

## The high cost of denying parole: an analysis of prisoners eligible for release

*Prepared by Citizens Alliance on Prisons and Public Spending*

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### Executive Summary

In 1992, Michigan changed from a parole board whose members were corrections professionals to one comprised of political appointees. The current board has adopted numerous policies and practices that lengthen the time prisoners serve.

- Parole grant rates dropped from 68 to 48 percent.
- Far more paroles are revoked for technical violations of parole conditions and the parolees who are returned to prison are kept much longer before being released again.
- Prisoners serving parolable life terms who became eligible for release after serving ten years are being denied parole on the rationale that “life means life.”
- Even prisoners granted parole continue to fill scarce prison beds because the board has fixed a date for their release months into the future.

The result of these policies is that **nearly 35 percent of all Michigan prisoners – 17,129 people – have served the time required by law for their offenses.** Their continued incarceration is the result of discretionary parole board decisions. The annual cost to taxpayers for the entire group is approximately \$497 million.

CAPPS obtained the MDOC’s prisoner database under the Freedom of Information Act. This snapshot of all the prisoners and parolees under MDOC supervision on May 6, 2003 provides substantial insight into who the parole-eligible prisoners are, how many of them might be released without significant risk to the public, and how much money could then be shifted from Corrections to other state services.

A total of 1,428 prisoners have been granted parole but have not yet left prison. Of these, **965 had “fixed-date” paroles that required them to spend an average of four additional months in prison at a cost of over \$7 million.** The prisoners given fixed-date paroles cannot be readily distinguished from those who are released when parole is granted. It is unclear how the public gains any increased safety from delaying the release of prisoners already determined to be suitable for parole.

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Over 20 percent of the parole-eligible prisoners are technical parole violators. Over half of this group were initially convicted of non-assaultive or drug offenses. Although they have not been convicted of any new offenses while on parole, they are returned to prison for an average of 24 months for failing to comply with conditions of supervision. **The annual cost of incarcerating these 3,645 technical violators is over \$81 million.** With a combination of progressive sanctions and increased support services, many of these prisoners could be supervised adequately in the community for a tenth of the cost.

**Over 11,000 prisoners have passed their earliest release date (ERD) and been denied parole.** Nearly 4,300 are more than three years past their ERD. In about half these cases it appears that the justification for denial may be a history of poor institutional conduct.

The remaining prisoners are older, have fewer prior felony convictions than those who are granted parole, and have good institutional conduct. The majority are housed in minimum security facilities. These prisoners are primarily being denied parole because of their offenses. Most are serving for a variety of sexual or assaultive offenses.

For the parole board to lengthen the time a prisoner must serve based solely on the type of offense is an expensive and questionable practice. The nature of the crime is fully considered when the minimum sentence is set in the first place. The MDOC's own data tends to show that offenders in these categories actually have lower recidivism rates than other offenders. No data indicates that holding aging prisoners long past the completion of their minimum terms increases public safety. If the parole board simply substitutes its judgment for that of the trial court and the legislators who adopted sentencing guidelines, it is effectively engaged not in risk assessment but resentencing.

**Paroling just 30 percent of the prisoners who have served their minimum terms and been denied release would save nearly \$69 million.**

**The 864 parole-eligible lifers are, as a group, much older prisoners with good institutional records.** While their median age now is 49, two-thirds were 28 or younger when they committed their offenses. Nearly 30 percent were 20 or younger; 72 were ages 15 to 17. They have served, on the average, 22 years. About half were convicted of second-degree murder; most of the rest were convicted of criminal sexual conduct, armed robbery or other assaultive offenses. Many were sentenced before sentencing guidelines took effect and would not receive life terms today.

Although the judges who imposed these sentences assumed meaningful parole review would occur after 10 years, these lifers are being denied release because they are lifers not because they continue to pose a risk to public safety. The parole board does not even calculate parole guidelines scores for lifers to assess their risk. Based on revised procedures adopted in 1999, the board reviews a lifer's file once every five years and decides whether it wants to even interview the person. If the board decides it has no interest in proceeding toward release, it is not required to give reasons for that decision. The prisoner has no right to appeal.

**Each time a lifer is continued for five years, the cost to taxpayers is at least \$112,500. If only 250 of these lifers were placed on parole, the annual savings would be over \$5 million.**

The data suggests that Michigan has gone further than is necessary for public safety in refusing to release parole-eligible prisoners. **If 7,200 of these prisoners – fewer than 45 percent – were placed on parole, the savings to taxpayers would be more than \$145 million.**

The report includes numerous recommendations for how the parole decision-making process can be improved so that thousands of prisoners who are not likely to re-offend are not unnecessarily warehoused for years. Some of these recommendations involve statutory changes that would place clear boundaries on the parole board's exercise of its currently unlimited discretion.