

## TECHNIQUES FOR SAFELY REDUCING MICHIGAN'S PRISON POPULATION

### PAROLE-RELATED PROBLEMS AND SOLUTIONS

#### **Problem**

#### **Short-Term Solution**

#### **Long-Term Solution**

##### Eligibility

Parole is routinely denied for failure to complete educational or treatment programs not available to the prisoner due to institutional transfers, long waiting lists, programs being cancelled or not offered, inadequate waivers of program requirements, and rigid barriers to program entry. Problem will worsen in 2002 when national GED rules get stricter.

Eliminate statutory requirement of GED completion as condition for release – require continuing effort to obtain as parole condition instead.

Provide adequate in-prison educational, treatment and re-entry programs.

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Change eligibility requirement for sex offender therapy to admit more people.  
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Prohibit parole denial for failure to complete a program that the MDOC did not make reasonably available to the particular prisoner in advance of the first release date.

Habitual offenders who are eligible for disciplinary credit do not actually receive it without express judicial approval and the MDOC never seeks that approval.

Require the parole board to contact the sentencing judges and request permission to award disciplinary credits to all habitual offenders with average or high parole guideline scores who would become eligible for release within 18 months if credit was awarded.

**Problem**

Truth-in-sentencing (TIS) eliminates disciplinary credits completely.

**Short-Term Solution**

**Long-Term Solution**

Revise TIS to meet federal mandate (violent offenders must serve 85% of minimum sentence).

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**Parole Guidelines/Decisions**

Parole guidelines place heavy weight on factors already calculated in sentencing guidelines; some factors are counted repeatedly or are logically irrelevant to risk of reoffending; no positive points are awarded for some relevant factors.

Eliminate duplicative negative points or those with no relevance to future risk.

Reconstitute the sentencing commission with a mandate to develop legislative parole guidelines that:

- complement instead of duplicate sentencing guidelines;
- incorporate a presumption of release at the earliest parole eligibility date, absent substantial and compelling reasons to depart;
- add positive points for marriage, family, community support.

People with parole guidelines scores indicating high probability of parole are routinely denied release based on factors already counted in calculating their guidelines score.

Require the parole board to review every parole eligible prisoner who scores high probability of release on parole guidelines – release unless board has substantial and compelling reasons to deny parole that were not adequately considered by sentencing court and/or factored into parole guidelines.

**Problem**

Parole guidelines are not applied to parolable lifers.

Factual errors in parole files routinely go uncorrected or the prisoner is denied immediate reconsideration when corrections are made.

**Short-Term Solution**

Apply parole guidelines to everyone being considered for parole, including parolable lifers.

Require the parole board to: 1) promptly correct any errors that affected the parole guidelines score or other reasons used to deny release, and 2) reconsider the denial decision within 30 days.

**Long-Term Solution**

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**Release process**

Release dates are often scheduled to occur many months after the decision to parole is made, meaning beds are occupied by prisoners already found suitable for release. Also, paroles are often suspended due to intervening changes in circumstances, making the number of prisoners actually moved to parole much smaller than the total number granted parole.

People being required to serve their maximum sentences are arbitrarily being denied years of “special” good time they earned by good institutional conduct.

Require the parole board to schedule the prisoner’s release within 30 days of its decision to grant parole.

Require the MDOC to justify denials of special good time to prisoners who could “max out” if discretionary special good time was awarded.

**Problem**

Technical parole violators

There have been huge increases in the number of parolees returned to prison for violating conditions of supervision and in the number committed to 90-day technical rule violator centers. These increases are caused by: excessively strict supervision standards; insufficient use of progressive sanctions; inadequate availability of substance abuse treatment and other support services.

Repeated denials of re-parole to technical parole violators with favorable parole guidelines scores.

**Short-Term Solution**

Prohibit parole revocation for non-criminal conduct (including substance abuse) unless all progressive community-based sanctions (such as treatment, increased supervision, tether, center, jail) have been tried.

Prohibit parole board from keeping technical parole violators > 12 months absent significant misconduct upon return to prison.

**Long-Term Solution**

Establish adequate community support services; lower parole officer/offender ratio; give parole officers mandate to assist re-entry, not just surveil and punish

## ADDITIONAL WAYS TO REDUCE PRISON POPULATION

1. Increase treatment and support services for probationers.
2. Apply sentencing guidelines to probation revocation sentences, which comprise 28 percent of new admissions to prison.
3. Revise truth-in-sentencing to eliminate the prohibition on placing prisoners in community residential programs before their earliest parole eligibility date.

Prepared by Citizens Alliance on Prisons and Public Safety (CAPPS), 11/06/01

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