# Michigan Prisoners, Violent Crime, and Public Safety A Prosecutor's Report

PAAM Corrections Committee Prosecuting Attorneys Association of Michigan August 2016



## **Prosecuting Attorneys Association of Michigan**

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Michigan Citizens:

A prosecuting attorney's ultimate goal is to deliver justice. Protecting victims of crime, preserving the rights of the accused, holding offenders accountable and seeking to enhance the integrity of the criminal justice system is the mission of the profession.

One particular way that we believe we can directly support delivering justice is to educate and inform our communities about our corrections system. Legislators and involved stakeholders work around the clock to make sound policy decisions on a wide variety of subjects. The purpose of this report is to make facts and data about our corrections system available to those participants, as well as the general public.

Prosecutors work hand-in-hand with judges and defense attorneys to analyze cases on an individual basis after gathering all of the facts and evidence at hand. A core value of the Prosecuting Attorneys Association of Michigan is that an offender's first interaction with the criminal justice system should be his or her last. Oftentimes offenders are diverted to specific treatment courts or other supervised programs to change behavior. Other times, for crimes of a violent nature, punitive measures are necessary to keep the public safe. Rehabilitating offenders, reducing recidivism and protecting the public is the goal of the criminal justice system.

Michigan's prosecutors ask you to review "MICHIGAN PRISONERS, VIOLENT CRIME AND PUBLIC SAFETY: A PROSECUTOR'S REPORT." Prosecutors from your community and throughout the state are confident that the information provided in this report will advance an accurate assessment of our prison system as it relates to violent crime and public safety.

We look forward to working with you to provide a safer Michigan for all of our residents.

Sincerely,

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# MICHIGAN PRISONERS, VIOLENT CRIME AND PUBLIC SAFETY: A PROSECUTOR'S REPORT

**Prosecuting Attorneys Association of Michigan** 

August 2016

#### **EXECUTIVE SUMMARY**

The Prosecuting Attorneys Association of Michigan (PAAM) prepared this report as part of our ongoing effort to provide relevant data regarding our criminal justice system. The report will assist in facilitating an open and objective discussion about our prisons, violent crime and public safety. We believe the success and future growth of Michigan is dependent upon businesses, families and individuals considering Michigan a safe place to live and work. Accordingly, any changes to our criminal justice system must first be viewed in the context of how they impact public safety. We look forward to working with all interested stakeholders and support changes that positively impact our state.

- The Michigan Legislature enacted Public Act 465 of 2014, effective January 12, 2015, which created the Criminal Justice Policy Commission designed to study and make recommendations regarding a wide-range of criminal justice issues especially including those related to prisons, violent crime and public safety. The following are some of the factors they are considering:
- Michigan's prison population has declined by over 15% from its peak of 51,454 inmates in 2006 to 43,359 inmates in 2014.
- The Michigan Department of Corrections has reduced its number of full-time employees by over 20% from 17,782 in 2006 to 14,179 in 2014.
- In 2014, Michigan had the second highest crime rate of the 12 Midwest states, but the lowest ratio of law enforcement personnel to residents in the region.
- In 2014, Michigan's initial felony prison commitment rate was only 10%.
- Michigan inmates sentenced for assaultive or violent offenses make up more than 70% of the prison population.
- Michigan inmates sentenced for drug offenses make up less than 8% of the prison population. These offenses typically involve the distribution and/or manufacture of dangerous drugs or possession of a significant quantity.
- In Michigan, 23% of parolees and 24% of all probationers are rearrested within one year of release from supervision, and 50% of individuals entering prison are sentenced for violating probation or parole.
- Even after accounting for probation and parole violators, Michigan sent only 21.8% of convicted felons to prison while the national average prison commitment rate was over 40%.
- The Michigan Department of Corrections budget for FY 2014 was \$2.0 billion. This is less than 4% of the state's \$50.9 <u>billion</u> overall budget, but approximately 20% of the state's <u>general fund</u> budget.<sup>1</sup>



