Justice Reinvestment in Michigan:

Analyses & Policy Options

January 22, 2009 - Lansing, Michigan

Stakeholder Forum
Hosted by the
Justice Reinvestment Working Group

Michael Thompson, Director
Marshall Clement, Project Director
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Background

- Governor Granholm and legislative leaders requested technical assistance from the CSG Justice Center.

- State leaders established a bipartisan, bicameral, and inter-branch working group to review analyses and policy options developed by the Justice Center.

- The working group asked the Justice Center to develop a policy framework that would accomplish the following goals:
  - Reduce crime and victimization caused by people on probation and parole.
  - Reduce spending on corrections.
  - Increase public safety in high-crime neighborhoods.
Methodology

• Analyzed data from the Department of Corrections, State Police, Department of Education, Department of Labor & Economic Growth, Commission on Law Enforcement Standards, and Prosecuting Attorney’s Association.

• Convened roundtable discussions and interviews with representatives from county and local government, and community-based organizations.
Analyses & Policy Options: Overview

1. Deter criminal activity
   - Law enforcement and the crime lab at the breaking point
   - Blueprint for a safer Michigan calling for more emphasis on prevention
   - Education & employment identified as key issue area

2. Lower recidivism

3. Reduce spending on corrections
Michigan has the highest rate of violent crime in the Great Lakes region.

Violent crime rate in MI is 29 percent greater than in NY.

Analyses: Deter criminal activity

Violent Crime Across Michigan
2007

Counts with violent crime rates > 500 per 100,000

<table>
<thead>
<tr>
<th>County</th>
<th>No. Violent Crimes</th>
<th>Violent Crime Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wayne</td>
<td>23365</td>
<td>1188.6</td>
</tr>
<tr>
<td>Saginaw</td>
<td>2129</td>
<td>1033.4</td>
</tr>
<tr>
<td>Genesee</td>
<td>3474</td>
<td>784.8</td>
</tr>
<tr>
<td>Calhoun</td>
<td>1075</td>
<td>779.1</td>
</tr>
<tr>
<td>Ingham</td>
<td>1585</td>
<td>573.1</td>
</tr>
</tbody>
</table>

Source: US Dept of Justice, Federal Bureau of Investigation, Uniform Crime Reports, 2007
Analyses: Deter criminal activity

Homicide

People ages 17-39 represent ~30 percent of Michigan’s population...  ...but 57 percent of homicide victims

African Americans represent 14 percent of Michigan’s population...  ...but 72 percent of homicide victims

From 2000-2006, the number of murders increased by 11 percent

Source: 2006 Michigan Crime Report
## Clearance Rates

<table>
<thead>
<tr>
<th>Crime</th>
<th>Michigan</th>
<th>National Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent Index Crime</td>
<td>28 %</td>
<td>44 %</td>
</tr>
<tr>
<td>Murder</td>
<td>37 %</td>
<td>61 %</td>
</tr>
</tbody>
</table>

Analyses: Deter criminal activity

Violent Crime & Arrests
2000-2007

Analyses: Deter criminal activity

Certainty Level Low

53,988 Violent Index Crimes

14,100 Arrests for Violent Index Crimes

11,461 Convicted Assaultive Felony Dispositions (2005)

9,332 Jail or Prison Term Assaultive Felony Dispositions (2005)

Source: Crime and arrest data from 2007 FBI UCR report (violent index crimes include: murder, rape, robbery, and aggravated assault). Felony disposition data is from 2005 DOC data and refers to assaultive offenses which is a broader definition than violent index offenses.
Crime Lab Backlog

- Backlogs at the state’s crime lab delay criminal investigations and undermine the swift and certain apprehension of offenders.

- Average delay due to backlog:
  - DNA 135 days
  - Firearms 101
  - Latent prints 58
  - Trace evidence 53
  - Polygraph 37
  - Drug analysis 34
  - Toxicology 33

- The recent closure of the Detroit crime lab in the fall of 2008 will exacerbate these already existing backlogs at the state labs.

Source: Michigan State Police Forensic Advantage Workload Summary by Section (1/1/2008-9/30/2008), provided to CSG via email communication.
Michigan has the highest violent crime rate in the Great Lakes region...

