

# Require parole when people are first eligible

## NO SAFETY PAYOFF TO KEEPING PEOPLE LONGER

Michigan prisoners have far longer average prison stays than the national norm:\*

- 17 months longer for non-assaultive offenses.
- 30 months longer for assaultive offenses.

*\*Pew Center on the States, 2012*

Each additional month a person is in a Level I or II prison costs \$1,644. Yet all the national and state research shows that simply keeping people longer does NOT improve public safety.

## WHAT IS PAROLE?

Parole is a period of post-release supervision by a parole officer. People become eligible for parole after completing their minimum sentences.

The parole board determines when, between the minimum and maximum sentences, to actually release someone.

People who are on parole must comply with many restrictive conditions that are established by law or corrections policy. If they commit another crime or violate rules, they can be returned to prison.

## The problem:

Michigan spends \$2 billion a year on corrections largely because we keep people locked up far longer, on average, than national norms.

- ✓ **About 5,500 people are eligible for parole today** — and many have already served years longer than the minimum sentences imposed by their judges.\* The board's own risk assessments show that many of these people could safely go home to their families and communities.
- ✓ Parole denials prevent people from becoming productive taxpayers, rather than tax burdens.

## Why is this happening?

**The law setting the standard for parole allows the parole board to make very subjective decisions.**

- ✓ The parole board often denies parole based on the type of offense a person committed — even though the court took the offense into account when setting the sentence length.
- ✓ As of 2012, the board had denied parole to 1,550 people who had scored favorably on its own parole guidelines.
- ✓ In addition, many people simply cannot get into or complete treatment programs required by the parole board before their first parole eligibility dates.
- ✓ Parole decisions can be delayed for months while the parole board waits for information, such as psychological reports.
- ✓ There is no longer any judicial oversight of parole denials. Prisoners' ability to appeal denials was abolished in 1999. This means our system lacks the accountability required at every other step of the criminal justice process and of government administrative decisions in general.

## Savings would total almost \$162 million, if the legislature:

1. **Establishes criteria for delaying the release of all prisoners who have served their minimum sentences** that are based on the prisoner's own behavior, such as a serious and persistent history of institutional misconduct or a willful refusal to participate in treatment or educational programs or work assignments.
  - ✓ Estimated savings: **164,463,321\*\***
2. **Restores prisoners' ability to appeal parole denials.**
  - ✓ Estimated cost: **\$2,467,800\*\***

*\* This number excludes people who were returned to prison for violating parole.*

## Questions and Answers about parole at first eligibility

### **If this reform is enacted, would people be released early?**

**A. Prisoners must serve their entire minimum sentence in prison.** In Michigan, a judge imposes a “minimum sentence” based on sentencing guidelines that take into account the seriousness of the offense, the person’s criminal record, and the harm to victims. The parole board does not have the legal authority to release someone who has not served their minimum sentence.

Under Michigan’s version of “truth-in-sentencing,” people do not receive any credit for good conduct or program participation while in prison. They must serve every day of the minimum sentence imposed by the court. When they have done so, without a serious history of institutional misconduct, they have earned release. Requiring release when people are first eligible is also “truth-in-sentencing.”

### **What does this mean for people who were convicted of assaultive crimes?**

**A.** People who commit the most serious offenses receive the longest sentences. Once they have completed those sentences, they would be paroled.

**All the research shows that sex and assaultive offenders have the lowest rates of recidivism and are very unlikely to commit another similar offense.** There is no public safety reason to treat this group of people differently from other prisoners. Warehousing people who do not present any danger to the community creates a false sense of security at an enormous human and fiscal cost.

### **Would people be paroled without completing treatment programs?**

**A.** Taxpayers and prisoners should not be punished because the Michigan Department of Corrections fails to provide its own required treatment programs on time. The reform should spur the Department to address this costly problem.

### **Won’t prisoner appeals of parole denials be too costly?**

**A.** The majority of prisoners did not appeal parole denials when they had the ability to do so. If the reforms are implemented, there will be a much smaller number of people who have a reason to appeal denials. Parole appeals would permit judicial review of the parole board’s decision-making, ensuring the parole process remains fair and objective.

- Without parole appeals, legislative mandates, like the current parole guidelines, cannot be enforced.
- Prosecutors and victims have the ability to appeal *grants* of parole. It is only appropriate that Michigan restores prisoners’ ability to appeal parole *denials*.

**The cost of reinstating appeals is far less than the cost of a process with no accountability.**