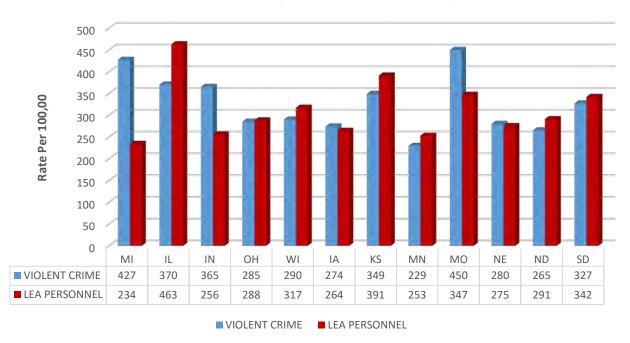
## **1) STATE CONSTITUTIONAL MANDATE**

• The Michigan Constitution clearly states in its introduction the purpose of our state government:

*"All political power is inherent in the people. Government is instituted for their equal benefit, security and protection."*<sup>2</sup>

# 2) MICHIGAN'S DISTURBING CRIME PROBLEM

- Michigan has the second highest violent crime rate in the Midwest.<sup>3</sup>
  - Michigan's violent crime rate is 29.9% higher than the average of the Midwest states. (IL, IN, OH, WI, IA, KS, MN, MO, NE, ND, SD).<sup>4</sup>
  - Michigan's violent crime rate is 39.9% higher than the state of Ohio.<sup>5</sup>
  - o Michigan's violent crime rate is 12.8% higher than the national average.<sup>6</sup>
- Michigan has the lowest ratio of law enforcement personnel to residents of any state in the Midwest, despite having the region's second highest violent crime rate.<sup>7</sup>
  - Michigan's ratio of law enforcement personnel to residents is 30% lower than the average state in the Midwest.<sup>8</sup>



#### VIOLENT CRIME AND LAW ENFORCEMENT AGENCY PERSONNEL PER 100,000 IN THE MIDWEST, 2014

Source: U.S. Department of Justice – Federal Bureau of Investigation, 2014 Uniform Crime Reporting Statistics, Violent Crime – Table 4, Police Employee Data – Table 77



- Negative Trend Law Enforcement Personnel Michigan has seen its police force reduced by 19% since September 11, 2001 (reduced from 22,488 law enforcement officers in 2001 to 18,514 officers in 2015). <sup>9</sup>
  - o Michigan lost 3,974 law enforcement officers from 2001 to 2015.<sup>10</sup>
  - Detroit lost 44% of its law enforcement officers from 2000 to 2014 the police force had 4,184 officers in 2000 and was dramatically reduced over the years to 2,318 by 2014.<sup>11</sup>
  - Flint lost 68% of its law enforcement officers from 2000 to 2014 the police force had 321 officers in 2000 and was dramatically reduced over the years to 102 by 2014.<sup>12</sup>
  - Pontiac lost 55% of its law enforcement officers from 2000 to 2010 the police force had 170 officers in 2000 and was dramatically reduced over the years to 76 in 2010. \*\*<sup>13</sup>
  - Saginaw lost 59% of its law enforcement officers from 2000 to 2014 the police force had 136 officers in 2000 and was dramatically reduced over the years to 55 by 2014.<sup>14</sup>
- Positive Trend Violent Crime Rate During the past 5 years, the violent crime rate in the United States has declined 7.12% while Michigan's violent crime rate has declined 13.3% over the same time period.

5 YEAR TREND IN VIOLENT CRIME RATES*					
	YEAR	POPULATION	VIOLENT CRIMES	VIOLENT CRIMES PER 100,000 RESIDENTS	TREND
UNITED STATES	2010	309,330,219	1,251,248	404.5	
	2014	318,857,056	1,197,987	375.7	-7.12%
<mark>MICHIGAN</mark>	2010	9,877,143	48,693	493.0	
	2014	9,909,877	42,348	427.3	-13.3%
DETROIT	2010	899,447	16,976	1887.4	
	2014	684,694	13,616	1988.6	5.36%
<mark>FLINT</mark>	2010	109,245	2,412	2207.9	
	2014	99,166	1,694	1708.2	-22.63%
<mark>SAGINAW</mark>	2010	54,155	1,209	2232.4	
	2014	50,030	845	1689.0	-24.34%

\*Source: U.S. Department of Justice – Federal Bureau of Investigation, 2010 and 2014 Uniform Crime Reporting Statistics, Violent Crime – Table 4 and Table 8.

