

# How we can safely reduce Michigan's \$2 billion corrections budget

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**MLPP/Prosperity Coalition Webinar**  
**September 16, 2013**



# Citizens Alliance on Prisons and Public Spending

## **Mission:**

— [ Safely reduce spending on excessive incarceration.

— [ Shift resources to services proven to better prevent crime and protect the public.

## **Methods:**

— [ Educate policymakers and public about choices that drive corrections costs.

— [ Conduct research.

— [ Develop policy recommendations based on our research.

# Corrections spending displaces other priorities

— [ 2005-2014: Corrections spending up 16.4 %

➔ \$1.77 billion to \$2.06 billion

— [ 2005-2014: Higher education spending down 16.7 %

➔ \$1.68 billion to \$1.4 billion

— [ 2014 General Fund spending:

➔ Corrections: 21%

➔ Higher education: 12.1%

The proportion of the higher ed budget from tuition and fees has steadily increased since 1987.

In FY 2012, more than 70 percent of university funding came from tuition.

# How Michigan spends \$2 billion on corrections

77% is spent on prison operations.

The rest goes to:

- ➔ Supervising 50,000 probationers and 18,000 parolees
- ➔ Community-based alternatives to prison (community corrections, jails)
- ➔ Prisoner re-entry

70% is spent on personnel; over 27% of state classified employees

16% is spent on prisoner medical/mental health care

**FY 2014: Average cost per prisoner is \$35,856**

**Every day: Michigan's taxpayers spend \$4.32 million to operate prisons**

# The impact of “tough on crime” policies

## From 1980-2010:

- ➔ The state population grew by 6.7%
- ➔ The prisoner population grew by 191% (from 15,000 to 44,000)

## The prisoner population peaked in 2006 at 51,454

- ➔ **Today it is about 43,450 and is projected to increase**

## The decline from 2006-2012 was due to:

- ➔ Fewer commitments for new crimes
- ➔ More paroles
- ➔ Fewer returns of technical parole violators
- ➔ The impact of reforming mandatory minimum drug laws



# Corrections spending remains about \$2 billion

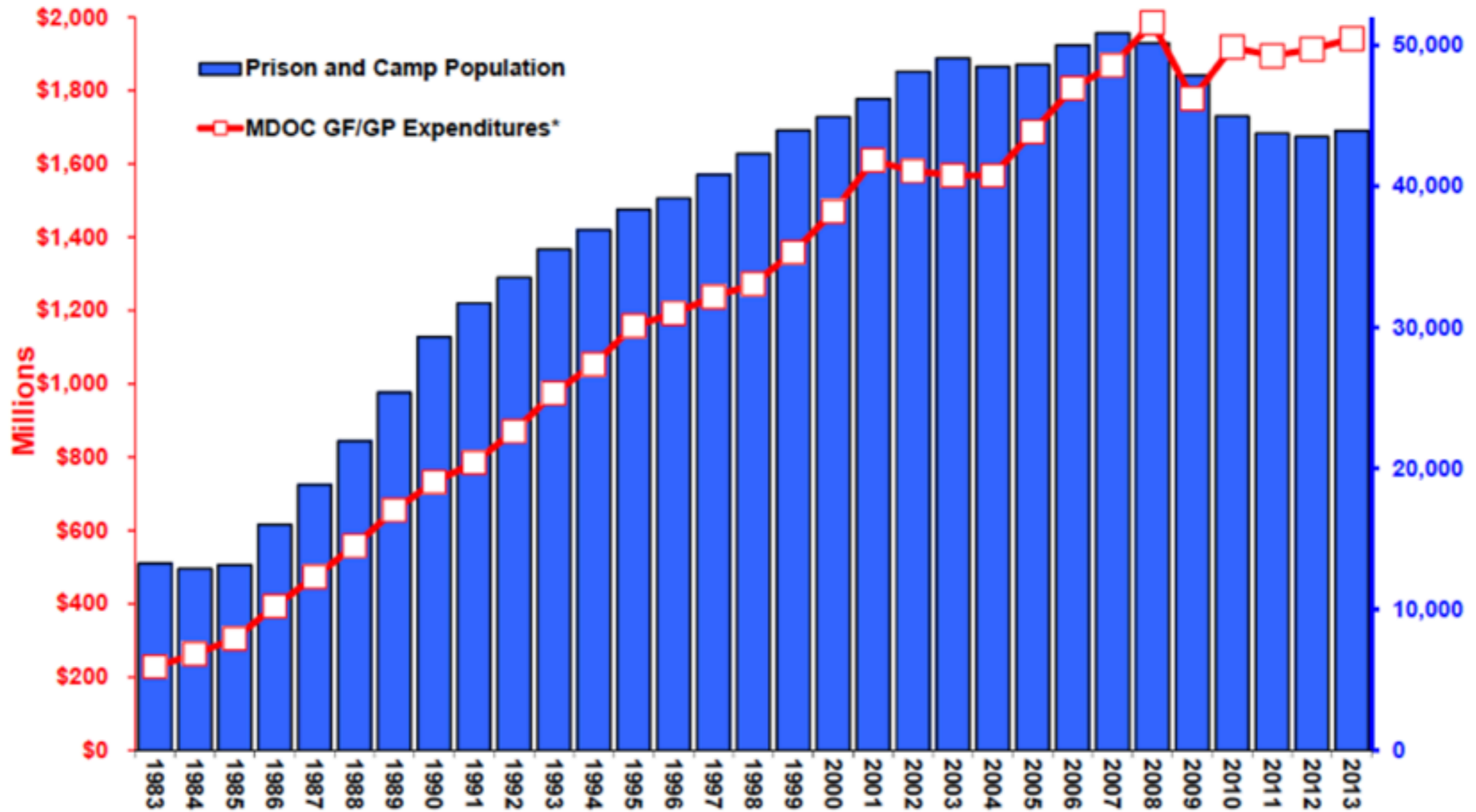
Even after the prisoner population declined and prisons closed.

