



Sentencing and Justice Reinvestment Initiative

Michigan Law Revision Commission
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Shane Correia, Program Associate

Overview of Presentation

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graph TD; A[Stakeholder Perspectives] --- B[Reducing Criminal Behavior]; B --- C[Sentencing Analyses];
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Stakeholder Perspectives

Reducing Criminal Behavior

Sentencing Analyses



Stakeholder Perspectives

Reducing Criminal Behavior

Sentencing Analyses

Stakeholder Engagement Has Been Substantial and Rewarding



***7 visits to
Michigan***

5 cities

50+ meetings

***40+ conference
calls***

so far...

Divergent Views of Michigan's Longer Lengths of Stay

Prosecutors see longer lengths of stay as the natural effect of a serious crime problem - a hardening population - and of the difficulty of getting to a prison sentence under the sentencing guidelines.

Defenders see an accumulation of increased penalties in amendments to the guidelines, increased maximums, harsh mandatory minimum terms, increased authority for consecutive sentencing, wide discretion for habitual and repeat drug offenders, and tough parole practices and policies.



Analyses: Reduce spending on corrections

Analysis of Difference in Time Served

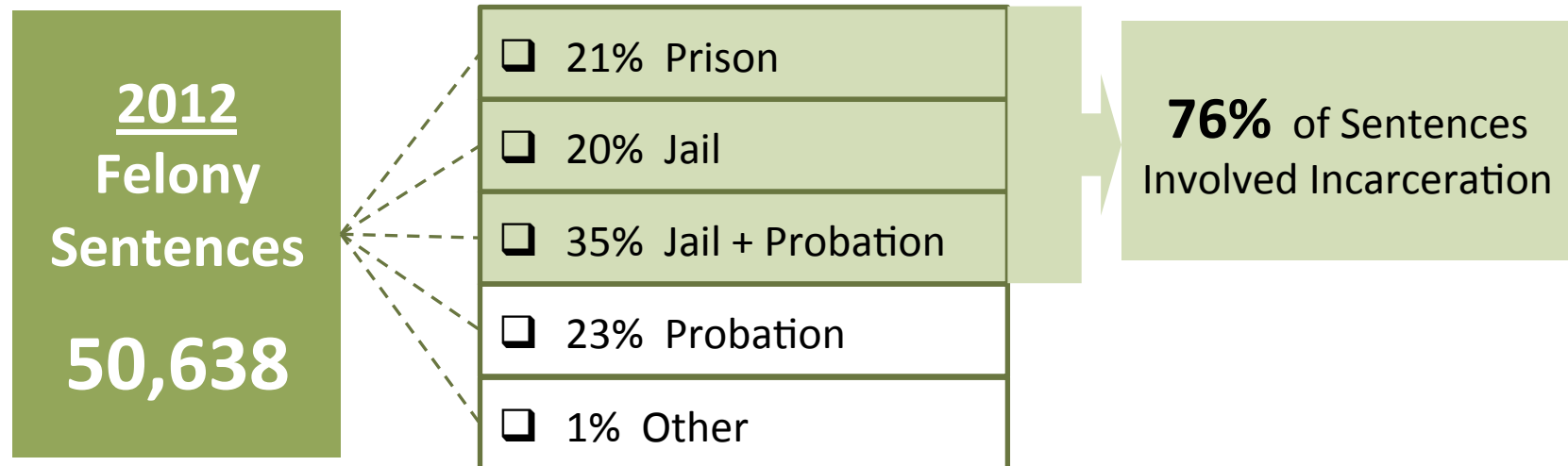
Offense	Percent of convictions resulting in a prison sentence		Time served in prison (in months)		
	National (2004 court disposition data)	Michigan (2008 court disposition data)	National Average (2005 releases)	Michigan Average (2007 releases)	Michigan Minimum Sentence (2007 releases)
Murder	89%	86%	147	142	139
Robbery	72%	77%	64	97	73
Sexual Assault	61%	63%	79	105	61
Aggravated Assault	43%	38%	42	64	49
Burglary	49%	38%	29	52	33

Source: U.S. National Judicial Reporting Program, 2004 Court Disposition Data & 2005 Release Data; 2005 MIDOC Annual Report; 2007 MIDOC Release Data File

Divergent Views of the “Short Sentence” Problem

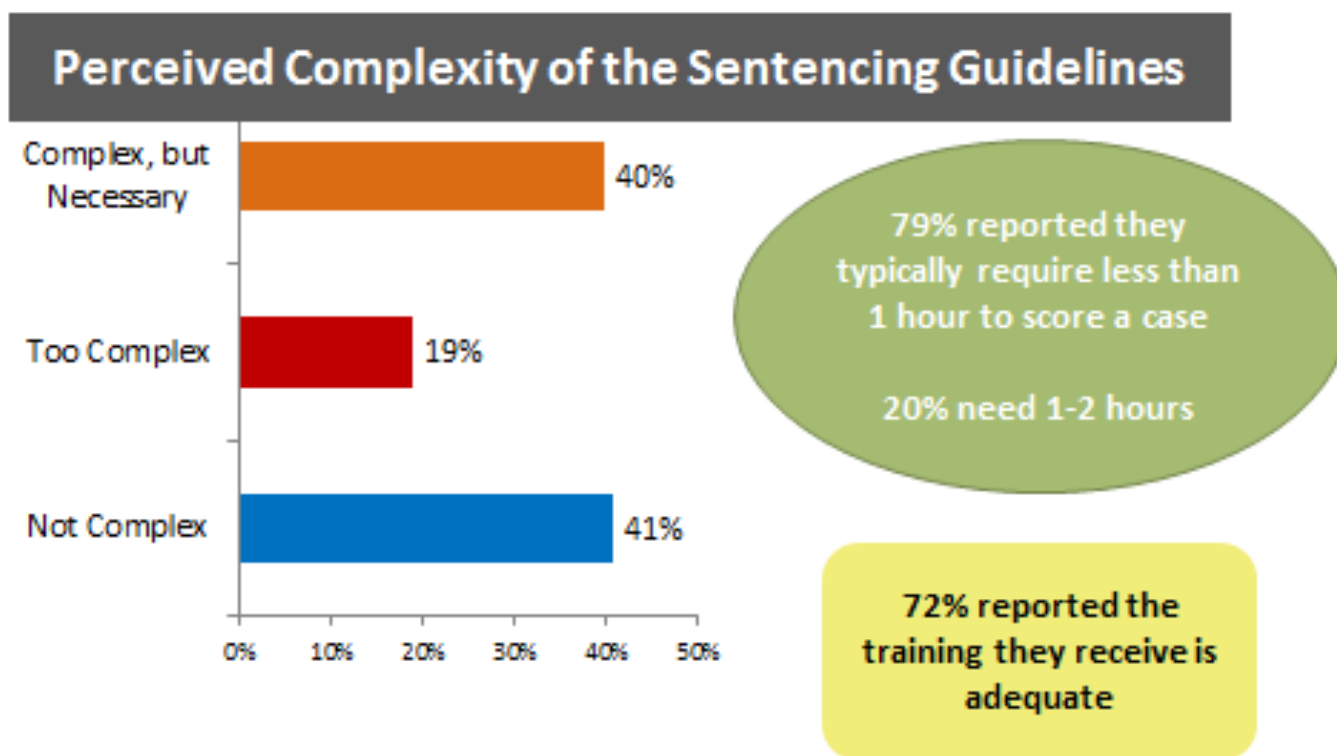
Counties feel burdened by existing sentences to jail and fear the “shift and shaft” where the guidelines are concerned.

DOC feels ineffective when short sentences defeat their ability to provide appropriate programming sufficiently before ERD.



Survey of Prosecutors Informs the Question of “Workability”

Almost 60% of Prosecutors Find the Guidelines Complex, But Most Feel the Complexity Is Necessary



Divergent Views on Disparities in Sentencing and Charging

Probation Agents view PSIs as bench-driven, so practices differ from place to place.

Prosecutors and judges view sentencing recommendations in PSIs as driven by DOC policy.

Prosecutors perceive sentencing disparities and primarily attribute them to judicial philosophy.

Defenders perceive disparity in prosecutor charging practices.

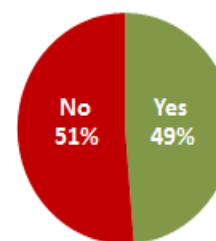
Rule 6.425 Sentencing; Appointment of Appellate Counsel

(A) Presentence Report; Contents.

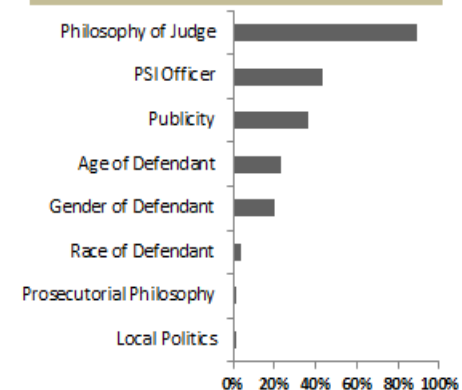
(1) Prior to sentencing, the probation officer must investigate the defendant's background and character, . . .

Almost Half of Prosecutors Perceive Sentencing Disparities

Do you perceive there to be sentencing disparities in your county for similar offenses and guidelines scores?



Percent of Respondents Indicating Causes of Disparity (could check more than one)



Council of State Governments Justice Center

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Legal Financial Obligations Are a Recurring Theme

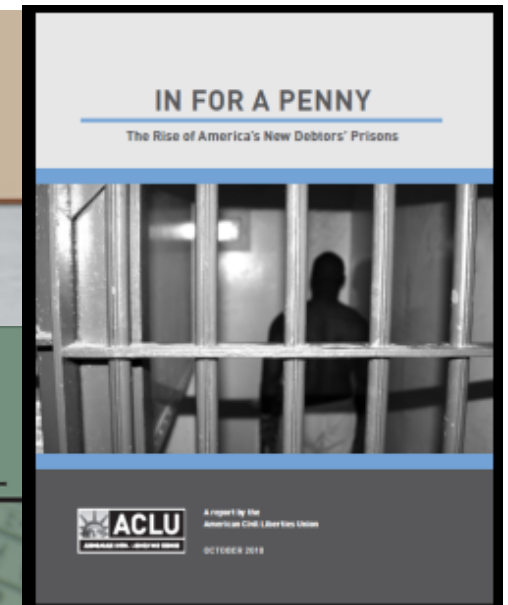
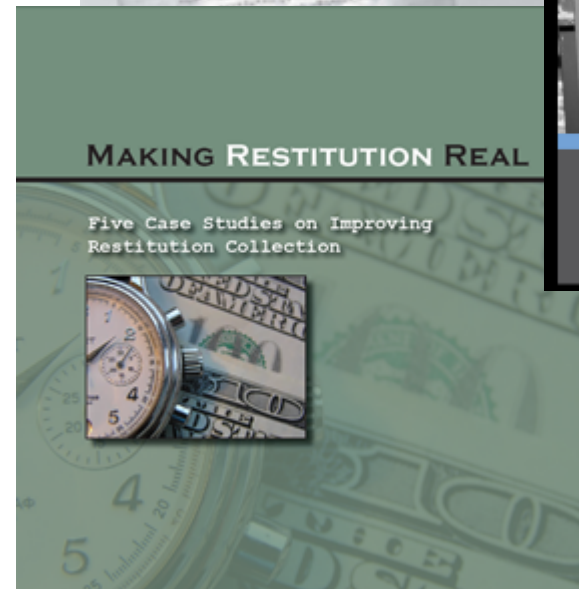
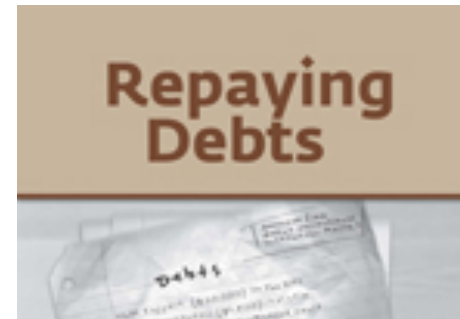
Different perspectives:

- Reentry & Offender Impact
- Child Support Enforcement
- Court System Collections
- Crime Victim Compensation
- Crime Victim Restitution

Issues Emerging in Michigan:

- Victims: Courts not prioritizing restitution
- Defenders & Advocates: Courts using 'pay or stay' sentencing

Consensus? Many Stakeholders suggest Driver Responsibility Fees are excessive



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graph TD; A[Stakeholder Perspectives] --- B[Reducing Criminal Behavior]; B --- C[Sentencing Analyses];
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Stakeholder Perspectives

Reducing Criminal Behavior

Sentencing Analyses

Knowledge on Improving Criminal Justice Outcomes Has Increased Dramatically Over the Last 20 Years

Academics and practitioners have contributed to this growing body of research

Risk Principle of Case Classification in Correctional Treatment

A Meta-Analytic Investigation

D. A. Andrews
Craig Dowden
Carleton University, Ottawa, Canada

Recent meta-analyses have documented considerable evidence demonstrating that correctional treatment programs are indeed effective for reducing recidivism in offender populations. The effect of client risk, an issue that has received extensive coverage in the extant literature from an assessment perspective, has been relatively ignored in these efforts. The present study marks the first exhaustive meta-analytic investigation of the risk principle and its effects on correctional treatment program effectiveness. The results reveal moderate support for its utility, although the magnitude of the findings are affected by the reporting practices used in the primary studies. Finally, the evidence supporting the risk principle is much stronger for female offenders and young offenders and within programs that are deemed appropriate according to the principles of need and responsivity. It should be noted that justice interventions that did not include elements of human service (e.g., increased sanctions) yielded negative results regardless of level of client risk.