...but the fewest law enforcement personnel per capita in the region.

Detroit Law Enforcement Staffing 2000-2007

Detroit law enforcement personnel has declined by 31 percent since 2000, or 1,545 positions.

Detroit’s population declined by 4 percent during this time period.

Source: FBI UCR Data on all full time law enforcement employees (sworn officers and civilian combined), 2000-2007.
Law Enforcement Staffing
2000-2007

Analyses: Deter criminal activity

Change in law enforcement personnel

Grand Rapids  -13%
Lansing   -7%
Flint     -14%

Source: FBI UCR Data on all full time law enforcement employees (sworn officers and civilian combined), 2000-2007.
Disconnected Youth

- Michigan has a large number of unemployed, disconnected youth, who are at particular risk of involvement in the criminal justice system.

- Across Michigan, more than 27,500 young adults between the ages of 16-19 are neither working nor attending school and do not have their high school diploma.

- Young men between the ages of 17 and 24 commit 26 percent of violent index crimes, despite comprising only 6 percent of the state’s population.

Disconnected Youth (2000)

Five counties in Michigan have disconnected youth rates over 8%.

Disconnected Youth are 16-19 year-olds who are:
- not working,
- not in school, and
- have no diploma.

Source: US Census Bureau, 2000 Census of Population and Housing, Armed Forces Status for Population 16 to 19 Years by School Enrollment by Educational Attainment by Employment Status (P149)
<table>
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<tr>
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<th>A. Support local law enforcement’s targeted crime-fighting strategies</th>
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1A.  
Support local law enforcement’s targeted crime-fighting strategies

- Create and fund a demonstration grant program for local law enforcement agencies to design and deploy specific crime-fighting operations in partnership with local prosecutors and community and faith-based groups. Funds could support activities such as overtime, analysis of crime data, and police/community partnerships.

- Direct the Michigan Department of Corrections to adapt the state’s information system for supervising probationers and parolees to meet the needs of law enforcement.
1B. Reduce crime lab backlogs to speed investigations

- Provide the Michigan State Police with additional resources to reduce significantly the delays in processing evidence. State funding should help cover the costs associated both with hiring and training additional staff and with outsourcing expenses while new staff is being trained.
1C. Increase employment opportunities for at-risk young adults

- Target young adults who are disconnected from both school and work and are at-risk for criminal involvement and victimization.

- Support, in partnership with private foundations, demonstration projects in communities with the highest percentages of disconnected young adults. Engage and provide an intensive set of education and employment opportunities to disconnected young adults in these communities.
1. Deter criminal activity

2. Lower recidivism
   - Lack of swift & certain options for responding to violations
   - Sense that people under supervision committed significant portion of crime
   - Without links to employment people on supervision will not succeed

3. Reduce spending on corrections
Percent of Felony Convictions Resulting in Prison, Jail, or Probation Sentence: Michigan vs. National Average

- **Michigan**
  - PRISON: 23%
  - JAIL: 49%
  - PROBATION: 28%

- **National Average**
  - PRISON: 40%
  - JAIL: 30%
  - PROBATION: 28%
Re-Arrests of People on Felony Probation & Parole, 2007

85,452 Arrests for Index Crimes (Murder, Rape, Robbery, Agg. Assault, Burglary, Larceny, MVTheft, Arson)

7% on probation 3% on parole

82,114 Felony Probationers
7% rearrested for index crime

26,466 Parolees
11% rearrested for index crime

Source: CSG Analysis of 2007 parolee and probation populations matched to Michigan State Police arrest records.
Note: MI UCR Estimated Arrests are using 2006 data, due to 2007 data not yet having been released by Michigan State Police.
Target High Risk Probationers

29,214 Placed on Felony Probation in 2007

- 9,018 Low Risk: 16% re-arrested
- 14,215 Medium Risk: 29% re-arrested
- 5,981 High Risk: 39% re-arrested

Profile of High Risk Probationers:
- 83% need substance abuse treatment
- 42% less than 11th grade education
- 21% known mental illness

Analyses: Lower recidivism

Source: 2007 Placements on to probation. CSG Justice Center Risk Assessment instrument.
Unemployment Among Probationers and Parolees

- 50-70 percent of parolees are unemployed
- 50 percent of probationers are unemployed

Source: MDOC Response to data request.
Eight counties in Michigan have unemployment rates over 10%.