Growth has primarily been driven by:

- ➔ Increased personnel costs
- ➔ Surcharge on payroll to pre-fund "other post-employment benefits" (OPEB)
- ➔ Increased costs for prisoner medical and mental health care



# Growth in MDOC GF/GP Spending and the Prisoner Population



\* FY 2013 based on year-to-date GF/GP appropriation and budgeted prisoner count.

House Fiscal Agency: December 2012

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# Reducing per prisoner costs: ineffective, risky

Privatization does not provide the hoped for savings

Prison operations are already cut to the bone. The result:

- ➔ Overcrowding
- ➔ Staff reductions
- ➔ Cuts to prisoner food, clothing, programs
- ➔ Unfair cost shifts to prisoners and their families

Re-entry funding cut by 37%



Deteriorating conditions reduce morale; increase risks for prisoners and staff.



# The least expensive prisoner is the one who isn't there

Policy choices, NOT crime rates determine population size.

Population is determined by two factors:

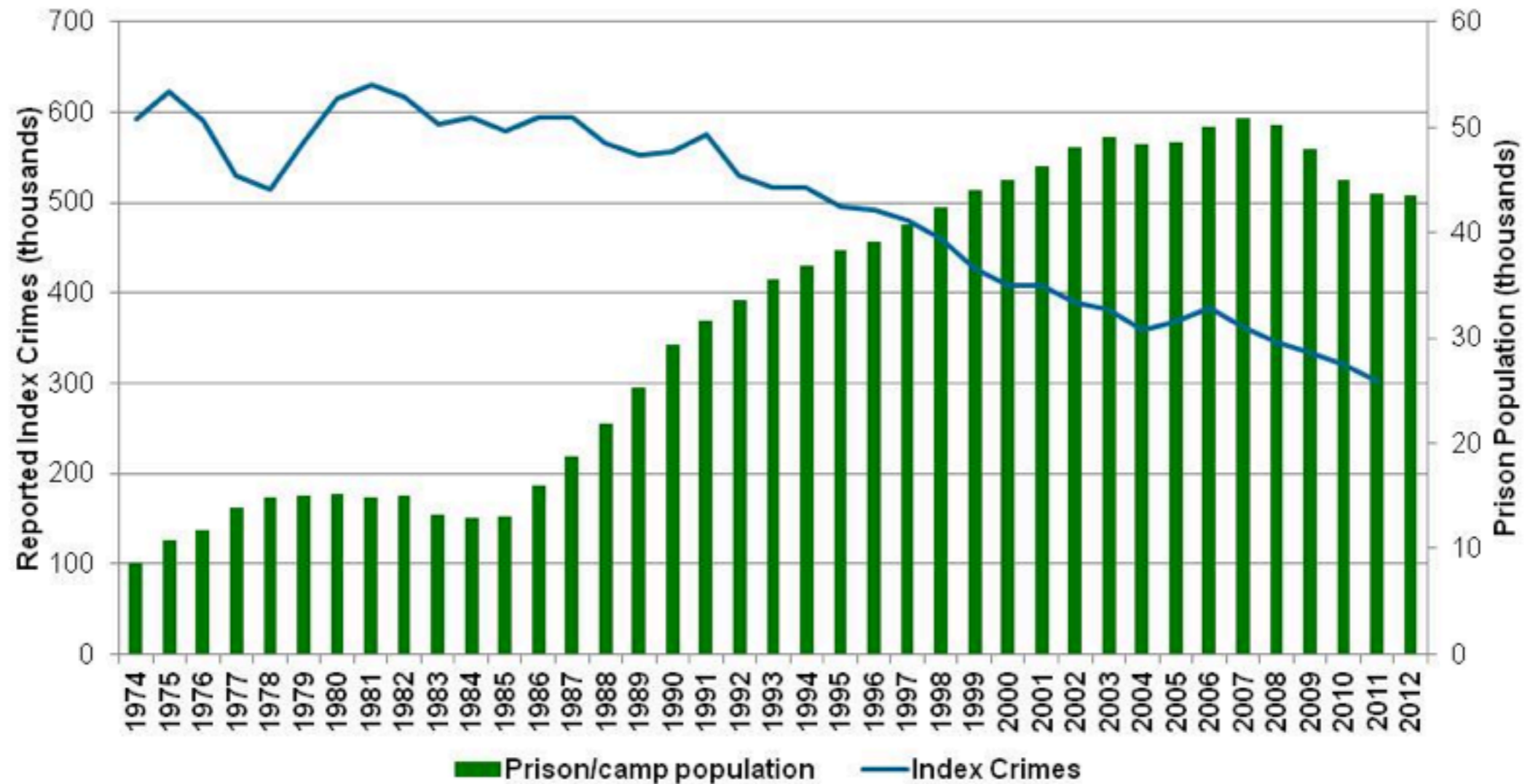
- ➔ How many people come in to prison.
- ➔ How long they stay (average prison length of stay, LOS).



We can safely reduce the prisoner population to where it was in 1990 – 34,000 prisoners.

# Crime rate decreases but prison population soars

## Crime and Prison Population



# Growth caused by longer prison stays



A Pew Center on the States report, *Time Served: The High Cost, Low Return of Longer Prison Terms* (June 2012), examined the average prison length of stay in 35 states in 2009.