Keywords: risk principle; meta-analysis; what works; treatment

Two issues in regard to risk assessment are prominent in the health, human, and social services. One issue is now reasonably well understood. In many domains of human functioning and behavior and certainly in the analysis of criminal behavior, it is understood that individuals may be differentiated according to their chances of dis-

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POLICES, PROCESSES, AND DECISIONS OF THE CRIMINAL JUSTICE SYSTEM

Assessing Correctional Rehabilitation: Policy, Practice, and Prospects

by Francis T. Cullen and Paul Gendreau

A theme that has persisted throughout the history of American corrections is that efforts should be made to reform offenders. In particular, at the beginning of the 1970s, the rehabilitative ideal was enthusiastically trumpeted and helped to direct the renovation of the correctional system (e.g., implementation of indeterminate sentencing, parole, probation, a separate juvenile justice system). For the next seven decades, offender treatment remained at the dominant correctional philosophy. Then, in the early 1970s, rehabilitation suffered a precipitous reversal of fortune. The larger disruptions in American society in this era prompted a general critique of the "state-run" criminal justice system. Rehabilitation was blamed by liberals for allowing the state to act coercively against offenders, and was blamed by conservatives for allowing the state to act leniently toward offenders. In this context, the death knell of rehabilitation was seemingly sounded by Robert Martinson's (1974b) influential "nothing works" essay, which reported that few treatment programs reduced recidivism. This review of evaluation studies gave legitimacy to the antitreatment sentiments of the day: it ostensibly "proved" what everyone "already knew": Rehabilitation did not work.

Francis T. Cullen is Distinguished Research Professor of Criminal Justice with the

NATIONAL INSTITUTE OF JUSTICE

Research • Development • Distribution
Crime SOLUTIONS.gov

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About CrimeSolutions.gov

The Office of Justice Programs' CrimeSolutions.gov uses rigorous research to inform practitioners and policy makers about what works in criminal justice, juvenile justice, and crime victim services.

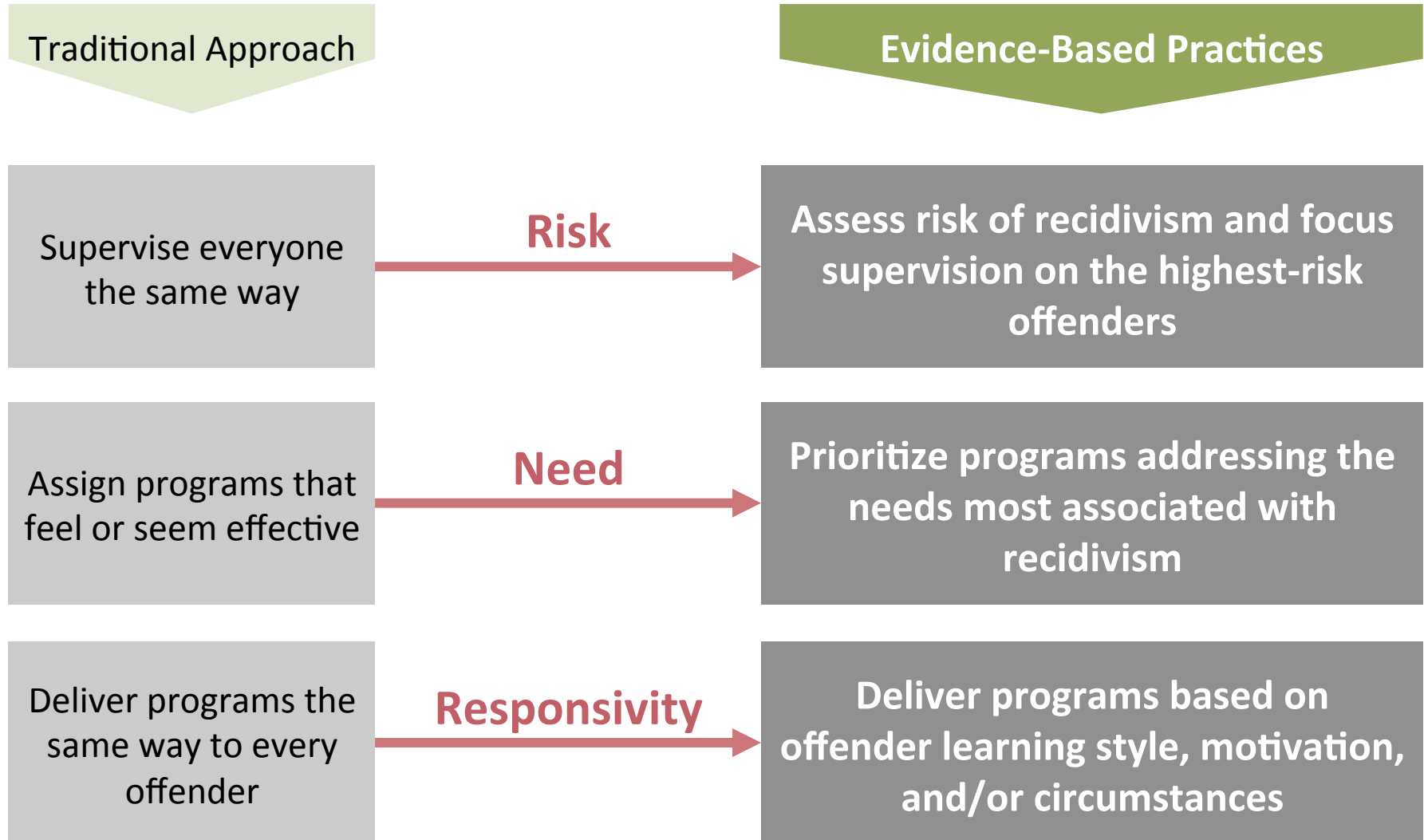
On CrimeSolutions.gov you will find:

- Research on the effectiveness of programs and practices as reviewed and rated by Study Reviewers
- Easily understandable ratings based on the evidence that indicates whether a program or practice achieves its goals: (see Program Review and Rating from Start to Finish and Practice Review and Rating from Start to Finish)
 - Effective
 - Promising
 - No Effects
- Profiles of programs and practices with research findings

What is the difference between programs and practices on CrimeSolutions.gov?

	Programs	Practices
Description	A specific set of activities carried out according to guidelines to achieve a defined purpose	A general category of programs, strategies, or procedures that share similar characteristics with regard to the issues they address and how they address them
Question Answered	How effective is this program according to the most rigorous evaluation(s) available?	How effective is this general practice on average across many evaluations?
Example	Did the ABC Mentoring Program in Anytown, USA achieve its goals?	Does mentoring usually achieve its goals?
Evidence Ratings	Single evidence rating per program	Single evidence rating for each outcome affected by the practice
Evidence Base	Up to 3 rigorous evaluations of a specific program	Meta-analyses that assess the average effectiveness of the practice on various outcomes across a large number of studies

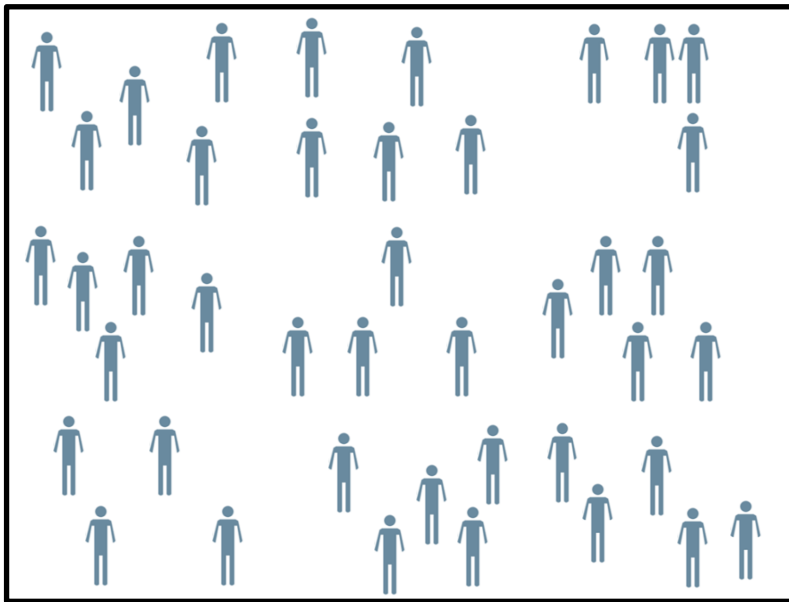
Reducing Criminal Behavior Requires Focusing on Risk, Need, and Responsivity



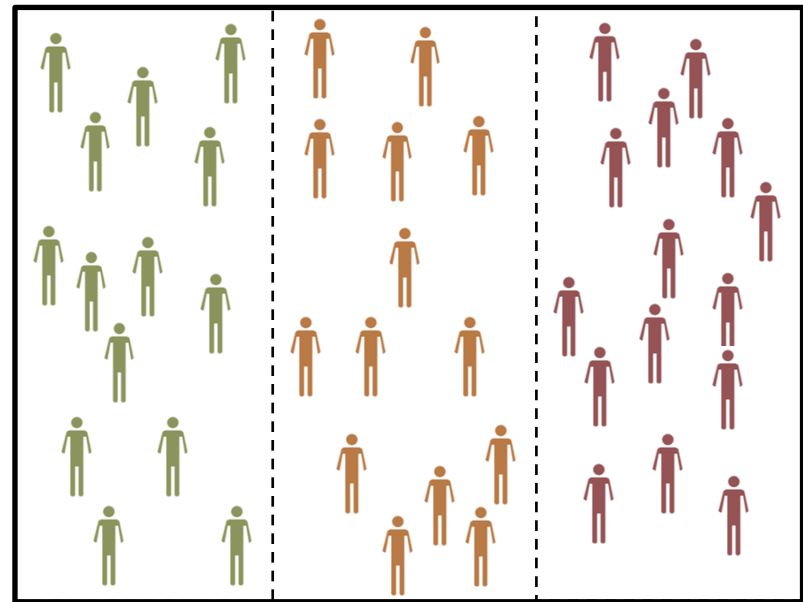
Identify and Focus on Higher-Risk Offenders

Who?

Without Risk Assessment...



With Risk Assessment...



Risk of Re-offending

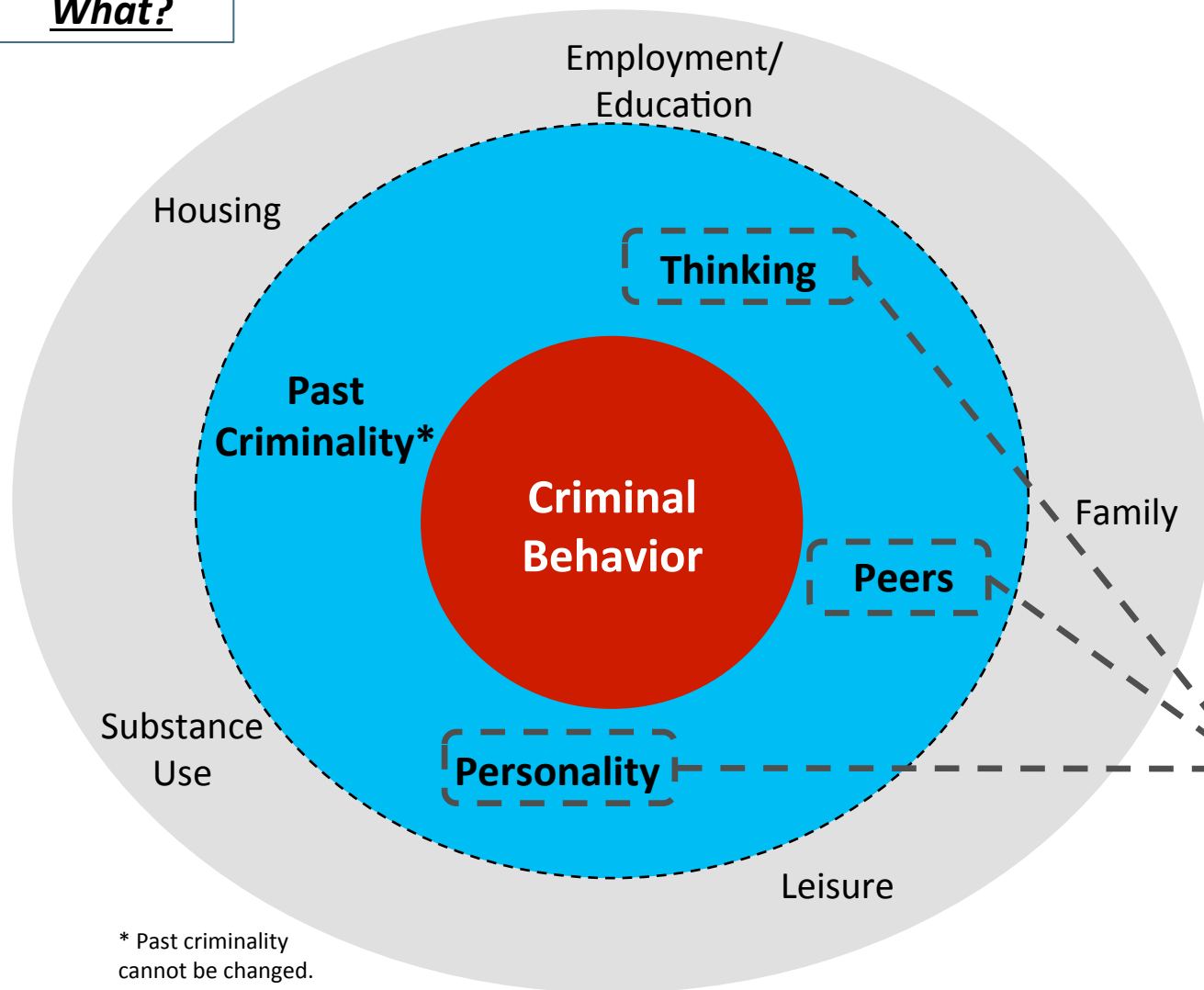
LOW
10%
re-arrested

MODERATE
35%
re-arrested

HIGH
70%
re-arrested

Target the Factors that Evidence Shows Are Most Central to Criminal Behavior

What?