\*\*Pontiac Police Department dissolved on August 1, 2011, and data for Pontiac not reported in 2014 Uniform Reporting Statistics.

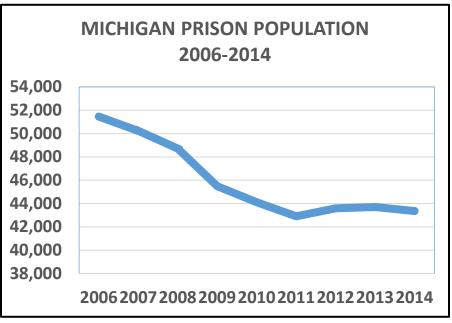


- Despite the downward trend, Michigan's violent crime rate in 2014 was 13.73% <u>higher</u> than the national rate and Detroit, Flint and Saginaw had a violent crime rate more than 4 times higher than the national rate.<sup>15</sup>
  - Still, progress has been made since 2009 when Flint, Pontiac and Saginaw were ranked as three of the top ten most dangerous cities in the United States.<sup>16</sup> The violent crime rate has recently decreased in each of these cities due, in part, to Governor Rick Snyder's "Secure Cities Partnership" and additional resources targeting violent crime in these areas.<sup>17</sup> As a result, Flint, Pontiac and Saginaw no longer find themselves ranked in the top ten most dangerous U.S. cities.<sup>18</sup>
  - Much more progress needs to occur in these cities and across the state. For instance, in 2014, although Detroit saw its violent crime rate decrease by 4% compared to 2013, it was still ranked as the most dangerous city in the United States when comparing cities with a population of 200,000 or more residents.<sup>19</sup>
  - However, Detroit had 18 fewer murders in 2014 than it did in the previous year, putting its homicide total at the lowest point in 47 years. The city saw a decrease in three of the four categories of violent crime, with drops in the number of murders, rapes and robberies.<sup>20</sup>
- Michigan has an extremely low rate of solving violent crime.
  - In 2014, Michigan had only a 37% violent crime clearance rate compared with the national average of 47.4%.<sup>21</sup>
  - In 2014, Michigan had only a 51% murder clearance rate compared to the national average of 64.5%.<sup>22</sup>
  - Michigan is ranked 49<sup>th</sup> out of 50 states when comparing murder clearance rates from 1980 to 2014.<sup>23</sup>
  - Michigan still has over 11,000 unsolved murders going back to 1980.<sup>24</sup>
- Michigan sends very few convicted felons to prison.
  - Michigan's <u>initial prison commitment rate is only 10%</u>. This 10% is primarily made up of violent, habitual criminals. (In 2014, there were 5,144 new prison commitments out of a total of 49,201 felony dispositions.)<sup>25</sup>
  - The remaining 90% of convicted felons (many of them also convicted of violent felonies) are placed in probation programs such as diversion or community service programs, or receive local jail time at their initial sentencing.<sup>26</sup>
- Even after accounting for probation and parole violators, Michigan still only sends 21.8% of its convicted felons to prison.<sup>27</sup>
  - The average prison commitment rate nationally for convicted felons is over 40%.<sup>28</sup>



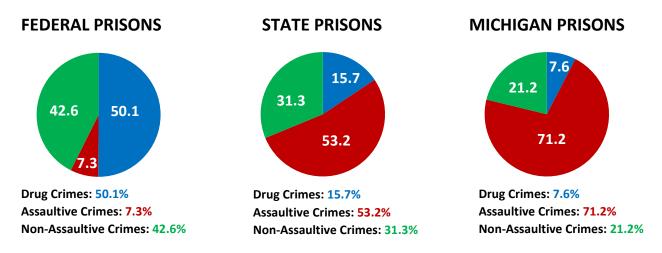
# 3) WHO GOES TO PRISON IN MICHIGAN?

