



STATE OF MICHIGAN  
EXECUTIVE OFFICE  
LANSING

RICK SNYDER  
GOVERNOR

BRIAN CALLEY  
LT. GOVERNOR

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*A Special Message from Governor Rick Snyder:  
Criminal Justice*

*To Michiganders and the Michigan Legislature:*

### **I. Introduction**

We see it in the news every day—our criminal justice system in action—police apprehending suspects, juries delivering verdicts, and judges imposing sentences. We hear the tragic stories of victims, and we await punishment of the guilty. But there is much more to our criminal justice system that too often goes overlooked. There are important steps we can take to help victims, prevent crimes before they occur, and provide better outcomes for Michigan.

Let there be no doubt: Protecting the public is the primary purpose of our criminal justice system. Safety and security are essential to a strong economy and a free society. Our system can protect public safety by deterring crime and separate dangerous individuals from society at large. But if we focus on crime and punishment alone, we ignore the opportunity to help break the cycle of crime that plagues too many communities.

We know that most criminals who go to prison will be released one day after they complete their sentence. Wouldn't it be better for Michigan if they return to their communities, earn a job, and be productive members of society—instead of turning back to a life of crime? There are many examples of individuals who have committed crimes and then turned their lives around to earn places of respect within their communities. Let's reform our criminal justice system to produce more of those success stories and bring individuals back into the river of opportunity. We'll do it by imposing the right sanctions while also providing appropriate treatment and training to offenders. Along the way, we must work to ensure that our system is aligned with the needs of employers so that offenders are put into the best position to find meaningful work when they're released from prison.

To be sure, the criminal justice system is expensive, costing Michigan taxpayers billions of dollars each year. The annual budget of the Department of Corrections alone is over two billion dollars and our county governments spend millions more. We have a responsibility to spend intelligently on programs that work to promote public safety and reform offenders so that we provide the best customer service to Michigan residents. If we want to know what programs actually work, then we need to collect data and devote

our resources to proven measures. Finally, we should allocate our resources to address the root causes of criminal behavior, such as mental health issues, substance abuse, child neglect and truancy, which can prevent crimes from happening in the first place.

## **II. Protecting Crime Victims**

There is no amount of money and no form of punishment that can truly make a crime victim whole. Victims suffer the most from crime, and for some, their wounds may never heal. In protecting the public, we must be cognizant of the effects of crime on those victims and take steps to minimize the damaging impacts to the fullest extent possible.

### **1. Notification of Victim's Rights**

Michigan citizens victimized by crime should be made aware of their special statutory and constitutional rights in a clear and uncomplicated format. We should deliver the initial notice of rights, along with notification of court hearings, expeditiously and in a manner best suited to the victim. While many crime victims prefer to receive their initial notice of rights by mail, many now would rather receive this information electronically, which is both faster and more cost-effective. We should work to make this option available to crime victims statewide.

### **2. Making Life Safer for Domestic Violence Victims**

There are two significant steps Michigan can take to help protect victims of domestic violence. First, I am calling on our Legislature to enact a law that would require law enforcement agencies to provide service of personal protection orders (PPOs) free of charge, thereby eliminating financial barriers for victims who need the assistance of the court system to avoid threats of violence.

To qualify for federal funding, states must certify that petitioners for civil personal protection orders do not "bear the costs" of serving an order. Currently, Michigan satisfies the federal requirement by allowing PPOs to be served by any "legally competent adult." While relying on the free service provided by a friend or family member may work in most cases, it does not work for every victim and may cause additional safety concerns. Michigan should join the majority of states in using funds collected from PPO violators to fund free personal service of PPOs by law enforcement.

Second, I call on the Legislature to pass pending bills that would permit a survivor of domestic violence, sexual assault, human trafficking, or stalking to apply to have an address designated by the Attorney General to serve as the victim's address for receiving mail. Allowing perpetrators to have access to a victim's identifying or location information creates additional opportunity for harmful contact for survivors and their family members that can be avoided.

And as we stand guard against domestic violence, we must also confront violence on our campuses. We will be hosting a summit to raise awareness of this issue and to discuss how we can work together to prevent these crimes.

### 3. New Tools to Combat Cybercrime

More must be done to help victims of computer crimes. Improving upon the ability of police officers, prosecutors, jurors and judges to understand the significance of cyber-related evidence will help the successful investigation and fair adjudication of cybercrimes, including those related to child sexually abusive materials, stalking, accessing a computer with intent to defraud, point-of-sale attacks, financial institution penetration, unlawful use of a computer system and traditional hacking. These matters often involve complex enterprises that cross traditional geographic boundaries. We need to examine the possibility of expanding venue to allow these cases to be litigated anywhere in the state.

I am directing the Michigan State Police (MSP) to create a joint forensic team and work with the Michigan Department of Technology, Management and Budget (DTMB) where appropriate to aid in the detection and investigation of cybercrimes in Michigan. If venue for cybercrime is expanded statewide, then law enforcement and the legal community will be able to focus resources in a targeted court or courts, which in turn will develop the expertise necessary to effectively combat cybercrime. My office and the joint forensic team, along with a task force of key stakeholders, will work with the Michigan Supreme Court to pilot a “cybercrime court” by coordinating and concentrating state resources to prosecute cybercrime in a small number of venues. This will allow all involved parties to more quickly develop best practices for investigating and prosecuting cybercrime. The task force will also review the criminal laws to determine whether any changes should be made to facilitate the prosecution of cybercrimes.

