JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

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

May 2014

Council of State Governments Justice Center

csgjusticecenter.org

Overview of Report Technical Appendix

General Analysis

Sentencing Analysis

Supervision Analysis

Table of Contents

GENERAL ANALYSIS

Since 2008, Crime is Down 17% and Arrests are Down 11% 7

Low Violent Crime Clearance Rates in Detroit, Flint, Pontiac, and Saginaw 8

Property Crime in Detroit, Flint, Pontiac, and Saginaw 9

Michigan Incarcerates Comparably to National Averages, but More than Exemplar Guidelines States 10

Prison Population Driven More by Prison Release Rates than Prison Commitments 11

SENTENCING ANALYSIS

Sentencing Guidelines Use System of Grids, and Punishment Severity Increases as One Moves Rightward or Downward 13

Michigan's Sentencing Guidelines Aim for High Precision in Sorting Felony Defendants 14

Only 14% of "New" Cases Lead to Prison in Michigan, Versus 20% of All Guidelines Cases 15

Application of Guidelines Yields Disparity in Sentencing: Most Frequently Used Intermediate Cell 16

Application of Guidelines Yields Disparity in Sentencing: Most Frequently Used Straddle Cell 17

Use of Habitual Sentencing Is Selective but Increasing, Occurring in 42% of Eligible Cases 18

Approach to Habitual Sentencing Compounds Disparity and Raises Fundamental Issues of Fairness 19

Wide Disparity in Use of Habitual Sentencing Among Top 10 Counties 20

Cost of Habitual Sentencing Option Is Unpredictable and Potentially Huge 21

Michigan Ranges are Much Greater than Other Guidelines States and Have Fewer Departures as a Result 22

Minimum Prison Sentence Range Is Wide, and Sentences Range Across It and Beyond 23

Table of Contents, Continued

SENTENCING ANALYSIS CONTINUED

Guidelines Result in Minimum Sentences All Over the Map 24
Length of Minimum Prison Sentences Has Increased by Almost Three Months 25
Minimum Sentences Are Increasing for Non-Habitualized and Habitualized Offenders 26
Only Two Classes Showed Average Scoring Changes Large Enough to Move Cases to Cells with Longer Minimums 27
Average Minimum Sentences Have Increased Across Offense Classes and Cell Types 28
Cases Are Not Migrating to More Serious Offense Classes 29
Fewer than 5% of Guidelines Prison Sentences Imposed Involve Consecutive Sentencing Consistently from 2008–12 30
Guidelines Silent on Use of Supervision 31
Repeat Offenders Five Times Less Likely to Be Supervised After Release from Jail 32
Almost 1,200 Higher Risk Felons Sentenced to Jail Without Post-Release Supervision 33
Guidelines Silent on Responding to Violations of Supervision 34
Wide Variance in Revocation Rates Across All Risk Levels Further Evidence of Inconsistency and Disparity 35
Sentencing Guidelines Can Result in Time Served That Is Disproportionate to Future Criminality 36
Michigan Sentencing Guidelines Do Not Control Ultimate Length of Stay in Prison 37
Michigan Law Forces a Trade-Off Between Incapacitation and Post-Release Supervision 38
Sentencing Guidelines and Parole Formally Consider Many of the Same Factors 39

Table of Contents, Continued

SENTENCING ANALYSIS CONTINUED

Two-Thirds of Initial Parole Releases Occur within Six Months of Becoming Eligible **40**
Re-Arrest Rates Very Similar for Those Held Further Beyond Earliest Release Date 41
Additional Incarceration Time Imposes Costs That Could Have Been Used to Bolster Supervision and Reentry **42**
Time Served Beyond Minimum Sentence Carries Potential for Enormous Fiscal Impacts 43

SUPERVISION ANALYSIS

Michigan Has Focused on Reducing Parolee Recidivism and Achieved Nationally Recognized Reductions 45
Reductions in Parolee Recidivism Hold Up When Analyzed in Terms of Arrests **46**
Felony Probation Outcomes Have Not Improved in the Same Way 47
Lost Opportunities in Probation Directly Impact Public Safety and Costs to Communities and State **48**
Probationers Account for More Arrest Activity Across All Types of Offenses 49
Less Funding Devoted for Probationers Despite Higher Population and Impact on New Felony Offenses **50**
State Spends Twice as Much Per Person Incarcerating Probation Technical Violators than for Parole 51
More than $300 Million Spent Annually Locking Up Probation Violators **52**
More than $100 Million Spent Annually Revoking Probation Compliance Violators to Prison and Jail 53