• Michigan's prison population has declined from its peak of 51,454 inmates in 2006 to 43,359 inmates in 2014.



Source: Michigan Department of Corrections, 2014 Statistical Report

• Today, Michigan's prisons hold primarily violent and career criminals convicted of murder, rape, child molestation, home invasion, armed robbery and serious assaultive offenses.



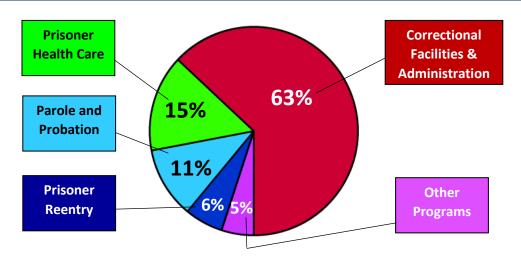
Source: Michigan Department of Corrections, 2014 Statistical Report

- Prisoners convicted of violent and assaultive crimes make up 71.2% of Michigan's inmate population compared to just 53.2% in other state prisons and only 7.3% in federal prisons.
  - In Michigan, few drug offenders go to prison. In 2014, 13,609 felons were convicted of drug offenses and only 1,528 of those went to prison.<sup>29</sup>



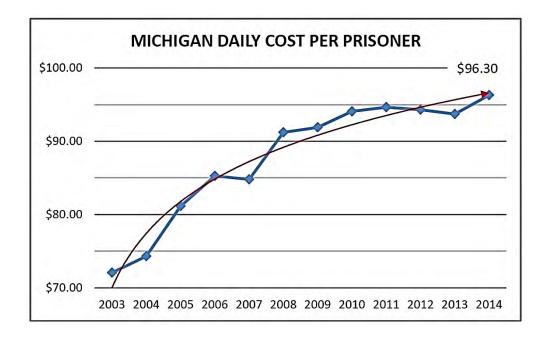
- In 2014, Michigan had only 9 inmates in prison for possession of marijuana out of 43,359 total prisoners.<sup>30</sup>
- Our prisons are not filled with shoplifters, bad check writers, drug abusers or felony drunk drivers. Michigan inmates actually serving time for non-assaultive offenses are typically incarcerated because of their career criminal status.
- In 2014, of the 43,359 inmates in Michigan's prisons:
  - 30,857 inmates were in prison for what the Michigan Department of Corrections classifies as an "assaultive crime". This constitutes 71.2% of the total prison population.<sup>31</sup>
  - <u>19,147 were serving time for a life offense</u>, including 8,222 for 1<sup>st</sup> Degree Murder, 2<sup>nd</sup>
    Degree Murder, Open Murder/Homicide and Assault with Intent to Murder.<sup>32</sup>
  - o 3,693 inmates were in prison for Criminal Sexual Conduct 1<sup>st</sup> Degree.<sup>33</sup>
- In Michigan, even violent offenders do not go to prison.
  - Example: In 2014, 187 assailants (30%) of the 622 offenders convicted of Assault with Intent to Do Great Bodily Harm Less Than Murder, were sentenced to a probationary sanction other than prison.<sup>34</sup>
  - Example: In 2014, of those convicted of Assault with a Dangerous Weapon, 1,196 assailants (71%) were <u>not</u> sentenced to prison.<sup>35</sup>

#### 4) THE CHALLENGES OF MDOC OPERATING EXPENSES



"To realize savings in the Corrections budget, any strategies undertaken must address the cost drivers of employee demographics and prisoner health care expenses." State Notes – Topics of Legislative Interest, Fall 2014: An Assessment of the Principal Cost Growth in the Michigan Department of Corrections, by John Maxwell, Fiscal Analyst

- MDOC Costs of Incarceration In 2014, the State of Michigan allocated approximately \$2.0 billion to fund the MDOC to provide for the custody and care of incarcerated felons and maintain oversight and supervision of parolees and felony probationers. Approximately 80% of the \$2.0 billion MDOC budget is related to the costs of incarceration.<sup>36</sup>
- **Problem** Despite a 15% reduction in the prison population and a 20% reduction in full-time employees since 2006, the MDOC budget remained flat during that same time period due mainly to increased prison health care costs and employee economic costs.<sup>37</sup>
- **Trend** In 2014, MDOC calculated the daily cost to incarcerate an inmate at \$96.30. This equates to an annual cost of \$35,149.