<table>
<thead>
<tr>
<th>Counties</th>
<th>No. Parole Prob.</th>
<th>Parole Prob. Per 1000</th>
<th>% Unemployed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keweenaw</td>
<td>28</td>
<td>30.4</td>
<td>10.7%</td>
</tr>
<tr>
<td>Roscommon</td>
<td>240</td>
<td>23.4</td>
<td>9.6%</td>
</tr>
<tr>
<td>Muskegon</td>
<td>2010</td>
<td>22.8</td>
<td>7.1%</td>
</tr>
<tr>
<td>Gladwin</td>
<td>261</td>
<td>22.7</td>
<td>10.1%</td>
</tr>
<tr>
<td>Lake</td>
<td>109</td>
<td>21.5</td>
<td>10.7%</td>
</tr>
<tr>
<td>Tuscola</td>
<td>604</td>
<td>21.4</td>
<td>8.3%</td>
</tr>
<tr>
<td>Clare</td>
<td>284</td>
<td>20.7</td>
<td>10.6%</td>
</tr>
<tr>
<td>Alcona</td>
<td>91</td>
<td>20.3</td>
<td>10.1%</td>
</tr>
<tr>
<td>Wayne</td>
<td>20567</td>
<td>20.2</td>
<td>8.8%</td>
</tr>
</tbody>
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*Counties with Probation/Parole rates > 20 per 1000

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<td>B. Respond to violations with swift, certain, and proportional sanctions</td>
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**Notes:**
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  - B. Reduce crime lab backlogs to speed investigations
  - C. Increase employment opportunities for at-risk young adults
- 2. Lower recidivism
  - A. Reduce rates of re-arrest among probationers
  - B. Respond to violations with swift, certain, and proportional sanctions
  - C. Expand employment services for high-risk probationers/parolees
- 3. Reduce spending on corrections
2A. Reduce rates of re-arrest among probationers

- Improve risk assessment and data systems to allow probation officers to target supervision resources and interventions at high-risk probationers.
- Assess the quality of community corrections programs.
- Revise Michigan’s Community Corrections Act to focus resources on probationers determined to be high-risk, as defined not simply by the offense committed, but by a validated risk instrument.
- Provide local Community Corrections Advisory Boards with funds to target high-risk probationers with the goal of reducing re-arrest rates for this population by 10 percent.
2B. Respond to probation violations with swift and certain sanctions

- Establish pilot projects in jurisdictions where capacity in local jails is set aside to allow the application of short and swift jail stays in response to violations.
2C. Expand employment services for high-risk probationers/parolees

- Target high-risk probationers returning from jail and parolees returning from prison to maximize reductions in recidivism.

- Reinvest in pilot sites that will provide immediate transitional employment, including job placement services, case management, mentoring, and basic skill-building.
Analyses & Policy Options: Overview

1. Deter criminal activity
2. Lower recidivism
3. Reduce spending on corrections

Questions about how the length of time served compares to other states
Sense that some corrections resources could be better spent on other crime strategies
Analyses: Reduce spending on corrections

State Spending on Corrections

Michigan Department of Corrections Budget, 1998–2008

Spending on corrections increased 57 percent over the past 10 years.

As a share of general fund expenditures, corrections grew from 16.2 to 22.6 percent.

One out of every three state workers is employed by the Michigan Department of Corrections.

Source: Data analyzed by Citizen’s Research Council.
Analyses: Reduce spending on corrections

Estimated Annual Prison Expenditures
2007

Michigan taxpayers will pay over $1.2 billion to imprison people sentenced in 2007. One third of the costs are accounted for by people sentenced to prison from Wayne County.