Antisocial

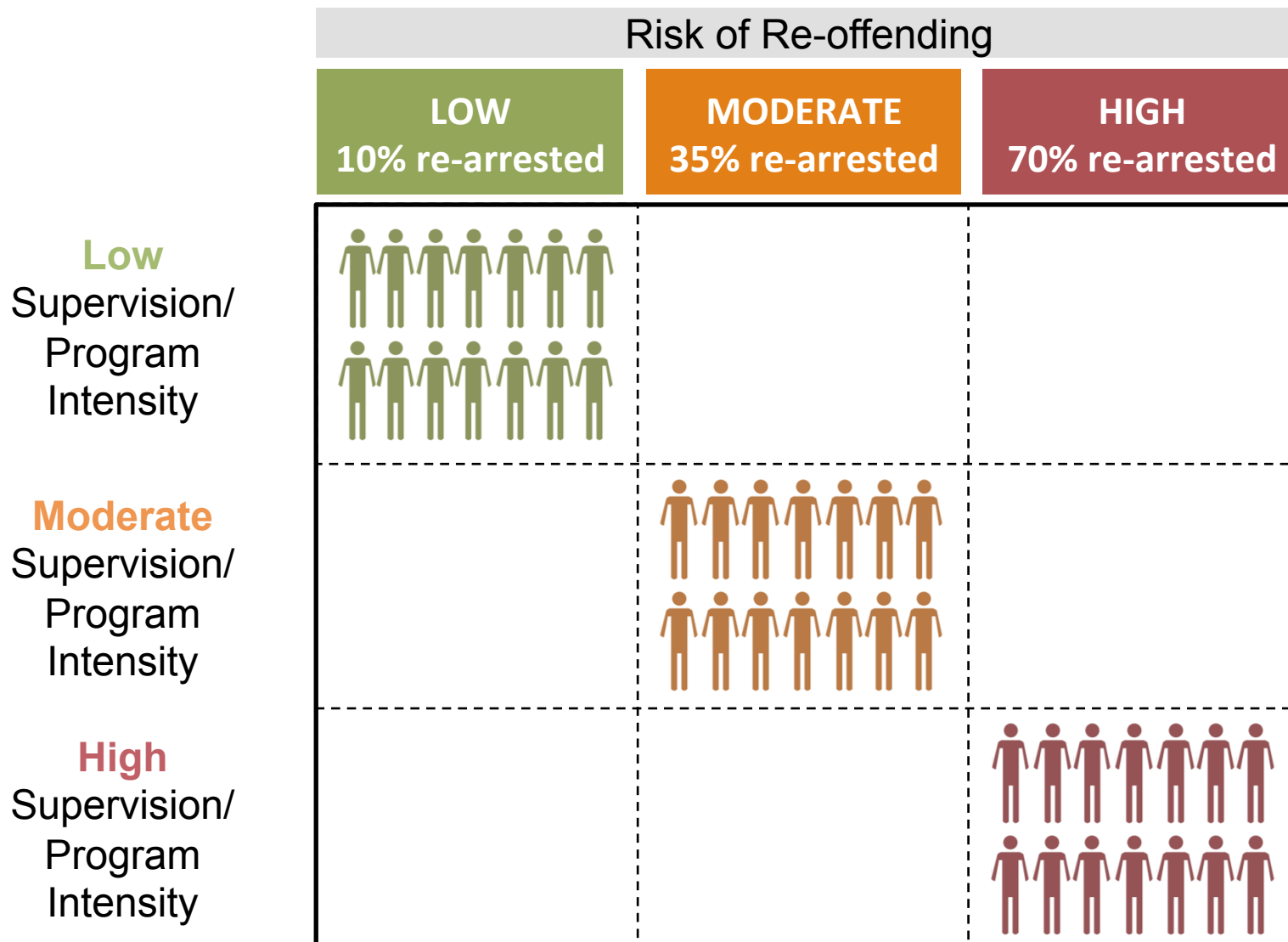
The Big Four

(impacting these are the major drivers to reducing criminal behavior)

Higher-risk offenders are likely to have more of the **Big Four**.

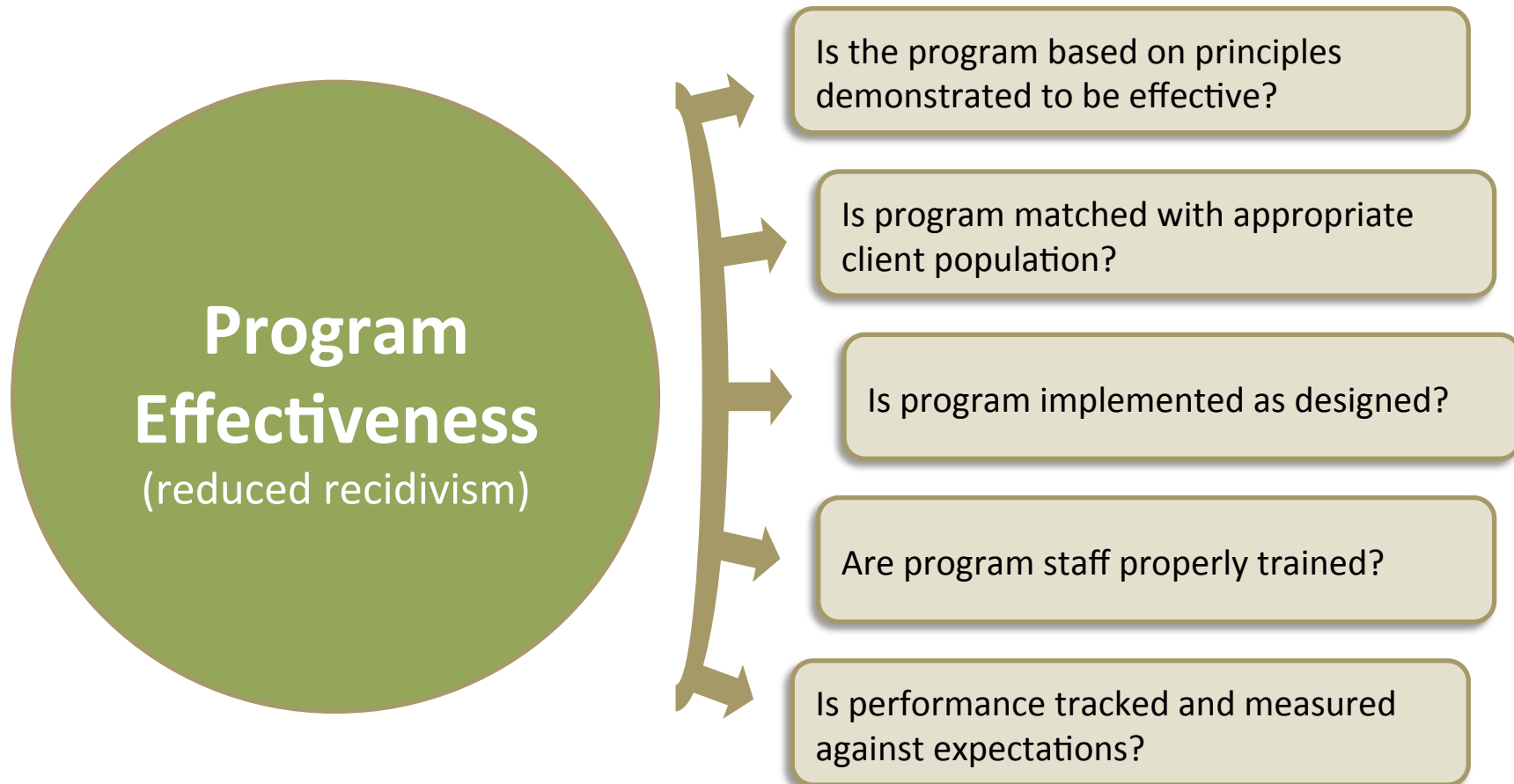
Programs targeting these needs can significantly lower recidivism rates

After Getting the Who and the What, Supervision and Programming Should Be Well Targeted



Ensure Programs Are High Quality and Properly Implemented

How Well?



Elements of Effective Supervision

Dosage/Intensity

Focus supervision officer time and program resources on the highest-risk offenders.

Consistency

Use a graduated range of sanctions and incentives to guide specific type of response to violations and compliance.

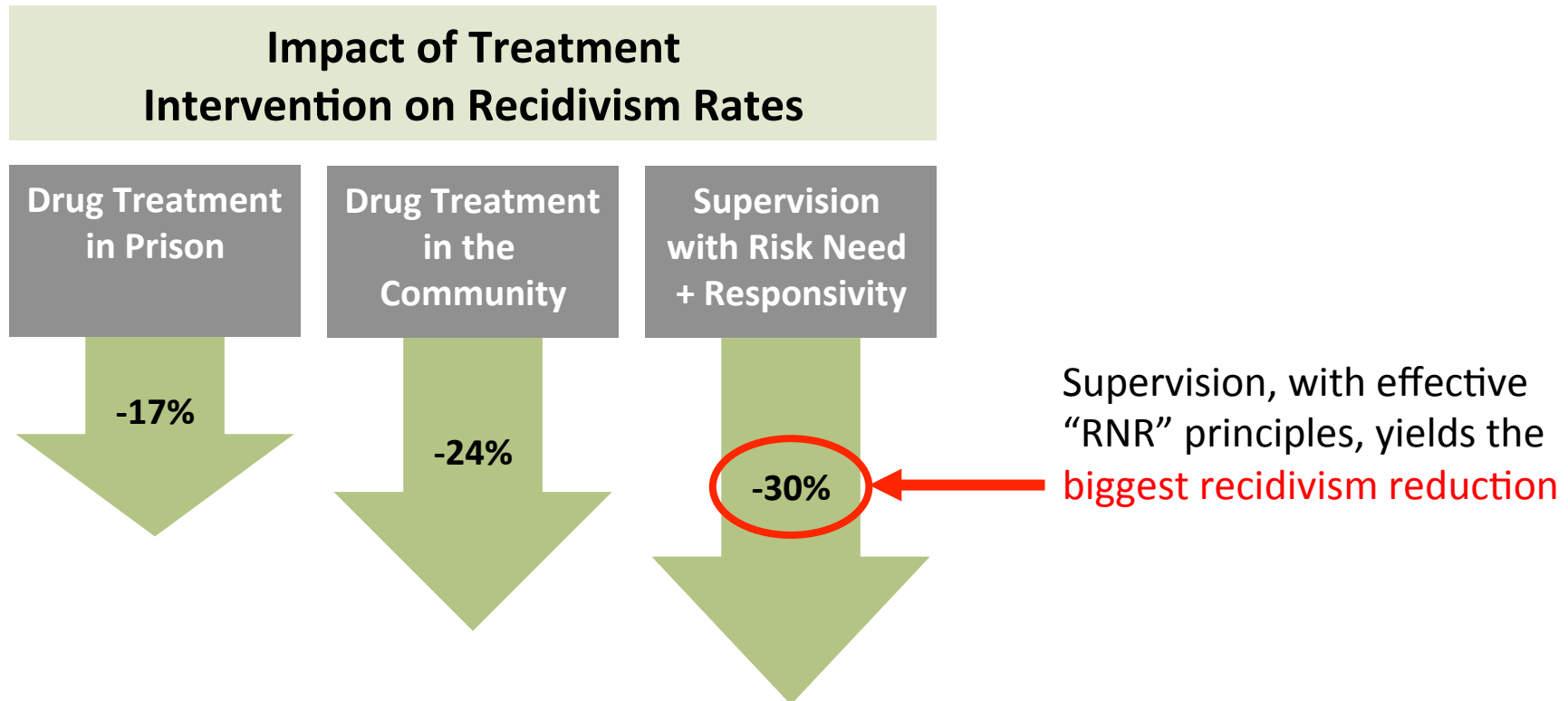
Swiftness

Enable officers to respond meaningfully to violations without delay or time-consuming processes.

