

# Corrections

## GLOSSARY

### Camp

*A minimum-security corrections facility for prisoners convicted of less serious offenses; prisoners nearing release also may be housed in a camp.*

### 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

*All crimes not categorized as index crimes; includes many minor infractions.*

## BACKGROUND

In recent years society has adopted a much sterner attitude toward crime and criminals—both adult and juvenile—with significant effect on state policy and budgeting.

### Adult Corrections

#### Prisons

The U.S. Justice Department reports that as of June 1997, approximately 1.7 million people were confined to the nation's jails and prisons: a national incarceration rate of 645 per 100,000 people, more than double the 1985 rate. The total number of adults under correctional supervision—incarcerated or on probation or parole—reached a new high in 1995: 5.5 million, about 2.8 percent of the U.S. adult population.

Michigan has seen a similar explosion in its incarcerated population. The following are Michigan Department of Corrections (MDOC) year-end prison population figures:

- 13,272 in 1982
- 40,182 in 1996
- 45,426 in 1997

The department reports that the adult prison population is overwhelmingly male—approximately 96 percent (1996). Some 57 percent of this population are classified as “nonwhite.” In addition to race/ethnicity, there are other variables that correlate closely with incarceration: education, employment status, marital status, corrections history, substance abuse history, and history of mental illness.

Controlling and managing this large, sometimes dangerous population is the responsibility of the MDOC, which employs more than 16,000 men and women and oversees operation of 41 correctional institutions and 15 camps (see Exhibit 1). A new maximum-security prison in St. Louis is expected to open in the next year.

Since 1985 Michigan has seen extraordinary expansion of its state prison system: space for 20,000 new prisoners has been constructed. The three-year period from 1985 to 1988 witnessed the largest prison expansion in the state's history: nine new facilities opened. Since 1989 Michigan has opened or authorized an additional 11 adult facilities (and closed several) and three camps (and closed one).

## EXHIBIT 1. Michigan Corrections Institutions

### Facilities (41)

Adrian Temporary Facility  
 Alger Maximum Facility (Munising)  
 Baraga Maximum Facility  
 Brooks Correctional Facility (Muskegon Heights)  
 Carson City Facility  
 Carson City Temporary Facility  
 Chippewa Correctional Facility (Kincheloe)  
 Chippewa Temporary Facility (Kincheloe)  
 Cooper Street Correctional Facility (Jackson)  
 Cotton Correctional Facility (Jackson)  
 Crane Women's Facility (Coldwater)  
 Duane Waters Hospital (Jackson)  
 Egeler Correctional Facility (Jackson)  
 Gus Harrison Correctional Facility (Adrian)  
 Handlon Michigan Training Unit (Ionia)  
 Hiawatha Correctional Facility (Kincheloe)  
 Huron Valley Center (Ypsilanti)  
 Huron Valley Men's Facility (Ypsilanti)  
 Ionia Maximum Facility  
 Ionia Temporary Facility  
 Kinross Correctional Facility (Kincheloe)  
 Lakeland Correctional Facility (Coldwater)  
 Macomb Correctional Facility (New Haven)  
 Marquette Branch Prison  
 Michigan Reformatory (Ionia)  
 Mid-Michigan Correctional Facility (St. Louis)  
 Mound Correctional Facility (Detroit)  
 Muskegon Correctional Facility  
 Muskegon Temporary Facility  
 Newberry Correctional Facility  
 Oaks Maximum Correctional Facility (Eastlake)  
 Parnall Correctional Facility (Jackson)  
 Riverside Correctional Facility (Ionia)  
 Ryan Correctional Facility (Detroit)  
 Saginaw Correctional Facility (Freeland)  
 Scott Correctional Facility (Plymouth)  
 Southern Michigan Correctional Facility (Jackson)  
 Standish Maximum Correctional Facility  
 State Prison of Southern  
   Michigan Central Complex (Jackson)  
 Thumb Correctional Facility (Lapeer)  
 Western Wayne Correctional Facility (Plymouth)

### Camps (15)

Camp Branch (Coldwater)  
 Camp Brighton (Pinckney)  
 Camp Cusino (Shingleton)  
 Camp Kitwen (Painesdale)  
 Camp Koehler (Kincheloe)  
 Camp Lehman (Grayling)  
 Camp Manistique  
 Camp Ojibway (Marenisco)  
 Camp Ottawa (Iron River)  
 Camp Pellston  
 Camp Pugsley (Kingsley)  
 Camp Sauble (Freesoil)  
 Camp Tuscola (Caro)  
 Camp Waterloo (Grass Lake)  
 Camp Cassidy Lake (Chelsea)

Source: Michigan Department of Corrections, Correctional Facilities Administration.

This has been an extremely expensive proposition. At \$1.3 billion, the FY 1997–98 Department of Corrections General Fund appropriation was the third largest in the budget; about one dollar in every six of the total state General Fund budget goes to this department.

Although the size of the prison population is influenced by the crime rate, there is not a simple one-to-one correlation. Throughout much of the 1960s and 1970s, both crime and the prison population rose dramatically. Over the past five years, however, the number of *index* (violent) crimes reported has dropped steadily, but the prison population has continued to rise, albeit more modestly.

The chief cause of the rising incarceration rate is a change in the social attitude toward crime and criminals: There is a resolve to “get tough” on both. Consider that in 1982 approximately 615,000 reported index crimes led to admission of 5,000 new inmates to Michigan prisons. Just ten years later, in 1992, the number of index crimes had dropped to 524,000 (nearly a 15 percent decline), but more than twice as many new inmates—11,000—were admitted to Michigan prisons. Society’s tougher stance has manifested itself in several ways.

- The legislature and the courts are imposing longer sentences for violent offenses (nearly 15,000 inmates in the state system are serving ten years or more).
- The number of sex offenders serving time has increased by nearly 90 percent since 1989, and parole boards are notably reluctant to grant parole in these cases.
- Parole boards have taken a much tougher stance in recent years with respect to violent offenders.
- More prisoners—nearly 4,000 by the latest count—are serving mandatory life sentences for drug trafficking and other offenses.

Despite the enormous cost of prison construction and operations (including personnel), there are many, including Governor Engler, who believe that another round of prison expansion is in order. To create 5,400 new beds by 2001, he has asked the legislature for

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funds to build two new prisons and expand others; the MDOC currently estimates that \$186 million will be needed.

### *Sentencing*

Behind the governor's request is the fact that laws already on the books will create a shortfall of some 6,000 beds by 2001, absent legislative action. Furthermore, if SBs 825–26—the so-called sentencing guidelines/“truth-in-sentencing” bills—are enacted, the net effect will be to increase still further the need for new prisons. Sentencing guidelines have been in force for most felony offenses since 1983, under a system instituted by the Michigan Supreme Court. Guidelines are intended to remove disparity and encourage uniformity among the sentences given to similarly circumstanced offenders.

- Senate Bill 825 would implement new guidelines developed by the Michigan Sentencing Commission and forwarded to the legislature under a 1994 law. The bill would create nine crime categories of varying severity. For each there would be a matrix of minimum sentences that relate the specific circumstances of the crime with the offender's criminal history. In essence, judges would be required to “score” offenses, using 19 “offense” and seven “prior-record” variables, and issue minimum sentences accordingly.

- Senate Bill 826 is the truth-in-sentencing legislation: It is designed to ensure that convicted offenders serve at least their minimum sentence. Traditional corrections practice is to reward good behavior in prison by granting offenders “good time” credits that reduce their minimum sentence. The bill would greatly reduce the use of good time credits and instead create a system of “disciplinary credits” for poor behavior that would *add* time to sentences. Under this bill, prisoners would be far more likely to serve at least the minimum sentence imposed and, if they are penalized for infractions committed while incarcerated, well could serve more time.

Since the proposed sentencing guidelines recommend lesser minimum sentences for less serious offenses, the overall effect of SB 825 probably would be to reduce demand for new prisons. However, the sentencing commission projects that SB 826's truth-in-sentencing provisions would increase the need for prison space (See Exhibit 2).

### *Projections*

The Michigan prison population currently is projected to rise from 45,219 in 1997 to 65,040 by 2007, nearly a 44 percent increase. However, as Exhibit 2 reveals, the sentencing commission believes SBs 825–26 net effect would be to increase the Michigan prison popu-

## EXHIBIT 2. Prison Population Projections under Current Law and Proposed Truth-in-Sentencing Guidelines

<i>Calendar Year</i>	<i>Prison Population Projection (baseline)</i>	<i>Effect of Proposed Guidelines</i>	<i>Effect of Truth in Sentencing</i>	<i>Prison Projection Population (revised)</i>
1997	45,219			45,219
1998	47,659			47,659
1999	49,791	179	107	50,007
2000	51,566	-211	189	51,544
2001	53,278	-715	708	53,271
2002	55,157	-1,214	1,993	55,936
2003	57,182	-1,233	2,505	58,454
2004	59,094	-1,391	3,033	60,736
2005	61,706	-1,326	3,880	64,260
2006	63,058	-1,138	4,618	66,538
2007	65,040	-700	5,667	70,007

Source: “Michigan Sentencing Commission Proposed Guidelines/Truth-in-Sentencing Prison Population Impact Assessment,” October 16, 1997, as reprinted in Michigan Senate Fiscal Agency, Notes on the Budget and Economy, September and October 1997.

lation by nearly 5,000. The latest MDOC figures show that these projections may not be entirely accurate. As of the end of February 1998, there were 42,006 inmates in Michigan prisons—up from the 1996 year-end figure but substantially fewer than had been projected by the sentencing commission (which based its projections on data from the first months of 1997). Nevertheless, department analysts characterize as accurate the prediction that substantially more prison beds will be needed, and they suggest that the lower-than-expected inmate population figures are due to a speeded-up process for releasing inmates for whom parole already had been granted.

A Senate Fiscal Agency (SFA) analysis reveals that the requirements of current law are such that Michigan likely will need 20 new prisons over the next ten years, creating an annual debt service of \$156 million by 2007. If both the sentencing guidelines and the truth-in-sentencing provisions become law, 25 new prisons and an annual debt service of \$195 million would be required.

The Senate Fiscal Agency's analysis of projected MDOC operating budgets reveals a similar pattern. Under current law, department operating expenses are expected to rise from \$1.1 billion in 1997 to \$1.6 billion in 2007, a nearly \$500 million increase. If sentencing guidelines and truth-in-sentencing provisions become law, the department's annual operating budget is expected to rise by another \$100 million (to \$1.7 billion in 2007).

### Juvenile Corrections

Juvenile offenders (in Michigan, those aged 16 and under) generally are the responsibility of the Family Independence Agency (FIA), rather than the MDOC. Currently, the FIA operates six juvenile training schools for approximately 775 youthful offenders: Adrian Training School; Bay Pines Facility (Escanaba); Genesee Valley Regional Center (Flint); W.J. Maxey Training Center (Whitmore Lake); Nokomis Challenge Center (Prudenville); and Shawono Center (Grayling). The largest is Maxey, which houses about 50 percent of the offenders.

Many of these facilities also serve as "detention centers" in which youngsters temporarily are housed pending review and referral of their case. The state also operates residential "half-way" houses in Ann Arbor, Flint, Grand Rapids (2), Lansing, and Saginaw, with a current population of approximately 85. Finally, the state contracts with private vendors to provide residential programs for youngsters who have become state wards.

The state juvenile justice system has changed enormously in recent years as the result of Public Act 374 of 1996, which shifted responsibility for adjudicating juvenile cases from the probate court to the newly created family court (a division of circuit court). In addition, the so-called Juvenile Justice Reform Package (19 bills enacted in 1996) radically changed the manner in which juveniles charged with crimes are dealt with by the courts and the criminal justice system. Significant features of the package

- authorized construction of a juvenile boot camp ("punk prison") and specified that the facility could be operated by a private company;
- lower the age—from 15 to 14—at which a waiver may be obtained to try a youth as adult for certain crimes;
- expand the list of crimes for which such a waiver is permissible;
- allow, for certain crimes, children of any age to be tried in family court as an adult—that is with an adversarial proceeding and a 12-person jury;
- permit juveniles convicted of an adult crime to be sentenced as an adult and sent to an adult prison, unless the judge finds that the preponderance of evidence and the best interests of society warrant probation or referral to a juvenile facility;
- require parent involvement in juvenile proceedings and treatment; and
- place the burden of proof on a juvenile to prove, prior to release, that s/he no longer will be a threat to society.

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Although less acute and not nearly so well publicized, the juvenile corrections system also is overcrowded. According to the FIA, recent changes in law and a new willingness of judges to refer juvenile offenders to the state are straining capacity. Currently, state-run juvenile residential programs at sites across Michigan have two residents more per unit than their planned bed capacity.

## DISCUSSION

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Corrections policy and budgeting during the next few years will be very important and likely one of the more difficult issues state policymakers will face. Two questions will be paramount.

- How much of an anti-crime agenda can the state afford, given its other responsibilities?
- Are prison construction and an aggressive incarceration strategy the best approaches to crime and, thus, the best use of crime-prevention dollars?

### Adult Corrections

#### *Prisons/Prevention*

The two questions have urgency because the prison bed shortage already has forced the Department of Corrections to send 40 prisoners to a federal prison in West Virginia. Even if the legislature approves money for new prisons, the department indicates that it will have to send up to 2,000 prisoners out of state during 1998, while the new facilities are being built.

In a December 1997 study, the SFA identifies several steps, in addition to out-of-state transfers, that could alleviate prison overcrowding, at least in the short run, including

- early release for nonviolent property-crime offenders;
- rotating prisoner work/sleep shifts, to free up beds;
- creating dormitories in cafeterias and gymnasiums;
- adding parole board members, to deal with a larger parole-eligible population;
- enhanced use of community corrections; and
- a second chance for probation violators whose transgressions are deemed technical or not serious.

While these steps could alleviate overcrowding, they will do little to alter the long-term problem. The choice confronting policymakers is stark: (1) Fund the new prisons at the projected level of need, either by raising taxes or diverting funds from such other programs as education, public health, transportation, or environmental protection, or (2) re-think the state's approach to crime control.

Advocates for new prison construction argue that the need is authentic and immediate, the crime-prevention programs under discussion will not alleviate the situation for years, and the only realistic alternative to new prison construction is an across-the-board reduction of sentence length, with the result that many offenders who have been found guilty of serious crimes will spend less time in prison than normal.

Others note that the administration's warnings about potential prison overcrowding have been overstated in the past. They also point out that the most crime-prone age group, those aged 15–39, is declining (down 3.6 in 1990–95), and the trend is expected to continue (a 4.1 percent drop is expected in 1995–2000 and a 2 percent drop in 2000–05). Furthermore, they worry that an overly large corrections budget will impede the state's ability to fulfill other commitments and responsibilities.

Although some do not rule out new prison construction, they believe that imprisonment and law-enforcement strategies are only part of the solution to crime. They contend that community crime prevention is equally important, and there should be a push to strengthen communities and the crime-control mechanisms that healthy communities innately possess.

Following the governor's 1998 State of the State message, which proposed prison construction and aggressive law enforcement, House Democrats issued their own "safe neighborhoods" agenda, which stresses community crime control, including expanded community policing (e.g., foot patrols and other efforts that bring officers into closer touch with citizens), to fight drugs and gangs; ridding neighborhoods of derelict housing, a frequent focal point for gang activity and crime; and creating supervised "safe havens" in

schools, to keep youths constructively occupied between school and the dinner hour.

### *Sentencing*

The exigencies of prison overcrowding have created considerable bipartisan interest in removing mandatory minimum sentences for nonviolent offenders, particularly those convicted under a 1978 “life law” that sends people convicted of possessing 650 grams—about 23 ounces—of a controlled substance with “intent to deliver” to prison for life, without parole. Supporters of the 20-year-old measure contend that the law is justified because drug dealers are part of a much larger crime trade that has negative consequences for society. Advocates of repealing it believe that the approach is too harsh and makes only questionable sense, since the result is that a person can get a tougher penalty for drug possession than for doing something that leads directly to another’s death. Senate Bills 280–81 would lower the mandatory minimum sentence for those convicted of possession with intent to deliver 650 grams of a controlled substance.

### **Juvenile Corrections**

Historically, Michigan and other states have separated juvenile and adult proceedings, focusing on prevention and rehabilitation for juveniles. Recently, the separation has narrowed—juvenile offenders now are much more likely than before to be punished.

Supporters of the change see it as a rational response to an “epidemic” of juvenile crime, particularly violent crime. Critics believe that society may be headed in the wrong direction on this issue and argue that we may be creating a new generation of hardened criminals; they cite evidence suggesting that youths treated by the justice system as juveniles are significantly less likely to be re-arrested than are those treated (sentenced) as adults.

As the controversy over the recent effort to try a 12-year-old Pontiac boy on adult murder charge demonstrates, the issue has an ethical and medical as well as a pragmatic dimension. Proponents argue that some crimes—murder for instance—are so heinous that

youthful offenders should not enjoy the protection of the traditional juvenile court; moreover, they point out this particular youngster already had had more than 20 brushes with the law, ranging from suspicion of arson to having earlier pulled a gun on a schoolmate. Others argue that he nevertheless still is a child, and they question whether children this young have the developmental capacity necessary to appreciate either the severity of their actions or the nature of the criminal complaint brought against them.

*See also* Crime; Genetic Cloning and Testing; Mental Health Funding and Services; State Government Employment; Substance Abuse.

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