate funding on programs most likely to reduce recidivism

- **Education and Monitoring**
  - Monitor changes to sentencing practices and their impact
  - Survey victimization and track restitution assessment and collection
Thank You

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This material was prepared for the Michigan Law Revision Commission and the State of Michigan. The presentation was developed by staff of the Council of State Governments Justice Center. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agencies supporting the work.
This project was supported by Grant No. 2010-RR-BX-K071 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice’s Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.