Cost-effectiveness

Prioritize the most expensive, restrictive sanctions for offenders committing the most serious violations.

Where and How Treatment Is Delivered Impacts the Degree of Recidivism Reduction



Source: Lee, S., Aos, S., Drake, E., Pennucci, A., Miller, M., & Anderson, L. (2012). Return on investment: Evidence-based options to improve statewide outcomes, April 2012 (Document No. 12-04-1201). Olympia: Washington State Institute for Public Policy.

Source: Latessa, Lovins, and Smith, “ Follow-up Evaluation of Ohio’s Community Based Correctional Facilities, Outcome Study, February 2010

Stakeholder Perspectives

Reducing Criminal Behavior

Sentencing Analyses

Addressing Risk of Recidivism and Severity of Offense Are Critical Components of Effective Sentencing (and Parole)



These features are central to the idea of all guidelines using severity and risk.

☐ Public Safety

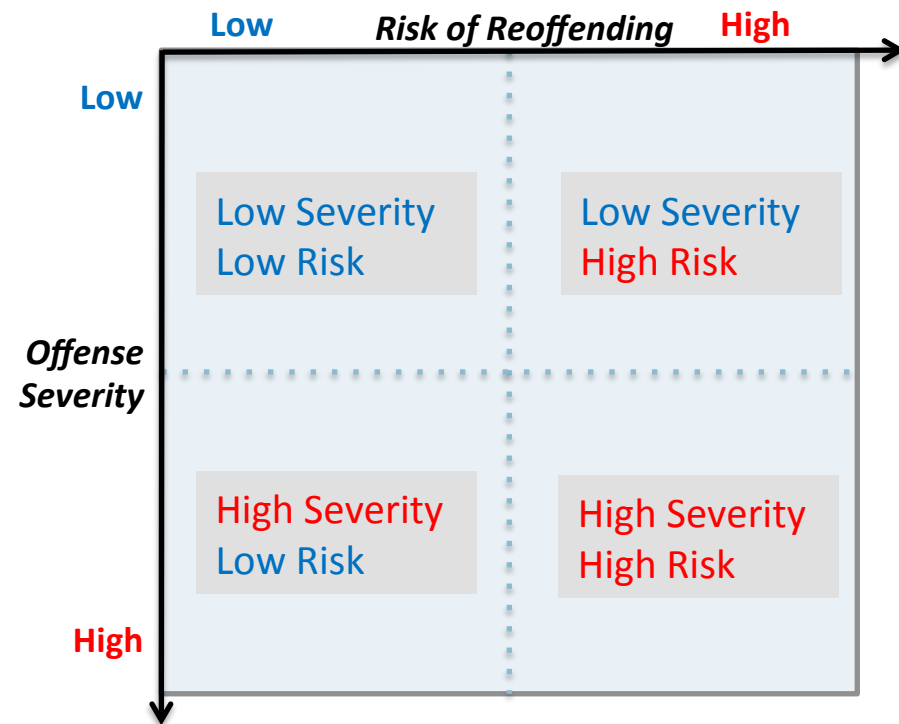
☐ Proportionality

☐ Certainty

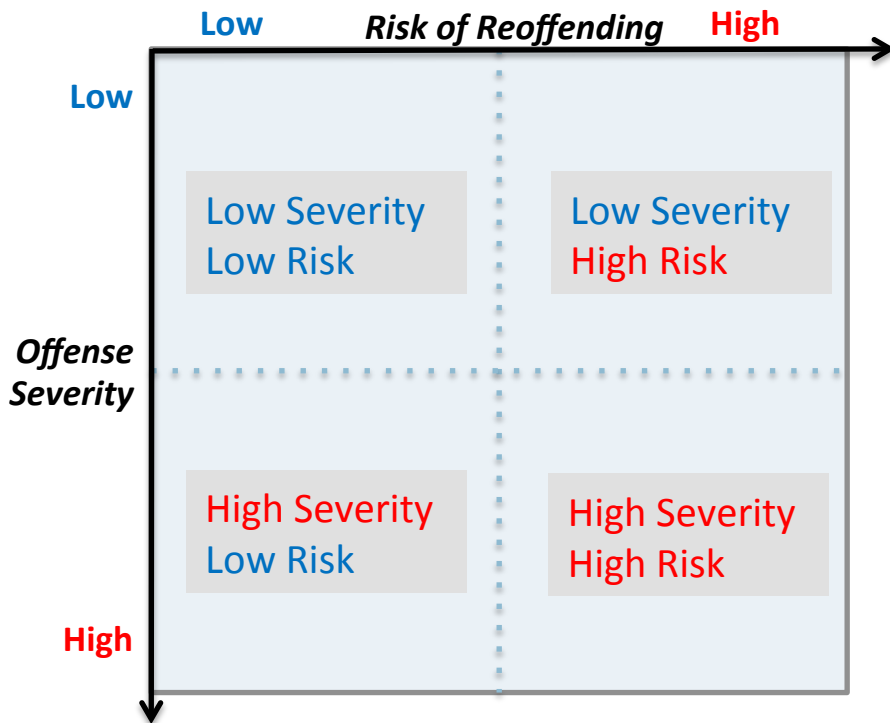
☐ Predictability

☐ Workability

Also fit within
risk/severity
framework



Michigan Sentencing Guidelines Attempt to Classify by Offense Severity and Risk of Recidivism



Sentencing Grid for Class F Offenses—MCL 777.67
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*	17*	23	23	
	3*	7*	11*	21	28	28	HO2
	4*	9*	13*	25	34	34	HO3
	6*	12*	18*	34	46	46	HO4
II 10-34 Points	6*	9*	17*	23	23	24	
	7*	11*	21	28	28	30	HO2
	9*	13*	25	34	34	36	HO3
	12*	18*	34	46	46	48	HO4
III 35-74 Points	9*	17*	17*	23	24	29	
	11*	21	21	28	30	36	HO2
	13*	25	25	34	36	43	HO3
	18*	34	34	46	48	58	HO4
IV 75+ Points	17*	17*	23	24	29	30	
	21	21	28	30	36	37	HO2
	25	25	34	36	43	45	HO3
	34	34	46	48	58	60	HO4

For all grids, defendants are:

- ❖ Moved along a 'left to right' scale based on prior criminal activity, AND
- ❖ Moved along a 'top to bottom' scale based on aggravating factors.

The intersection of the horizontal and vertical scores indicates a cell-type into which the defendant falls for sentencing. There are 3 cell-types (Intermediate, Straddle, and Prison).

Sentencing Begins with Crime

Crime and Arrest Statistics are Down, but...

- 17% and 11% declines in crime and arrests since 2008, respectively

High Crime Remains a Problem

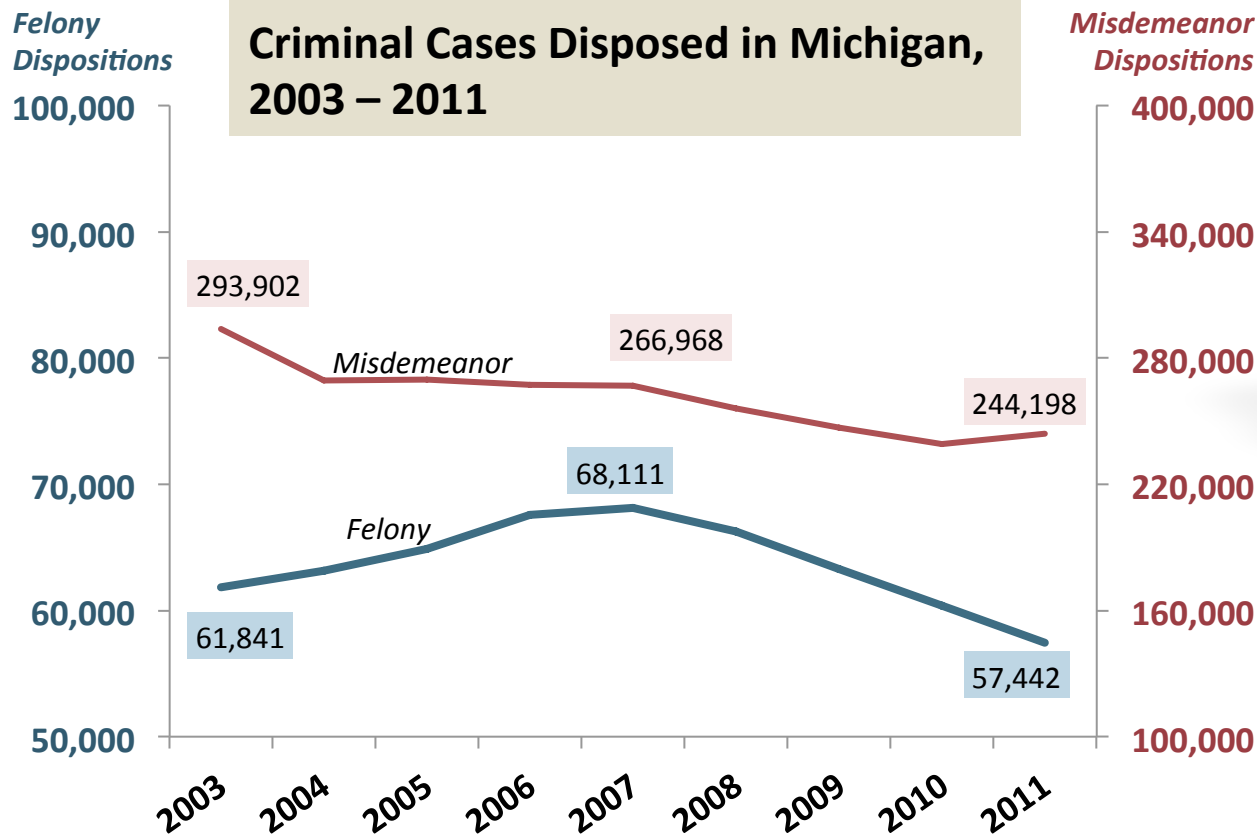
- Four of nation's 10 most violent cities
- Very low clearance rates in high crime areas

Resources Limited

- Loss of sworn officers
- Loss of entire police departments

Source: *Michigan Incident Crime Reporting, 2008-12*, Michigan State Police.

With Arrests Declining, Felony and Misdemeanor Case Dispositions Declined 7% and 17% from 2003 to 2011



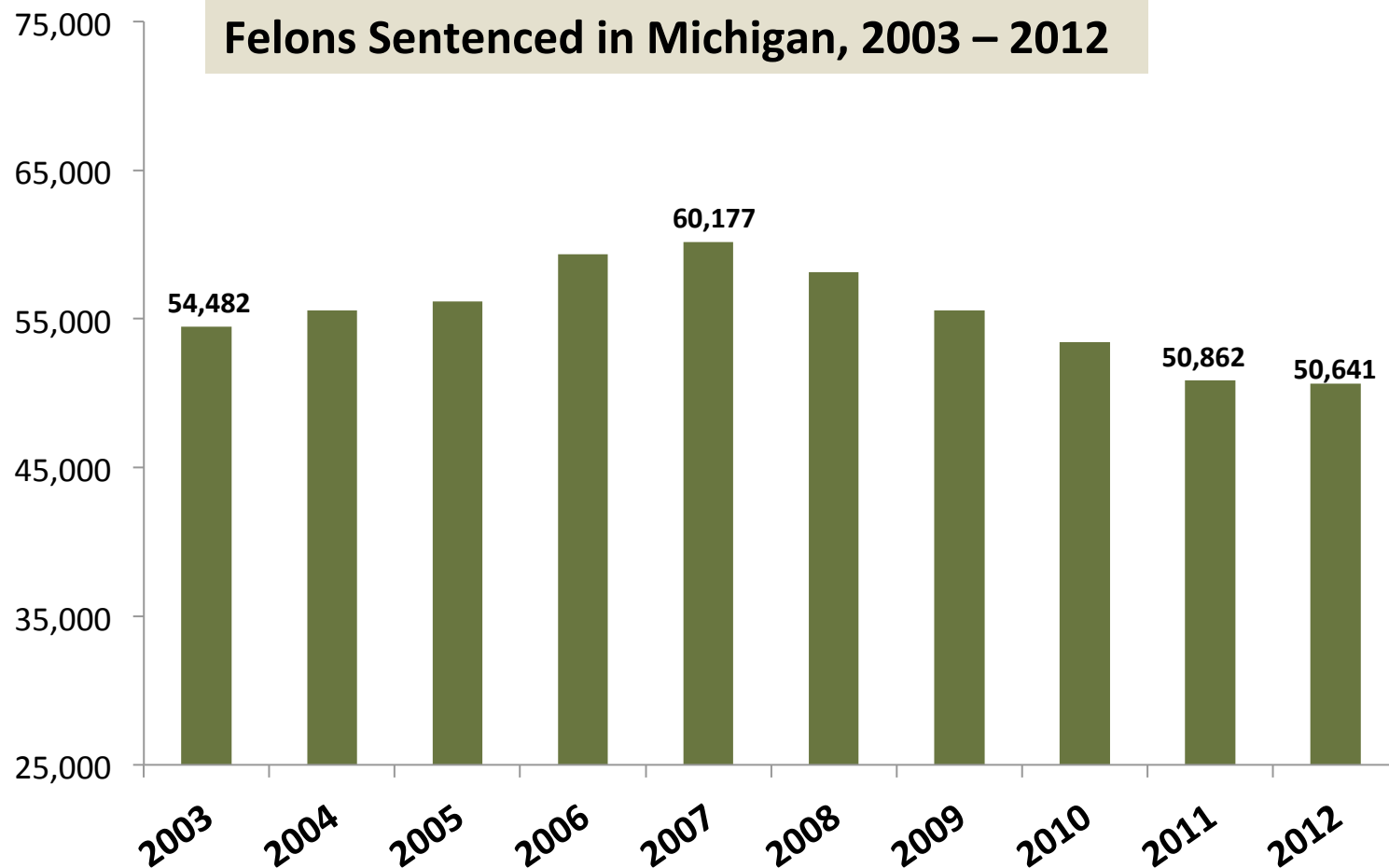
Arrests falling during this period.

