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Michigan's parole policies waste money, need reform

By Barbara Levine and Michael LaFaive

Michigan spends nearly 20% of its general-fund dollars locking people up. A portion of that money could be better spent elsewhere, such as on education, roads or pension reform.

Despite cost-containment efforts, the Michigan Department of Corrections spends \$2 billion a year, more than \$1.6 billion of which is spent directly on operating prisons. If all this spending improved public safety, it would be worth it. However, it does not. One way to reduce spending without compromising public safety is through sentencing and parole reforms.

Michigan sends fewer people convicted of felonies to prison than most other states because we have been a national leader in diverting those convicted of serious offenses into community-based programs. As a result, nearly 70% of our prisoners are serving time for assault offenses. What drives our prison population is how long we keep people locked up, compared to other states.

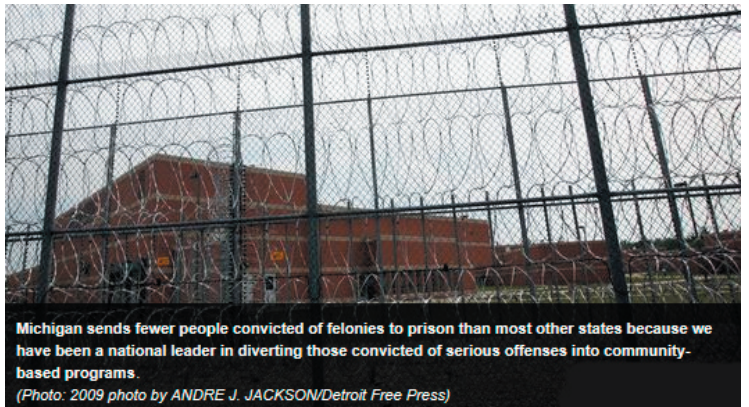
In its 2012 report, "Time Served: The High Cost, Low Return of Longer Prison Terms," the Pew Center reported that Michigan prisoners serve much longer terms for comparable offenses than prisoners in other states. Michigan's average length of stay is nearly 17 months longer for prisoners overall and 30 months longer for assault offenders.

Our average length of stay is longer for two reasons. At the front end, the sentences that judges impose keep getting longer. At the back end, the parole board too often declines to release people when they become eligible.

Decades of research in Michigan and other jurisdictions show there is no evidence that keeping people incarcerated longer increases public safety. Just this year, the Council of State Governments reported that rearrest rates of Michigan parolees released within six months of their first eligibility date are not significantly different than the rearrest rates of those who are held longer. This is true regardless of the offense on which they were paroled.

In addition, the fact that someone committed a serious offense in the past does not mean they still pose a risk to the public. In 2009, as part of an effort to reduce the prisoner population, our parole board reviewed people who had previously been denied parole. It ended up releasing nearly 2,000 more prisoners than in 2008, including more than 1,000 additional people convicted of a homicide or sex offense.

Many in law enforcement denounced the move, saying that then-Gov. Jennifer Granholm was trying to save money at the expense of public safety. Michigan Department of Correc-



tions data, however, show that re-offense rates declined, from 17.9% for 2008 parolees to 15.6% for those paroled in 2009. Additionally, of nearly 5,000 people serving for homicide or sex offenses who were paroled from 2007 through March 2010, less than 1% returned to prison within three years of their release with a new sentence for a similar offense.

The Legislature is considering an important bill that could require the parole board to release people when they first become eligible for parole, unless there is objective evidence showing the person is currently a risk to public safety. This would prevent thousands of people from simply being warehoused in prison after they have served the sentence imposed by the court without any actual benefit to public safety. A conservative estimate of the potential annual savings from this change is at least \$80 million, and could be much higher.

Unfortunately, the version of House Bill 5931 passed by the state House incorporates so many provisions desired by opponents of reform that it actually makes the legislation worse. The substitute bill would place no effective limits on parole decisions and would not save taxpayers a dime. The state Senate should carefully consider restoring the intent of the original concept and include meaningful oversight.

No parole board can predict the future with total accuracy. It is impossible to reduce risk to zero in making parole decisions. Serious new crimes by parolees, however, are the exception. Good public policy must be based on the majority of cases, not the aberrations. Keeping thousands of low-risk prisoners locked up for additional years because we cannot identify who might re-offend is fiscally, as well as morally, irresponsible.

The state desperately needs to re-prioritize its spending. The current effort to make criminal justice policies more evidence-based, if done in good faith, is an excellent place to start.

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