

## What reforms are occurring Nationally?

- Diversions to specialized programming
- Specialty Courts for substance abuse, mental health, veterans, etc.
- Prioritized supervised release, especially using tethers
- Shifting DOC Intake to more dangerous offenders
- Institutional Programming focused on work and life management skills
- Re-entry efforts, both jail and DOC
- Community Correction funding and programming
- Policy, especially felony threshold levels
- Re-thinking the approach to juvenile justice

## MI Sentencing Guidelines (SGL) Reforms 1994-1998

- \* Elimination of consecutive sentencing, especially for drug offenses.
- \* Elimination of MDOC sentences less than 12 months.
- \* Prohibit prison commitment if the SGL cell maximum was under 18 months, despite jail only being available for 12 months.
- \* Incorporating existing good time and disciplinary credits into the SGL cells, resulting in at least 25-50% reductions in minimum sentences.

## MI SGL Reforms 1994-1998

- \* Placing these new, lower minima at the middle of each cell, so minimum sentences could be even lower.
- \* Establishing scoring caps on prior adult convictions, whether violent or not, whether felony or misdemeanor, thus limiting Prior Record Variable (PRV) scores on repeat offenders.
- \* Scoring juvenile prior offenses less than adult priors, and capping the scoring.
- \* If there are no convictions in the prior 10 years, none of the older priors can be scored.

## MI SGL Reforms 1994-1998

- \* Departures from narcotics/controlled substances mandatory minima were specifically allowed as non-departures if the new minimum was within the SGL grids. This provision locked out the lowest levels of narcotics offenses, and reduced sentences by 50-85%, depending on the number of prior convictions.
- \* Establishment of “straddle cells” to grant judges discretion in whether to sentence certain felons to prison or community sanctions.
- \* Before final legislative enactment of the guidelines, the C grids and lower were all reduced even further, so that a Commission cell recommendation of 6 - 24 months became 5 - 23 months, etc.
- \* Special Alternative Incarceration, or boot camp, was exempted from Truth-in-Sentencing (TIS).

## MI SGL Reforms 1994-1998

- \* TIS was delayed for 4 years for violent offenses, and for 6 years for all other offenses.
- \* Prohibiting OUIL 3<sup>rd</sup> offenders from going to prison.
- \* Increasing the felony threshold for retail fraud and for false pretenses from \$100 to \$1,000, though same offense priors can lower that threshold.
- \* Increasing the felony threshold for uttering and publishing from \$200 to \$500, though same offense priors can lower that threshold.
- \* Increasing the felony threshold for arson and setting fires from \$50 to \$1,000, though same offense priors can lower that threshold.

**In the first year of full implementation of the new guidelines and associated changes referenced above, prison admissions of felons not already on probation or parole dropped by 16%, achieving the stated goal during the process of using the guidelines to reduce prison admissions.**

## Additional Policy Reforms since 1998

- Elimination of mandatory minimum sentences for drug offenses
- Increased the drug weights that merit longer sentences
- Added Offense Variable (OV) 20 - Terrorism (after the events of 9-11-2001)
- Established Drug Treatment, Mental Health, and Veterans courts
- Revised state assessments
- Required tethers for certain sexual offenders
- Revised habitual offender statute and OV 9 to focus on repeat and violent offenders
- Revised JLOWP, pursuant to *Miller*
- Established the Michigan Indigent Defense Commission
- Revamped probable cause hearings (formerly preliminary examinations)
- Creation of the Criminal Justice Policy Commission, for data collection and analysis