Change in Arrests from 2008-2011

- ☐ Index Violent: - 11%
- ☐ Index Property: - 9%
- ☐ Simple Assault: - 2%
- ☐ Weapons: - 18%
- ☐ Drug: - 4%
- ☐ OUI: - 23%

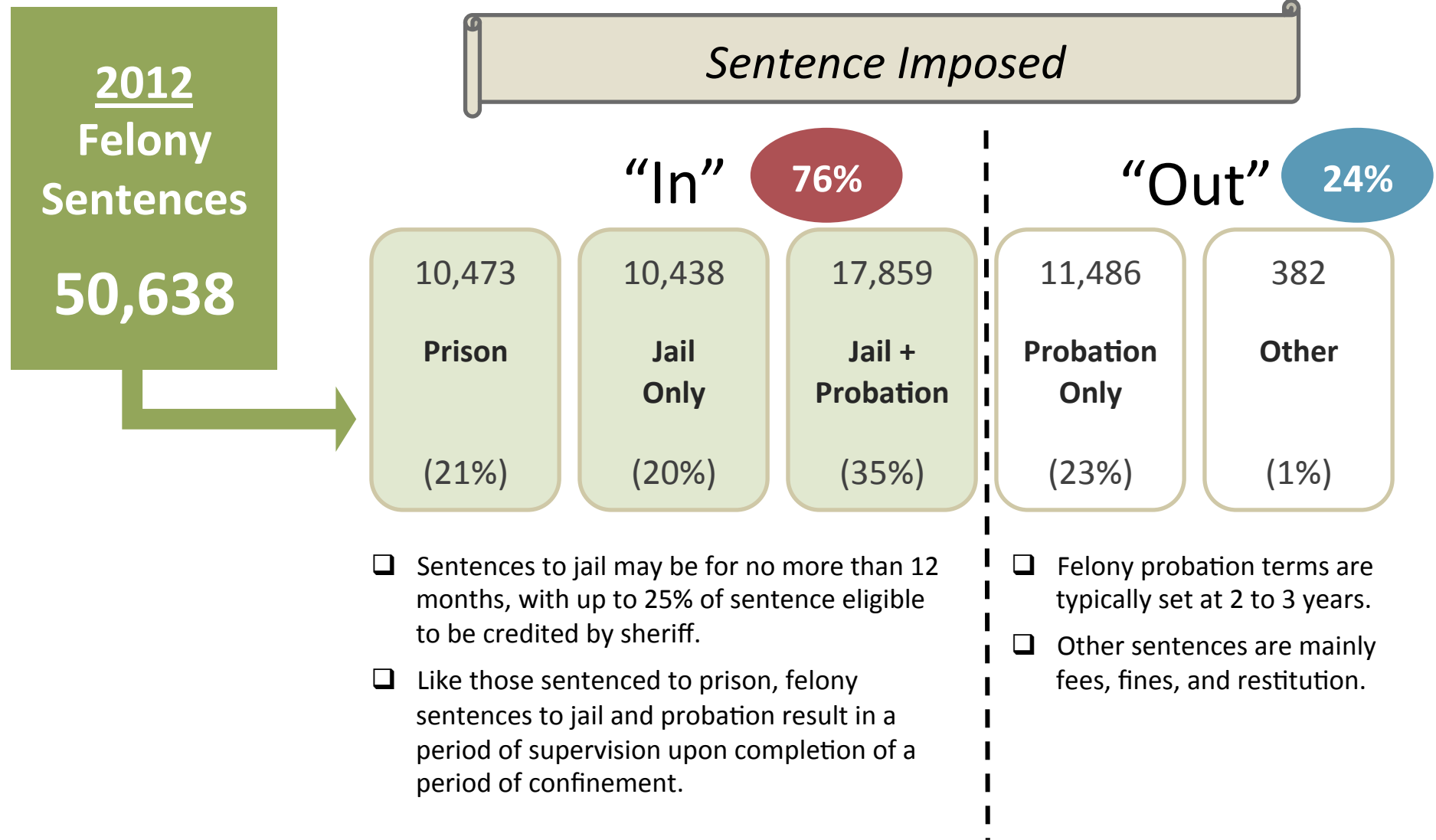
Source: Annual Statistical Supplemental Reports on Statewide Filing and Disposition Trends, Michigan Supreme Court, State Court Administrator Office; *Michigan Incident Crime Reporting, 2008-11*, Michigan State Police.

Number of Felons Sentenced Declined 15% from 2007 to 2011, but the Decline Slowed Considerably in 2012



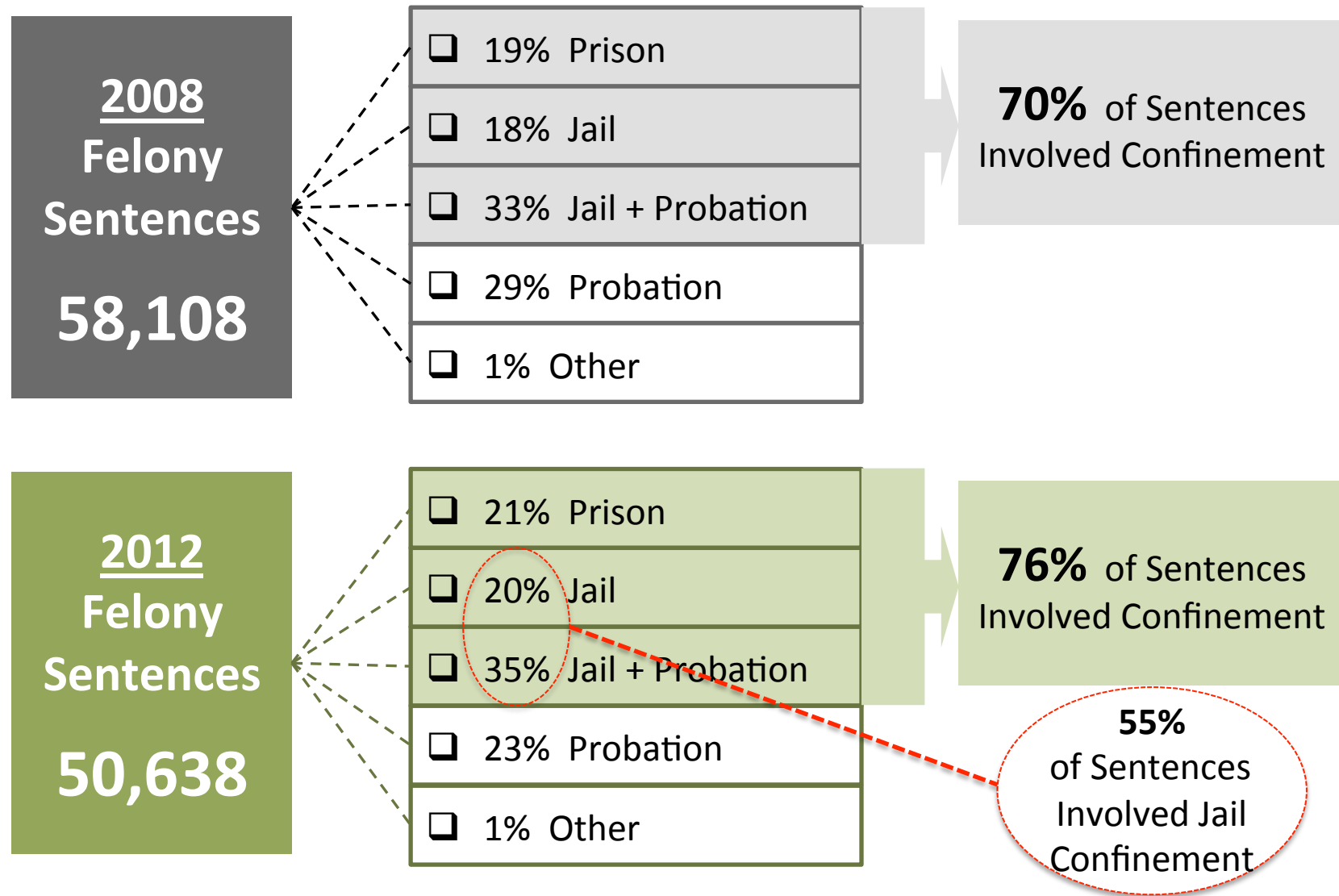
Source: 2012 Statistical Report, Michigan Dept. of Corrections, August 2013.

Most Felony Sentences Include Jail/Prison Time



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

10% Increase in Share of Sentences to Jail or Prison, and 21% Decrease in Share of Sentences to Probation, 2008-2012

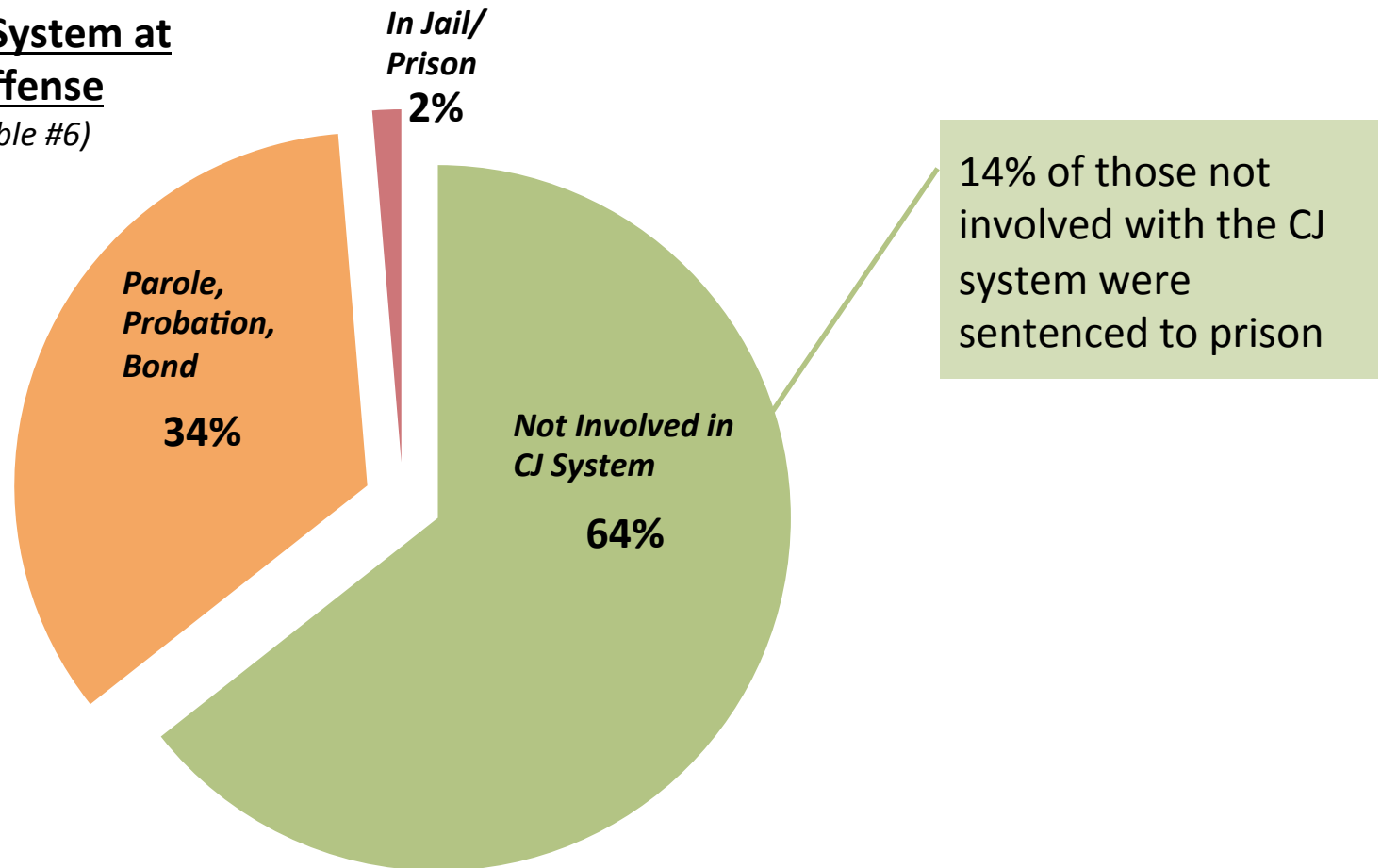


Source: *Felony Sentencing (BIR) Data 2008-2012*, Michigan Dept. of Corrections.

