

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

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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

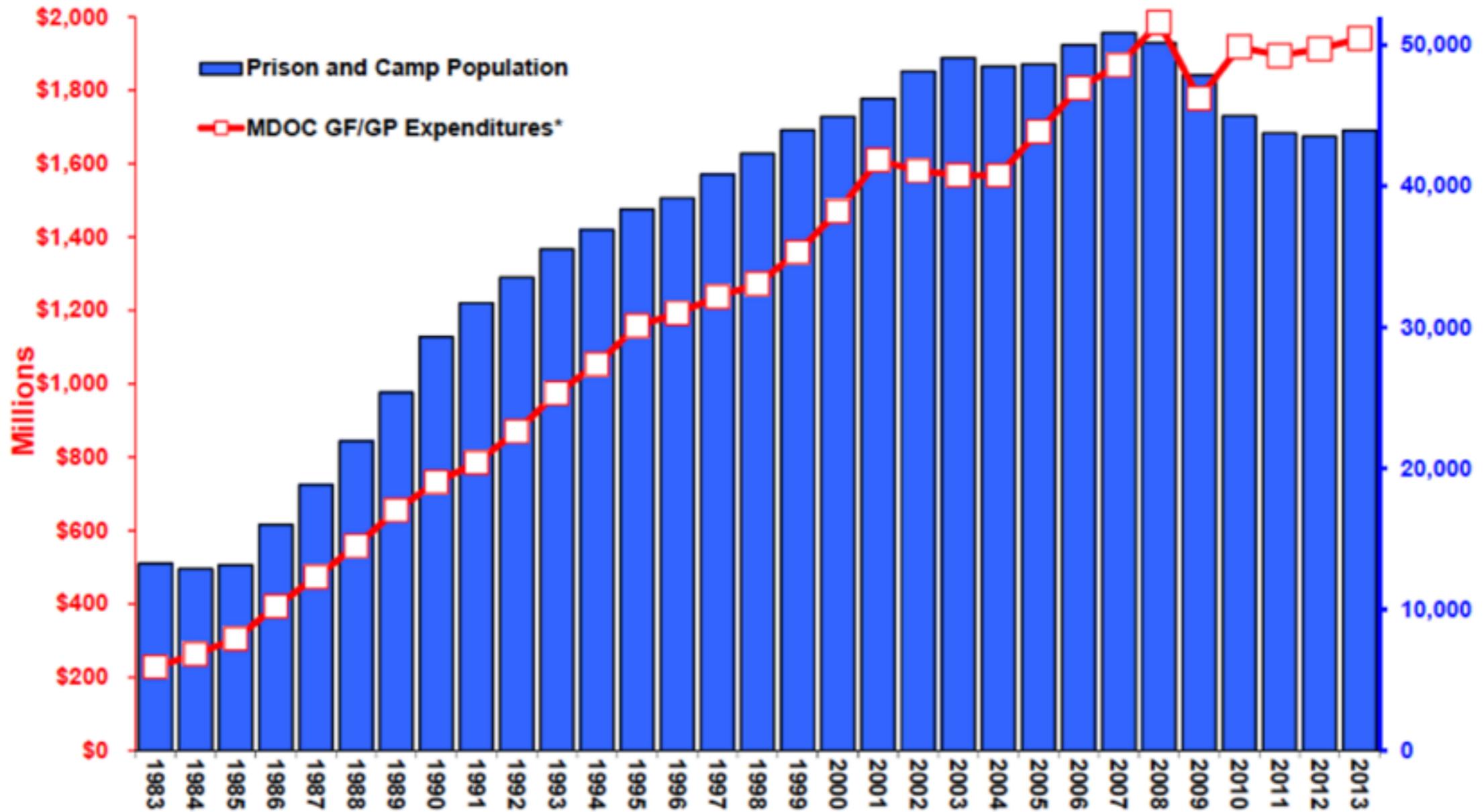
Even after the prisoner population declined and prisons closed.

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:

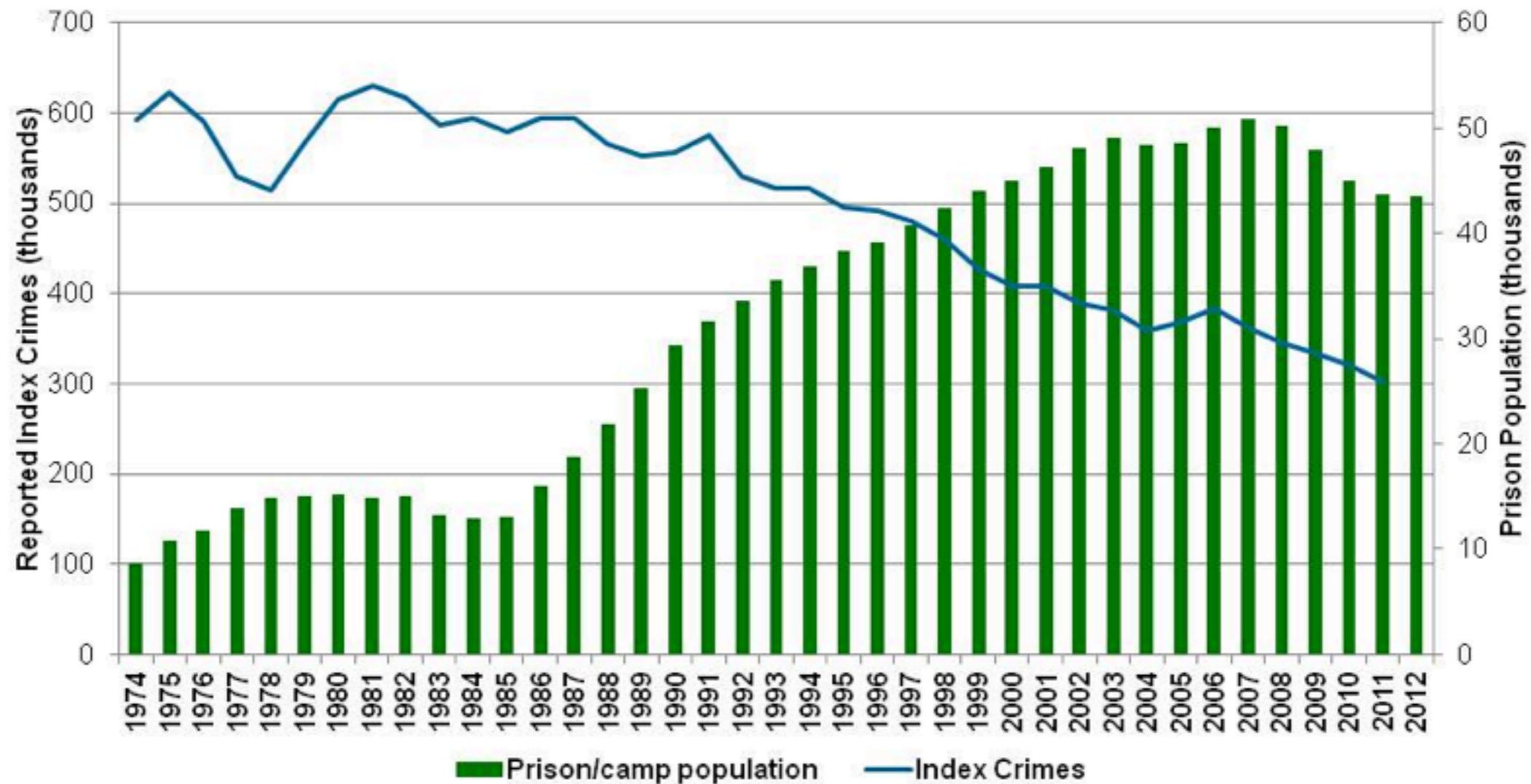
- ➔ How many people come in to prison.
- ➔ How long they stay (average prison length of stay, LOS).



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
Murder, 2nd Degree				
10 yrs or less*	73%	50%	20%	12%
> 20 yrs	4%	19%	31%	46%
Criminal Sexual Conduct , 1st Degree				
10 yrs or less*	84%	69%	54%	48%
> 20 yrs	4%	11%	15%	16%
Armed Robbery				
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