General Analysis
- Crime
- General Sentencing Outcomes
- Prison Trends

Sentencing Analysis

Supervision Analysis

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

Michigan CJ Trend	2000–2012	2008–2012
Index Crimes	- 29%	- 17%
Violent	*- 28%*	*- 16%*
Property	*- 29%*	*- 17%*
Index Arrests	- 13%	- 11%
Violent	*- 35%*	*- 15%*
Property	*- 1%*	*- 9%*
Non-Index Assault Arrests	+ 1%	+ 19%
Weapons Arrests	- 12%	- 7%
Narcotics Arrests	- 6%	- 13%
DUI Arrests	- 47%	- 23%

	2000	2012	
Violent Crime Rate (per capita)	543	397	*- 27%*
Property Crime Rate (per capita)	3,444	2,466	*- 28%*

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

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

Note: Due to updates provided to MSP after initial reporting to FBI, the data available on MSP's website differ from thosereflecting 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.

Source: Michigan State Police for Michigan breakdowns by city micrstats.state.mi.us/MICR/Reports/Report01.aspx; and FBI, Uniform Crime Report for U.S. average.

Property Crime in Detroit, Flint, Pontiac, and Saginaw

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.

U.S. Property Crime Rate for 2011 was:

2,909

2011 Property Index Crime Clearance Rates*

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

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

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.

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

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

Source: *Statewide Dispositions–Fiscal Year 2012,* Office of Community Alternatives, MI Dept. of Corrections, November 2012; *Felony Defendants in Large Urban Counties, 2006*, May 2010, Bureau of Justice Statistics; Analysis of KS Felony Sentencing Data by CSG Justice Center; *Structured Sentencing Statistical Report FY 2011/12*, NC Sentencing and Policy Advisory Commission.

Prison Population Driven More by Prison Release Rates than Prison Commitments

Source: *2006–2011 Statistical Reports,* Michigan Dept. of Corrections*; 2008–2012 Intake Profiles,* Michigan Dept. of Corrections*; Trends in Key Indicators,* Michigan Dept. of Corrections, February 2013.

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

3 Cell Types Determine Punishment Options:

Intermediate Sanctions

Straddle

Prison

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

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 OVs

Guidelines Scoring Process

Defendant is "scored" and awaiting sentencing.

Sentencing Analysis

Only 14% of "New" Cases Lead to Prison in Michigan, Versus 20% of All Guidelines Cases

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

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

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

	A	B	C	D	E	F
I	**489**	462	696	601	349	313
II	39	36	85	99	76	
III	12	7	16	24		

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

Source: *Felony Sentencing Data 2008–2012*, Michigan Dept. of Corrections.

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)

	A	B	C	D	E	F
I				402	128	103
II				359	141	69
III				77	26	
IV			69	36		
V		10	27			
VI		7	9			

Very different sentencing outcomes

Supervision	"Behind Bars"
	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.*
Probation **134** *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.

Source: *Felony Sentencing Data 2008–2012*, Michigan Dept. of Corrections.

Use of Habitual Sentencing Is Selective but Increasing, Occurring in 42% of Eligible Cases

Sentencing of Defendants as Habitual Offenders

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

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

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

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

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

Wide Disparity in Use of Habitual Sentencing Among Top 10 Counties

Percent of Eligible Cases Sentenced as Habitual Offender in 2012 *(SGL prison-bound only)*

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

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

Cost of Habitual Sentencing Option Is Unpredictable and Potentially Huge

Minimum Prison SL Range–High Utilization Guidelines Cell

Lower	*Upper*
10 Mos	**23 Mos**
	28 Mos (HO2)
	34 Mos (HO3)
	46 Mos (HO4)

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.

Annual Cost

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)

$41M

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)

$55M

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)

$84M

Source: *Felony Sentencing (BIR) Data 2008–2012*, Michigan Dept. of Corrections; and *Corrections Background Briefing*, December 2012, House Fiscal Agency.

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

Range = ***130%***

Actuals Imposed:

- ❑ **89%** within range

NORTH CAROLINA
(Column II, Row H, Felony Grid)

Guideline Range:
Min-Min = 6 months
Min-Max = 8 months

Range = ***33%***

Actuals Imposed:

- ❑ **76%** within range

KANSAS
(Column A, Row 9, Nondrug Grid)

Guideline Range:
Min-Min = 15 months
Min-Max = 17 months

Range = ***13%***

Actuals Imposed:

- ❑ **68%** within range

Source: *Felony Sentencing (BIR) Data 2008–2012*, Michigan Dept. of Corrections; *Structured Sentencing Statistical Report FY 2011/12*, NC Sentencing and Policy Advisory Commission; Analysis of KS Felony Sentencing Data by CSG Justice Center.

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

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

Guidelines Result in Minimum Sentences All Over the Map

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

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

Length of Minimum Prison Sentences Has Increased by Almost Three Months

Length of Minimum Prison Sentence Imposed

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.

Source: *Felony Sentencing (BIR) Data 2008–2012*, Michigan Dept. of Corrections; *Corrections Background Briefing*, December 2012, House Fiscal Agency.

Minimum Sentences Are Increasing for Non-Habitualized and Habitualized Offenders

Length of Minimum Prison Sentence Imposed (in months)

5% Increase

8% Increase

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

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

Grid	Min SL		OV Score		PRV Score		
	2008	2012	2008	2012	2008	2012	
2nd Deg. Mur.	277.9	309.6	113	117	30	28	
Class A	121.4	132.7	59	59	33	32	
Class B	54.9	59.4	37	33	34	38	Cell **IV-D** ➡ **III-D**
Class C	41.5	41.8	34	33	42	41	
Class D	26.4	27.8	24	25	58	63	Cell **II-E** ➡ **III-E**
Class E	19.1	20.3	18	20	58	59	
Class F	18.9	19.1	23	25	51	54	
Class G	16.3	17.6	17	18	64	61	
Class H	14.8	15.6	15	16	64	66	Cell **II-E** ➡ **III-E**

Move to less severe sentencing cell.

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

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.

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

Cases Are Not Migrating to More Serious Offense Classes

Distribution of Guidelines Prison Sentences by Class

Grid	2008	2012
2nd Deg. Mur.	2%	2%
Class A	11%	11%
Class B	12%	11%
Class C	13%	14%
Class D	18%	16%
Class E	27%	27%
Class F	7%	7%
Class G	9%	10%
Class H	1%	1%
Total Cases	**9,411**	**8,851**

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

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

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

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

Guidelines Silent on Use of Supervision

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

✓ PRV Score Does a Good Job Predicting Risk of Re-Arrest

Twice as likely to be re-arrested as those in PRV Level A.

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

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

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

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

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

"Brand New" 2012 SGL Sentences by Prior Record Level

	No prior criminal history			*Significant criminal history*		
PRV Level	**A**	**B**	**C**	**D**	**E**	**F**
Total Sentences	7,307	4,339	6,414	4,116	1,973	1,374
Jail Only	361	230	530	602	333	246

These felons are higher recidivism risk by virtue of their criminal history (PRV) scores.

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

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

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.

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	0	3*	0	6*	0	9*	5	23	7	23	9	23	
		3*		7*		11*		28		28		28	HO2
		4*		9*		13*		34		34		34	HO3
		6*		12*		18*		46		46		46	HO4
II 10-24 Points	0	6*	0	9*	0	11*	7	23	10	23	12	24	
		7*		11*		13*		28		28		30	HO2
		9*		13*		16*		34		34		36	HO3
		12*		18*		22		46		46		48	HO4

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

Risk Level	Statewide	Top 10 Counties
Percent of All Probation Cases Closed Due to Revocation	***17%***	***15%***

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.

Sentencing Grid for Class E Offenses—MCL 777.66
Includes Ranges Calculated for Habitual Offenders (MCL 777.21(3)(a)–(c))

OV Level	PRV Level A 0 Points		B 1-9 Points	C 10-24 Points		D 25-49 Points		E 50-74 Points		F 75+ Points		Offender Status
I 0-9 Points	0	3*	0	0	6*	5	9*	7	23	9	23	
		3*			7*		11*		28		28	HO2
		4*			9*		13*		34		34	HO3
		6*			12*		18*		46		46	HO4

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

PRV A

25% re-arrest rate

1–3 months in jail

PRVs D-F

46% re-arrest rate

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.

Source: *Felony Sentencing (BIR) Data 2008–2012* and *Prison Releases Data 2008–2012*, Michigan Dept. of Corrections; and *Criminal History Records,* Michigan State Police.

Michigan Sentencing Guidelines Do Not Control Ultimate Length of Stay in Prison

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)

Min sentence = 12 months

Max sentence = 60 months (set in statute)

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

Source: *Felony Sentencing (BIR) Data 2008–2012* and *Prison Releases Data 2008–2012*, Michigan Dept. of Corrections.