**RECEIVED**

MAY 16 1980

Time to be Served  
With Good Time Allowance

PROBATION INCENTIVE PROGRAM  
DEPARTMENT OF CORRECTIONS  
COUNTY, MICHIGAN

DATE	Regular		Special		Days
	Years	Months	Years	Months	
0	-	5	-	4	15
1	-	10	-	9	17
1	1	3	1	1	2
2	1	8	1	6	9
2	2	0	1	10	21
2	2	2	1	11	17
3	2	5	2	2	11
3	2	8	2	5	23
3	2	10	2	6	0
4	3	3	2	11	0
4	3	7	2	1	0
4	4	0	3	1	26
5	4	5	3	6	23
5	4	9	4	.2	21
6	5	2	4	6	0
6	5	4	4	7	5
7	5	6	4	8	11
7	5	10	4	9	0
8	6	2	5	0	21
8	6	6	5	4	7
8	6	6	5	7	12
9	6	11	5	10	21
9	7	3	6	1	23
10	7	7	6	4	24
10	7	11	6	7	26
11	8	3	6	10	27
11	8	7	7	1	29
12	8	11	7	4	0
12	8	11	7	8	2
13	9	3	7	11	2
13	9	7	7	2	3
14	10	11	8	5	5
14	10	7	8	7	18
15	10	10	8	10	0
15	11	2	8	3	14
16	11	5	9	5	0
16	11	9	9	3	0
17	11	1	9	5	12
17	12	1	9	7	24
17	12	4	9	10	8
18	12	8	10	3	21
19	13	0	10	5	5
19	13	3	10	7	20
19	13	6	10	7	6
20	13	8	10	8	23

# Truth-In-Sentencing already includes Good Time

A judge would look over the chart to determine what sentence to give, depending on how much time they thought the offender should serve.

For instance, if the Judge thought an offender should serve 10 years, the minimum would be 14-18 years, depending on the offense.

The Sentencing Guidelines Grids and Cells assumed full regular good-time credit and full special credit for every sentence, and lowered the minimum sentences accordingly. They were further reduced during the legislative process.

# Marc Levin Testified on April 25, 2017. Two Weeks Later He Wrote the Following:

## Levin: Texas should close prisons, but strengthen alternatives

By Marc Levin | May 8, 2017 | Updated: May 9, 2017 5:03pm

Texas has been down this road before. In 2003 facing a revenue drop due to a recession, Texas lawmakers cut probation by 20 percent, which was immediately followed by a spike in people being sentenced and revoked to prison. Why is this? First, if probation caseloads are unmanageable and there are waiting lists for treatment beds, prosecutors and judges will opt for prison instead of probation. Second, probation officers supervising 250 people instead of 125 people don't have the bandwidth to impose graduated sanctions to bring the probationer into compliance.

The impact of the basic probation and health insurance funding shortfalls is dramatic. Harris County's probation caseload size will spike from 160 per officer today to some 260 per officer in August 2018. In contrast, state parole caseloads are less than 80 per officer. County probation director Teresa May rightly warns that prosecutors and judges will simply opt for state jails and prisons if probation caseloads preclude adequate supervision.

Mr. Levin has been very clear that savings need to be reinvested in supervised oversight and community alternatives.

Source: Houston Chronicle  
5/8/2017  
<http://www.houstonchronicle.com/opinion/outlook/article/Levin-Texas-should-close-prisons-but-strengthen-11129835.php>



## Criminogenic factors

Ms. Anderson asked (4-25-2017) that you look at the drivers of DOC populations

There are 8 widely accepted factors that have direct correlation to risk of offending:

Anti-social attitudes

Anti-social behaviors

Substance abuse

Education

Anti-social Friends

Marriage/Family Problems

AND

Employment

Leisure time

# Why are Criminogenic Factors Important?

Nowhere to run: Survivor of brutal abuse faces death threats, ex's parole

Kristen Jordan Sliamus, **Detroit Free Press** | Published 11:23 p.m. ET June 3, 2017 | Updated 48 minutes ago



Domestic violence survivor Nicole Beverly of Ypsilanti Township plans to disappear with her children when her ex-husband gets out of prison in two months. He has been threatening to kill their children in front of her and then torture her to death. Justin HavOvlop Free Press

f 4842 | In 18 | 112 |

Sapphire was pacing, whimpering and not acting like herself on a Wednesday night in mid-May.

Nicole Beverly got up to let out the pit bull she rescued three years ago and noticed the light was on in the backyard shed.



Nicole Beverly, victim of sustained domestic violence

Ex-husband twice convicted, finally sent to prison

At least 4 times, he solicited others to kill her children and kill her

He will max out; her only option is to disappear

## Criminogenic Factors - Bottom Line

Reforms need to directly address and change offender attitudes and behaviors

One size fits all approaches may not adequately take into account  
evidence-based practices.