

FY 2003 CORRECTIONS BUDGET
SENATE HEARING
FEBRUARY 20, 2002

PRESENTATION BY CAPPs
(Citizens Alliance on Prisons & Public Safety)

Good afternoon. My name is Barbara Levine and I'm the Executive Director of CAPPs, the Citizens Alliance on Prisons & Public Safety. CAPPs is a coalition of organizations and individuals who advocate shifting some of our scarce resources away from excessive reliance on incarceration and toward the human services, such as education, mental health, substance abuse treatment and anti-poverty measures that have proven most successful in reducing crime in the long run.

I'd like to take a moment to introduce our President, Robert Grosvenor. As I believe some of you know, Mr. Grosvenor's day job is as the Executive Director of the Michigan Chapter of the American Association of University Professors. Like other members of our very diverse board, he became involved with CAPPs partially because he doubts the wisdom of constant prison expansion and partially out of a healthy self-interest. Since every dollar that goes to Corrections is a dollar that cannot go to higher education or mental health or the DIA or the DEQ, the growth of the Corrections budget is everyone's concern.

The Governor's budget proposal calls for creating nearly 3,000 new prison beds between now and October 2003. It also calls for:

- Eliminating 40 FTE's from the State Police
- Reducing waste water grants by the DEQ, and
- Cutting Community Health grants to rural hospitals, adolescent health centers, and, ironically, violence prevention activities.

When we reflect on our priorities, it certainly seems that, by any measure, we place keeping tens of thousands of people in prison near the top of the list. For instance, from 1997 to the proposal for 2003, the MDOC budget will have grown by over \$350,000,000 – an increase of over 27%. During the same period, the State Police budget will have grown by 9% and Community Health by a mere 3%.

When we take a somewhat longer view, in the 13 years since 1990, the MDOC budget has grown by nearly \$896 million – an increase of 122%. During the same period, higher education grew by \$618 million – an increase of 52%. Most stunning is the fact that all General Fund expenditures for the 13-year period grew by only 18.4%. That means

MDOC spending grew at 6½ times the rate of state spending as a whole. And that does not count nearly \$1 billion spent during those years for prison construction.

Why do we do this? Is this really the best use of our scarce resources? Who are these 50,000 men and women the Governor calls “the state’s worst criminals?” Does keeping them locked up far longer than the law requires really keep us safer? Are there cost-effective ways to reduce our prison population without threatening public safety?

I would like to spend my few minutes with you exploring these questions and urging you to insist on getting the answers we do not have.

We do know that the prison population is not expanding because crime has increased. On the contrary, crime has decreased steadily for over a decade, many less serious offenders are being diverted to community programs, and new court commitments are way down. As the MDOC has acknowledged, the entire increase in the prison population, 14,640 people from December 1990 to December 2001, is due to two major changes in parole board policies. Parole is granted at dramatically lower rates than in prior years. And when it is granted, it is far more likely to be revoked for “technical violations”, like substance abuse or missing appointments with a parole officer. The number of technical violators sent back to prison each year has nearly doubled since 1992, going from 1,660 to 3,122. And this does not count over 2,300 parolees who were sent to technical rule violator centers.

What else do we know? Unfortunately, not much. We don’t know, for instance, who we are actually paying to keep.

Last year, an MDOC spokesperson indicated that about 21,000 prisoners, 44% of the population, are beyond their first parole eligibility dates. That is, they have served the minimum time required by the sentences imposed for their crimes and are within the parole board’s jurisdiction. Presumably, these prisoners can be broken into four groups: people who have served the minimum term of an indeterminate sentence and are being denied parole, parolable lifers who, under the “lifer law”, were eligible for release after serving 10 years and are being denied parole, people who have been released on parole and brought back as technical violators, and people who have actually been granted parole but with release dates set some months into the future.

While certainly not everyone should be released as soon as the law allows, for this large a portion of the prison population to be parole eligible is extraordinary. In 1991, only 16.5% of all prisoners were beyond their first release dates, and that was less than 6,000 people. By 1997, five years after the parole board was reconstituted, the figure had risen to nearly 13,000 people, or 29% of the population. It then rose another 8,000 in just four more years.

CAPPS wanted to know more about these people we are paying so dearly to keep. So we submitted a request under the Freedom of Information Act. We asked how many people fell into each of the groups I just described. We asked for basic information about the

people in each group, like their age, race, gender and current security classification. We asked what offenses they had been convicted of, how long past their first eligibility dates they had served, and how they scored on the board's own parole release guidelines. We also asked, on the average, how much additional time technical violators were serving after being returned to prison.

We got no answer to any of these questions. The Department simply checked the box on the form response that said the request was denied because the records requested do not exist under the name or description given. What this means, of course, is not that the data does not exist in the Department's huge database. It means the data has not been compiled in a report that must be disclosed to the public. So we, and you, have no way to draw independent conclusions about the propriety of policies that are costing us hundreds of millions of dollars every year.

The only glimpse we have of the impact of these decisions is anecdotal. We hear all the time about people with favorable parole guidelines scores being denied release because of how the parole board views the prisoner's offense or prior record. Since these factors were taken fully into account by the court when the sentence was imposed, in these cases the parole board is second-guessing the judge and the sentencing guidelines.

We hear about people like Christina Smith, who was sentenced in 1986 to 1-14 years for passing a \$56 bad check. She has been paroled six times. Each time, her parole is revoked for substance abuse and failing to report. She is now being required to max out, which she will do this July. On paper, Christina will have served 14 years for one \$56 check. In fact, of course, she will have served it for being a drug addict, just like thousands of other drug addicts that aren't in prison because they didn't happen to commit a small offense that carries a high maximum sentence. And when she gets out, she will still have to deal with her addiction, though she won't be under the supervision of a parole officer. Is this really the best way we have to deal with addiction? And is this who the public really thinks of when they picture the 50,000 toughest criminals in Michigan?

Or are they thinking of Gladys Wilson, who pled guilty to aiding and abetting an armed robbery in 1978. Gladys was 31 years old, employed, and had no prior record. Her husband, who is now serving mandatory life without parole, robbed a grocery store and killed the young night manager. Gladys's involvement was peripheral and she cooperated with the police. The plea was negotiated on the understanding of everyone involved that although Gladys would receive a life sentence, she would be eligible for parole in 10 years.

Gladys is now a middle-aged grandmother serving her 24th year. She has an exceptional institutional record and, over the years, the parole board has repeatedly shown interest in releasing her. Even the current board voted to proceed in 1993, but the successor sentencing judge objected because he thought lifers should serve 20 years. Now that she has served more than that, and the judge has lifted his objection, the parole board is no longer interested. It has decided that "life means life" and, except for a handful of drug

lifers, it is releasing virtually none of the over 1000 lifers who are parole eligible. Should we all feel safer because we are paying over \$30,000 a year to keep Gladys Wilson in prison?

The fact is, we don't know to what extent we are being kept safer by any of the parole board's expensive decisions. While there may be some correlation between crime control and the imposition of longer sentences on assaultive offenders in the first instance, there is no evidence that it reduces crime to continue to incarcerate aging prisoners long after they have become eligible for release. Indeed, we also asked the Department to provide any reports or studies it has that show a correlation between crime rates and either reduced parole rates or increased rates of parole revocation for technical violations. Once again, our request was denied because the information does not exist.

What we also don't know is what the cost-effective alternatives to constant prison expansion might be. We behave as if adding several thousand beds each year is inevitable, and the dramatic policy changes of the 90's are not open to assessment.

A recent report by the Justice Policy Institute examines what states around the country are doing in the area of corrections in order to deal with their budget crises. The solutions include eliminating mandatory drug sentences, revising "truth-in-sentencing" schemes to allow prisoners to earn their way out sooner, changing parole guidelines, creating special review panels to identify low risk older prisoners, and utilizing more community-based sanctions for technical parole violators. Unfortunately, in Michigan, our only solution is more double-bunking and less programming.

Although closing some facilities, at least temporarily, and reducing treatment and educational opportunities, may slow the growth of the Corrections budget, we are making no effort to address the relentless growth in the number of prisoners. Playing musical beds and cramming more and more prisoners into less and less space, while giving them fewer and fewer productive activities, is a recipe for disaster. We must question our fundamental assumptions and gather the information to make informed choices.

I recognize that nothing I say today is likely to affect the amount you appropriate to Corrections for FY 2003. But I urge you to add requirements to the appropriations bill that will cost nothing now and could save millions in the next budget cycle. I urge you to require the Corrections Department to provide the legislature, and the public, by January 2003, with full information of the type I have described about all the prisoners who are within the parole board's jurisdiction, including the justifications for not releasing them. And I urge you to further require the Department to prepare a "prison cost savings audit", as the Justice Policy Institute suggests, that would identify a variety of options for beginning to reduce the prison population. You may or may not wish to adopt these options, but you should have the opportunity to consider them.

It is not too much to expect a department that spends \$1.7 billion dollars of taxpayer money, and controls the lives of 49,000 prisoners and 14,000 parolees, to be

accountable. And it is not too much to expect this Legislature to demand the information it needs to oversee that department.

As a recent editorial in the Detroit Free Press concluded: “To be sure, what works in corrections elsewhere may not work here. But legislators and gubernatorial candidates must have the courage to start an honest debate on corrections, sentencing and parole policies with the aim of developing a prison system that is practical, effective and cost-efficient. The alternative is a huge and growing investment with little return.”

Thank you.