<table>
<thead>
<tr>
<th>Counties</th>
<th>Prison Bed Years</th>
<th>Estimated Annual Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wayne</td>
<td>14,458</td>
<td>$433,762,326</td>
</tr>
<tr>
<td>Oakland</td>
<td>3,402</td>
<td>$102,049,419</td>
</tr>
<tr>
<td>Kent</td>
<td>3,301</td>
<td>$99,040,635</td>
</tr>
<tr>
<td>Macomb</td>
<td>2,068</td>
<td>$62,050,791</td>
</tr>
<tr>
<td>Genesee</td>
<td>2,064</td>
<td>$61,932,159</td>
</tr>
<tr>
<td>Muskegon</td>
<td>1,285</td>
<td>$38,549,280</td>
</tr>
<tr>
<td>Saginaw</td>
<td>1,232</td>
<td>$36,951,132</td>
</tr>
<tr>
<td>Berrien</td>
<td>952</td>
<td>$28,550,370</td>
</tr>
<tr>
<td>Kalamazoo</td>
<td>917</td>
<td>$27,513,579</td>
</tr>
<tr>
<td>Washtenaw</td>
<td>896</td>
<td>$26,888,841</td>
</tr>
<tr>
<td>Ingham</td>
<td>880</td>
<td>$26,404,695</td>
</tr>
<tr>
<td>Jackson</td>
<td>864</td>
<td>$25,934,124</td>
</tr>
<tr>
<td>Calhoun</td>
<td>671</td>
<td>$20,130,546</td>
</tr>
<tr>
<td>State Total</td>
<td>41,331</td>
<td>$1,239,926,997</td>
</tr>
</tbody>
</table>

*Counties with expenditures > $20M

Source: Justice Mapping Center analysis of Michigan Department of Corrections data on 2007 admissions to prison.
1. Judge Sentences Burglar Within Sentencing Guidelines to 3.7 years

Statutory Maximum 15 yrs
Minimum Sentence 3.7 yrs

sentencing guidelines set range for minimum sentence
statutes dictate the maximum sentence in MI instead of the judge

2. Parole Board Releases Burglar After Serving 4.7 years or 127% of Minimum

Statutory Maximum 15 yrs
Minimum Sentence 3.7 yrs
Time Served to Parole 4.7 yrs

parole board can release offender after 100% of minimum
and up to their maximum sentence, which is 4 x as long on average

3. Parole Board Returns Burglar to Prison for 16 months for Violations

Statutory Maximum 15 yrs
Minimum Sentence 3.7 yrs
Time Served to Parole 4.7 yrs
Revocation 16 m

upon revocation, the parole board can incarcerate
an offender up to the maximum
## Analysis of Difference in Time Served

<table>
<thead>
<tr>
<th>Offense</th>
<th>Percent of convictions resulting in a prison sentence</th>
<th>Time served in prison (in months)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>89%</td>
<td>86%</td>
</tr>
<tr>
<td>Robbery</td>
<td>72%</td>
<td>77%</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>61%</td>
<td>63%</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>43%</td>
<td>38%</td>
</tr>
<tr>
<td>Burglary</td>
<td>49%</td>
<td>38%</td>
</tr>
</tbody>
</table>

### Percent of Sentence Served

#### 2007 Releases

<table>
<thead>
<tr>
<th>Offense</th>
<th>Court Imposed Sentence (minimum sentence in months)</th>
<th>Average % of Sentence Served (first release to parole)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>136</td>
<td>104%</td>
</tr>
<tr>
<td>Robbery</td>
<td>73</td>
<td>123%</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>61</td>
<td>159%</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>49</td>
<td>117%</td>
</tr>
<tr>
<td>Burglary</td>
<td>33</td>
<td>136%</td>
</tr>
<tr>
<td>Larceny</td>
<td>21</td>
<td>153%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>38</strong></td>
<td><strong>127%</strong></td>
</tr>
</tbody>
</table>

Source: CSG Analysis of 2007 MDOC Releases; Average % of Sentence Served is an analysis of first paroles.
More than 1,000 offenders were released in 2007 to no community supervision. These offenders have “maxed out” their term of imprisonment; they have served the maximum period of imprisonment allowed by statute.

These offenders served an average of 8 years in prison, and 200 percent of their minimum court imposed sentence.

