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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 495 (as enrolled)

Sponsor: Senator Lana Pollack

Senate Committee: Criminal Justice and Urban Affairs

House Committee: Corrections

Date Completed: 1-17-91

PUBLIC ACT 353 of 1990**MICHIGAN STATE LAW LIBRARY****RATIONALE**

While a majority of the State's prisoner population is housed in State correctional facilities, a number of prisoners are kept at low-capacity "halfway" houses in communities throughout the State. Prisoners in halfway houses are on neither probation nor parole, and are subject to monitoring 24 hours per day, seven days per week. Prisoners in halfway houses are allowed to leave the facilities for approved activities, such as employment, job-seeking, and education, but must return at specified times. In recent years, the Department of Corrections (DOC), in order to save the expense of running small halfway houses and to improve security, has moved toward consolidating the small facilities into larger community corrections facilities or centers. In fact, the DOC operates some large community corrections centers in some areas of the State. Some centers, particularly in Grand Rapids, Detroit, and Muskegon, have responded to requests for community involvement, which has resulted in the formation of citizen groups that act as a conduit between the centers and the community regarding citizen concerns about prisoners and the prisoner population. Though these citizen groups have kept open the lines of communication between the centers and the community, there is no formal authorization or requirement for their existence. It has been suggested that, if the DOC proceeds toward the development of more and larger community corrections centers, there should be an established method of forming citizen groups in those communities where centers are located, and that such groups be given an official capacity to oversee the centers and have input into their operations.

CONTENT

The bill would amend the DOC law to regulate the placement and activities of prisoners in "community corrections centers", by requiring that prisoners placed in a center meet "community status criteria" as specified in the bill. A local unit of government in which a center was located could form a five-member citizens' council, which would act as a liaison between area residents and the DOC regarding issues concerning the center.

(A "community corrections center" is defined in the law as a facility either contracted for or operated by the DOC, in which a security staff is on duty seven days a week, 24 hours per day.)

Placement and Activities

The bill would prohibit the placement of a prisoner in a community corrections center or community residential home if the prisoner did not meet the community status criteria. Community status criteria would have to include all of the following requirements:

- The prisoner had been given a Level 1 security classification by the Bureau of Correctional Facilities, on a scale of six levels in which Level 1 was the least restrictive level.
- The prisoner was not serving a sentence for conviction of a crime of escape or a criminal sexual conduct offense.
- The prisoner was not classified as a very high assault risk according to the DOC's risk screening criteria.
- The prisoner did not have any pending felony charges, and was not subject to a detainer request from another jurisdiction

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by which he or she, upon release, would be returned to that other jurisdiction to begin serving another felony sentence.

- The prisoner had not been given a special designation by the DOC that would prevent his or her placement.
- If the prisoner were serving a sentence for conviction of a crime of violence or an assaultive crime, as defined by DOC rules, the prisoner had less than 180 days remaining on the minimum sentence and otherwise met the community placement requirements of the DOC law.
- If the prisoner were not subject to the 180-day rule mentioned above, the prisoner was being placed no earlier in his or her sentence than allowed by the DOC's administrative rules.

The bill also generally would require that a prisoner placed in a center be placed in a facility in the county in which the prisoner most recently resided (as listed in the prisoner's presentence report), or the county in which the prisoner's spouse, parent, grandparent, child, sister, or brother resided. (These requirements would not prohibit the DOC from operating a center that served more than one county, as long as a prisoner placed in such a facility met the requirements for counties served by the center.) No more than 10% of the prisoners who were placed in any center could, at any one time, consist of prisoners who did not meet the above requirements.

The DOC would be required to establish a curfew for prisoners placed in a center. Random checks of all prisoners allowed off the premises of a center for employment, seeking employment, attending school, receiving treatment, or any other approved reason would have to be conducted, in order to verify that prisoners were participating in those functions as scheduled.