64% of Felons Sentenced in 2012 Were not Involved with the Criminal Justice System at the Time of Their Offense

2012 Felony Sentences

Relationship to CJ System at Time of New Offense (Prior Record Variable #6)



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

All Offense Grids Show Increase in Share of Sentences Involving Jail or Prison Incarceration

Offense Class	2008		2012	
	# Sent	% Incarc.	# Sent	% Incarc.
All Felony Sentences	58,108	70%	50,638	76%
Class H	2,217	61%	1,630	74%
Class G	13,316	66%	11,367	74%
Class F	7,571	63%	6,326	69%
Class E	15,661	72%	13,176	77%
Class D	7,060	72%	5,874	79%
Class C	2,844	81%	2,844	85%
Class B	1,828	84%	1,647	90%
Class A	1,103	97%	1,035	99%
2 nd Deg. Murder	168	100%	150	100%
Subtotal SGL	51,768	70%	44,049	77%
Non SGL	6,340	72%	6,589	75%

The least serious offense grids have experienced the largest increase in sentences involving confinement.

Sentencing outside of the guidelines:

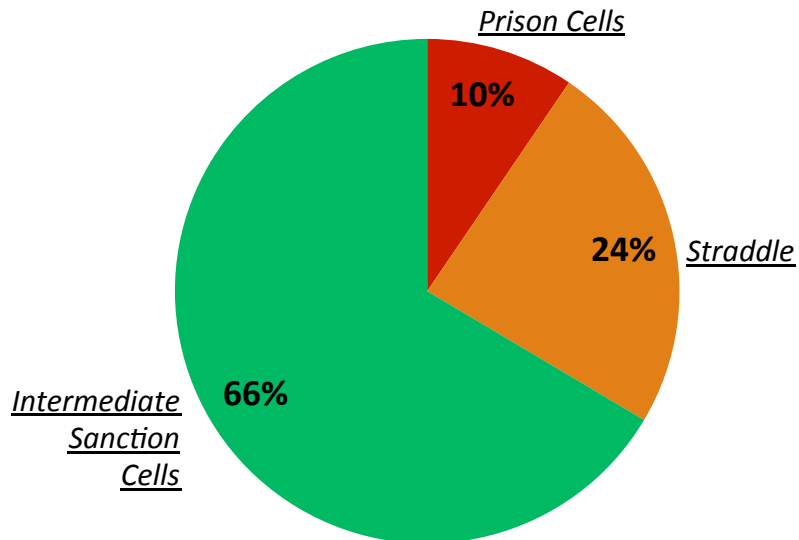
- Offenses of 1st Degree Murder or Felony Firearm
- Term of years sentences
- Filed as felony but reduced to misdemeanor
- Offense date preceding effective date of SGL.

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

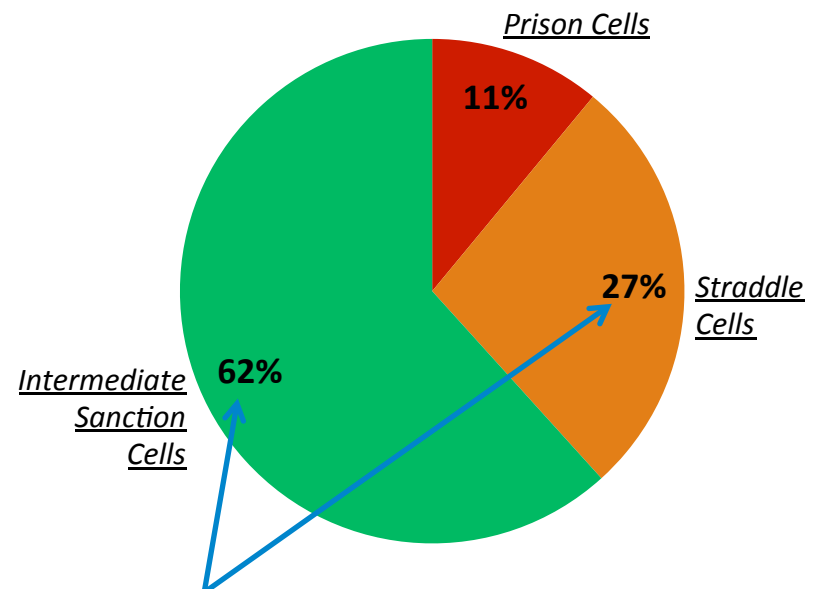
Share of Felons Falling in *Prison* Cells Is Virtually Unchanged

Distribution of Felons Across the Cell Types on the Grids

2008 Felony Guidelines Sentences

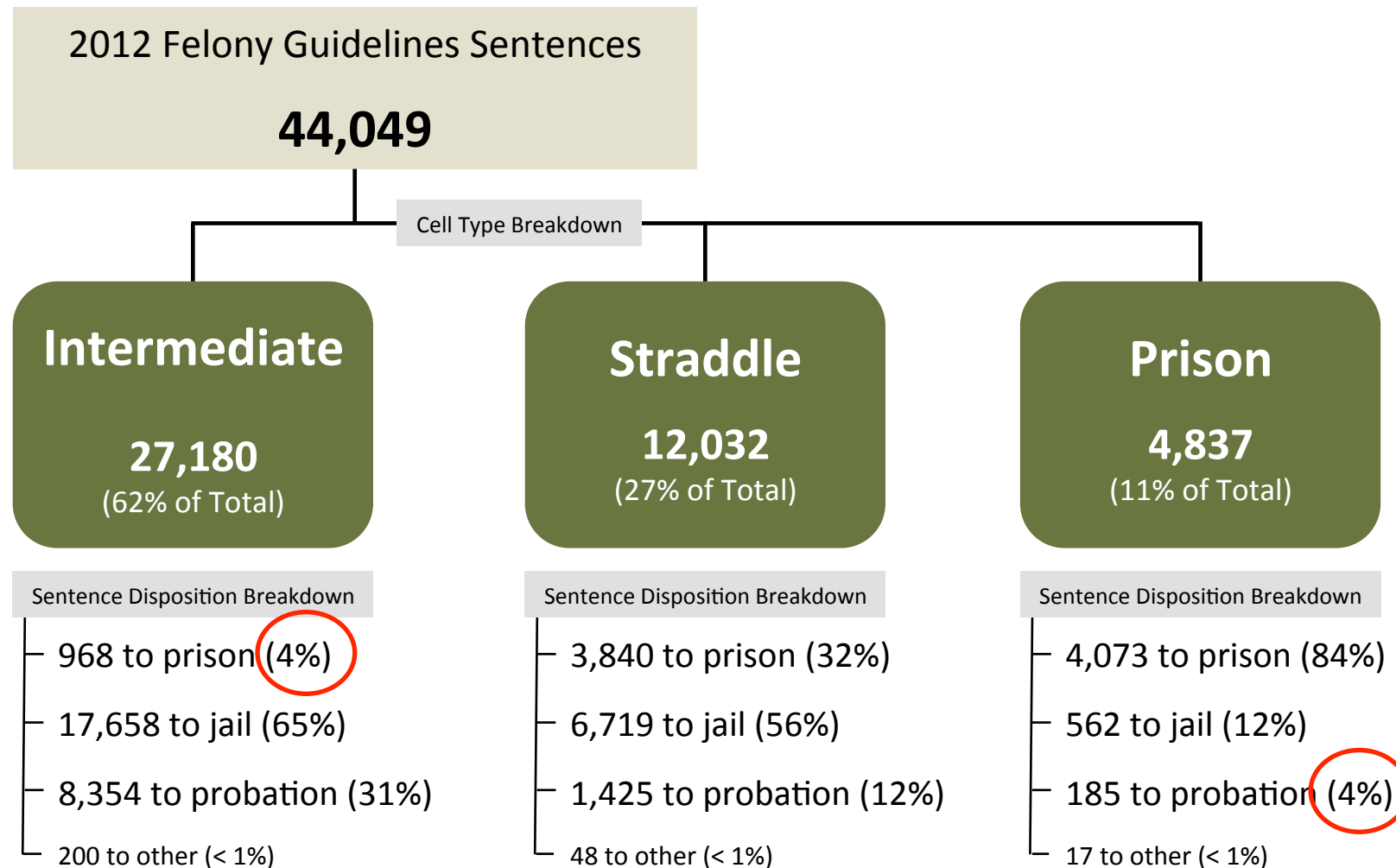


2012 Felony Guidelines Sentences



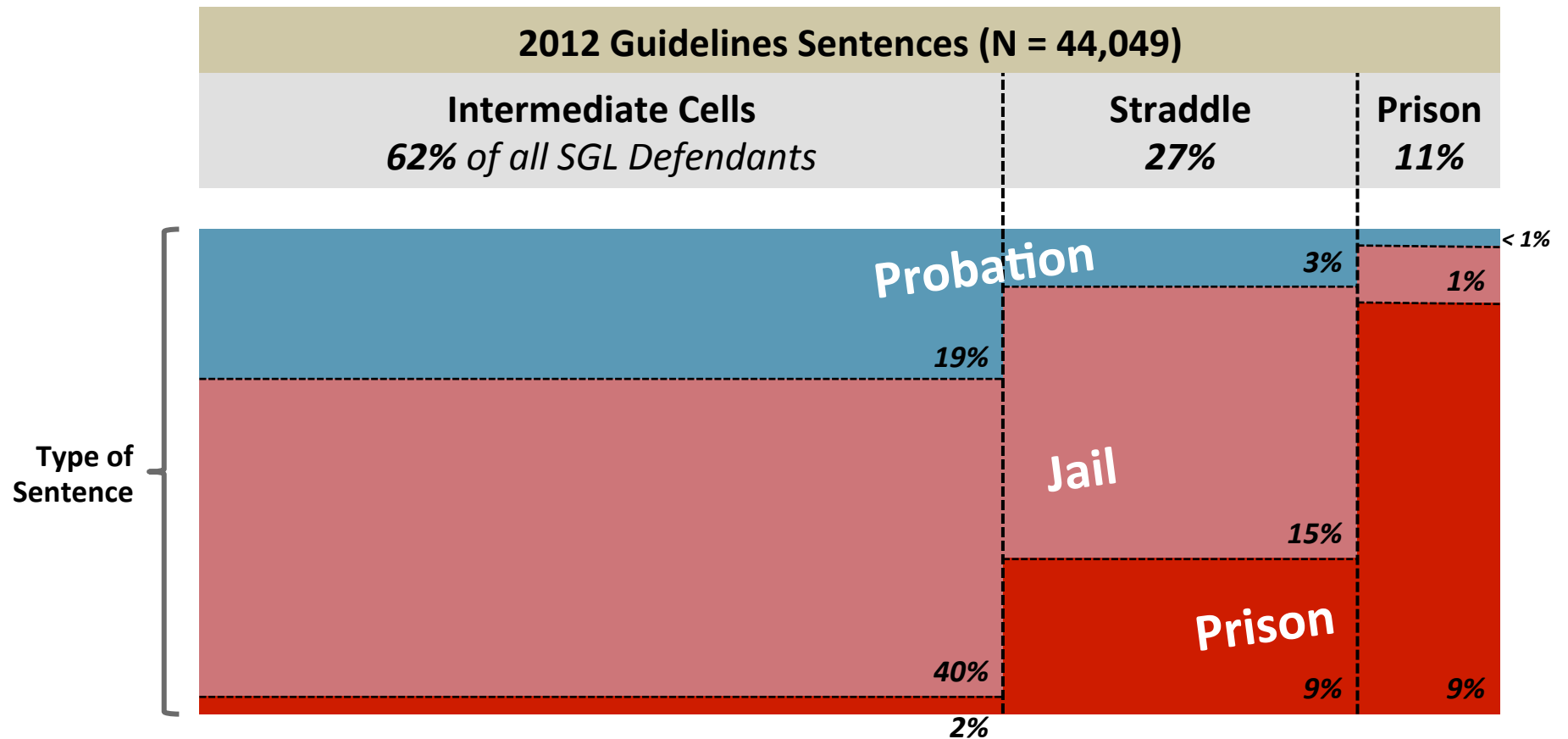
89% of all SGL sentences fall in 'Intermediate' or 'Straddle' cells.