Source: Open Michigan, <a href="http://www.michigan.gov/openmichigan">http://www.michigan.gov/openmichigan</a> [MI Dashboards - Public Safety]

- Michigan's cost per prisoner per day has increased by 33.6% since 2003.<sup>38</sup>
- MDOC spending is 20% of the general fund budget, up from 5% in 1983.<sup>39</sup>

- Supervision Costs Parole vs. Probation In 2014, the average number of felony probationers supervised by the Michigan Department of Corrections (49,643) was more than 3.5 times the average number of parolees supervised (13,835).<sup>40</sup>
  - In 2014, about 50% of those inmates sentenced to prison were incarcerated for violating their parole or probation.<sup>41</sup>
  - The Council of State Governments reports that between 2005 and 2012 the funding for programming and re-entry services designed to reduce recidivism among parolees increased from \$33 million to \$96 million.<sup>42</sup> MDOC now invests approximately 4 times more per individual to provide programming and re-entry services for parolees than the state spends on rehabilitative services for probationers.<sup>43</sup> Corresponding to the implementation of new strategies targeting parolees, the re-arrest rates for parolees declined by 20% from 2008 to 2011 while the re-arrest rates for probationers remained unchanged.<sup>44</sup>
  - Positive Trend Parole Supervision In 2014, the ratio of parolees to residents supervised in Michigan was 11% lower than the national average and the number of parolees revoked and sentenced to prison has recently trended downward.<sup>45</sup>
  - Negative Trend Probation Supervision In 2014, the ratio of felony probationers to residents supervised in Michigan was 60% higher than the national average and the number of probationers revoked and sentenced to prison has recently trended upward.<sup>46</sup>
  - The Council of State Governments reports that, as of 2012, the average length of prison time an inmate served in Michigan past their minimum sentence had been reduced from 40% to 25%, which results in a projected annual savings of \$200 million.<sup>47</sup>
  - Number of Prisons Since 2005, Michigan has closed over 20 correctional facilities and prison camps. However, as of December 31, 2014, the Michigan Department of Corrections still operated 33 correctional facilities – the vast majority housing less than 1,500 inmates.<sup>48</sup>



# MICHIGAN PRISONERS, VIOLENT CRIME AND PUBLIC SAFETY: A PROSECUTOR'S REPORT

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#### **5) CONCLUSIONS AND RECOMMENDATIONS**

**1. Public Safety** – Michigan has a serious public safety problem. We have the second highest violent crime rate of any state in the Midwest, the lowest ratio of law enforcement personnel to residents in the region and one of the worst violent crime and murder clearance rates in the nation.

✓ **Reinvest Resources** - What works? Expand Michigan's Smart Justice plan and Governor Rick Snyder's "Secure Cities Partnership" in its current locations and introduce it to other high crime areas across the state. This evidence-based approach adds resources to targeted violent crime areas, including sorely needed law enforcement personnel, and uses data to evaluate law enforcement, criminal justice reform and crime prevention initiatives with assistance from all levels of government.

**2. Michigan Department of Corrections** – Not a runaway budget. Since 2007, the Michigan Department of Corrections budget has remained flat despite a 15% reduction in the prison population, a 20% reduction in full-time employees, and the closing of numerous prisons and camp facilities.

 $\checkmark$  **Reduce Costs** - Michigan has made progress in attempting to contain the costs associated with its corrections system. Still, if Michigan's corrections costs were reduced further, it would provide millions of dollars to be available for more police, prevention services, education and a better, safer Michigan.

