

PROBATION & PAROLE: EVIDENCE-BASED SUPERVISION PRACTICES

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 8 as passed by the Senate
Sponsor: Sen. Peter MacGregor
House Committee: Michigan Competitiveness
Senate Committee: Michigan Competitiveness
Complete to 2-7-17

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY:

The bill creates a new act that:

- Provides for the use of evidence-based supervision practices for probation and parole supervision.
- Restricts state funds to only programs in accordance with evidence-based practices.
- Eliminates ineffective recidivism policies and practices.
- Adopts policies to increase victim satisfaction with the criminal justice system.
- Provides intensive initial and ongoing training and professional development in evidence-based practices to DOC employees and employees of certain local agencies who supervise probationers or parolees.
- Requires reports by supervising agencies to the governor, Legislature, and Supreme Court Administrative Office on efforts to implement the act.
- Defines terms.

FISCAL IMPACT:

The fiscal impact of Senate Bill 8 on the state and on local units of government is indeterminate. The bill requires the use of evidence-based practices for supervision and recidivism intervention within four years. At this time, the effect of the evidence-based practices is not known. If the effect is an increase in probation and parole success, with a corresponding decrease in the number of individuals sentenced to jails and prisons due to probation or parole revocation or recidivism, then there could be a savings to the state and to local units of government (i.e. state and local correctional facilities, court systems, and law enforcement). The average cost of prison incarceration in a state facility is roughly \$36,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. The cost of local incarceration in county jails varies by jurisdiction.

DETAILED SUMMARY:

Senate Bill 8 creates a new act to provide for the use of evidence-based supervision practices by an agency (the Department of Corrections or a local agency that receives state funding and supervises individuals on probation or parole). The bill would take effect 90 days after enactment.

"Evidence-based practices" means supervision policies, procedures, programs, and practices that scientific research demonstrates reduce recidivism among individuals on probation, parole, or postrelease supervision.

Supervision Policies, Rules, & Regulations

An agency must adopt policies, rules, and regulations that, within four years after the bill's effective date, result in all supervised individuals being supervised in accordance with evidence-based practices, or practices developed based upon evidence-based practices, in order to improve success rates of supervised individuals and to reduce their recidivism rates. In doing so, the agency must consult with and seek recommendations from local law enforcement agencies, including sheriffs' departments, circuit courts, county prosecutors' offices, and community corrections programs.

Policies, rules, and regulations must include all of the following:

- ❖ The adoption, validation, and use of an objective risk and needs assessment tool.
- ❖ The use of assessment scores and other objective criteria to determine the risk level and program needs of each supervised individual, prioritizing supervision and program resources for offenders at higher risk to reoffend.
- ❖ Definitions of low-, moderate-, and high-risk levels during the period of supervision.
- ❖ The development of a case plan, based on the assessment score, for each individual who is assessed to be moderate to high risk, and for each individual who was assessed to be low risk. A case plan must allow options for programming from which a supervised individual may make a selection; the selected programming cannot be less rigorous than the programming that the individual otherwise would have been required to complete; and the case plan will be subject to conditions of supervision, if any, imposed by a court having jurisdiction over the individual.
- ❖ The identification of swift, certain, proportionate, and graduated responses that an agency employee will apply in response to a supervised individual's compliant and noncompliant behaviors.
- ❖ The adoption of caseload guidelines based on offender risk levels that take into account agency resources and employee workload.
- ❖ The establishment of protocols and standards that assess the degree to which agency policies, procedures, programs, and practices relating to offender recidivism reduction are evidence-based.

"Case plan" means an individualized accountability and behavior change strategy for supervised individuals that does all of the following:

- Targets and prioritizes the offender's specific criminal risk factors.
- Matches programs to the offender's individual characteristics, such as gender, culture, motivational stage, developmental stage, or learning style.
- Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations, subject to a determination of ability to pay.

- Specifies positive and negative actions that will be taken in response to the individual's behaviors.

Recidivism

Within four years of the bill's effective date, an agency must eliminate supervision policies, procedures, programs, and practices intended to reduce recidivism that scientific research demonstrates does not do so. Any data collected and maintained under the bill regarding recidivism rates must be collected and maintained in a manner that separates the data regarding technical parole violations and technical probation violations from data on new felony and misdemeanor convictions.

"Recidivism" means the rearrest, reconviction, or reincarceration in prison or jail for a felony or misdemeanor offense or a probation or parole violation, or any combination of those events, of an individual as measured first after three years and again after five years from the date of release from incarceration, placement on probation, or conviction, whichever is later.

Crime Victim Satisfaction

An agency must adopt policies, rules, and regulations that improve crime victim satisfaction with the criminal justice system, including all of the following:

- ❖ Supervised individuals' payment of victim restitution and child support.
- ❖ The opportunity for victims to complete victim impact statements or provide input into presentencing investigation reports.
- ❖ Providing victims with information about their rights and services, and referrals to access those rights and services.
- ❖ Facilitating victim-offender dialogue if a victim is willing.
- ❖ Offering victims the opportunity to complete a "victim satisfaction survey" with data used to measure agency performance. The Department of Attorney General must develop that survey for use by an agency.

Employee Training

An agency must provide its employees with intensive initial and ongoing training and professional development services to support the implementation of evidence-based practices that includes assessment techniques, case planning, risk reduction and intervention strategies, effective communication skills, substance abuse intervention information, and other topics identified by the agency or its employees.

Agency Report

By March 1 of each year, beginning in 2018, an agency must submit to the Governor, the Secretary of the Senate, the Clerk of the House of Representatives, and the Supreme Court Administrative Office a comprehensive report on the agency's efforts to implement the new act. The report must include all of the following:

- The percentage and number of supervised individuals being supervised in accordance with evidence-based practices.
- The amount of state funds spent for evidence-based programs.

- A list of all programs, including an identification of all evidence-based programs.
- An identification of all supervision policies, procedures, programs, and practices that were eliminated.
- The results of victim satisfaction surveys.
- The agency's recommendations for resource allocation, and any additional collaboration with other state, regional, or local public agencies, private entities, or faith-based or community organizations.

The agency must make the full report and an executive summary of it available to the general public on the agency's website.

Miscellaneous

Within four years of the bill's effective date, all state funds spent on programs must be for those that are in accordance with evidence-based practices or developed based upon such practices.

Further, the DOC may form partnerships or enter into contracts with institutions of higher education or other qualified organizations for assistance with data collection, analysis, and research.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.