### 4. Restitution for Victims of Crime

When a crime occurs, one of the most important things we can do to support crime victims is to require the perpetrator to pay restitution to the victim. Under Michigan law, the collection of restitution for victims is the responsibility of local courts. No statewide department or agency is legally responsible for tracking the enforcement of restitution orders. As a result, we lack reliable information about how frequently restitution is actually paid. To address this shortcoming, I have tasked the Michigan Department of Corrections (MDOC) to take steps to ensure that we are successfully collecting restitution from probationers, prison inmates, and parolees.

## **III. Law Enforcement**

Local and state police are the front lines of our criminal justice system. They are our first responders, they put their lives on the line every day, and we are thankful for the work they do. We are also greatly appreciative of corrections, probation and parole officers who also risk their safety in our prisons, jails and in the field. As our nation is in the midst of a challenging conversation about law enforcement, I’m proud to say that Michigan is leading by example.

The MSP has helped reduce violent crime in some of our state’s most violent cities, and they’re doing it by building strong relationships and working with the communities they

serve. Through the Secure Cities Partnership, state police work with local law enforcement and community organizations in Flint, Detroit, Pontiac and Saginaw to reduce crime and improve the quality of life. Today, preliminary data shows that violent crime is down from 2012 numbers by over 10% in Detroit, nearly 38% in Flint, nearly 10% in Pontiac, and over 30% in Saginaw.

There is more, though, we can do to ensure our law enforcement officers continue to provide excellent service to the communities they have sworn to protect, including achieving greater racial and gender diversity in recruitment, engaging in partnerships with our communities, and using the latest technology to increase transparency and protect both law enforcement officers and citizens.

### 1. Diversity in Recruitment

Those who enforce our laws and work in our jails and prisons should reflect the diversity of the communities that they serve. To achieve that goal, we must continue expanding racial and gender diversity among our law enforcement and corrections professionals.

This year, I have personally called on ministers and community leaders to recommend potential trooper candidates who would serve their neighborhoods, cities and state. I renew that call today, but even more work needs to be done to raise awareness among minorities and women about the exciting and rewarding opportunities awaiting them in law enforcement.

The MSP has done great work in increasing their recruiting outreach efforts with more recruiters, updated training and new technology and tactics to reach more diverse candidates. The department expanded entry-level testing from Lansing, Detroit and Marquette to also include Saginaw, Muskegon, Flint, and Kalamazoo. And since 2012, the MSP has participated in 363 recruiting events or job fairs around the state, with nearly three-quarters of these events in urban areas.

In an effort to reach potential applicants earlier in life, the MSP is including a recruiting message during youth outreach efforts, including the Michigan Youth Leadership Academy (a mentoring program for youth from distressed communities) and a variety of education programs for elementary students across the state. In addition, the MSP is establishing a cadet program for young men and women between 14-18 years of age to enhance community engagement and increase opportunities for youth involvement with the MSP. The cadet program will first be piloted in Saginaw, but may be adapted for implementation in other Secure Cities Partnership areas.

MSP recruiters are also expanding community partnerships to improve recruitment. They have turned to college and university placement offices to work with student athletes, criminal justice majors and other fields of study where candidates have a desire to serve others. I am also asking our MSP to continue to engage their outreach activities with our Armed Forces and to seek qualified Military Police and Law Enforcement personnel who are being released from active duty to consider careers in the MSP.

## 2. Engaging with Our Communities

Mothers, fathers, children, ministers, teachers, doctors, nurses and business owners of every race and creed must be able to trust those who police their streets. Likewise, our police must know that they have cooperative partners in the community so they can do their jobs effectively. I am proud to report that the MSP is already leading efforts to engage with community leaders in order to strengthen these partnerships.

In coordination with the Office of Urban and Metropolitan Initiatives, the MSP has organized three public safety community forums to increase police-community relations. A forum was held in Flint on September 30, 2013, with approximately 150 attendees; in Saginaw on February 10, 2014, with approximately 100 attendees; and in Inkster on October 9, 2014 with approximately 100 attendees. Forums are currently being planned for this summer in Muskegon Heights and Benton Harbor.

**Community Action United Team In Our Neighborhoods (CAUTION).** The MSP has established Community Action United Team In Our Neighborhoods (CAUTION)—a statewide partnership with clergy of all faiths to offer support in critical incidents. Under this program, a city's clergy are part of a quick response team that provides a calming influence and is a liaison between law enforcement and the community. CAUTION members are trained to help diffuse crises, to provide information to their community and to foster improved communications between citizens and law enforcement.

CAUTION was first rolled out in Flint and Saginaw, and today there are approximately 35 CAUTION-trained clergy in these cities. By this summer, CAUTION programs will be established in Inkster, Muskegon Heights, and Benton Harbor. Those members are encouraged to host small community meetings attended by law enforcement to maintain an open dialog where concerns and questions can be discussed.

**Advocates and Leaders for Police and Community Trust (ALPACT).** Nearly 20 years ago, Advocates and Leaders for Police and Community Trust (ALPACT) was formed in Southeast Michigan with leaders and members of the community, civil rights and civil liberties organizations, and leaders from law enforcement. Members meet regularly to examine issues affecting police and community relations, including community perceptions of discriminatory enforcement of laws, racial profiling, and use of force by police officers. ALPACT members work together to explore strategies to increase opportunities for community partnering and to build stronger foundations for higher levels of community trust of law enforcement.

In 2011, the Michigan Department of Civil Rights (MDCR) began expanding the successful ALPACT model to other cities across the state, including in Grand Rapids, Benton Harbor, Flint and Saginaw. Today, the excellent staff at MDCR is working to start ALPACT organizations in four or five more cities. In addition, the MSP Recruiting and Selection Section personnel along with several MSP post commanders attend ALPACT meetings in Detroit, Flint, Saginaw, and Grand Rapids. I'm calling for ALPACT and CAUTION members to work together and coordinate their efforts to foster even

greater communication and collaboration among law enforcement and community leaders across our state.

### 3. Body Cameras for Law Enforcement

Body cameras and other video recording technologies have emerged as valuable tools for law enforcement because they offer the potential to protect both citizens and officers with increased transparency and accountability. The MSP is supportive of these technologies and is working to pilot-test body camera capabilities. The pilot will help identify a camera that fits the MSP's needs and assist in developing policies to govern use.

In deployment of this technology, we want to be mindful of officer and citizen privacy. Additionally, we need to make sure appropriate policies and procedures are in place and officers are trained to properly use the technology. Under my direction, the Council on Law Enforcement and Reinvention (CLEAR) has convened a working group on body cameras, and I look forward to receiving and reviewing their recommendations, which are expected by this summer.

## **IV. Smarter Use of Jails and Prisons**

Imprisonment plays an important role in our criminal justice system both by deterring crime and separating wrongdoers from society. But putting people in jail or prison is not always the best answer for all criminal behavior.

It is unwise to send an individual to jail or prison when an alternative sentence, such as probation with treatment of underlying problems like substance abuse, would better protect our communities at lower cost. Likewise, keeping an individual in prison longer than is necessary wastes taxpayer dollars that could be better spent preventing crimes from happening in the first place. At present we have approximately 43,000 incarcerated persons in the Michigan prison system. The average annual cost to the state for housing a prisoner is approximately \$35,000.

I am calling for commonsense reforms to ensure that our jails and prisons are used efficiently and appropriately to best serve the public interest and reduce the cost of incarcerating so many people.

### 1. Pretrial Reform: Better Results, Saving Money

Approximately sixty percent of those housed in our county jails have not been convicted of a crime. Many are held before trial even if they don't pose a serious risk of flight or threat to public safety. As they sit in jail awaiting trial, they risk losing their jobs, their homes, and even their veteran's benefits. It's costly for counties to house people in jail, and it's costly for those individuals. There are steps we can take to identify those who do not need to be held in custody, saving money and achieving better results.

Before a defendant goes to trial, risk assessment tools can help judges identify low-risk offenders as they decide whether to release them without bonds, or with pretrial

supervision in the form of weekly check-ins and electronic monitoring (which in some cases may be paid for by the defendant).

Kent County has done a great job implementing these tools. In Kent, the average stay in jail during the pretrial phase is 75% less than the average of comparable counties without similar programs. This saves money and it improves outcomes for defendants. At sentencing, those who were released from pretrial detention and complied with all of the conditions of release typically receive less harsh sentences than those who have been locked in jail for the entire pretrial phase and have not had an opportunity to show good public behavior to the sentencing judge. In this way, smart pretrial practices lead to better outcomes both before and after sentencing.

I encourage all Michigan counties to consider the benefits of devoting resources to engaging in smart pretrial reform using proven risk assessment tools.

## 2. Diversion: Tools to Help Offenders Succeed

Under the right circumstances, diverting a person convicted of a crime away from a prison sentence and into a treatment program is better for the public and the offender. For example, if mental health or substance abuse leads someone to crime, then treating those problems can improve their lives and prevent them from committing new crimes. Some diversion programs can be designed so the offender can avoid having a permanent criminal record if they complete the program. That makes it easier for them to return to their community as a productive, employable person.

Prosecutors and judges will not opt for diversion if they can't access treatment programs that make sense for eligible defendants. We should take steps to ensure that they have the necessary tools to permit diversion when appropriate. Effective treatment programs are expensive, but it is money well spent if offenders turn their lives around. Money we save with criminal justice reforms should be reinvested back into the "front end" of the process to fund treatment programs that will reduce the impact of crime by preventing it before it happens.

Michigan already has some diversion programs in place, administered as stand-alone programs or through problem-solving courts. These courts address substance and alcohol abuse, domestic violence issues, veterans' issues, and others. Their hallmark is substantial involvement from engaged judges, frequent interaction between the offender and the judge for monitoring, encouragement when things are going well and immediate consequences when they are not. There are also other resources from probation officers, other court officers, and coordination with other service providers to help give the offender every reasonable opportunity to succeed. We should expand the capacity for all courts to implement these processes through better coordination of already available services, partnerships between MDOC and the Michigan Department of Health and Human Services (DHHS), and to remove administrative burdens that otherwise restrict where resources can be placed. Our goal is for as many courts and judges as possible to have the resources of our highly successful problem-solving courts.

It's a tragedy when Michigan's youth turn to crime, and it's an even greater tragedy when they exit our criminal justice system as adults with no good future at all. The Holmes Youthful Trainee Act (HYTA) was enacted in the 1960s to give young offenders between the ages of 17 and 20 an opportunity to plead guilty to their crime and successfully complete a term of supervision or incarceration. In exchange, their offense does not appear on their criminal record. Under HYTA, courts can hold offenders accountable while giving them a second chance to move forward with their lives. Thousands of trainees complete a HYTA sentence each year, which may consist of probation, jail, or time in prison. That's a good result for our youth and our communities.

I intend to sign three new bills that will expand the use of HYTA, while increasing the public safety aspects of this law and reducing the number of non-violent young offenders entering Michigan's prison system. These bills will expand HYTA eligibility from an offender's 21st birthday until their 24th birthday, allowing 21- through 23-year olds to plead guilty to a HYTA offense with the consent of the prosecuting attorney. They also require that a HYTA trainee be in school, working, or actively looking for work to maintain this special status.

It is important that the use of HYTA prison be reserved for those cases where it is necessary to protect public safety. The new legislation will allow the courts to continue to use prison as an option in certain HYTA cases, but will reduce the maximum sentence by one year, while excluding certain non-violent youthful offenders from being housed in prison under HYTA. The legislative package also includes a new provision that will require that HYTA status automatically be revoked if the offender commits a subsequent serious offense. This provision will help ensure that this law is about providing a second chance to youthful offenders, not providing unlimited chances to those that continue to break the law.

### 3. Criminal Trials

The criminal justice system can only work properly when we have confidence that just verdicts are being reached, resulting in convictions for the appropriate crime when supported by the evidence after a fair trial. Competent and well-trained prosecutors and criminal defense attorneys are necessary to ensure that the system works as intended.

**Right to Counsel for Low-Income Michiganders.** In 2013, I signed Public Acts 93 and 94, to create the permanent Michigan Indigent Defense Commission (MIDC). This legislation marked an important first step for reform so that Michigan may guarantee the constitutional right to counsel for low-income individuals facing criminal charges. The MIDC has started its work to collect data and establish minimum standards to regulate and make the state's indigent criminal defense systems more efficient. As these standards are enacted, additional funding from the state will be needed in the form of grants administered by the MIDC so that courts may meet the standards and reform our indigent defense system to protect our communities, our tax dollars and the constitutional rights of all Michiganders. I look forward to working with the Legislature to ensure the ongoing success of the Commission's efforts and I am excited to watch Michigan become the model for other states to follow.



**Training Funds.** Our criminal justice system functions best when prosecutors and defense attorneys are well-trained in best practices and the latest developments in criminal law. In recent years, public funds available to support training for the prosecutors and public defenders who serve the public in our criminal courts has been steadily declining. And this funding is scheduled to be eliminated next year. Training is important because it prevents mistakes from happening. Accordingly, we need to investigate ways to ensure that necessary training for prosecutors and public defenders continues.

**Helping Exonerees.** While we have confidence in our criminal justice system, we know that even the best systems have flaws. Unfortunately, there are instances when innocent people are convicted of crimes they did not commit. Michigan has seen 55 exonerations since 1989 listed on The University of Michigan Law School's National Registry of Exonerations. Many of those individuals found themselves behind bars because of false accusations, perjured testimony, mistaken identification, or ineffective assistance of counsel. In each case, those individuals were exonerated and set free. As we work to ensure that mistakes like these do not occur in the future, we should also acknowledge that wrongfully accused individuals face unique challenges. Though we can never fully repay them for their hardships, I am calling for legislation that will help exonerees get back on their feet after a wrongful conviction.

#### 4. Sentencing Reform

In a report commissioned by the Legislature and the Governor's Office, the Justice Center of the Counsel of State Governments (CSG) concluded—after an intensive review of Michigan's criminal sentencing system—that “Michigan can improve its sentencing system to achieve more consistency and predictability in sentencing outcomes, stabilize and lower costs for the state and counties, and direct resources to reduce recidivism and improve public safety.” In 2014 our Legislature enacted some of the policy changes recommended in the report. I urge the Legislature to make additional reforms this term.

One reform enacted into law last year was the creation of the Criminal Justice Policy Commission. Most states that have sentencing guidelines also have a sentencing commission to provide ongoing recommendations to the Legislature about the effectiveness and appropriateness of the sentencing guidelines, which may need to be adjusted from time to time as public attitudes shift, new crimes are created, and jails and prisons become more or less crowded. Effective this year, Michigan will have a 17-member Criminal Justice Policy Commission to play this important role. The Commission is charged with the responsibility to collect and analyze data relevant to sentencing practices in Michigan and to make policy recommendations to the Legislature about the sentencing guidelines. Additionally, the Commission is empowered to make recommendations to the Legislature about any law, rule, or policy that effects incarceration in Michigan. I am hopeful that the Commission will be able to provide valuable insight to the Legislature leading to the kinds of reforms recommended by CSG and I look forward to receiving the Commission's recommendations for reform.