**3. Probation and Parole Supervision** - Reform? Yes. Endanger public safety? No. The Michigan Department of Corrections supervises many more felony probationers than parolees with significantly different results. Rearrest rates for parolees have recently declined while the re-arrest rates for felony probationers have remained unchanged. Additionally, the number of felony probationers revoked and sent to prison trended upward while the number of felony parolees revoked and sent to prison trended downward.

✓ Reduce Recidivism - Michigan needs to invest more in programming for felony probationers similar to the funding allocated for re-entry programming for parolees. More intensive supervision programs, such as 'Swift and Sure,' and other evidence-based services should be expanded to reduce recidivism in this area.

**4. Adopt Evidence-Based Analyses** - Michigan needs to rely on their experts and results. We must objectively consider all factors from practitioners in the field to make policy recommendations and financial decisions which do not endanger public safety.

✓ **Comprehensive Review** - The Michigan Legislature enacted Public Act 465 of 2014, effective January 12, 2015, which created the Criminal Justice Policy Commission. The commission was created to: collect, prepare, analyze and disseminate information regarding state and local sentencing and proposed release policies and practices for felonies and the use of prisons and jails. The committee is also charged with analyzing information concerning how misdemeanor sentences and the detention of defendants pending trial affect local jails. Further, it will research the effectiveness of the sentencing guidelines, and the impact of the sentencing guidelines and other laws, rules, and policies on those populations and capacities, and the effectiveness of efforts to reduce recidivism.



#### **CITATIONS, SOURCES & BIBLIOGRAPHY**

<sup>4</sup> Id.

⁵ Id.

<sup>6</sup> Id.

<sup>7</sup> U.S. Department of Justice – Federal Bureau of Investigation, Uniform Crime Reports, <u>http://www.fbi.gov/about-us/cjis/ucr/ucr</u> [Crime Stats for 2014 – Police Employee Data – Table 77].

<sup>8</sup> Id.

<sup>9</sup> Michigan Commission on Law Enforcement Standards, Law Enforcement Population Trends – 2015.
 <sup>10</sup> Id.

<sup>11</sup> U.S. Department of Justice – Federal Bureau of Investigation, Uniform Crime Reports, http://www.fbi.gov/about-us/cjis/ucr/ucr [Crime Stats for 2000, 2007 and 2014 – Police Employee Data – Table 78].
 <sup>12</sup> Id.

<sup>13</sup> Id. at [Crime Stats for 2000, 2007 and 2014 – Police Employee Data – Table 78].

<sup>14</sup> Id. at [Crime Stats for 2000, 2007 and 2014 – Police Employee Data – Table 78].

<sup>15</sup> U.S. Department of Justice – Federal Bureau of Investigation, Uniform Crime Reports, http://www.fbi.gov/about-us/cjis/ucr/ucr [Crime Stats for 2014 – Violent Crime – Table 4 and Table 8].

<sup>16</sup> Gus Burns, Saginaw Remains Most Violent City in America Despite Overall Crime Drop, Saginaw Daily News, September 14, 2010 [Available at http://blog.mlive.com/saginawnews\_impact/print.html?entry =/2010/02/Saginaw\_violent\_crime\_down\_ned.html].

<sup>17</sup> Mark Tower, Gov. Snyder: Saginaw violent crime down 26 percent, "We're going to stay committed," MLIVE, January 20, 2015 [Available at, www.mlive.com/news/Saginaw/index.ssf/2015/01/gov\_rick\_snyder\_saginaw\_violen.html].

<sup>18</sup> Most dangerous cities in the United States in 2015: FBI [Available at http://www.examiner.com/article/most-dangerous-cities-the-united-states-2015-fbi].

<sup>19</sup> Kevin Rizzo, Crime in America 2016: Top 10 Most Dangerous Cities Over 200,000, September 28, 2015 [Available at http://www.lawstreetmedia.com/blogs/crime/crime-america-2016-top-10-dangerous-cities-200000/]
 <sup>20</sup> Id.