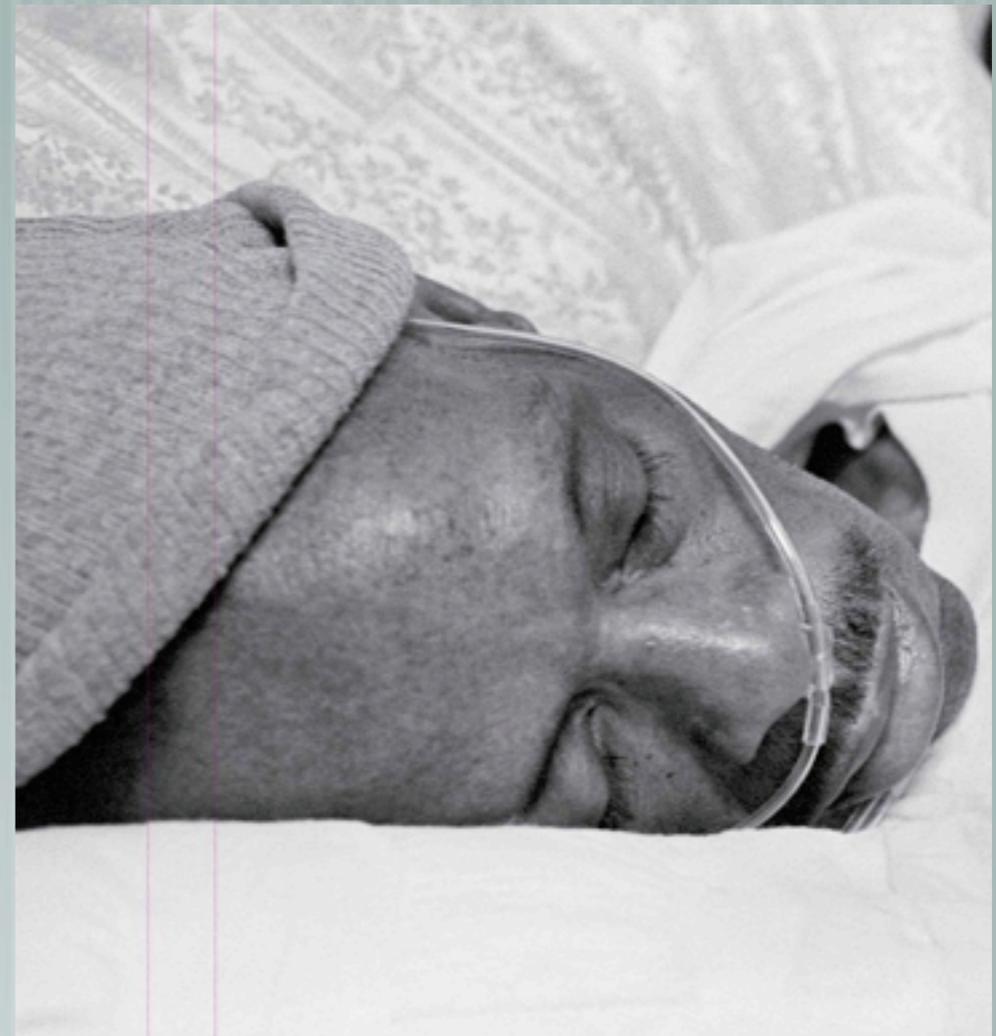
2011 → 38.0 years

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 parole¹

- ➔ 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.

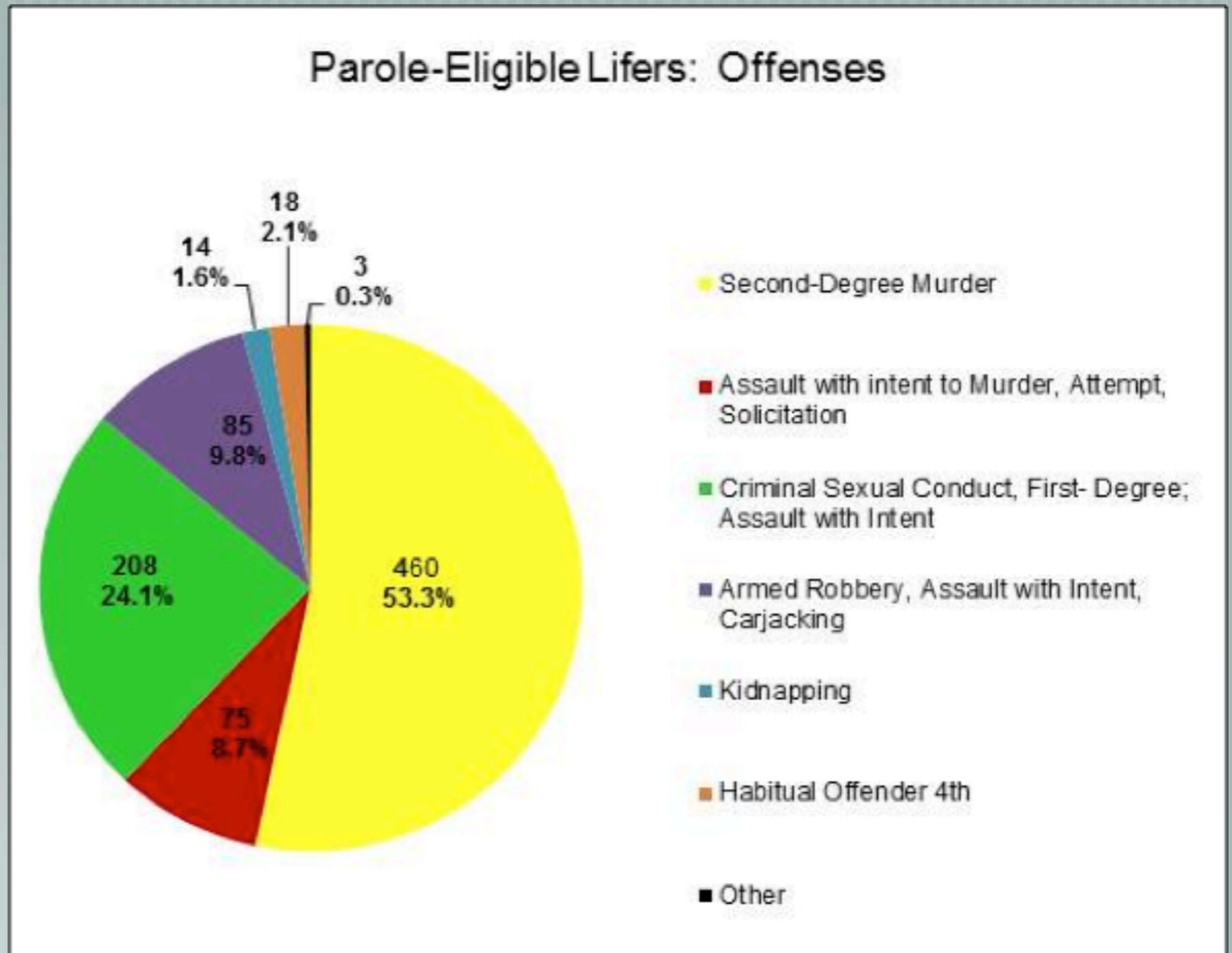
1. Excludes drug offenders.

