

CAPPS Notes on the Michigan Department of Corrections Budget for FY 2002

Population Expansion

In the last 25 years, Michigan's prison population grew at 38 times the rate of its total population.

<i>Population</i>	<i>State</i>	<i>Prison</i>
1975	9,100,000	11,000
2000	9,900,000	48,000
Increase	8.8%	336%

Projected increase in prison population by 2005: 53,000 (not including effects of "truth in sentencing," as yet undetermined).

Racial disparities are growing, especially for drug-related offenses.

RATE OF INCARCERATION FOR DRUG OFFENSES PER 100,000 (BY RACE)			
	<i>White</i>	<i>Black</i>	<i>Black/White Ratio</i>
1986	4.7	35.2	7.5 to 1
1996	5.7	153.2	26.8 to 1
% Change	22.7	335.7	14.8 to 1

Costs

Proposed FY 2002 budget	\$1,757,272,000
Average annual cost/prisoner	\$30,400
Employees	> 18,000 (about one-third of state workforce)
Salary cost per day	> \$3.7 million
Construction costs since 1992	\$447 million

	<i>Executive Recommend</i>	<i>Percent of Total Budget</i>	<i>Amount of Change</i>	<i>Percent Change</i>
Community Health	\$2,729,424,800	27.9%	\$42,433,600	+1.58%
Universities	1,821,568,516	18.6%	35,717,916	+2.00%
Corrections	1,674,940,500	17.1%	55,340,000	+3.42%
Family Independence	1,199,738,500	12.3%	(17,259,000)	-1.42%

Reasons for Prison Growth: Policy Choices, Not Crime Rates

The 1990-1999 [index](#)¹ crime rate declined by 26%, but prison population increased by 37%. The prison population continues to grow because of executive branch and legislative policy choices like:

- Mandatory minimum and mandatory consecutive drug sentences instead of guideline sentences with more focus on prevention and treatment.
- Inadequate mental health care that shifts many of the mentally ill into the criminal justice system.
- "Truth in sentencing."
- Failure to apply sentencing guidelines to probation violators.
- Dramatically decreased rates of parole that result in the warehousing of aging prisoners.
- Greatly increased commitments of "technical" probation and parole violators.
- Underfunding of treatment, educational and vocational programs that enable probationers, prisoners and parolees to succeed.

For all such policy choices we must ask: Is this the most cost-effective way to enhance public safety?

Three Examples

"Truth-in-Sentencing"

Michigan's generous "good time" system ended in 1978. It was replaced by a "disciplinary credit" system that allowed some prisoners to earn up to seven days a month in sentence reductions. On average, Michigan prisoners served 88% of their judicially imposed minimum sentences. To be eligible for federal prison construction funds, states must require their prisoners to serve 85% of their terms. The federal system itself permits sentence reductions of up to 15%. Because Michigan already met the federal standard, we were awarded \$33 million in federal "truth-in-sentencing" funds in 1997, the year before "truth-in-sentencing" was passed.

Under "truth-in-sentencing," prisoners must serve 100% of the minimum. Disciplinary credits were prospectively eliminated, so the average length of stay for prisoners who are behaving properly has been lengthened. In addition, prisoners cannot go to community replacements before the minimum is served, so over 2,300 less expensive community beds have to be replaced with prison beds.

The full cost impact of "truth-in-sentencing" has not yet been accurately calculated. One estimate is that this policy alone will require 5,700 new beds by 2007.

Conclusion : A legislative policy decision that will lengthen prison sentences without any likely effect on public safety may require building four more 1,500-bed prisons in the next six years.

Change in Admission Patterns

From 1992 to 2000, the proportion of parolees returned to prison for technical violations increased from 13.5% to 22.6%. Since the average length of stay per return is 10 months, 3,104 technical violators in a year consume 2,590 beds. While MDOC data does not separate grounds for probation revocation, it is safe to assume the majority of probationers are also committed for technical violations.