<sup>21</sup> U.S. Department of Justice – Federal Bureau of Investigation, Uniform Crime Reports, http://www.fbi.gov/about-us/cjis/ucr/ucr [Crime Stats for 2014 – Clearances – National Data].

<sup>22</sup> U.S. Department of Justice – Federal Bureau of Investigation, Uniform Crime Reports, http://www.fbi.gov/about-us/cjis/ucr/ucr [Crime Stats for 2014 – Clearances – National Data].

<sup>23</sup> Murder Accountability Project – Clearance Rates, Uniform Crime Report for Homicides: 1980-2014, [Available at http://www.murderdata.org/p/blog-page.html].

<sup>24</sup> Id. and Rex Hall Jr. Reducing Backlog of Unsolved Murders: A Focus for New President of State's Prosecuting Attorney's Association; MLIVE, December 31, 2014 [Available at www.mlive.com/news/Kalamazoo/index.ssf/2014/ 12/reducing\_backlog\_of\_state's\_uns].

<sup>25</sup> Michigan Department of Corrections, 2014 Statistical Report. [A1 – 2014 Criminal Court Dispositions at A-4; B6 – Commitments by Type at B-51].

<sup>26</sup> Id.

<sup>27</sup> Michigan Department of Corrections, 2014 Statistical Report. [A – Statewide Prison Commitment Rates at A-2].
 <sup>28</sup> United States Department of Justice, Bureau of Justice Statistics, Revised September 30, 2015.

<sup>29</sup>Michigan Department of Corrections, 2014 Statistical Report. [A1b – 2014 Criminal Court Dispositions – Drug Offenses at A-8].

<sup>30</sup> Michigan Department of Corrections, 2014 Statistical Report. [C1b – 2014 Total Prisoner Population – Drug Offenses at C-47].

<sup>&</sup>lt;sup>1</sup>State Budget Office, FY 2014 Executive Budget, http://www.michigan.gov/budget

<sup>&</sup>lt;sup>2</sup> Michigan Constitution 1969, Article I, Section 1 (emphasis added).

<sup>&</sup>lt;sup>3</sup> U.S. Department of Justice – Federal Bureau of Investigation, Uniform Crime Reports, http://www.fbi.gov/about-us/cjis/ucr/ucr [Crime Stats for 2014 – Violent Crime – Table 4].

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<sup>31</sup> Michigan Department of Corrections, 2014 Statistical Report. [C1c – 2014 Total Prisoner Population – Assaultive Offenses at C-49].

<sup>32</sup> Id. at C-49 thru C-59.

<sup>33</sup> Id.

<sup>34</sup> Michigan Department of Corrections, 2014 Statistical Report. [A2c – 2014 Criminal Court Dispositions – Assaultive Offense at A-78]

<sup>35</sup> Id. at A-77.

<sup>36</sup>State Budget Office, FY 2014 Executive Budget [Available at http://www.michigan.gov/budget]

<sup>37</sup>State Notes – Topics of Legislative Interest, Fall 2014: An Assessment of the Principal Cost Growth in the Michigan Department of Corrections, by John Maxwell, Fiscal Analyst.

<sup>38</sup> Id.

<sup>39</sup> State Budget Office, FY 1983 Budget and FY 2014 Budget.

<sup>40</sup> Michigan Department of Corrections, 2014 Statistical Report. [E - Probation and Parole Supervision at E5].

<sup>41</sup> Michigan Department of Corrections, 2014 Statistical Report. [B6– Commitments by Type at B-53].

<sup>42</sup> Council of State Governments Justice Center, Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System – May 2014 at pg 14.

<sup>43</sup> Id. at pg 16.

<sup>44</sup> Id. at pg 14.

<sup>45</sup> Id. at pg 15 and National Institute of Corrections, Corrections Statistics by State [Available at http://nicic.gov/statestats/].

<sup>46</sup> Id. at pg 15 and National Institute of Corrections, Corrections Statistics by State [Available at http://nicic.gov/statestats/].

<sup>47</sup> Id. at pg 10.

<sup>48</sup> Michigan Department of Corrections, 2014 Statistical Report. [Prisoner Population C at C-3].