## 5. Probation & Parole Reform

Most individuals convicted of crimes do not go to prison but instead are sentenced to probation. This allows these individuals the opportunity to reform their behavior without the major disruption of prison incarceration. But too many probationers end up in prison serving long detentions as sanctions for violations, including technical violations. Michigan spends \$250 million annually to confine revoked probationers in prison for sanction periods that average 25 to 37 months. Likewise, our counties spend \$57 million annually for probationers revoked to jails for an average sanction period of seven months. The number of revoked probationers returned to prison has been steadily increasing for the past five years.

To address the growing cost of revoking probation, the CSG report recommended that Michigan incorporate swift and certain principles in community supervision and set clear parameters around the length of confinement as a response to probation violations. Short and certain periods of detention ordered in response to probation violations are equally or more effective than long probation revocations at much lower cost. Accordingly, I am calling on the Legislature to address the problem of unregulated and inconsistent probation violation sanctions. Placing a 30-day cap on sanctions for the most common kinds of probation violations would save millions every year. These savings could be reinvested in substance abuse and mental health treatment to further reduce the incidence of crime and increase public safety.

Also as a result of the work done by the CSG group in 2014, the Legislature has considered a proposal that would have instituted presumptive parole at the earliest release date for inmates determined to have a high probability of success. This reform would result in significant savings without having a substantial negative impact on the rate of recidivism. Money saved paroling those prisoners with a high probability of success could be reinvested at the front end of the criminal justice system with additional resources devoted to treatment to address the root causes of crime and have a much greater positive impact on public safety.

## 6. Overcriminalization

Michigan's criminal code is one of the longest in the nation with more than 3,000 separate crimes in statute. Most of these crimes have not undergone review since their enactment. The result is a steady increase in the number of criminal laws that impact Michigan's residents and the penalties that can result. Between 2008 and 2013, Michigan enacted an average of 45 new laws each year, and the average minimum prison sentence increased 8.5 months between 2006 and 2014. These trends cost taxpayers tens of millions of dollars per year and have resulted in nearly 1% of Michigan's residents being under the supervision of the MDOC at any given time.

Discussions have already begun in the Legislature about eliminating redundant and outdated crimes. The initial recommendations include many laws that have not been enforced in decades. Under our criminal code today, accepting a challenge to a duel is punishable by up to one year in jail. Posting reproachful or contemptuous language

about a person who refuses a duel, on the other hand, is a six-month misdemeanor. Other Michigan crimes include singing the Star Spangled Banner with “embellishments,” and promoting walkathons that last more than 12 hours.

The work to clean up Michigan’s criminal code must continue. Consideration should also be given to the penalties currently in place for a number of laws that are being routinely enforced. Low-level felonies should be reviewed to determine if they are more appropriately classified as misdemeanors and misdemeanors should be reviewed to determine if they should be civil infractions that would not result in a criminal record.

## 7. Healthcare Costs

One of the biggest cost drivers in our corrections system is health care, and, like health care outside prison walls, some individuals can drive the overall spending in the system. In prison, these can include elderly individuals who have severe and expensive health conditions, like cancer, and in many cases will die behind the prison walls from their illnesses. Now these can be individuals who have committed horrible crimes and they should not be paroled, but their illnesses have left them debilitated and they require constant expensive care, which is funded solely by our general fund. As such, I want to partner with the Legislature to examine this unique issue to try to make reforms that can save taxpayers resources by trying to find the best unique setting or settings for these individuals.

Additionally, within the next month we will be rebidding our prison health care services. Today mental health and physical health services are managed separately, but we will now insist that we integrate care behind the walls. This reform combined with the ability to enroll these individuals into health care programs, like Healthy Michigan, when they leave prison will ensure that there is a continuum of care for these individuals so they can have access to health care services that will aid in their transition to society.

## **V. Reforming Prison Inmates for Successful Reentry into Society**

Most offenders who enter prison will eventually be released back into society. It is in everyone’s best interest to use the time prisoners spend in prison to train them in skills that will help them find employment. A prisoner released from confinement without any skills or ability to earn an honest living is more likely to commit additional crimes than a prisoner who has the ability to secure employment and be productive. For vocational training of prisoners to work, it must be designed to provide inmates with skills that are in demand in Michigan. By devoting resources to smart reentry programs, we can substantially improve the likelihood that persons released from prison will not return.

### 1. Prisoner Reentry

For too many ex-offenders, returning to prison is the norm, not the exception. Three of every ten offenders released from prison in Michigan are likely to return within three years. While we’ve made improvements with our prisoner reentry programs, we can do better. Recidivism is costly. Victims suffer at the hands of criminals who re-offend; families of those offenders suffer as their loved ones return to prison; and all of us pay

the price of incarcerating repeat offenders over again. In total, recidivism costs the MDOC over \$150 million per year. If the recidivism rate dropped from 29% down to 24%, Michigan would be in a position to close a prison, which would save tax payers approximately \$35 million per year.

Myriad factors contribute to an ex-offender's return to crime, but one key factor is whether they have a job. Today, Michigan's economy is on the upswing as more and better jobs are being created. Our unemployment rate is at its lowest level since 2001 and 400,000 private sector jobs have been created since December 2010. Meanwhile, there are 95,000 available jobs in Michigan on MiTalent.org. Our economy is growing, and employers need skilled employees. As offenders serve their time and pay their debt to society, let's work to make sure they're qualified for employment when they leave prison.

Some Michigan companies have recognized the benefit of viewing ex-offenders as a source of skilled, motivated workers. Cascade Engineering and Butterball Farms have set the tone in West Michigan by hiring many of these returning citizens. And Sakthi Automotive is now leading the way in Southeast Michigan. The MDOC first engaged with Sakthi Automotive to highlight its vocational CNC and machining programs, which are producing employees ready to work on the first day. Sakthi interviewed ten parolees and hired four on the spot. Within the first week, these four employees were producing parts 30% faster than employees hired off the street. Now Sakthi has asked for thirty additional resumes and plans to hire twenty more workers trained by the MDOC. This is a success story for the individual workers, the company, and all of Michigan. Rather than by relying on government benefits or resorting to new criminal activity, these returning citizens have reentered the mainstream of the river of opportunity.

Despite these success stories, vocational training in prison too often falls short. We can do better. That's why I'm calling for reform in our reentry system and a smarter effort to educate prisoners, connect them with job opportunities, and prepare them for life outside the prison walls.

The first step to reducing recidivism and preparing offenders for the workforce is to build an infrastructure for success through which we systematically identify the skills that are needed for the jobs that are available and create the capacity to train prisoners for employment. To that end, I'm directing the newly created Talent Investment Agency (TIA) to provide quarterly job-demand data to the MDOC and work with employers to identify specific occupational demands that aren't being met by our existing workforce.

I'm also calling for TIA and the MDOC, together, to:

- Bring local employment service activities into the prison system as the entry point in connecting career pathways.
- Create partnerships with private industry to design and support targeted vocational training;
- Partner with the Michigan's Career Tech Prep and TIA to develop contextualized education programs for inmates, allowing offenders to prepare for GED

completion while learning valuable vocational skills; and provide wraparound services to hire ex-offenders, including the placement of a parole officer at a workplace if a sufficient number of ex-offender employees are present.

Though offenders today may receive education and job training in our corrections facilities, the MDOC does not have systems in place to ensure that prisoners are preparing for a successful re-entry from day one or that training is completed before offenders are released. In addition to current intake practices, all incoming prisoners should receive a standardized employment skill and aptitude assessment during intake so we know what skills they have, what skills they need, and how to put them on the right track. That assessment should be used to create an individual employment plan to be reviewed with each inmate. The MDOC should also make all reasonable efforts to place inmates in a facility where the needed and appropriate training is available.

We should also take steps to improve the quality of training so inmates are truly prepared for real-world employment and life outside prison—that means hands-on skilled trades training and learning what it means to earn a wage, keep a job, pay bills, find housing, follow the law, and understand that actions have consequences.

The MDOC and TIA should work to develop partnerships with employers to provide qualified inmates who have completed vocational training with opportunities to actually work in a skilled trade and earn a market-rate wage that could go toward victim restitution. Doing so would help inmates develop a work ethic while helping to repay victims and society. The job of putting an offender on the right track doesn't end when they leave the prison walls. In addition to finding employment, they need proper legal documents like Social Security cards, suitable housing, transportation and access to health care—the absence of which could increase the odds that ex-offenders return to a life of crime, harming victims and costing taxpayers. To help an offender smoothly transition back to society, I'm directing MDOC to ensure that prisoners have all vital documents necessary to begin employment at the day of release. The process for collecting these documents should begin at intake. The MDOC should also connect ex-offenders with all necessary and available services upon release, such as Medicaid or VA services.

## 2. Certificate of Employability

Many parolees with job skills and a desire to work are still finding it difficult to secure employment upon release from prison. Last year, Michigan enacted a Certificate of Employability law that will help qualified parolees secure employment within their communities. Now all parolees leaving prison receive a document to share with potential employers that describes their offense and the steps they took while incarcerated to prepare for release and employment. This document, which contains information about the offender's educational and vocational programming, their behavior in prison, and reports from their supervisors, will allow employers to better ascertain the qualifications of offenders lacking a work history or references from their time prior to incarceration. This information will help guide the hiring decisions of employers and hopefully help eliminate the stigma of hiring returning citizens.

Certain qualified parolees also receive a second document, called a “Certificate of Employability,” which is issued only to those parolees who have successfully completed a vocational skills program, maintained an exemplary conduct record while in prison, and completed a nationally recognized job skills assessment at a level where a National Career Readiness Certificate can be issued. Under the new law, an employer that hires a parolee with a “Certificate of Employability” is protected from lawsuits related to the hiring of an employee with a criminal record.