Michigan Law Forces a Trade-Off Between Incapacitation and Post-Release Supervision

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

Prison Sentence (**X years**)	Post-Release Supervision
Prison Sentence (**Y years**)	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 = 125% of Minimum Sentence	Possible Parole Supervision
Time in Prison = 225% of Minimum Sentence	Possible Parole Supervision
Time in Prison = Full Statutory Maximum Allowed (i.e., parole board never grants parole)	

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

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)*

Months Beyond Minimum Sentence Served at Time of Release

In 2012, this represented 1,711 inmates released seven or more months after their earliest release date (ERD).

Source: *Prison Releases Data 2008–2012*, Michigan Dept. of Corrections.

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.

Risk Breakdown of Those Released w/in 6 months:

Risk Breakdown of Those Released 7+ months:

Source: *Prison Releases Data 2008-2012* and *COMPAS Risk/Needs Data*, Michigan Dept. of Corrections; and *Criminal History Records,* Michigan State Police.

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.

$35 Million

$124 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?***

Source: *Prison Releases Data 2008–2012*, Michigan Dept. of Corrections; *Criminal History Records,* Michigan State Police; and *Corrections Background Briefing*, December 2012, House Fiscal Agency.

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 =	Annual Cost ($98 per day) =
100% of Min SL (46 mos) — ***33,464 beds***	**$1.2 billion**
125% of Min SL (58 mos) — ***42,194 beds***	**$1.5 billion** (Status Quo)
140% of Min SL (64 mos) — ***46,559 beds***	**$1.7 billion**
100% of Max SL (175 mos) — ***127,309 beds*** (*Statutory Maximum*)	**$4.6 billion**

Source: *Felony Sentencing (BIR) Data 2008–2012*, Michigan Dept. of Corrections; and *Corrections Background Briefing*, December 2012, House Fiscal Agency.

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

Percentage of Parolees Returning to Prison Within 3 Years of Release

Source: *2006–2013 Statistical Reports,* MI Dept. of Corrections.

Reductions in Parolee Recidivism Hold Up When Analyzed in Terms of Arrests

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

Source: *Prison Releases Data 2008–2012*, Michigan Dept. of Corrections; and *Criminal History Records,* Michigan State Police.

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%.***

Source: *Felony Sentencing (BIR) Data 2008–2012*, Michigan Dept. of Corrections; and *Criminal History Records,* Michigan State Police.

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.

Source: *Felony Sentencing (BIR) Data* and *Prison Releases Data 2008–2012*, Michigan Dept. of Corrections; and *Criminal History Records,* Michigan State Police.

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

	PROBATION	PRISON	PAROLE
PROGRAM FUNDING*	$28 Million	$80 Million	$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?

* *FY 2013 funding*

** *Rounded based on 2012 population data*

Source: *Written and verbal communications with Budget Office*, Michigan Dept. of Corrections.

State Spends Twice as Much Per Person Incarcerating Probation Technical Violators than for Parole

Technical Parole Violators		Technical Probation Violators
2,193	*Annual Returns/ Revocations to Prison (2008–12)*	**1,030**
13 months	*Length of Stay in Prison*	25 months
2,343	*Prison Bed Impact*	**2,116**
$84 Million	*Cost of Incarceration*	**$76 Million**
= **$38,304** per technical violator returned		= **$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.

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

- New Off. Prob. Revs. = 1,590 for 37 mos
- Tech. Prob. Revs. = 1,030 for 25 mos

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

Prison

6,951
Beds per day

at $98 per day
= $249 million Annually

- New Off. Prob. Revs = 2,295 for 7 mos
- Tech. Prob. Revs. = 3,742 for 7 mos

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

Jail

3,473
Beds per day

at $45 per day
= $57 million Annually

Source: *Felony Sentencing (BIR) Data 2008–2012, Prison Admissions Data 2008–2012,* and *Prison Releases Data 2008–2012*, Michigan Dept. of Corrections; and *Corrections Background Briefing*, December 2012, House Fiscal Agency.

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

3,742 to Jail

Avg of 7 mos

= 2,183 Jail Beds at $45/day

Annual Cost of $35.9M

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

$101 Million

Source: *Felony Sentencing (BIR) Data 2008–2012*, Michigan Dept. of Corrections; *Corrections Background Briefing*, December 2012, House Fiscal Agency.

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.