Without post-release supervision, it becomes more difficult to ensure a smooth transition to the community, which could potentially reduce this population’s likelihood of committing new crimes.
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<tr>
<td>A. Support local law enforcement’s targeted crime-fighting strategies</td>
<td>A. Reduce rates of re-arrest among probationers</td>
<td>A. 100-120% of Minimum Sentence to be Served</td>
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<tr>
<td>B. Reduce crime lab backlogs to speed investigations</td>
<td>B. Respond to technical violations with swift, certain, and proportional sanctions</td>
<td>B. Limit time served on first parole revocation for condition violations</td>
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<td>C. Increase employment opportunities for at-risk young adults</td>
<td>C. Expand employment services for high-risk probationers/parolees</td>
<td>C. Ensure supervision for everyone released from prison</td>
</tr>
<tr>
<td></td>
<td></td>
<td>D. Administrative Post-ERD Reduction</td>
</tr>
</tbody>
</table>
3A. Ensure that offenders in prison serve 100-120% of their court-imposed minimum sentence.

- Require that people sentenced to prison after April 1, 2009 serve no less than 100% of their court-imposed minimum sentence and no more than 120% of that sentence.

- Offenders who are serving sentences with a statutory maximum of life would not be affected by this policy.

- Permit the parole board to hold an offender beyond 120% of their minimum sentence in cases where the offender poses a very high risk of re-offending.
Example of the 100-120% Policy Option

Current Policy of Maximum Sentence Set by Statute

- Robbery Sentence: 72 months
- Robbery Sentence: 64 months

Policy Option of Setting Maximum Sentence at 120% of the Court Imposed Sentence

- Robbery Sentence: 72 months
  - Incarceration / Parole Period: 14.4 months
- Robbery Sentence: 64 months
  - Incarceration / Parole Period: 12.8 months

Statutory Maximum: 180 months
Relative Maximum: 120% of sentence

Policy Options: Reduce spending on corrections
Similar to North Carolina Sentencing Structure

Court Imposed Minimum Sentence: 120%

- Offender must serve 100% of the court imposed minimum sentence
- Offender is released between 100-120% based on institutional conduct & program participation
3B.
Limit time served on first parole revocation for condition violations

- Require people revoked for the first time from parole for condition violations to serve no more than 9 months in prison
- Apply this policy to anyone admitted to prison after April 1, 2009, for their first parole revocation
1. Judge Sentences Burglar Within Sentencing Guidelines to 3.7 years

2. Parole Board Releases Burglar Between 100% and 120% of Minimum Sentence

3. Parole Board Returns Burglar to Prison for up to 9 Months on First Revocation
3C. Ensure supervision for everyone released from prison.

- Require offenders who have served 100% of their minimum sentence to be released 9 months prior to their statutory maximum sentence in order to ensure a period of intensive supervision in the community.

Current: Average Maximum Sentence Length: 99 months
No community supervision following release

Policy Option: Require 9 months of community supervision prior reaching maximum sentence

Avg. 100% Minimum Sentence Date for this Group: 43 months
3D.
Continue the parole board’s administrative actions to reduce the population that has served more than 100% of their minimum sentence.

- During the last 6 months, the parole board has administratively taken steps to expand community-based options, utilize new risk assessments, and pursue other strategies to reduce the population currently in prison who have served 100% of their court-imposed minimum sentence.

- If the parole board is able to continue pursuing these administrative options as they have for the past 6 months, the policies and practices will have an impact on the resulting prison population from the baseline projection.
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Impact of Individual Policy Options

- Baseline Projection
- 3A: 100-120% of Minimum Sentence to be Served
- 3B: Parole Violator Up to 9m on 1st Revocation
- 3C: Max Outs Requiring 9m Supervision
- 3D: Parole Board’s Post-ERD Administrative Actions

Years: 2009 to 2015
Impact of Combined Options


- **Prison Population-Historical**
- **Baseline Projection**
- **Combo #1: 100-120% + Parole Violator**
- **Combo #2: 100-120% + Parole Violator + Max Out**
- **Combo #3: 100-120% + Parole Violator + Max Out + Parole Board’s Post-ERD Action**
Estimated Savings & Potential Reinvestment

Estimated FY Savings
According to MDOC from Combination 3

FY2011-2015 Cumulative Savings: $262 million
(Savings Below Represent Reductions from FY2010 Budget)

Successful implementation of the policy options described in strategies 1, 2, and 3 depends on upfront and sustained reinvestment of a substantial portion of the projected savings.
Thank you
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