**Average Time Served Comparison: Michigan vs. National Average**

	All Offenders			Assaultive Offenders		
	1990 Avg Years	2009 Avg Years	Percent Change	1990 Avg Years	2009 Avg Years	Percent Change
35 states	2.1	2.9	36%	3.7	5.0	37%
Michigan	2.4	4.3	79%	3.9	7.6	97%

Nationally: For all prisoners, the average increase was 9.6 months; for Michigan it was 22.8 months.  
 Nationally: For assaultive prisoners, the average increase was 15.6 months; for Michigan it was 44.4 months.

# Our length of stay is far outside the national norm

## Michigan compared to all the other 35 states studied:

- ➔ All Michigan prisoners served nearly 17 months longer.
- ➔ Assaultive offenders serve 30 months or 50 percent longer
- ➔ We keep people in prison 2-3 years more than such reputedly “tough” states as GA, TX, LA, FL and CA.

## Pew measured only actual time served for people who were released from 1990-2009.

- ➔ Since more than 7,000 Mich. prisoners are serving life or minimum sentences greater than 25 years, the actual time served by assaultive offenders is understated.



# Taxpayers foot the bill for longer prison stays

— [ Each additional month one lower security prisoner is kept behind bars:

➔ Approximately \$2,100

If the 15,009 Michigan prisoners released in 2009 had served the national average, **the savings for just this group would have exceeded \$530 million.**

— [ The Pew study corroborates earlier research by CAPPs, the Citizens Research Council of Michigan and the Council of State Governments.