Oversight

The bill would authorize the governing body of each city, township, or village in which a center was located to form a five-member citizens' council by sending a written notice of intent to do so to the county board of commissioners. Within 30 days after receiving the notice, the board, or in a county with a county executive, the county executive subject to the concurrence of the board, would have to appoint the

members. Three of the members would have to be residents of the local unit in which the center was located. The other two members would not have to be residents of that local unit, but would have to be residents of the county. Council members would serve at the pleasure of the county board of commissioners or the county executive that appointed them. A council would have to select a chairperson and other necessary officers from its membership and would have to meet at a place and time that the chairperson determined.

At the request of the council chairperson, a supervisor of a center located within the council's jurisdiction would have to meet with the council and provide it with information for a period agreed to by the chairperson and the supervisor. The following information would have to be provided:

- The number of prisoners placed in the center and the number returned to a correctional facility.
- The institutional number, convictions record, and term of sentence of each prisoner in the center, as well as a summary of each prisoner's disciplinary problems or misconduct citations while in the center.
- Written documentation verifying that prisoners in the community corrections center were in compliance with the community status criteria on the date of their placement in the center. (The information provided, and all copies of that information, could be distributed to the council only for the duration of the meeting, and then retained by the supervisor of the center or his or her designee.)
- The number of prisoners who tested positive for alcohol or controlled substances, were employed, were in education programs, and were in treatment programs; and a summary of the treatment programs' services.
- The number of prisoners who were apprehended and charged with new criminal offenses while placed in, or during periods of escape from, the center.
- The number of incidents in which a center prisoner was absent without authorization, or failed to report to approved activities as scheduled.

- The number of personnel employed at the center and their job classifications, and the number and job classifications of any unfilled positions.

A center supervisor could not be required to meet with the council more than once per month. If a center did not have a supervisor, the bill's required duties would have to be performed by a regional supervisor, field agent, or other DOC designee who was generally responsible for oversight of the center's daily operation.

If a council believed that a prisoner's placement in a center located within its jurisdiction violated the community status criteria, the council would have to notify the center supervisor of that fact. If the supervisor believed the council to be incorrect, he or she would have to meet with the council or its chairperson within 48 hours and review the prisoner's record and criteria, to determine whether the placement violated the criteria. If the supervisor determined that the placement violated the criteria, the DOC would have to reclassify the prisoner to be returned to a correctional facility.

Each council could report annually to the county board of commissioners or county executive, and the legislators representing that district. The report would have to describe the center's effect on the local unit in which the center was located and on the surrounding local units. The report also would have to include a summary of the information that the bill would require to be provided to the council by the center supervisor.

The bill also would require a council to act as a liaison between the residents of the area and the DOC regarding issues concerning a center, and review the policies and procedures governing the operation of a center in its jurisdiction, including placement and supervision standards.

Proposed MCL 791.265g-791.265i

FISCAL IMPACT

The bill would result in an indeterminate expenditure increase for the State in FY 1990-91 as a result of the following primary factors:

- The date the bill would take effect during FY 1990-91.

- Increased demand on a community corrections center supervisor's time to meet with the citizens' council, together with having to meet with the council or council chairperson within 48 hours in the event the citizens' council identified a prisoner placed at the center in violation of the placement criteria.
- Increased demand on Department staff time to compile detailed reports prior to the citizens' council's meetings.
- Increased costs when a prisoner was returned to a secure correctional facility for violating the community placement criteria.

ARGUMENTS

Supporting Argument

Many citizens are, rightfully, concerned about the placement of prisons in their communities, not to mention the placement of correctional centers in which the prisoners are allowed to leave at certain times, for reasons such as employment, education, or counseling. If the DOC moves to consolidate small halfway houses into larger correctional centers, such action may cause citizens' concerns to deepen even further. The bill, by allowing for the creation of citizen councils that would be allowed to exercise certain oversight powers regarding community corrections centers, could help those communities to understand and accept the centers. Creation of the councils would offer communities many opportunities for input into the operation of corrections centers. In those areas where citizen groups were formed to relay community concerns to corrections centers, it could make the community more receptive to working and getting involved with the centers, and the prisoners in the centers.

In addition, the bill's requirement that 90% of the prisoners in a center be from the county in which the center was located (that is, the prisoner would have to be placed in a center located in the county where he or she last resided, or where he or she had close relatives) would ensure that centers were placed in counties from which most of the prisoners came.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.