Jail Is the Most Common Sentence for Intermediate and Straddle Cell Felons



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

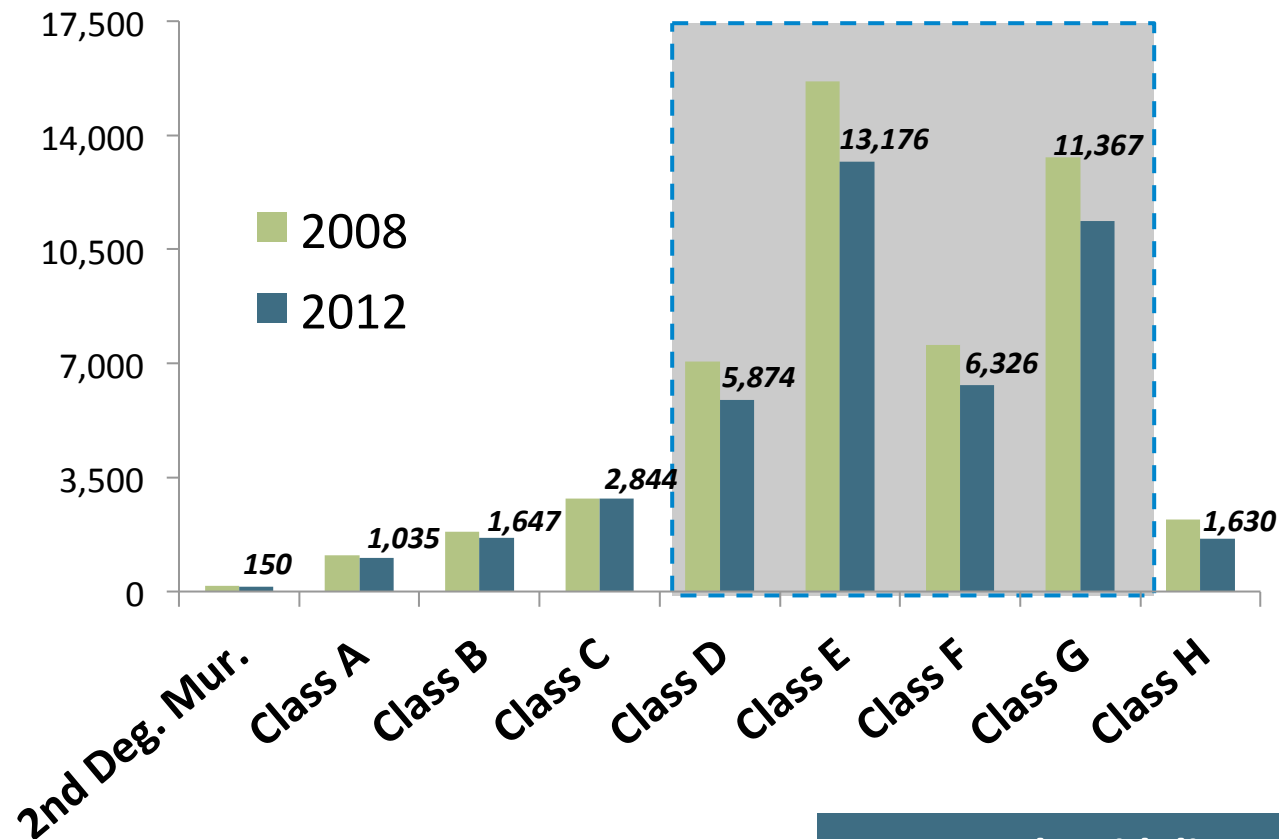
Intermediate Cell Felons Sentenced to Jail Confinement Account for 40% of all Guidelines Sentences



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

Almost 85% of All Guidelines Sentences Fall in Four Grids, D - G

2008 and 2012 Guidelines Sentences by Offense Class



2012 Total Guidelines Sentences = 44,049

Classes D – G total sentences = 36,743

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

Workability: 84% of Class D-G Sentences Only Utilize the First Two Rows of the Grids

2012 Sentences		A	B	C	D	E	F	
Class G 11,367	I	12.7%	10.1%	15.1%	12.0%	6.3%	5.1%	82%
	II	2.9%	2.3%	5.3%	4.8%	3.1%	2.2%	
	III	2.3%	2.0%	4.3%	4.5%	3.0%	2.0%	
Class F 6,326	I	11.7%	8.4%	13.4%	10.3%	4.7%	3.1%	86%
	II	6.8%	5.0%	7.9%	8.0%	4.2%	2.9%	
	III	2.4%	2.0%	2.9%	2.6%	1.2%	1.0%	
	IV	0.3%	0.1%	0.4%	0.3%	0.2%	0.2%	
Class E 13,176	I	9.6%	7.0%	10.2%	9.0%	4.3%	3.5%	85%
	II	5.6%	6.0%	10.5%	9.2%	5.7%	4.0%	
	III	1.1%	0.9%	2.1%	2.1%	1.5%	1.8%	
	IV	0.5%	0.4%	0.9%	1.0%	0.6%	0.6%	
	V	0.2%	0.1%	0.3%	0.3%	0.2%	0.3%	
	VI	0.1%	0.1%	0.1%	0.1%	0.0%	0.1%	
Class D 5,874	I	8.6%	6.4%	13.4%	11.6%	7.0%	7.6%	84%
	II	3.6%	3.0%	6.5%	7.3%	4.3%	4.6%	
	III	0.6%	0.7%	1.4%	1.4%	0.7%	0.7%	
	IV	0.8%	0.4%	1.0%	0.8%	0.7%	0.6%	
	V	0.6%	0.4%	1.1%	0.8%	0.4%	0.6%	
	VI	0.4%	0.1%	0.6%	0.4%	0.4%	0.3%	

How much value is added with the effort of scoring OVs, plus litigating and legislating over their interpretation?

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

Proportionality: Within Narrowly Defined Cell Types, Considerable Variation in Sentencing

Breakdown of most common offense for the 'G' grid, **Possession of less than 25g of Certain Controlled Substance Schedule I or II** (MCL 333.7403(2)(a)(v)).

2012 Sentences = 3,409

	A	B	C	D	E	F
I	14.3%	13.6%	20.4%	17.6%	10.2%	9.2%
II	1.1%	1.1%	2.5%	2.9%	2.2%	1.8%
III	0.4%	0.2%	0.5%	0.7%	0.6%	0.7%

Note: Shaded cells account for 66% of all sentences.

Regardless of Prior Record (PRV) score, similar odds for getting:

- ☐ Probation term in lieu of confinement, or
- ☐ Jail term of varying length which may/may not include supervision afterward

Prior A (489)	
Pris:	2
Jail:	246
Range	1-365 days
Avg	52 days
Prob:	238
Range	1-60 mos
Avg	18 mos

Prior B (462)	
Pris:	0
Jail:	283
Range	1-365 days
Avg	75 days
Prob:	177
Range	1-48 mos
Avg	19 mos

Prior C (696)	
Pris:	5
Jail:	435
Range	1-365 days
Avg	116 days
Prob:	251
Range	1-60 mos
Avg	21 mos

Prior D (601)	
Pris:	27
Jail:	399
Range	1-365 days
Avg	152 days
Prob:	172
Range	1-60 mos
Avg	23 mos

4 PRV Groups (2,248)	
Pris:	34
Jail:	1,363
Range	1-365 days
Avg	106 days
Prob:	838
Range	1-60 mos
Avg	20 mos

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

Proportionality: Within a Single Cell Type, Considerable Variation in Sentencing

Breakdown of most common offense for the 'G' grid, **Possession of less than 25g of Certain Controlled Substance Schedule I or II** (MCL 333.7403(2)(a)(v)).

2012 Sentences = 3,409

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I	14.3%	13.6%	20.4%	17.6%	10.2%	9.2%
II	1.1%	1.1%	2.5%	2.9%	2.2%	1.8%
III	0.4%	0.2%	0.5%	0.7%	0.6%	0.7%

PRV Level A (489)

Pris:	2
Jail:	246
Prob:	238

58 Jail Only

- Jail terms ranging from
3 days to 365 days

188 Jail & Probation

- Jail terms ranging from
1 day to 365 days
- Probation terms ranging from
30 days to 3 years

238 Probation Only

- Probation terms ranging from
30 days to 5 years

Despite falling in the same cell on the same grid for the same offense, defendants faced a wide range of possible punishments:

- As little as 3 days in jail,
- As much as 5 years on probation, or
- A combination of the two, with widely ranging lengths of jail and probation time.

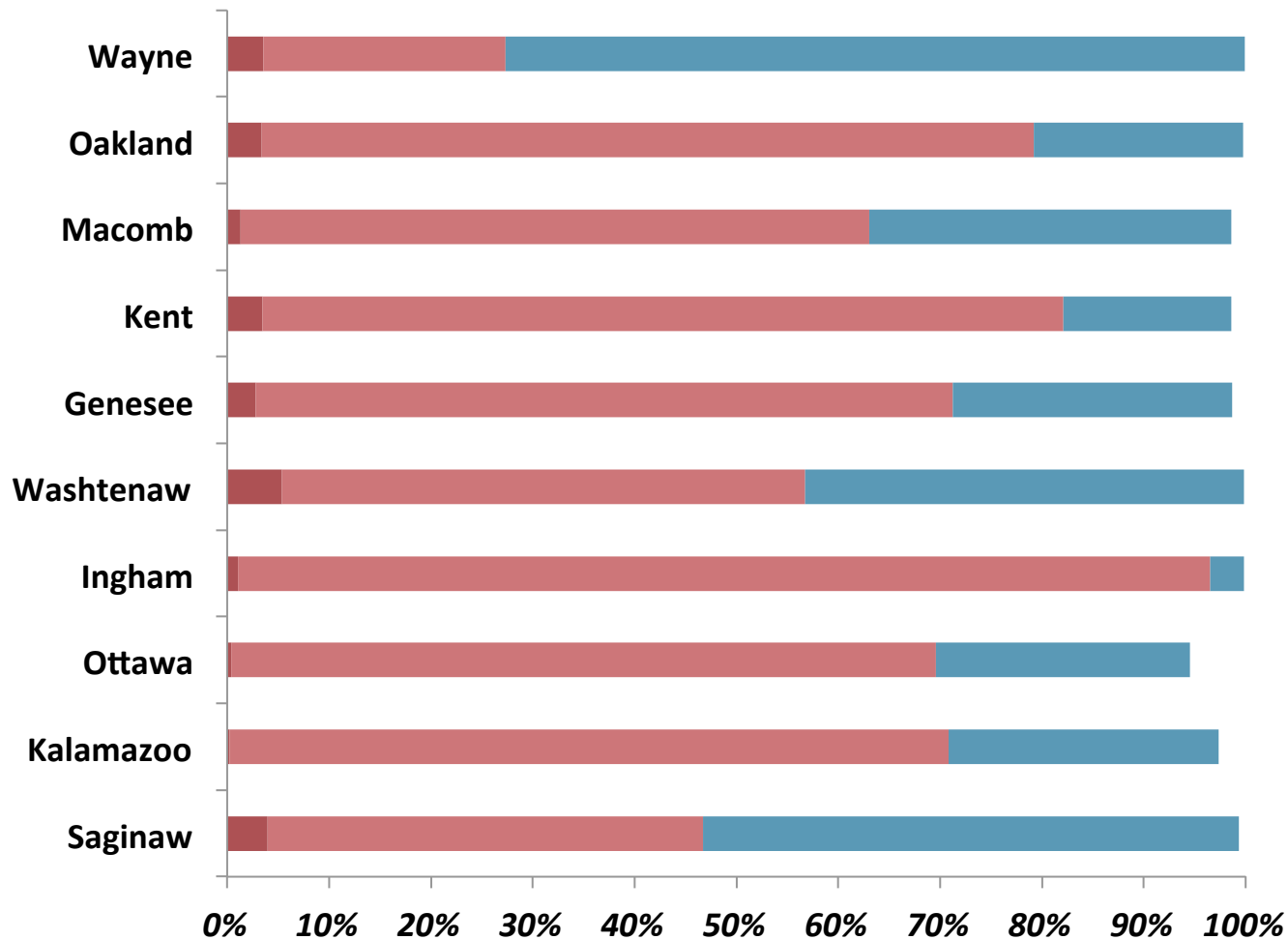
Source: *Felony Sentencing (BIR) Data 2008-2012*, Michigan Dept. of Corrections.

