

Misleading Free Press headlines should not drive corrections policy

By Barbara Levine, executive director

The recent Free Press series and its sensational headlines suggest that large numbers of released prisoners are roaming the streets assaulting and murdering citizens at will. Fortunately, the evidence does not support this extreme conclusion. Unfortunately, the disturbing image is what the public is likely to remember.

If that image is allowed to drive policymaking, needed corrections reforms and the opportunity to reduce prison spending will be set back by years. The MDOC is already responding to the number of high profile cases by slowing the grant of paroles and returning more parole violators to prison. Our prison population -- and prison spending -- are once again starting to rise, even though crime rates, including violent crimes, fell steadily from 2007-2011.

The Free Press reports that from Jan 2010-Aug 2012, 88 probationers and parolees were suspected, arrested or convicted in 95 murders. Three people have now been exonerated. The eight murder cases that were described in detail are gut-wrenching and some of the system failures are tragic. But individual events don't provide a framework for responsible policymaking. They must be placed in a meaningful context and at least four points must be considered.

1. Probationers and parolees must be distinguished so that problems can be identified accurately. The series treated these groups as interchangeable, referring to them all as "ex-cons." Alleged problems with the release and supervision of parolees were illustrated with stories about crimes committed by probationers. The actual breakdown of cases between probationers and parolees was not provided.

These are two very different populations. People are sentenced to probation by judges for relatively less serious crimes and judges decide how to penalize violations of probation conditions. The point of probation is to keep the offender in the community.

Prisoners have typically committed more serious crimes or have much longer criminal histories. They have been removed from the community for years or decades and have experienced the deterrent effect of incarceration. Decisions to grant and revoke parole are made by the parole board.

A year in prison costs \$34,000 while a year on community supervision averages \$2,100. Increased parole grant rates and the use of more community-based sanctions for parole violations have helped reduce the prison population and contain prison spending. However, they also brought vocal allegations that public safety was being compromised. The actual impact of these policies and the cost-effectiveness of changing them cannot be measured if the behavior of probationers is attributed to parolees.

2. The vast majority of crimes, including murders, are not committed by probationers or parolees. In 2007, parolees accounted for only 3% of Michigan arrests for so-called "index crimes", which include murder and rape. Felony probationers accounted for 7%.

Michigan State Police figures show the total number of murders fluctuates annually. In 2010, there were 556; in 2011, there were 615. Thus the proportion being attributed to people under MDOC supervision, 21 in 2010 and 38 in 2011, was less than 4% and about 6%, respectively.

3. The proportion of probationers and parolees who do commit murder or assault is small. The Free Press notes there were nearly 69,000 people under supervision in July 2012. That number varies annually, but using a reasonable estimate of 85,000 different individuals under supervision over the 32-month period covered by the series, the 85 involved in murders equal only a tenth of one percent -- one in one thousand probationers and parolees.

Other data confirm that parolees who commit assaultive offenses are in the minority. The number of parole violators returned to prison with new sentences declined significantly for the period from May 2011 – April 2012 compared to the same period a year before. The numbers went down for every type of offender and every type of new offense, with the largest drop occurring for new assaultive offenses. Of 110 parolable lifers convicted of violent offenses (most commonly murder) who were released over the past eight years, only one was returned for a new assaultive crime.

These figures tend to refute claims that increased releases of assaultive and sex offenders would threaten public safety. They also confirm the findings in a 2009 report published by the Citizens Alliance on Prisons and Public Spending (CAPPS). Of more than 76,000 Michigan prisoners released between 1986 and 1999, fewer than one in five were returned to prison within four years for any new crime and only 4.5% went back for new violent or sex offenses. Notably, homicide and sex offenders had the lowest rates of return and rarely repeated their crimes.

4. Identifying which of these murders might have been avoided by better supervision would require a thorough analysis of each case. Clearly there were supervision failures in several. In general, however, as the series noted, even with statistical risk assessment tools and electronic monitors, no one can predict all human behavior and foresee all triggering circumstances. Murder, in particular, tends to be a situational crime. It is neither feasible nor reasonable to lock up for decades everyone we think might commit a crime because we can't predict who actually will.

Although we must keep our expectations realistic, we can do a much better job of using people's entry into the criminal justice system as an opportunity for positive intervention. While we have them, we can give both prisoners and probationers more coping skills, more education and job training, and more motivation to succeed. The Free Press has pointed to new research on supervision techniques and pilot programs in other states. We must hope that the legacy of this series will be improved supervision of both probationers and parolees, not an unwarranted return to "get tough" policies that will not make anyone safer.