

REPORT TO THE LEGISLATURE
Pursuant to P.A. 200 of 2012
Section 417 (1)(a)
County Jail Reimbursement Program

Sec. 417. (1) By March 1, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on each of the following programs from the previous fiscal year:

- (a) The county jail reimbursement program.
- (b) The felony drunk driver jail reduction and community treatment program.
- (c) Any new initiatives to control prison population growth funded or proposed to be funded under part 1.

(2) For each program listed under subsection (1), the report shall include information on each of the following:

- (a) Program objectives and outcome measures, including, but not limited to, the number of offenders who successfully completed the program, and the number of offenders who successfully remained in the community during the 3 years following termination from the program.
- (b) Expenditures by location.
- (c) The impact on jail utilization.
- (d) The impact on prison admissions.
- (e) Other information relevant to an evaluation of the program.

The County Jail Reimbursement Program was established as an incentive for counties to retain locally those felons who otherwise probably would have been sent to prison. It was instituted under language in the FY 1988-89 budget act, and has been maintained through budget acts every year since. Fiscal Year 2009-10, however, was atypical: the program existed briefly in October 2009 under the terms of a continuation budget, and, following a veto of the version that was in the FY 2009-10 budget act, was subsequently enacted through a June 2010 supplemental appropriations act (2010 PA 89), which provided for the program from January through September 2010.

In 1998, the County Jail Reimbursement Program was placed in statute as part of an extensive package of criminal justice reforms that included sentencing guidelines and truth-in-sentencing. Public Act 317 of 1998 amended the Code of Criminal Procedure to add a section (MCL 769.35) that calls for the Department of Corrections (MDOC) to operate a jail reimbursement program that “provides funding to counties for housing offenders in county jails who otherwise would have been sentenced to prison.” The act specifies that reimbursement criteria and rates are to be set in the annual appropriations acts for MDOC.

In the years since the program began, changes to reimbursement criteria and rates have been common, reflecting continuing efforts to draft a reimbursement framework that would offer appropriate incentives for diverting into jail sentences those offenders who otherwise likely would have received prison sentences. After enactment of comprehensive felony sentencing guidelines, criteria increasingly described reimbursement-eligible offenders in terms of their scores and classification under sentencing guidelines.

In Fiscal Year 2011-12, the program reimbursed for felons sentenced for crimes committed on or after January 1, 1999, and who met one of the following criteria:

- (a) The felon’s sentencing guidelines recommended range upper limit was more than 18 months, the felon’s sentencing guidelines recommended range lower limit was 12 months or less, the felon’s prior record variable score was 35 or more points, and the felon’s sentence was not for commission of a crime in crime class G or crime class H or a “nonperson” crime in crime class F under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.
- (b) The felon’s minimum sentencing guidelines range minimum was more than 12 months.
- (c) The felon was sentenced to jail for a felony committed while he or she was on parole and under the jurisdiction of the parole board and for which the sentencing guidelines recommended range for the minimum sentence has an upper limit of more than 18 months. This describes a parolee whose guidelines score on the new felony places him or her in either the straddle cell or presumptive prison category.

Reimbursement was at one of three per-diem levels. If the offender’s guidelines score indicated a prison sentence, the rate was \$60.00 per day. If the guidelines score was such that either a prison sentence or a local sanction was allowed (a guidelines “straddle cell”), the reimbursement rate was \$50.00 per day if the crime was on a list of designated “Group 1” crimes, and \$35 per day if the offense was not on the “Group 1” list.

Table 1 provides data on FY 2011-12 County Jail Reimbursement Program payments and numbers of offenders by county and per diem rate. Reimbursements for the FY 2011-12 program totaled \$14.2 million: \$6.6 million at the \$35 per diem rate, \$4.6 million at the \$50 per diem, and \$3.0 million at the \$60 per diem.

The extent to which the program has affected jail utilization or prison commitments is unclear, because the extent to which judicial sentencing decisions are affected by an offender’s eligibility is unclear. On the one hand, programs funded under the Community Corrections Act (1988 PA 511) often target straddle cell offenders with prior record scores of 35 or more. However, the elimination of the program from October 2009 to June 2009 did not appear to affect prison commitment rates. Conclusions about the program’s impact on jail utilization or prison admissions are rendered problematic by the complexity of the criminal justice system and the difficulty in isolating the impact of the County Jail Reimbursement Program from the many other factors that affect sentencing decisions.

Table 1: FY 2011-12 County Jail Reimbursement Program

	\$35 Per Diem		\$50 Per Diem		\$60 Per Diem		Total	
	Inmates	Amount	Inmates	Amount	Inmates	Amount	Inmates	Amount
Alcona	0	\$0	0	\$0	0	\$0	0	\$0
Alger	4	\$22,435	1	\$4,550			5	\$26,985
Allegan	25	\$82,285	11	\$56,650	8	\$30,600	44	\$169,535
Alpena	0	\$0	0	\$0	0	\$0	0	\$0

	\$35 Per Diem		\$50 Per Diem		\$60 Per Diem		Total	
	Inmates	Amount	Inmates	Amount	Inmates	Amount	Inmates	Amount
Antrim	2	\$7,665	0	\$0	0	\$0	2	\$7,665
Arenac	0	\$0	0	\$0	0	\$0	0	\$0
Baraga	0	\$0	0	\$0	0	\$0	0	\$0
Barry	11	\$34,440	6	\$27,700	7	\$45,960	24	\$108,100
Bay	16	\$40,495	9	\$40,400	3	\$29,460	28	\$110,355
Benzie	0	\$0	0	\$0	0	\$0	0	\$0
Berrien	24	\$67,200	10	\$32,900	5	\$25,440	39	\$125,540
Branch	0	\$0	0	\$0	0	\$0	0	\$0
Calhoun	34	\$132,370	33	\$231,800	5	\$36,480	72	\$400,650
Cass	24	\$83,300	4	\$15,100	15	\$77,220	43	\$175,620
Charlevoix	0	\$0	0	\$0	0	\$0	0	\$0
Cheboygan	5	\$20,195	3	\$39,450	0	\$0	8	\$59,645
Chippewa	5	\$27,370	2	\$14,250	1	\$17,460	8	\$59,080
Clare	4	\$17,570	1	\$4,150	3	\$19,800	8	\$41,520
Clinton	0	\$0	1	\$6,150	0	\$0	1	\$6,150
Crawford	7	\$13,230	1	\$8,250	1	\$17,880	9	\$39,360
Delta	1	\$5,355	0	\$0	0	\$0	1	\$5,355
Dickinson	6	\$23,205	0	\$0	0	\$0	6	\$23,205
Eaton	28	\$78,925	11	\$43,900	24	\$106,560	63	\$229,385
Emmet	2	\$9,660	0	\$0	0	\$0	2	\$9,660
Genesee	29	\$89,180	28	\$159,700	16	\$141,840	73	\$390,720
Gladwin	10	\$65,835	2	\$9,500	0	\$0	12	\$75,335
Gogebic	2	\$7,735	2	\$11,400	2	\$6,600	6	\$25,735
Grand Traverse	0	\$0	0	\$0	0	\$0	0	\$0
Gratiot	6	\$21,700	0	\$0	0	\$0	6	\$21,700
Hillsdale	0	\$0	0	\$0	0	\$0	0	\$0
Houghton	6	\$12,355	7	\$27,850	0	\$0	13	\$40,205
Huron	2	\$8,400	1	\$2,750	1	\$12,600	4	\$23,750
Ingham	61	\$199,360	33	\$156,950	13	\$42,720	107	\$399,030
Ionia	1	\$980	0	\$0	0	\$0	1	\$980
Iosco	4	\$16,835	2	\$2,700	0	\$0	6	\$19,535
Iron	0	\$0	0	\$0	0	\$0	0	\$0
Isabella	22	\$69,510	12	\$58,600	9	\$40,740	43	\$168,850
Jackson	38	\$110,110	15	\$58,150	10	\$60,960	63	\$229,220
Kalamazoo	79	\$221,970	28	\$116,650	18	\$78,480	125	\$417,100
Kalkaska	7	\$31,675	2	\$8,350	0	\$0	9	\$40,025
Kent	124	\$457,100	44	\$210,650	49	\$260,100	217	\$927,850
Keweenaw	0	\$0	0	\$0	1	\$3,480	1	\$3,480
Lake	0	\$0	2	\$12,750	1	\$12,360	3	\$25,110
Lapeer	25	\$71,750	8	\$39,900	4	\$19,200	37	\$130,850
Leelanau	0	\$0	0	\$0	0	\$0	0	\$0
Lenawee	7	\$18,025	2	\$10,200	1	\$360	10	\$28,585
Livingston	24	\$59,045	5	\$19,500	5	\$36,060	34	\$114,605
Luce	0	\$0	0	\$0	0	\$0	0	\$0
Mackinac	1	\$4,305	0	\$0	0	\$0	1	\$4,305
Macomb	202	\$596,750	54	\$246,600	27	\$199,620	283	\$1,042,970
Manistee	0	\$0	0	\$0	0	\$0	0	\$0
Marquette	9	\$36,120	5	\$25,800	0	\$0	14	\$61,920
Mason	8	\$33,495	4	\$21,500	0	\$0	12	\$54,995
Mecosta	10	\$38,430	2	\$2,350	1	\$5,040	13	\$45,820