# Prison terms have steadily gotten longer

Summary of Parole Eligibility Trends over Four Decades

Parole Eligibility	1970-79	1980-89	1990-99	2000-09
<b>Murder, 2nd Degree</b>				
10 yrs or less*	73%	50%	20%	12%
> 20 yrs	4%	19%	31%	46%
<b>Criminal Sexual Conduct , 1<sup>st</sup> Degree</b>				
10 yrs or less*	84%	69%	54%	48%
> 20 yrs	4%	11%	15%	16%
<b>Armed Robbery</b>				
10 yrs or less*	87%	88%	87%	77%
> 20 yrs	2%	3%	2%	5%

\*Includes parolable life terms from 1970 through 1989.

In the 1970s and '80s, 10 years in prison was considered a substantial penalty. Today, minimum terms of 20, 25, 30 years are common.

# Sentencing policies that drive up length of stay

## Michigan's unique version of "truth in sentencing"\*

- ➔ The elimination of all "good time" credit
- ➔ The elimination of community transition programs for people nearing parole

## Other policies intended to lengthen sentences

- ➔ Harsh repeat offender laws
- ➔ Mandatory sentences for felony firearm
- ➔ Increased use of consecutive sentences



## Deinstitutionalization of the mentally ill

\* Michigan's uniquely harsh TIS statute requires people to serve 100 percent of their minimum sentence in a secure facility, unlike most states and our own counties.

# Parole policies: a major factor in our length of stay



— [ **Not paroling low-risk prisoners when they first become eligible for release.**

— [ **Fluctuating rates of return to prison for technical parole violators.**

— [ **Elimination of medical paroles.**

— [ **Elimination of prisoners' right to appeal parole denials.**

# Longer stays: prisoners get older and sicker

Increase in the average age:

1989 → 31.4 years

2011 → 38.0 years

More than 18% of the prisoner population is **50 or older**:

→ Another geriatric unit will soon be needed.

→ Aging prisoners = rising medical costs.

→ Annual cost of a prisoner with significant health issues: about **\$70,000**.





# The elderly and ill pose little threat to the public

Criminal behavior declines as people age.

- ➔ Most already have been in prison for decades, for offenses committed when they were young.

Elderly and seriously ill prisoners are either:

- ➔ Serving life without parole, or
- ➔ Have not reached their first parole eligibility dates, or
- ➔ Eligible for parole, but **denied** by the parole board.





# Throwing away the key for people serving “life”

## Lifers by the numbers:

- ➔ Serving life without parole ➔ 3,626
- ➔ Serving “*parolable*” life ➔ 1,475

Since the 90s, few lifers have been released.

## The parole process for lifers:

- ➔ Board is only required to conduct “file reviews” every five years after first interview.
- ➔ Board does not calculate parole guidelines scores, to assess a lifers risk of reoffending.
- ➔ Board does not have to explain “no interest” decisions which effectively deny parole.
- ➔ There is no judicial oversight: prisoners cannot appeal parole denials.
- ➔ Sentencing or successor judges have the power to veto lifer paroles.

# 863 parolable lifers currently eligible for parole<sup>1</sup>

- ➔ Median age: 56
- ➔ Under 18 when committed offense: 84
- ➔ Average time served: 29 years
- ➔ Sentenced before 1985: 47%
- ➔ Serving their first Michigan prison term: 67%
- ➔ Institutional history: Typically excellent



Nearly 500 are **50 or older** and have served 25 or more years.