Proportionality: Top 10 Counties Show Wide Variance in *Intermediate* Cell Sentences

2012 Class D-G Intermediate Sentences in Top 10 Counties

Type of Punishment Imposed

Prison Jail Probation



Type of Sentence Imposed

Jail

- Lowest: Wayne 24%
- Highest: Ingham 96%

Probation

- Lowest: Ingham 3%
- Highest: Wayne 73%

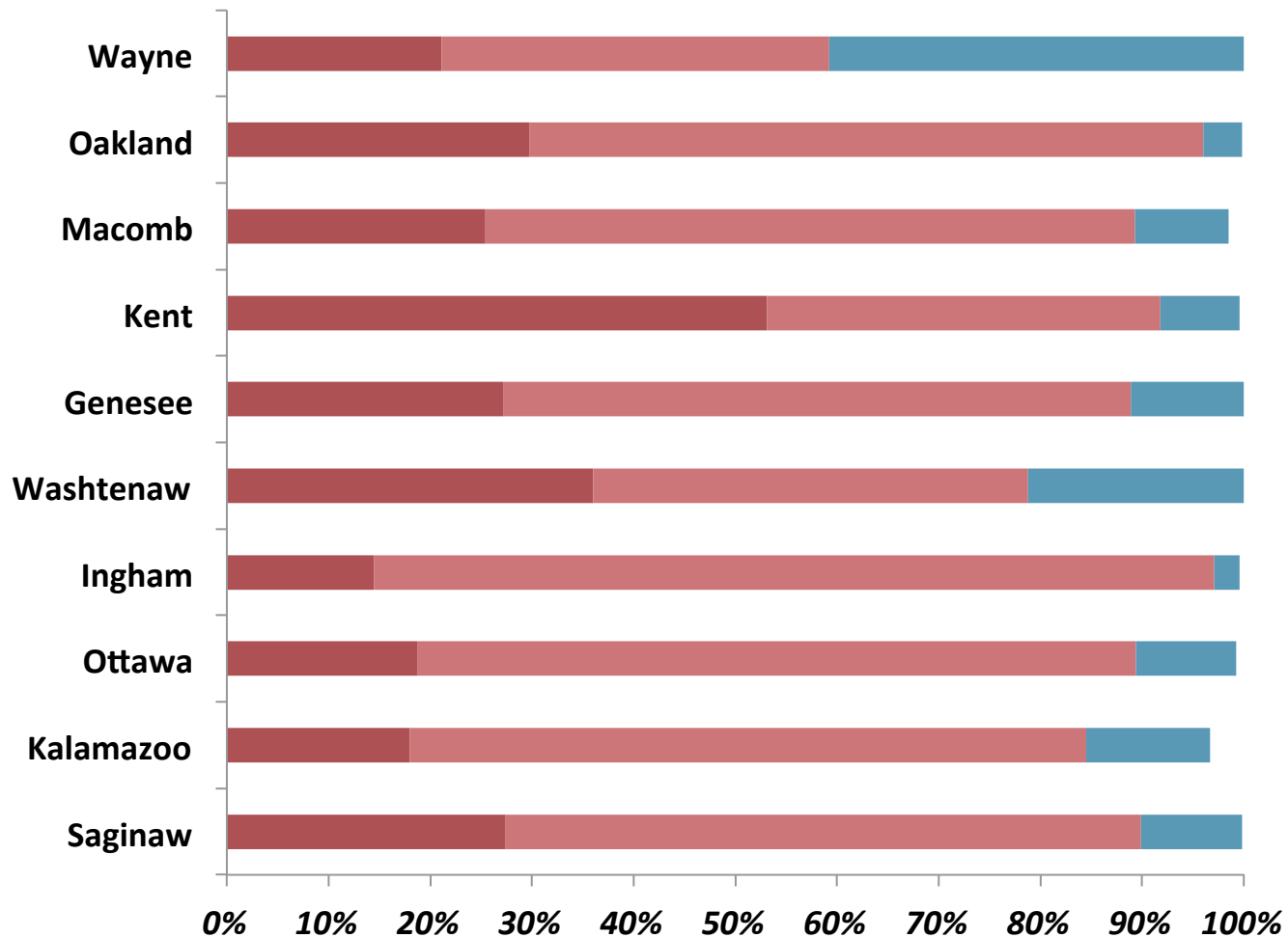
Source: Felony Sentencing (BIR) Data 2008-2012, Michigan Dept. of Corrections.

Proportionality: Top 10 Counties Show Wide Variance in *Straddle* Cell Sentences

2012 Class D-G Straddle Sentences in Top 10 Counties

Type of Punishment Imposed

Prison Jail Probation



Type of Sentence Imposed

Prison

- ☐ Lowest: Ingham 15%
- ☐ Highest: Kent 53%

Jail

- ☐ Lowest: Wayne 38%
- ☐ Highest: Ingham 83%

Probation

- ☐ Lowest: Ingham 3%
- ☐ Highest: Wayne 41%

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

Public Safety & Risk Reduction: Guidelines Do Not Effectively Direct Who Should Receive Jail

	<i>No prior criminal history</i>			<i>Significant criminal history</i>		
Class	A	B	C	D	E	F
Class H	345	217	406	347	176	139
Class G	2,039	1,626	2,814	2,421	1,411	1,056
Class F	1,334	983	1,555	1,343	658	453
Class E	2,264	1,909	3,169	2,847	1,634	1,353
Class D	860	648	1,411	1,313	800	842
Class C	609	405	797	529	257	247
Class B	363	201	390	315	197	181
Class A	140	111	319	209	148	108
Mur-2	31	10	43	36	21	9

55% received a jail sentence

- These felons should be the lowest risk of recidivism based on their lack of criminal history
- 3,556 sentenced to an average of 78 days at \$45 per day =

\$12.5M cost to counties

Public Safety & Risk Reduction: Guidelines Do Not Effectively Direct Who Should Receive Supervision

	<i>No prior criminal history</i>			<i>Significant criminal history</i>		
Class	A	B	C	D	E	F
Class H	345	217	406	347	176	139
Class G	2,039	1,626	2,814	2,421	1,411	1,056
Class F	1,334	983	1,555	1,343	658	453
Class E	2,264	1,909	3,169	2,847	1,634	1,353
Class D	860	648	1,411	1,313	800	842
Class C	609	405	797	529	257	247
Class B	363	201	390	315	197	181
Class A	140	111	319	209	148	108
Mur-2	31	10	43	36	21	9

33% received a jail sentence without probation supervision

- These felons should be a higher recidivism risk by virtue of their criminal history (PRV) scores.

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

Public Safety: Indications Are that Guidelines Do Not Maximize Effectiveness of Scarce Resources

Breakdown of most common offense for the 'G' grid, **Possession of less than 25g of Certain Controlled Substance Schedule I or II** (MCL 333.7403(2)(a)(v)).

4 PRV Groups

Pris:	34
Jail:	1,363
Avg	106 days
Prob:	838
Avg	20 mos

1,363 Jail
3.5 months avg.

838 Probation
20 months avg.

Costs to the Criminal Justice System

\$6.4M in local county costs
for jail confinement
(assuming average cost/day of \$45)

\$3.5M in state costs
for supervision
(assuming average cost/day of \$7)

Recidivism Reduction Potential

Up to **5% reduction** if programs
provided. Potential increase.

Up to **20% Reduction** in
Re-Arrests.

More cost-effective path towards
better public safety outcomes.

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

Does System Achieve Goals?

Goal	Questions	Current Knowledge
Public Safety	Do the sentencing and parole decisions promote risk reduction?	Probation recidivism is increasing Guidelines do not effectively direct jail and supervision sentencing
Proportionality	Is there disparity in sentencing and time served for similar cases? If so, what are the causes?	Considerable variation within a narrowly defined cell type or individual cell; top 10 counties show wide variation
Certainty	Are victims satisfied or frustrated with the uncertain portion of a sentence?	Unknown but under study
Predictability	To what degree are sentencing and parole decisions driving population trends?	Sentencing contributes, but parole is major driver
Workability	Is the complexity of the sentencing system sufficiently advancing other goals to be worth the effort?	Lots of appellate activity but not much user dissatisfaction OV scoring adds low value

Summary of Sentencing Analyses

High Odds of Doing Time

- ✓ 88% of Straddle sentences involve confinement in jail or prison
- ✓ 69% of Intermediate sentences involve confinement in jail or prison

Illusory Precision of Guidelines

- ✓ OV scoring adds little precision
- ✓ Wide variance on type of sentence imposed within narrowly defined offense ranges

Sentencing Poorly Aligned with Goals of Public Safety

- ✓ Guidelines direct low risk to jail and high risk away from potentially effective supervision

Recap of Key Points For the Day

1.

- ✓ Distinct stakeholder perspectives make consensus difficult
- ✓ Divergent views reinforce the value of data analysis

2.

- ✓ Identify and focus on high-risk offenders
- ✓ Target the factors that most influence criminal behavior
- ✓ Ensure programs are high quality and properly implemented

3.

- ✓ Crime is a serious problem, particularly in four cities
- ✓ Felons typically, increasingly sentenced to do time, most often in jail
- ✓ Wide discretion in sentencing and observable disparity
- ✓ Sentencing is not well aligned with public safety objectives

Forthcoming Analyses and Engagement

More Sentencing

- ✓ Predictive validity of PRV scoring
- ✓ Sentence length imposed
- ✓ Use of jails at original sentencing and for detaining supervision violators

Parole and LOS

- ✓ Interplay of recidivism risk and denial of parole
- ✓ Factors contributing to denial of parole

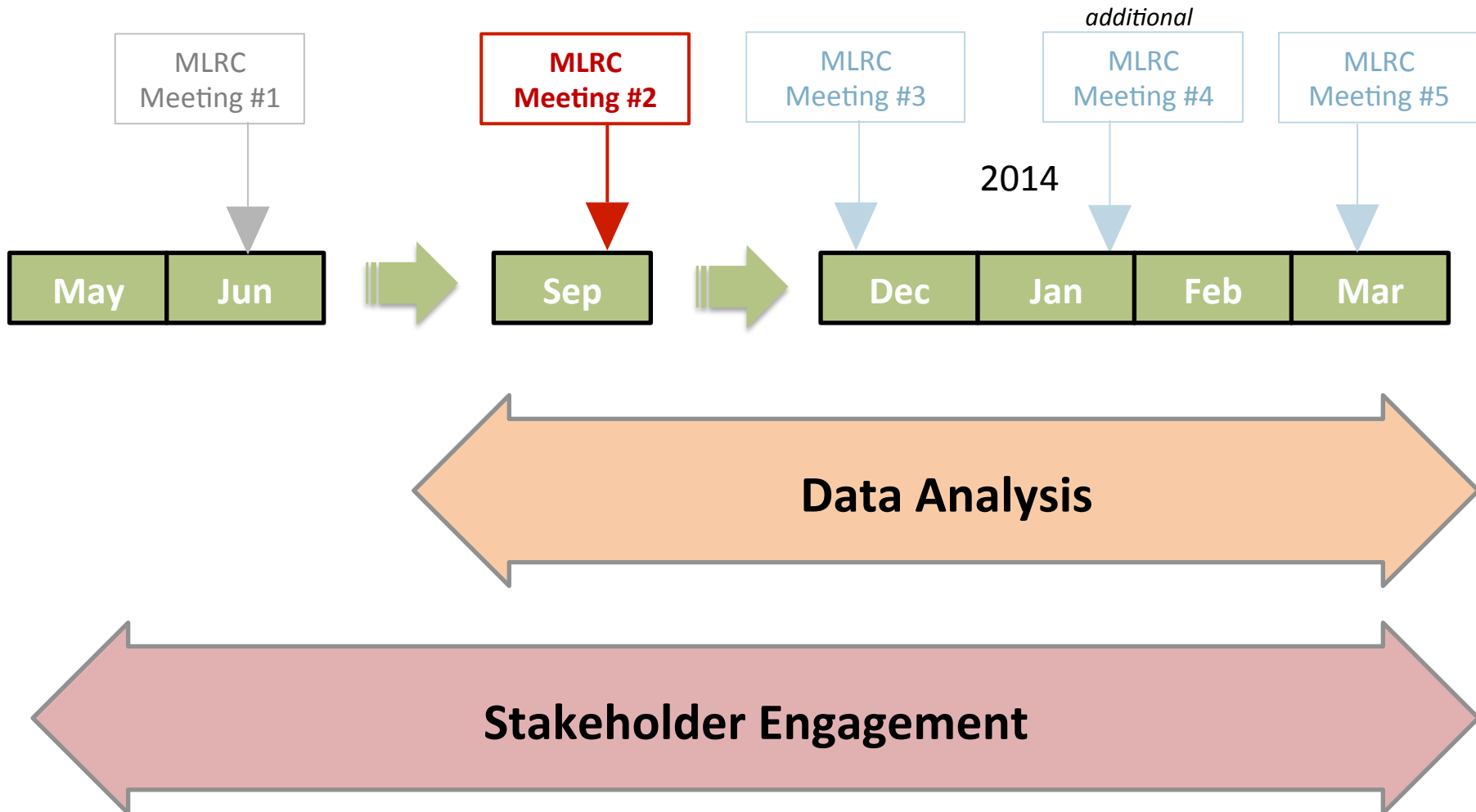
Effectiveness

- ✓ Re-arrest rates for jail, probation, community corrections and parole populations
- ✓ Qualitative analysis of programs and policy

Stakeholder Perspectives

- ✓ Victim perceptions of certainty, restitution satisfaction, and realization of victims' rights
- ✓ Faith community and business community engagement
- ✓ Further surveys of practitioners

Project Timeline – We Need an Additional Meeting



Thank You



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