	1992	2000	Change
New court commitments	7,089 56.2%	4,352 36.4%	-39%
Probationers (technical and new sentence)	1,979 15.7%	3,332 27.9%	+68%
Parolees/new sentence	1,875 14.9%	1,164 9.7%	-38%
Parolees/technical violation	1,657 13.2%	3,104 26.0%	+87%
Total admissions	12,600	11,952	-5.1%

Conclusion: Although the number of people entering prison for committing new crimes has dropped almost 40% in eight years, prison admissions are being kept nearly constant by utilizing several thousand more beds annually for probation and parole technical rule violators.

Reduced Paroles

The proportion of paroles granted has declined from 68.2% in 1990 to 47.3% in 2000. As a result, the proportion of prisoners serving beyond their parole eligibility dates has steadily increased.

1991	16.5%	5,992
1997	29%	12,778
2001	44%	20,784

The prisons are being kept full by stockpiling prisoners who have served far more time than the sentencing courts intended. There is no evidence that this policy has a significant impact on public safety.

Prisoners are eligible for parole when they have served the minimum number of years imposed by the judge or, in the case of parolable lifers, required by statute. It has always been assumed that prisoners (except those serving mandatory life) can earn their release by their behavior.

The judge assesses the characteristics of the offense and the offender before selecting a sentence in accordance with legislatively approved guidelines. Historically, guilty pleas were entered in reliance on the imposition of a particular minimum sentence. Prisoners who have demonstrated that they are currently dangerous should not, of course, be released. However, when the parole board adopts a policy of denying parole to whole categories of prisoners, without regard to their individual merit, it overrides the intent of the Legislature, the sentencing judge, and the parties to negotiated pleas.

Conclusion: Parole board policies that substitute the board's judgment about how much time an offender should serve for that of the courts, the Legislature, and the prosecution have required 8,000 additional beds in just the last four years and will require thousands more in the next four. For at least eight years, the single biggest cause of prison expansion has been parole board policies.

Questioning the Cost-Effectiveness of Prison Expansion

Getting Information

The fiscal costs of prison expansion and the policies driving that expansion should be carefully examined. To make accurate assessments, legislators must have detailed information about the size and composition of the prisoner population, how the MDOC budget is spent, and the way in which policies are implemented. The public may not yet recognize how large a time bomb the Corrections budget is, but Legislators must do so soon.

Avoiding Misimpressions

Decisions about Corrections spending are further complicated by mistaken assumptions about what is actually fueling expansion.

- As noted, the idea that the elimination of all disciplinary credits was required by federal "truth in sentencing" funding standards is wrong.
 - The impression that current budget increases are required by the 1998 truth in sentencing legislation is also wrong. Since the effect of that legislation is to add time to the end of incoming prisoners' minimum terms, the primary impact will not be felt for a few more years.
 - Especially wrong is the notion that most of the expansion is due to factors beyond the MDOC's control. For at least eight years, **the single biggest cause of prison expansion has been parole board policies.** Parole board members are "at will" MDOC employees appointed by the director.
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- If the number of prisoners kept beyond their parole eligibility date was reduced to 25% of the population, 9,000 beds could be saved immediately.
 - Reducing the rate of technical probation and parole revocations could save at least another 1,000.

Rethinking Priorities

Research shows that many in-prison and community-based services, such as substance abuse treatment, preschools, programs for children and youth at risk, job training, mental health treatment, and higher education are far more cost-effective in preventing crime than incarcerating people after crimes have been committed. Yet the ever-growing Corrections budget not only prevents investing new resources in other human services; it places prisons in direct competition with these services for existing resources. **Legislators must ask hard questions about the real impact of current policies on public safety and whether there are cost-effective alternatives.**

Four Fair Questions

1. What would be the impact on bed-space of sentencing guidelines were applied to drug offenders, who must now serve mandatory minimums, and to probation violators, for whom there currently are no guidelines?
2. Should the parole guidelines statute be revised and coordinated with the sentencing guidelines to create a single cohesive scheme, and to better implement legislative and judicial intent?
3. Would it be more cost-effective to put greater resources into support services for probationers and parolees than to send them to prison for missing appointments or having a dirty urine?
4. What would be the impact on recidivism of having more treatment, educational, and vocational programming available to prisoners?

¹Index offenses are: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson.