

Crime and Corrections

BACKGROUND

The Michigan State Police and the Federal Bureau of Investigation (FBI) classify crimes as *index* or *non-index*. The eight index crimes are murder, rape, robbery, aggravated assault, burglary, larceny, arson, and motor-vehicle theft. Because of their serious nature, these offenses are considered a better indicator of the crime situation than is total crime, which includes many minor infractions.

As the exhibit shows, the *number* of index crime offenses in Michigan generally has been dropping for the last decade: down 29 percent from 1991 to 2000 (most recent data available). The concurrent decline in the Michigan crime *rate* (the number of crimes per 100,000 residents—6,138 in 1991 and 4,144 in 2000) closely parallels that of the nation as a whole, for which the rate of serious crime declined every year from 1991 to 2000.

Juvenile Crime

The dip in adult crime has been accompanied by a decline in crimes committed by juveniles (youth aged 16 and younger). The Michigan State Police reports that juvenile arrests for violent crime declined by more than 30 percent over the past five years. According to the Uniform Crime Report, the FBI's standardized measure of reported

GLOSSARY

Arrest

A law-enforcement agency's seizure, holding, summons, or citation of a person for an unlawful act.

Camp

A minimum-security corrections facility for prisoners convicted of less-serious offenses or nearing release.

Community policing

A law-enforcement approach that enables police and citizens to have close contact—for example, through foot patrols being used in addition to or in place of automobile patrols.

Index crimes

Eight serious crimes—murder, rape, robbery, aggravated assault, burglary, larceny, arson, and motor-vehicle theft—for which the rate of occurrence is believed to be a reliable indicator (*index*) of overall crime.

Juvenile crime

In Michigan, offenses committed by youths aged 16 and under.

Non-index crimes

Crimes and infractions other than the eight serious (*index*) crimes.

Offense

Unlawful acts reported to a law-enforcement agency.

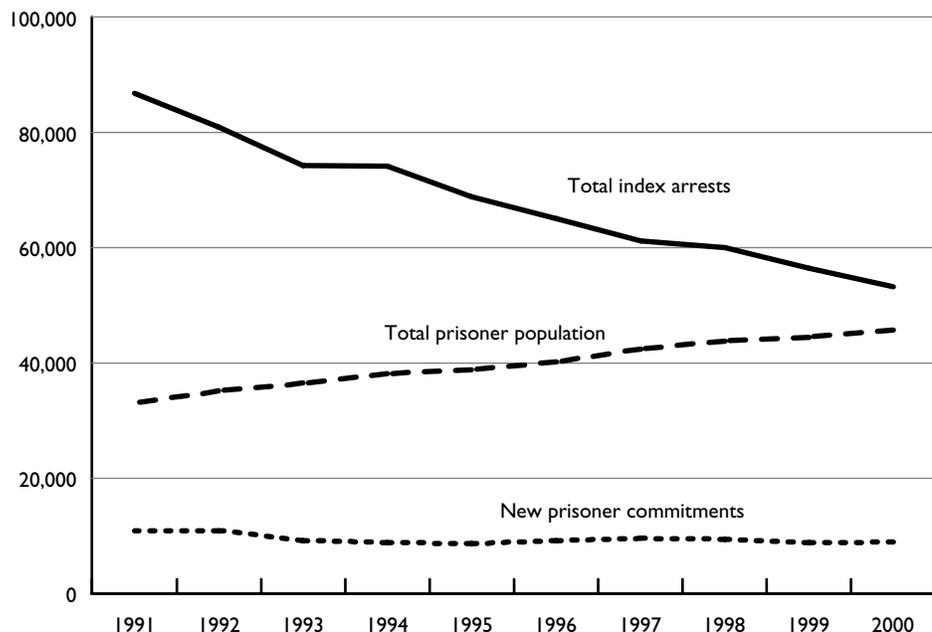
Parole

A period of time prior to full release from state jurisdiction in which offenders are at large but subject to regular monitoring by a parole officer.

Probation

An alternative to incarceration in which the convicted person is at large but monitored; sometimes offenders are sentenced to incarceration followed by probation.

Michigan Index Arrests and Prisoner Population, 1991–2000



SOURCES: Michigan State Police, 2000 Uniform Crime Report; Michigan Department of Corrections, 1999 Statistical Report and 2000 Annual Report.

NOTE: "Index" crimes are eight serious crimes—murder, rape, robbery, aggravated assault, burglary, larceny, arson, and motor vehicle theft—for which the rate of occurrence is believed to be a reliable indicator (*index*) of overall crime.

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crimes, Michigan juvenile arrests as a percentage of total arrests (about 13 percent on average) remain below the national norm. Juvenile offenders generally are the responsibility of the Family Independence Agency (FIA) Bureau of Juvenile Justice, which operates public-delinquency residential-care programs at 14 sites around the state.

Incarceration

The U.S. Justice Department reports that as of June 2000, more than 1.9 million people were confined to the nation's jails and prisons—a national incarceration rate of 702 per 100,000 people. Nationwide, from 1990 to midyear 2000, the incarcerated population grew 5.6 percent annually on average. The exhibit shows that Michigan too has seen a rise in its incarcerated population.

Although the size of the prison population is influenced by the crime rate, there is not a one-to-one correlation. The rise in incarceration rates despite falling crime rates reflects society's sterner attitude toward crime and criminals. There is a resolve to "get tough" on both. In recent years, Michigan legislators have enacted numerous statutes affecting law enforcement and corrections policy. Among them are measures that

- make Michigan's drunk driving laws substantially more stringent;
- create a \$10 million grant program to encourage community policing (e.g., to establish foot patrols, to bring officers into closer touch with residents and businesses); and
- set out new sentencing guidelines that establish minimum sentences.

Controlling and managing the state prison population is the responsibility of the Michigan Department of Corrections (MDOC), which has nearly 19,000 employees and oversees operation of 44 correctional institutions and 11 camps. Jails are the responsibility of counties.

In recent years Michigan has seen extraordinary growth in its state prison system. Since 1998 space for nearly 5,000 new prisoners has been created by expanding eight prisons, converting two camps to prisons, and constructing two new prisons. The expansion enabled the state, in 2000, to stop leasing beds in a medium-security Virginia state prison, where for two years it had been housing some 2,000 Michigan inmates. At \$1.60 billion, the FY 2001–02 MDOC appropriation was the third largest in the budget; the governor has recommended \$1.63 billion for FY 2002–03. The 1.8 percent increase restores some of the funds lost in the budget cuts of late 2001 but does not allow for any expansion.

Although the number of *new* prison commitments as a portion of total arrests has remained relatively constant over the past decade (2.7 percent in 1991, 2.2 percent in 1999), society's tougher stance on crime has manifested itself in ways that keep people in prison longer.

- The legislature has mandated, and the courts are imposing, longer sentences for violent offenses (nearly 14,000 inmates in the state system are serving 10 years or more).
- "Good time" credit has been eliminated for offenders whose crimes occurred after January 1, 1999, and all offenders whose crimes occurred after December 15, 2000, must serve their entire minimum sentence prior to being considered for parole.
- There has been a decline in the number of paroles granted to people convicted of violent and assault crimes. This is particularly true with regard to sex offenders (the number serving time has more than tripled since 1988).
- MDOC has cracked down on probation and parole violators, sending or returning them, respectively, to prison more often; this has brought about the biggest rise in prison admissions.

To stem the increasing necessity for beds in the state prison system, MDOC has established two major funding programs for counties. These programs offer them financial incentives to handle certain offenders locally who otherwise would be bound for a state prison.

- Under the jail reimbursement program, which began in 1988, counties have been paid more than \$122 million to house certain offenders in local jails instead of sending them to a state prison. In FY 1999–2000, MDOC paid counties nearly \$18 million to house 3,900 offenders.
- Grants totaling over \$219 million have been awarded to counties to help them better manage their offenders through a variety of programs, including residential placement for probationers and jail expansion.

Capital Punishment

Michigan is one of only 12 states (and the District of Columbia) that does not impose the death penalty. In 1846 Michigan became the first government in the English-speaking world to abolish capital punishment for murder and lesser crimes. At this writing, no resolutions to permit the death penalty for a crime prosecuted under Michigan law have been proposed since 1999. Readers interested in a full discussion of the death penalty are referred

to *Michigan in Brief, 6th Edition*, which may be found online at www.michiganinbrief.org.

DISCUSSION

Crime and Imprisonment Rates

Crime statistics should be viewed with caution. First, law-enforcement practices can affect the number of crimes reported. Second, reporting is not necessarily uniform nationwide or even statewide. Third, the number of incidents reported may reflect the current public attitude about certain kinds of crimes; for example, some observers speculate that an increase in the number of rapes may result from an increased willingness of victims to report the crime. Last, there always is a gap between reported and unreported crime.

The public's perception of the crime rate often is swayed by factors other than the number of crimes committed. Many people believe that the tremendous growth in prison population is due to a continuing escalation of crime, but this is inaccurate. The prison population both nationally and in Michigan has increased over the past decade, even as crime rates have dropped. Similarly, media coverage of crime stories can fuel the perception that a crime problem is more severe than it is.

While it is reasonable to suppose that the many "law and order" measures enacted in recent years have had some effect on crime rates, it also is true that a number of important factors associated with the incidence of crime are beyond the reach of public policy. For example, states—and areas within states—that have a higher rate of index crimes than others also have more people aged 16–39 (the most crime-prone group), a larger concentration of urban population, and more pockets of poverty.

The rate of new prisoner intake has slowed since 1998, but changes in sentencing laws will keep many offenders behind bars longer, continuing the need for prison beds. Budget cuts in FY 2001–02 necessitated by the economic downturn brought the MDOC appropriation down 1.2 percent, which the department is absorbing by reducing expenditures for new-employee training and eliminating the prisoner rehabilitation education program. In addition, one camp and two corrections centers will be closed.

Some observers fear that the current economic problems and the accompanying rise in unemployment will cause the crime rate, and the attendant burdens on law enforcement and the jail/prison system, to rise again.

Other

In the wake of the terrorist attacks in September 2001, anti-terrorist activity has moved up on the crime-fighting agenda. The events have increased discourse among citizens and policymakers alike about "terrorists among us" and to what extent law-enforcement agencies must take action. In early 2002 a bipartisan anti-terrorism package of bills was enacted that characterizes certain activities as criminal, sets penalties for engaging in such activities, and gives law enforcement expanded powers in enforcing anti-terrorism and other measures.

Before September 11, racial profiling was already a civil rights issue related to the criminal stereotyping of non-whites, and certain law-enforcement practices were being called into question. Now there is a dual concern that some Arab-Americans may be a threat but also that Arab-Americans in general may be unjustly singled out as threatening. (Michigan has the largest concentration of Arab-Americans in the nation). House Bills 4927 and 5307, pertaining to racial profiling, are pending.

Privacy is another concern. Advocates of a proactive approach to combating terrorism and other crimes believe that laws must be changed to accommodate new technology and allow law-enforcement officials to keep closer tabs on people with a suspected terrorist or criminal connection; SBs 803 and 806, pertaining to electronic surveillance, are pending. Civil liberties advocates warn about the possibility of privacy invasion and due-process violations when wiretapping and other search-and-seizure powers are expanded.

The Michigan criminal-justice landscape has been further altered in recent years by new sex-offense and concealed-weapons legislation and the establishment of a criminal DNA database.

- In 1999 a number of Michigan laws related to sex offenses took effect. Convicted sex offenders in Michigan receive harsher prison sentences than before, and when their time has been served, their photograph and personal information are added to a registry of sex offenders by the local criminal-justice agency that dealt with them originally. The registry may be searched online by the public, and the offender must update his/her information for at least 25 years by contacting the local law-enforcement agency on specified dates annually. The purpose of the registry is to prevent future sexual victimization, and all states and the District of Columbia have some such law. There is much concern, however, that these laws violate the *ex post facto* clause of the U.S. Constitution that protects individuals from legislation that "further increases the penalty

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by which a crime is punishable.” At this writing, the Alaska law is scheduled for consideration before the U.S. Supreme Court, and the outcome may affect the registry laws in some or all states.

- In 2000, new state concealed-weapons laws took effect, changing the procedures by which Michigan residents apply for and receive a license to carry a concealed weapon. The intent of the laws was to standardize and streamline the licensing process and to keep the license information in a centralized database. Legislation has been introduced (HB 5683) to exempt retired police officers from the safety-training requirement and to waive some restrictions on where peace officers may carry firearms. There also is legislation proposed (SB 329) to allow 18–20 year olds to carry a concealed pistol in certain circumstances.
- In 2000 the criminal DNA database mandates took effect, requiring adults convicted of a felony and certain misdemeanors to submit a DNA sample that is retained in a database. In addition, juveniles who are “waived” to a criminal court in family or circuit court and *convicted* of a felony or specified sex-related misdemeanor are subject to the expanded profiling. DNA profiling has been hailed for enabling law-enforcement officials to identify the perpetrator of a crime and ruling out innocent suspects. Those who oppose the laws cite the excessive nature of profiling *all* felons, even those associated with nonassault crimes; there also is concern about privacy, since DNA can provide information that far exceeds what is necessary for a criminal investigation. No legislation has been introduced to amend these laws.

See also Civil Rights and Liberties; Emergency Preparedness and Response; Firearms Regulation; Privacy; Substance Abuse; Youth at Risk.

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