

## **Prison expansion in Michigan: A brief history**

**1937 Model Corrections Act passed** – created Department of Corrections and Corrections Commission. Commission members, appointed by the Governor with the advice and consent of the Senate, oversee Department, set policy, hire director, and appoint members of parole board, who then have civil service protection.

**1939** - Prisoner population begins period at 7,703 and ends at 8,630. Fluctuations 1974 in between range from high of 10,334 in 1959 to low of 6,754 in 1966.

**1963** - First corrections center opens in Detroit.

### **1975-1978: First wave of population growth**

Public concern about increased crime leads to more and longer prison sentences; prison population increases by 4,089 in three years to 14,944; serious overcrowding problem begins; series of new laws are enacted that will lengthen sentences and worsen overcrowding.

**1977** - Mandatory two-year penalty for possession of a firearm during commission of a felony takes effect; good time credits on minimum sentence eliminated for habitual offenders absent judicial consent.

**1978** - Drug sentencing scheme requiring judges to impose long mandatory sentences is adopted; good time credits are eliminated for all crimes committed after December 11, 1978.

**1979** - MDOC projects need for one new prison per year for 10 years, ultimate population of 19,200.

**1979-1984** - Population stabilizes at roughly 15,000; three new prisons are built

**1980** - Ingham Circuit Court finds overcrowded conditions are cruel and unusual punishment – orders MDOC to meet specific space requirements.

**Joint Executive-Legislative Task Force on Prison Overcrowding** recommends adoption of Emergency Powers Act (EPA) to permit 90-day sentence reductions when overcrowding hits trigger points, increased use of alternatives to prison, expansion of community based programs, and building prisons; ballot proposal to raise funds for four new prisons through 0.1% tax increase is defeated; Emergency Powers Act is passed. Corrections operating costs for FY 1979-1980 are \$169 million, or 3% of general fund budget.

**1981** - Prison riots cause costly damage; state Supreme Court upholds constitutionality of Emergency Powers Act; index crime rates, which have declined and increased again over last six years, peak and begin steady decline that continues through 2000.

**1981** - State budget deficits caused by recession require MDOC to cut millions from 1983 budget for three years in a row.

**1982** - Legislature enacts disciplinary credits of up to seven days per month.

**1984** - An East Lansing police officer and a housewife are killed by a parolee released early because of Emergency Powers Act cuts and a corrections center resident. Gov. Blanchard refuses to sign further EPA reductions. Law is amended to allow more multiple occupancy of prison space. \$16 million appropriated to begin major prison acquisition and construction program.

### **1985-1992: Second wave of prison growth**

State builds 23 prisons, including "temporary" pole barn facilities. Prison population grows by 23,970 (average of 3,000 additional prisoners per year; 164% increase in eight years). Parole board temporarily decreases parole grants. Proportion of parolees returned to prison for technical parole violations doubles from 9.2% in 1984 to 18.3% in 1989, then drops back to 13.3%.

**1988** - Legislature establishes Office of Community Corrections to fund local programs designed to divert prison-bound offenders and Special Alternative Incarceration (SAI or boot camps) for probationers and some prisoners.

**1989** - Proportion of population serving beyond their parole eligibility date is 18% — 5,746 prisoners.

**1991** - Gov. Engler abolishes Corrections Commission, assumes authority to set policy and appoint director. Technical rule violator centers (TRVs) are established; 90-day commitments of parolees who violate rules of supervision are designed to be cost-effective alternative to returning parolees to prison. Corrections costs for FY 1991-92 are \$887 million.

**1992** - Parolee rapes and murders four Oakland County girls; civil service parole board is replaced by members appointed by director to four-year terms and subject to removal for "incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office."

### **1993-2000: Third wave of prison growth**

10 more new prisons are opened by MDOC; Michigan Youth Correctional Facility is opened by Wackenhut Corp. in 1999; Bellamy Creek is built but not opened. Construction costs = \$447 million. Population increases by 9,381.

Number of prisoners in community corrections centers and on tether drops from all-time high of 3,497 in 1992 to 2,468 in 1993, then declines to 1,873 by 2000.

Parole rates plummet from 63.3% to 47.3%.

Parole revocations for technical violations increase sharply, especially after 1995. Technical parole violators returned to prison rise from 1,916 in 1995 to 3,122 in 2000, while the number of parolees sent to Technical Rule Violator centers rises simultaneously from 1,332 to 2,341. In 2000, 40.6% of entire parolee population has either been returned to prison for a technical violation or sent to a TRV. An additional 8.5% were returned to prison for being convicted of new crimes.

**1997** - Proportion of population serving beyond their parole eligibility dates is 29% — 12,778 prisoners.

**1998** - Legislature adopts sentencing guidelines and "truth in sentencing" (TIS). Guidelines, which set longer minimum sentences for assaultive offenders but steer less serious offenders to community sanctions, are expected to have a neutral effect on prison capacity. Truth in sentencing bars prisoners from community placements until they have served their entire minimum sentence and eliminates all disciplinary credits for prisoners sentenced after effective date. TIS is expected to increase average sentence length by 1.16 years and to require 5,400 new beds by 2007.

### **A glimpse of the future**

**2001** - Total prisoner population is 48,371. Proportion serving beyond their parole eligibility date is 44%, or 20,784 prisoners. MDOC renames seven "temporary" facilities to reflect reality that they have become permanent. MDOC spokesperson acknowledges that all growth in prison population in 1990s is due to changes in parole board policies.

**2002** - Michigan Reformatory and State Prison of Southern Michigan are closed, but Bellamy Creek facility is opened. Number of prisoners in community programs drops to 1,132. Legislature votes to eliminate mandatory sentences for drug offenders and provides earlier parole eligibility for prisoners previously sentenced under mandatory laws. Budget cuts result in elimination of several behavior modification and substance abuse treatment programs for prisoners.

**2003** - Despite implementation of virtually all possible double-bunking, MDOC projects it will run out of beds late in year if current trends continue. Population projection of 58,000 by 2006 does not even include full impact of sentencing guidelines and truth in sentencing on average sentence length. Governor's recommended budget of \$1.72 billion for FY 2003-2004 includes staff reductions, assumes wage concessions, and eliminates academic programs for all maximum security prisoners. House votes to reduce all prisoner educational programs by another \$8.5 million. For first time, MDOC appropriation will exceed that for colleges and universities. Meanwhile, MDOC pays \$60,000/month to truck sewage from women's prison camp in Brighton because expansion of facility exceeded capacity of septic field.

To avert immediate bedspace crisis, MDOC cuts number of technical parole violators being returned each month from 306 to 150. Earlier parole eligibility for over 600 drug offenders will also save beds. However, plan to place 1,375 low risk prisoners nearing

parole into community programs is scrapped because prosecutors and legislators object to changing truth in sentencing.

Granholm administration announces long-term policy initiatives to avoid future prison expansion. These include: determine need to amend sentencing guidelines, work with Family Independence Agency to reduce juvenile crime, maximize services to offenders needing substance abuse treatment, work with Department of Community Health to reduce reliance on prison for offenders who are mentally ill or developmentally disabled.

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