

CAPPS ANALYSIS

Summary of PAAM report

PAAM's report is a compilation of facts designed to prove:

1. Michigan has a high violent crime rate (tho it has been declining).
2. Michigan has a low ratio of law enforcement personnel to residents.
3. Michigan has a low rate of solving violent crimes.
4. Michigan has a low rate of sending convicted felons to prison.
5. Most Michigan prisoners are serving for assaultive offenses and the rest are repeat offenders.
6. A high proportion of newly admitted prisoners are probation and parole violators.
7. MDOC budget has remained flat despite decrease in population and number of employees because of high employee economics and prisoner health care costs.

From these facts PAAM recommends:

1. Expanding "Secure Cities Partnership" by adding law enforcement resources to current and additional high crime target areas.
2. Reducing corrections budget by making costs comparable to those of other states.
3. Reducing recidivism by investing more in programming for felony probationers and using more intensive supervision.
4. Conducting an "evidence-based cost analysis" that includes "determining whether Michigan's regional prison concept is a fiscally responsible mode of operation and include a serious review and cost-comparison of MDOC incarceration and administrative costs."

Report concludes with a highlighted paragraph on pg 12 that states:

The Prosecuting Attorneys Association of Michigan prepared this report as part of our ongoing effort to provide relevant data regarding our criminal justice system. This report should assist in facilitating an open and honest discussion about our prisons, violent crime and public safety. We believe the success and future growth of Michigan is dependent upon businesses, families and individuals considering Michigan to be a safe place to live and work. Accordingly, any changes to our criminal justice system must first be viewed in the context of how they impact public safety. **We oppose any changes that would release violent and career criminals onto our streets.** We do, however, look forward to working with all interested stakeholders and support changes that positively impact our State's progress and improve public safety. (emph. added)

CAPPS Analysis

The recitation of facts is essentially accurate but incomplete and ignores a number of logical conclusions.

Michigan's violent crime rate declined at the same time that the prison population dropped.

Michigan's violent crime rate declined throughout the period (2001-2014) that the state experienced a 17% reduction in police officers.

The five-year crime decline in three of Michigan's most violent cities coincided not only with Gov. Snyder's initiative to increase in police resources in those areas but with a substantial drop in unemployment rates in those cities over the same period of time.

The fact that Michigan's commitment rate for convicted felons is lower than the national average reflects the fact that Michigan locks up fewer drug and property offenders. Michigan's incarceration rate for serious assaultive crimes is equal to or greater than the national average.

In 2013, these rates (including attempts) were:

- | | |
|---|--------|
| • Murder, second-degree | 99.5% |
| • Assault with intent to murder | 100.0% |
| • Kidnapping | 97.1% |
| • Criminal sexual conduct, first-degree | 98.1% |
| • Armed robbery | 98.6% |

The increase in Michigan's per prisoner health care costs is directly related to the increase in the number of older prisoners which, in turn, is primarily a product of life and very long indeterminate sentences imposed decades ago. The proportion of prisoners over age 55 has gone from under 5 percent in 2003 to nearly 12 percent in 2013.

PAAM does not mention that the PEW Center on the States found that, of 35 states for which it had data, Michigan had the longest average length of stay in 2009 for prisoners in general and for those convicted of assaultive offenses in particular.

- For assaultive offenses Michigan's length of stay was 2.6 years or more than 50 percent higher than the national average.
- Between 1990 and 2009, Michigan's average length of stay for assaultive offenses increased 97 percent, compared to 37 percent nationally.

	All Offenders			Assaultive Offenders ¹		
	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%

Increases in the length of time served result from both longer sentences imposed for the more serious offenses and fluctuations in parole grant rates.

- From 1989 to 2013, the length of the average minimum sentence being served by Michigan prisoners increased from 6.5 to 9 years.
- If Michigan prisoners served, on average, 100 percent of their minimum sentences instead of the current average of 125 percent, the savings would be \$300 million.

PAAM does not mention that:

- Research has found no relationship between length of stay and likelihood of reoffending.
- There is no evidence that continuing people's incarceration beyond their earliest release dates enhances public safety. In 2009 and 2010, returns to prison with new sentences actually decreased, despite the release of more than 1,000 additional people serving for homicide and sex offenses as a result of the parole board's continuance review process.
- Homicide and sex offenders have extremely low rates of repeating their offenses – 0.5% and 3.1%, respectively.
- There is no correlation between violent crime rates and incarceration rates. States that are similar on one dimension are often vastly different on the other. For instance:

	Violent Crime Rank	Incarceration Rank
Florida	9	9
Georgia	8	21
Louisiana	5	1
Mississippi	33	2
Texas	17	5
California	18	30
New York	19	35

¹ Note that Pew measured the actual time served by people who were released from 1990-2009. Since nearly 8,000 Michigan prisoners are serving life terms or minimum sentences greater than 25 years, the actual time served by assaultive offenders is understated.

States, including Michigan, that have reduced their incarceration rates have also seen their crime rates decline.

CAPPS Response

CAPPS agrees that more resources should be invested in high crime communities. These resources should not be primarily law enforcement but should include expanded treatment services, such as substance abuse and mental health, and improvements in community infrastructure, such as education, job training, housing and transportation.

CAPPS agrees that more resources should be invested in programming for high risk felony probationers.

CAPPS does not agree with the implicit suggestion that corrections costs should be reduced by cutting spending on prisoner medical care. CAPPS believes prisoner health care costs could be substantially reduced by releasing more aging parolable lifers and through the use of medical paroles and medical transfers.

CAPPS is unsure of what PAAM has in mind when it recommends an evidence-based cost analysis.

- What evidence would be the measure of effectiveness? Reoffense rates? Prisoner health and longevity? Number of escapes? Employee morale? Prisoner morale?
- What is meant by whether Michigan's "regional prison concept" is fiscally responsible? Michigan built a number of prisons with the intent of housing people in a region near their homes in order to facilitate family visits and other aspects of reentry. However that concept was abandoned long ago. Is PAAM suggesting that prisons should not be dispersed around the state and that there should be fewer but larger facilities?
- What would be the basis of comparative costs? Other states with a similar cost of living? Other states with similar state budget cost allocations, e.g. for pension funding? Other states with similarly sized prison systems? Private prisons?
- CAPPS has, of course, made numerous recommendations for reducing prison spending by reducing the number of prisoners without endangering public safety.

PAAM's final assertion that it would "oppose any changes that would release violent and career criminals onto our streets" is wholly unrelated to any of the facts or conclusions that preceded it.

- ✓ The fact that Michigan has a high violent crime rate has no proven relationship to the length of time people convicted of violent crimes serve in prison.
- ✓ The fact that Michigan has a declining number of police officers and a low clearance rate for violent crimes has no logical relationship to when prisoners should be released.
- ✓ The fact that the majority of prisoners are serving for assaultive offenses and that others have substantial histories of property or drug convictions has no logical

relationship to whether they should be released when they have served their minimum sentences.

- ✓ The fact that people committed an assaultive offense years or decades earlier is not an indication that they would present a risk to public safety if released. On the contrary, many assaultive and sex offenders are the least likely to reoffend. Keeping them past their earliest release date creates a false sense of security but does nothing to actually protect the public and creates an unnecessary drain on taxpayer resources.
- ✓ The fact that Michigan uses community-based sanctions for property and drug offenses has nothing to do with when people who do go to prison should be released.