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
GENERAL ANALYSIS

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

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

Property Crime in Detroit, Flint, Pontiac, and Saginaw

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

Prison Population Driven More by Prison Release Rates than Prison Commitments

SENTENCING ANALYSIS

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

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

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

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

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

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

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

Wide Disparity in Use of Habitual Sentencing Among Top 10 Counties

Cost of Habitual Sentencing Option Is Unpredictable and Potentially Huge

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

Minimum Prison Sentence Range Is Wide, and Sentences Range Across It and Beyond
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
### SENTENCING ANALYSIS CONTINUED

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

### SUPERVISION ANALYSIS

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Index Crimes</td>
<td>- 29%</td>
<td>- 17%</td>
</tr>
<tr>
<td>Violent</td>
<td>- 28%</td>
<td>- 16%</td>
</tr>
<tr>
<td>Property</td>
<td>- 29%</td>
<td>- 17%</td>
</tr>
<tr>
<td>Index Arrests</td>
<td>- 13%</td>
<td>- 11%</td>
</tr>
<tr>
<td>Violent</td>
<td>- 35%</td>
<td>- 15%</td>
</tr>
<tr>
<td>Property</td>
<td>- 1%</td>
<td>- 9%</td>
</tr>
<tr>
<td>Non-Index 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>

#### Violent Crime Rate (per capita)

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>543</td>
</tr>
<tr>
<td>2012</td>
<td>397</td>
</tr>
</tbody>
</table>

#### Property Crime Rate (per capita)

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>3,444</td>
</tr>
<tr>
<td>2012</td>
<td>2,466</td>
</tr>
</tbody>
</table>

- 27%  
- 28%  

Council of State Governments Justice Center
**Clearance rate:** the percent of reported crimes “cleared” by an arrest

### 2011 Violent Index Crime Clearance Rates

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

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

General Analysis

Property Crime in Detroit, Flint, Pontiac, and Saginaw

U.S. Property Crime Rate for 2011 was:

2,909

2011 Property Index Crime Rate

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

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

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.


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

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

**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.**

**Michigan**
- **INCARCERATION**
  - 76%
    - Prison 21%
    - Jail 55%
- **PROBATION ONLY**
  - 24%

**BJS Urban Counties**
- **INCARCERATION**
  - 73%
    - Prison 40%
    - Jail 33%
- **PROBATION ONLY**
  - 27%

**North Carolina**
- **INCARCERATION**
  - 66%
    - Prison 42%
    - Jail 24%
- **PROBATION ONLY**
  - 34%

**Kansas**
- **INCARCERATION**
  - 31%
    - Prison 24%
    - Jail 7%
- **PROBATION ONLY**
  - 69%
Prison Population Driven More by Prison Release Rates than Prison Commitments


* Prison commitments include new sentences, all probation violators (technical and new offense), and new offense parole violators.
General Analysis

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

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

Offense type determines which of the nine grids a case will fall into.
- Position on a grid based on prior criminal history and aggravating factors.

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

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

3 Cell Types Determine Punishment Options:
- Intermediate Sanctions
- Straddle
- Prison
Michigan’s Sentencing Guidelines Aim for High Precision in Sorting Felony Defendants

Narrowing the offense/offender profile into 1 of 258 cells

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

Guidelines Scoring Process

Defendant is “scored” and awaiting sentencing.

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


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

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

**Very different sentencing outcomes**

**Supervision**

- **Probation**
  - Avg. term imposed = 18 mos.
  - Range of 1–60 mos.

- **Jail**
  - Avg. term imposed = 2 mos.
  - Range of 1–365 days

**Prison**

- Avg. min. term imposed = 21 mos.
- Range of 18–24 mos.

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.

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

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

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td></td>
<td></td>
<td></td>
<td>402</td>
<td>128</td>
<td>103</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></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VI</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Very different sentencing outcomes

**Supervision**

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

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

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

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

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

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

#### Sentencing of Defendants as Habitual Offenders

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

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

- 2,556 Defendants Sentenced as Habitual Offenders in 2008
- 2,638 Defendants Sentenced as Habitual Offenders in 2012

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

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

- Must be counted in PRV scoring
- Can be counted toward habitual enhancement
- “10 Year Gap” from the discharge of the sentence for one conviction and the offense date of the next conviction.

**Counted twice**
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)*

- Wayne: 0%
- Oakland: 89%
- Macomb: 20%
- Kent: 42%
- Genesee: 60%
- Washtenaw: 20%
- Ingham: 60%
- Ottawa: 20%
- Kalamazoo: 80%
- Saginaw: 80%

Statewide average = 42%

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

### Sentencing Analysis

**Cost of Habitual Sentencing Option Is Unpredictable and Potentially Huge**

<table>
<thead>
<tr>
<th>Minimum Prison SL Range–High Utilization Guidelines Cell</th>
<th>10% Habitualized</th>
<th>36% Habitualized</th>
<th>90% Habitualized</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lower</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Mos</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 Mos</td>
<td>900 sentenced to 12 months in prison yields bed demand of 900 per day ($32M)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 Mos (HO2)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34 Mos (HO3)</td>
<td>100 sentenced to 30 months in prison yields bed demand of 250 per day ($9M)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>46 Mos (HO4)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Upper</strong></td>
<td>640 sentenced to 12 months in prison yields bed demand of 640 per day ($23M)</td>
<td>360 sentenced to 30 months in prison yields bed demand of 900 per day ($32M)</td>
<td>100 sentenced to 12 months in prison yields bed demand of 100 per day ($4M)</td>
</tr>
<tr>
<td>28 Mos</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34 Mos</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46 Mos</td>
<td>900 sentenced to 30 months in prison yields bed demand of 2,250 per day ($80M)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

**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  

- **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

- **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

- **Min-Min:** 15 months  
- **Min-Max:** 17 months

Range = **13%**

- **Actuals Imposed:**  
  - 68% within range

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

**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

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

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

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

Length of Minimum Prison Sentences Has Increased by Almost Three Months

<table>
<thead>
<tr>
<th>Months</th>
<th>2008</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td><strong>42.9</strong></td>
<td><strong>45.6</strong></td>
</tr>
<tr>
<td>50</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Cost Impact of the Increase

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

**Sentencing Analysis**

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

---

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

<table>
<thead>
<tr>
<th>Grid</th>
<th>Min SL</th>
<th>OV Score</th>
<th>PRV Score</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2008</td>
<td>2012</td>
<td>2008</td>
</tr>
<tr>
<td>2nd Deg. Mur.</td>
<td>277.9</td>
<td>309.6</td>
<td>113</td>
</tr>
<tr>
<td>Class A</td>
<td>121.4</td>
<td>132.7</td>
<td>59</td>
</tr>
<tr>
<td>Class B</td>
<td>54.9</td>
<td>59.4</td>
<td>37</td>
</tr>
<tr>
<td>Class C</td>
<td>41.5</td>
<td>41.8</td>
<td>34</td>
</tr>
<tr>
<td>Class D</td>
<td>26.4</td>
<td>27.8</td>
<td>24</td>
</tr>
<tr>
<td>Class E</td>
<td>19.1</td>
<td>20.3</td>
<td>18</td>
</tr>
<tr>
<td>Class F</td>
<td>18.9</td>
<td>19.1</td>
<td>23</td>
</tr>
<tr>
<td>Class G</td>
<td>16.3</td>
<td>17.6</td>
<td>17</td>
</tr>
<tr>
<td>Class H</td>
<td>14.8</td>
<td>15.6</td>
<td>15</td>
</tr>
</tbody>
</table>

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

## Distribution of Guidelines
### Prison Sentences by Class

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

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

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

Guidelines Silent on Use of Supervision

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

- PRV Level A: 25%
- PRV Level B: 35%
- PRV Level C: 38%
- PRV Level D: 45%
- PRV Level E: 46%
- PRV Level F: 48%

2010 Overall = 35%

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

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

Yet the guidelines provide almost no structure around who gets supervision and how much.
Repeat Offenders Five Times Less Likely to Be Supervised After Release from Jail

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

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

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

<table>
<thead>
<tr>
<th>PRV Level</th>
<th>No prior criminal history</th>
<th>Significant criminal history</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>7,307</td>
<td>4,116</td>
</tr>
<tr>
<td>B</td>
<td>4,339</td>
<td>1,973</td>
</tr>
<tr>
<td>C</td>
<td>6,414</td>
<td>1,374</td>
</tr>
<tr>
<td>Total Sentences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jail Only</td>
<td>361</td>
<td>602</td>
</tr>
<tr>
<td></td>
<td>230</td>
<td>333</td>
</tr>
<tr>
<td></td>
<td>530</td>
<td>246</td>
</tr>
</tbody>
</table>
Probationers committing supervision violations can only be responded to according to where they originally fell in the grids.

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

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

Guidelines provide supervision sanction options only in the extreme.

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

Less than 20% of All Probation Cases
End in Revocation

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

Note: Based on 2012 Felony Case Closures Data

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

- Low-risk revoked 2% to 22% of the time.
- High-risk revoked 7% to 61% of the time.
Sentencing Guidelines Can Result in Time Served That Is Disproportionate to Future Criminality

**For Sentences Involving Incarceration:**
- Time behind bars limited to 1-3 months in jail
- Time behind bars could be anywhere from to 5–60 months in prison

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

Sentencing guidelines dictate minimum sentence in most cases.

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

- 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

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

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

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

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

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

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

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

Source: *Sentencing Guidelines Manual*, Michigan Judicial Institute, June 2012; and Michigan Dept. of Corrections Policy Directive 06.05.100 (*Parole Guidelines*).
First Release to Parole – Length of Stay Beyond Required Minimum 2008, 2011, and 2012 (excludes all parole violator admissions)

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

Re-Arrest Rates Very Similar for Those Held Further Beyond Earliest Release Date

2 Year Re-Arrest Rates by Time Served Beyond Minimum:
(2010 Releases to Parole Excluding Parole Violator Admissions)

Re-arrest rates are similar regardless of when paroled.

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

Sentencing Analysis

2012 First Releases to Parole 7 Months or More After ERD

1,711

22% Re-arrested w/in 2 Years

376

$35 Million

78% Not Re-arrested w/in 2 Years

1,335

$124 Million

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

$159m over the 2.6 years is roughly $61m spent each year.

Is incarcerating the 78% who don’t get re-arrested worth $61m annually?

2012 Sentences to Prison*

8,851

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

*Excludes non-guidelines and life sentences

If Actual Time Served =

100% of Min SL (46 mos)
33,464 beds

125% of Min SL (58 mos)
42,194 beds

140% of Min SL (64 mos)
46,559 beds

100% of Max SL (175 mos)
127,309 beds

Annual Cost
($98 per day) =

$1.2 billion

$1.5 billion

$1.7 billion

$4.6 billion

Statutory Maximum

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

Michigan Has Focused on Reducing Parolee Recidivism and Achieved Nationally Recognized Reductions

Changes Begun in 2005:

• Integration of risk assessment into parole supervision
• Training of field agents in best practices
• Engaging communities
• Increasing funding for community-based programming for parolees
• Targeting supervision resources towards higher risk parolees

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

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

Felony Probation Outcomes Have Not Improved in the Same Way

One Year Felony Probation Re-Arrest Rates

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

- Re-arrest rate would be 18%.

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

Total Felony Probation Placements in 2012

**29,432**

At current re-arrest rates:

- 23% w/in 1 Year
- **6,769 Arrests**

If probation re-arrest rates had fallen like parole:

- 18% w/in 1 Year
- **5,298 Arrests**

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

Almost 1,500 fewer arrests...

...and instances of victimization

...and bookings into county jail

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

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

### 2011 Felony Probation Placements

- **30,446**

### 2011 Prisoners Released to Parole

- **11,161**

#### Arrests within One Year

- **7,001**
  - Felony = 3,531
  - Misdemeanor = 3,470

#### 2011 Prisoners Released to Parole

- **2,725**
  - Felony = 1,473
  - Misdemeanor = 1,252

### Source:

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

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
State spends twice as much per person incarcerating probation technical violators than for parole.

**Technical Parole Violators**
- **Annual Returns/Revocations to Prison** (2008–12)
- **Length of Stay in Prison**: 13 months
- **Prison Bed Impact**: 2,343
- **Cost of Incarceration**: $84 Million
  - = $38,304 per technical violator returned

**Technical Probation Violators**
- **Annual Returns/Revocations to Prison** (2008–12)
- **Length of Stay in Prison**: 25 months
- **Prison Bed Impact**: 2,116
- **Cost of Incarceration**: $76 Million
  - = $73,786 per technical violator revoked

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

- 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

<table>
<thead>
<tr>
<th></th>
<th>Prison</th>
<th>Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6,951 Beds per day</td>
<td>3,473 Beds per day</td>
</tr>
<tr>
<td></td>
<td>at $98 per day</td>
<td>at $45 per day</td>
</tr>
<tr>
<td></td>
<td>= $249 million Annually</td>
<td>= $57 million Annually</td>
</tr>
</tbody>
</table>

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

2012 Probation Compliance Violation Revocations

<table>
<thead>
<tr>
<th>Revocation</th>
<th>Number</th>
<th>Average Duration</th>
<th>Annual Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison</td>
<td>947</td>
<td>23 mos</td>
<td>$101 Million</td>
</tr>
<tr>
<td>Jail</td>
<td>3,742</td>
<td>7 mos</td>
<td>$35.9 Million</td>
</tr>
</tbody>
</table>

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

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