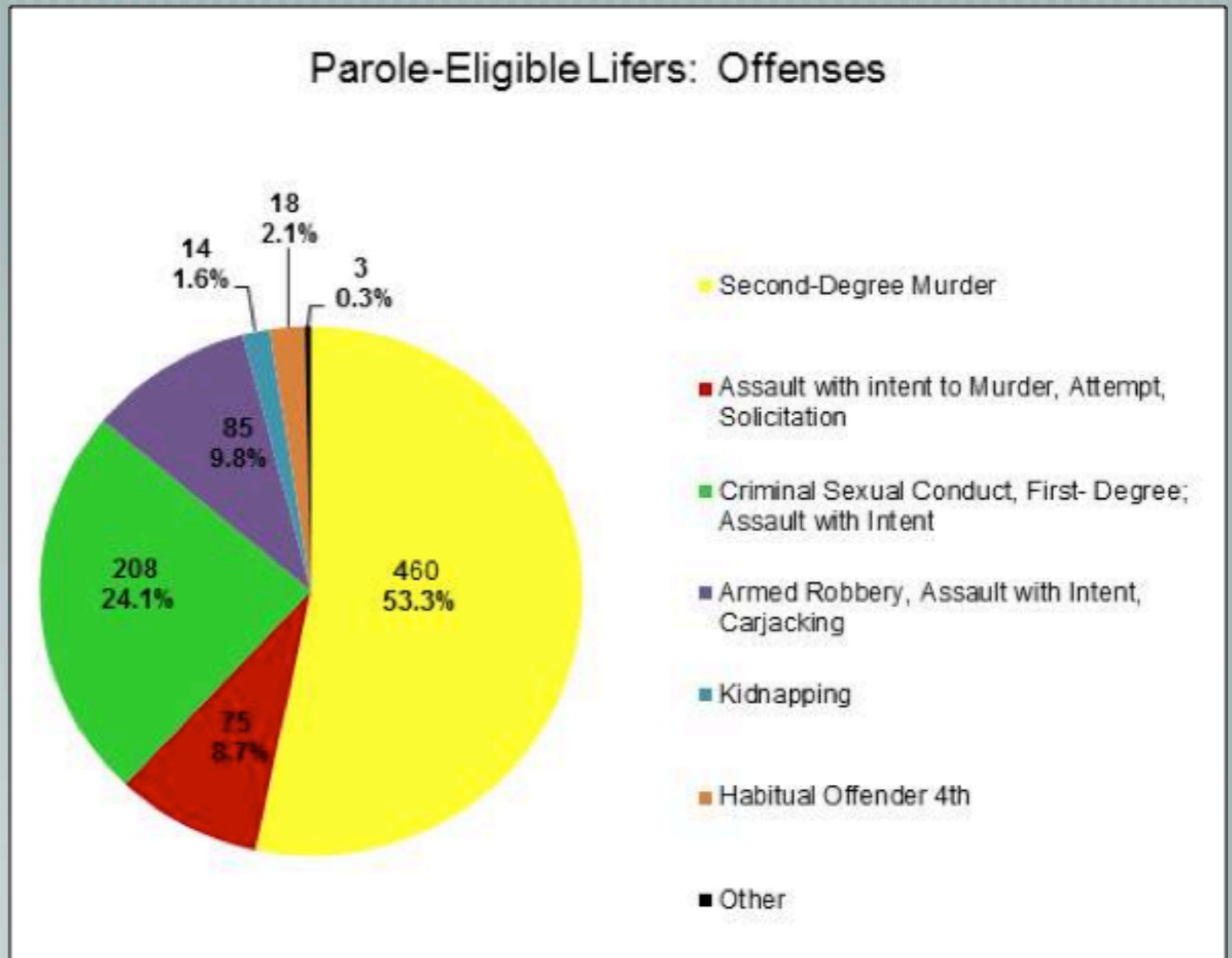
1. Excludes drug offenders.

# Low risk to release; similar to other prisoners

Judges choose whether to sentence to life or a term of years.

Parolable lifers' offenses were similar to those committed by people serving "indeterminate" sentences.

Their re-offense risk: *Less than 3 percent.*



# Policies that have worked to reduce length of stay

— [ Changes to the drug laws made in 2003

— [ Increased use of alternatives to prison for lower level offenders:

- ➡ Community corrections programs, drug and other treatment courts
- ➡ Special alternative incarceration (SAI or “boot camp”)

— [ Increased parole grant rates based on:

- ➡ Increased use of risk assessments
- ➡ Re-entry programs
- ➡ Increased use of community-based sanctions for technical parole violators



# Crime prevention is the best investment

Shifting resources to communities and better preparing prisoners for release would reduce crime and spending on prisons, increase public safety for all.

## Programs proven to reduce crime:

- ➔ Mental health treatment
- ➔ Substance abuse treatment
- ➔ Youth-at-risk programs and services
- ➔ Early childhood education
- ➔ Maternal and infant care
- ➔ Rebuilding blighted neighborhoods
- ➔ Access to higher education for prisoners
- ➔ Effective re-entry services and support

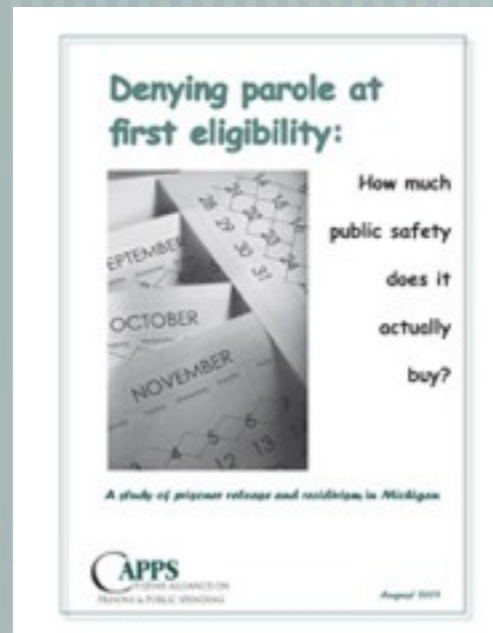




# Myths are driving our policy choices

National and state studies conducted over several decades show:

- ➔ Simply keeping people longer does NOT keep the public safer.
- ➔ Most people DO NOT return to prison for committing new crimes.
- ➔ Homicide and sex offenders are LEAST likely to repeat their offenses.



See CAPPS's 2009 report:

"Denying parole at first eligibility: How much public safety does it actually buy? A study of prisoner release and recidivism in Michigan" at [www.capps-mi.org](http://www.capps-mi.org).

# The research shows:

Most people do not return within three years for **any reason**

Those who do include:

- ➔ Parolees returning to prison with new sentences (PVNS)
- ➔ Technical violators - people who violated their terms of supervision (PVT)

Returns for technical violations fluctuate based on MDOC policies

- ➔ Parolees released in 1999: technical violations = 30 percent
- ➔ Parolees released in 2006: technical violations = <16 percent

**Serious crime does not mean high risk upon release**

# CAPPS: Sentencing policy recommendations



## Reinstate the Michigan Sentencing Commission to:

- ➔ Review and address sentence length, proportionality and effectiveness.
- ➔ Review and address any disproportionate impact due to age, gender, race, ethnicity or county.
- ➔ Reform our outdated penal code.

## Reform our unusually harsh truth-in-sentencing policies

- ▶ Reinstate community transition programs for people who are nearing parole.
- ▶ Reinstate sentencing credits for good conduct and program completion.

# CAPPS parole reform recommendations

Require the parole board to grant parole when people first becomes eligible, unless there is objective evidence doing so would pose a current risk to public safety (called “presumptive parole.”).

Reinstate prisoners’ ability to appeal denials of parole, so there is judicial oversight for parole board decision-making.

Reinstate the parole board’s authority to grant medical paroles to people who are incapacitated.

Reinstate more effective and fairer procedures for reviewing people serving parolable life sentences.

# Potential savings from selected reforms:

Presumptive parole (After cost of prisoner appeals)	<b>\$227,590,800</b>
Lifer parole reforms (Cumulative impact)	<b>16,875,000</b>
Medical paroles	<b>7,000,000</b>
Restore sentencing credits and Pre-parole re-entry program	<b>107,000,000</b>
<b>TOTAL</b>	<b>\$358,465,800</b>



# Status of the reform effort

## Strong bipartisan interest in reform

- ➔ National conservative movement to reduce state corrections costs.
- ➔ Rep. Haveman leading effort in Michigan; support for reforms growing.
- ➔ Council of State Governments Justice Center invited to review sentencing and parole factors driving our length of stay; proposals due next Spring.

## Opposition arguments:

- ➔ Maintain “tough on crime” policies, privatize prisons, reduce staff costs.
- ➔ Criminal justice reforms hurt victims — but none of the proposals affect victims’ rights.

# We hope you will support CAPPS's efforts!



— [ Sign up on our website at [www.capps-mi.org](http://www.capps-mi.org) for ongoing information.

— [ Collaborate on public education efforts.

— [ Share information about how the corrections budget is affecting your services.

Thank you for taking time to learn about how to reduce corrections spending!

**For more information or to get involved contact us**

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