### 3. Prison Rape Elimination Act

While we work to make prisoners’ time behind bars more productive, it is imperative that we also take the steps necessary to make Michigan’s prisons as safe as possible. In 2014, pursuant to the Prison Rape Elimination Act (PREA), the Department of Justice promulgated national standards to move American prisons toward a goal of zero tolerance for prison rape. Like the majority of other states, Michigan is committed to becoming PREA compliant. Rape and abuse in our prisons cannot be tolerated. Last week I certified to the Department of Justice that Michigan will continue working towards the national zero tolerance standard. Over the past year, the MDOC has taken a number of steps toward PREA compliance. It has moved all male prisoners under the age of 18 to a single facility where they live and complete programming with sight and sound separation from adult prisoners. This allows the MDOC to protect this population while focusing on their specific needs, such as GED completion. The MDOC has begun screening all offenders to ensure that prisoners that may pose a threat to other prisoners are not housed with prisoners that could be victimized. In total, the MDOC has invested over \$10 million in physical plant upgrades and staff training to become compliant with PREA. This training now totals more than 70,000 hours for staff that has direct contact with prisoners in MDOC facilities.

## **VI. Ensuring a Juvenile Justice System that Works for Michigan’s Children**

The best opportunity to secure Michigan’s communities is to secure the future of Michigan’s children. More than any other type of offender, it is critical that we work to divert juveniles from the criminal justice system, properly assess the risks and needs of juvenile offenders to ensure the right type and amount of treatment, treat the underlying causes of their behavior, and invest in high-quality, community-based treatment that will better prepare young offenders for long-term success.

Michigan’s juvenile justice system is largely run at the county level. As a result, we have essentially 83 different juvenile justice systems in Michigan. This provides many benefits, such as promoting innovation and allowing local decision-makers to invest in treatment that makes the most sense for their residents. But this system also poses challenges for consistency and accountability of treatment programs statewide.

Removing a juvenile offender from their home and community to place them in a residential treatment facility should be a last resort. Diversion programs keep children out of the juvenile justice system entirely by avoiding an adjudication that would result in a criminal record. Likewise, community-based programming—where available—is

generally more effective and less expensive than residential placement. Accordingly, I call on the Legislature to consider amending the Juvenile Diversion Act to encourage diversion as the default placement when appropriate based on needs and risk assessments.

We know that a number of youth do not receive the most appropriate placements or the right type or amount of treatment. It is not uncommon for Michigan youth to experience multiple failed placements, resulting in less effective and costlier treatment. Failed placements can be detrimental and disruptive to youth, contributing to additional misconduct. It is crucial that we use the tools at our disposal to properly treat juvenile offenders the first time they come into contact with the system.

We can be more successful at diversion and placement in treatment programs by using high quality assessments to identify and treat underlying issues that, left untreated, are likely to result in continued criminal behavior. For this reason, it is imperative that quality assessments guide treatment and placement decisions for juvenile offenders. While many counties are using quality assessments to guide treatment, others are not. Too often, placement decisions are driven by anecdotal experience or the cost of treatment. Improper placements lead to poor outcomes for our youth and waste money.

A number of best-practice and evidence-based assessment tools exist that can guide treatment decisions. Use of these assessment tools results in more appropriate placements at the outset. Accordingly, I encourage all counties to use best-practice or evidence-based assessment tools to guide placement decisions. To assist in these efforts, I am asking the DHHS to work with local stakeholders to identify a list of best practice and evidence based tools that counties can adopt. Tools like the Michigan Juvenile Justice Assessment System (MJJAS), currently used by the department, are evidence-based and can be made available to counties at no cost. It is not essential that all counties use the same assessment tool, but it is critical that quality assessments are being used to determine treatment.

Quality treatment options must also be available to support the needs identified when a juvenile is assessed. Unfortunately, that is not the case today. Some counties may have only a handful of juvenile offenders in a given year and as a result are unable to maintain high quality community-based and in-home treatment programs. This is more often the case in our rural communities. Other counties may face fiscal challenges that make it difficult for them to commit funds to the start-up costs necessary install new treatment systems. In order to ensure a basic standard of quality care across Michigan, we must acknowledge the gaps of service that exist. As a state, we should take steps to ensure that all treatment programs—especially those which are funded in part by the state—meet basic quality standards. At a minimum, all programming for youthful offenders should be evidence-based or based on promising practices. That is why I am tasking the DHHS to work with local courts and counties to identify gaps in service in our state and to design a grant program that would allow for the development of a more robust network of community-based programs and in-home care in these areas. I applaud the Legislature for their previous work in this area and look forward to partnering to continue the work.

Finally, we need to do a better job tracking outcomes in the juvenile justice system to understand what approaches to juvenile justice produce the best results. State and county partners invest significant funds into the juvenile justice system each year. Both are working toward the same outcomes, increased public safety and rehabilitated young offenders. However, it is currently not possible to measure the efficacy of juvenile justice programming on recidivism, education outcomes or community public safety. This must change. I am tasking the DHHS to develop and include quality metrics in all future juvenile justice provider contracts, including but not limited to (1) recidivism, (2) number of placements, (3) length of stay, and (4) cost. Additionally, I'm tasking the DHHS to work with the State Court Administrative Office and the Michigan County Court Administrators to develop recommendations related to sharing of county juvenile justice data related to outcomes.