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:

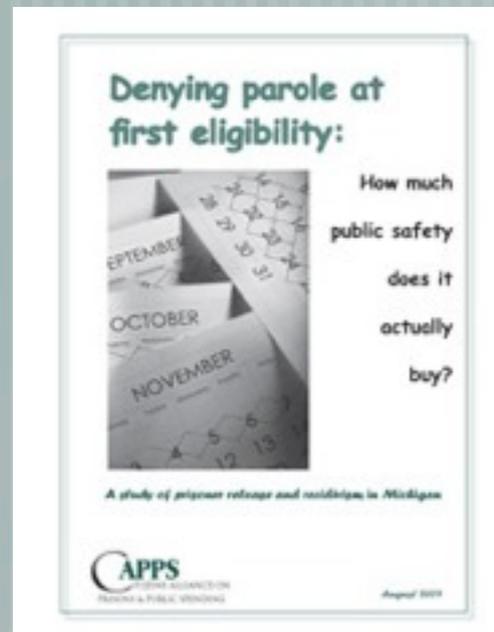
- ➔ Mental health treatment
- ➔ Substance abuse treatment
- ➔ Youth-at-risk programs and services
- ➔ Early childhood education
- ➔ Maternal and infant care
- ➔ Rebuilding blighted neighborhoods
- ➔ Access to higher education for prisoners
- ➔ Effective re-entry services and support



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.

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)	\$227,590,800
Lifer parole reforms (Cumulative impact)	16,875,000
Medical paroles	7,000,000
Restore sentencing credits and Pre-parole re-entry program	107,000,000
TOTAL	\$358,465,800

Status of the reform effort

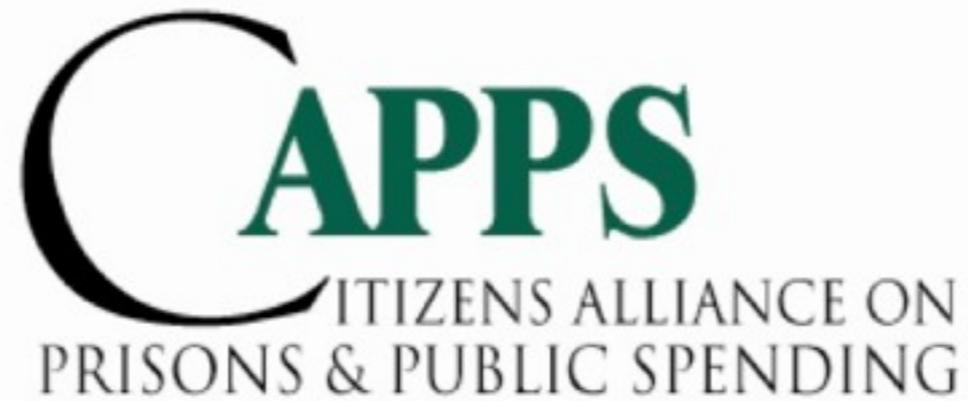
Strong bipartisan interest in reform

- ➔ 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 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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