	\$35 Per Diem		\$50 Per Diem		\$60 Per Diem		Total	
	Inmates	Amount	Inmates	Amount	Inmates	Amount	Inmates	Amount
Menominee	2	\$4,760	0	\$0	0	\$0	2	\$4,760
Midland	5	\$15,960	4	\$12,100	0	\$0	9	\$28,060
Missaukee	0	\$0	0	\$0	0	\$0	0	\$0
Monroe	30	\$86,100	6	\$24,600	4	\$23,820	40	\$134,520
Montcalm	3	\$13,895	0	\$0	0	\$0	3	\$13,895
Montmorency	1	\$140	1	\$4,000	1	\$8,220	3	\$12,360
Muskegon	30	\$114,030	26	\$101,350	1	\$8,400	57	\$223,780
Newaygo	11	\$52,465	3	\$30,050	0	\$0	14	\$82,515
Oakland	414	\$1,359,925	135	\$699,150	16	\$96,900	565	\$2,155,975
Oceana	5	\$17,605	1	\$450	1	\$3,120	7	\$21,175
Ogemaw	7	\$25,130	3	\$15,300	0	\$0	10	\$40,430
Ontonagon	0	\$0	0	\$0	0	\$0	0	\$0
Osceola	1	\$2,310	1	\$10,200	0	\$0	2	\$12,510
Oscoda	0	\$0	0	\$0	0	\$0	0	\$0
Otsego	3	\$10,255	1	\$400	0	\$0	4	\$10,655
Ottawa	28	\$76,720	12	\$56,750	3	\$4,860	43	\$138,330
Presque Isle	6	\$18,270	0	\$0	0	\$0	6	\$18,270
Roscommon	6	\$23,800	1	\$2,750	0	\$0	7	\$26,550
Saginaw	83	\$353,010	55	\$289,950	17	\$141,540	155	\$784,500
St. Clair	51	\$180,180	16	\$91,700	2	\$14,700	69	\$286,580
St. Joseph	20	\$74,760	8	\$41,250	8	\$45,600	36	\$161,610
Sanilac	5	\$30,030	5	\$14,300	3	\$14,640	13	\$58,970
Schoolcraft	4	\$17,395	0	\$0	0	\$0	4	\$17,395
Shiawassee	4	\$17,360	2	\$6,350	1	\$1,560	7	\$25,270
Tuscola	6	\$17,045	5	\$23,150	12	\$87,120	23	\$127,315
Van Buren	28	\$65,520	4	\$3,550	5	\$24,420	37	\$93,490
Washtenaw	37	\$104,930	36	\$168,900	16	\$93,060	89	\$366,890
Wayne	366	\$1,079,995	237	\$1,234,900	165	\$1,077,720	768	\$3,392,615
Wexford	1	\$4,270	3	\$18,550	0	\$0	4	\$22,820
TOTALS	2,032	\$6,602,225	916	\$4,576,800	485	\$2,972,700	3,433	\$14,151,725