These changes are important because of the people that they affect, people like Alex and his family. Alex was in high school when he was arrested for shoplifting. An assessment showed that he wasn't a safety risk and that he had a number of issues that needed to be addressed. He was referred to counseling and numerous community-based programs. He was angry at first and informed the counselor that she would get rid of him like everyone else had. Alex did his best to push the counselor away, refusing to complete his treatment requirements, twice. He waited to be kicked out of the program and in some counties he would have been. But the counselor refused to give up on Alex. Together they identified a new set of treatment programs and goals, including a shoplifting remediation program, employment and steps to reconcile with those he'd hurt. This time, Alex completed the treatment. Since his completion, he has rebuilt a relationship with his mom, maintained employment and is doing great.

Alex's story could have been different if there was no assessment and no available treatment. Thankfully, many counties have already begun the hard work to improve our juvenile justice system and Livingston County, where Alex is from, is one of those counties. By developing a consistent process for quality assessments, investing in proven programs that take a whole-family approach and building strong local partnerships, Livingston has demonstrated how common-sense reforms and strong partnerships can make a big difference.

The results have been dramatic. The number of days Livingston County youth were placed out of home was reduced from 12,827 days in 2011 to 4,393 days in 2014, for a 66% reduction. This means youth and families are receiving the support and treatment they need while still in their home, family, neighborhood and school. The resulting savings to both county and state have also been impressive. The annual cost reduction in Livingston County in 2014, as compared to 2011, was over \$900,000, with the state and county sharing equally in the savings. The cumulative savings in just the first three years was over \$2.1 million.

We must continue to innovate, invest and work together to improve long-term outcomes for our juveniles and our communities.



**Truancy Update.** One of the most important risk factors for youth and crime is school attendance. Numerous studies have shown that being absent from school as a child greatly increases the likelihood of committing crimes as an adult. In my 2012 message on public safety I called on state government and community partners to address the problem of truancy. Significant progress has been made on the issue since then. Among other collaborative efforts to combat truancy, the Pathways to Potential program within the DHHS has placed “Success Coaches” in 219 schools to address barriers to self-sufficiency, with a special focus on reducing absenteeism. In the 2013-2014 school year, schools with Success Coaches in the Pathways to Potential program saw an average decrease in chronic absenteeism of 33.91%. In large measure, these good results have been achieved simply by paying attention to when and why kids miss school and then helping families address the underlying barriers to school attendance. If we can keep kids in school, we’re keeping them out of prison. That makes for a stronger community, too.

Michigan can strengthen our efforts to combat truancy by enacting legislation that will establish a statewide definition of truancy, place an emphasis on early intervention into absenteeism, and reform zero tolerance policies that sometimes do more harm than good. Too often, zero tolerance laws have the unintended effect of taking our children out of school and putting them into the juvenile justice system.

## **VII. Preventing Crime with Stronger Communities**

In this message, I have called for reforms to our criminal justice system so we can more effectively protect victims and prevent criminals from committing new crimes. That is what the criminal justice system is designed to do—police apprehend suspects, prosecutors charge the accused, judges and juries find guilt, and prisons punish, detain and attempt to reform the guilty.

Though our system is intended to deter crime by swiftly and justly punishing the guilty, crime remains. We see a cycle of violence where many of our children go from the classroom to the prison cell, never knowing what it means to lead a productive life. The consequences are plain to see in Michigan’s most challenged cities. No matter how good our criminal justice system is, if we don’t solve the root causes of crime, crimes will continue to occur.

The criminal justice system can only do so much—usually only after a crime occurs. That doesn’t mean we shouldn’t work to make our criminal justice system better. Working together, we can achieve great results. But if we care about preventing someone from committing their first crime, we have to change the environment that leads them to it. At the state level, we have undertaken efforts to make that environment better. With the Healthy Michigan Plan, nearly 600,000 low-income Michiganders now have access to health care that they didn’t have before, including treatment for mental health. This removes one more barrier for our fellow citizens to find a job, and that means less of a reason to turn to crime.

We also know that highly concentrated poverty is correlated to crime in our communities. The Michigan State Housing Development Authority, working with the federal government, has undertaken an initiative to decrease the concentration of poverty by encouraging those with housing vouchers to choose better neighborhoods. If recipients exercise that choice, they will have an opportunity to live in more stable communities with better outcomes—hopefully resulting in less crime.

In 2012, the Department of Natural Resources created the Summer Youth Employment Initiative to engage at-risk youth, ages 16 to 19 years old, in the four urban areas in Michigan with the highest crime rate—Flint, Saginaw, Pontiac and Detroit. This program exposes youngsters to the great outdoors, gives them work experience, and provides them direction. It's one way to help mentor our youth so they focus on positive goals instead of reverting to crime. After the first two summers, nearly 40 percent of the participants have secured employment or gone on to college.

We all have a role to play, and I am calling on our state departments to consider how they can better serve their customers – and our state – by helping to improve the environment in our communities so that together we can break the cycle of crime before it starts.

## **VIII. Conclusion**

When a crime is committed, it is up to the criminal justice system to step in and fulfill its obligation of protecting the public, punishing the guilty and reforming offenders so they do not commit crimes again.

We can make that system smarter and better when we can treat the causes of crime. With successful implementation of the recommended reforms, we can make Michigan stronger and a safer place to live.