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## NO VIOLENT OFFENDERS ON ELECTRONIC TETHERS

### House Bill 4093 as introduced First Analysis (3-4-97)

**Sponsor: Rep. Candace Curtis**  
**Committee: Corrections**

#### ***THE APPARENT PROBLEM:***

Currently, prisoners who are serving sentences for certain violent or assaultive crimes are ineligible for community placement, including electronic tether, until they are within 180 days of their minimum sentence. "Community placement" can include placement in a "community corrections center," which means a facility (either operated by or under contract to the Department of Corrections) in which a security staff is on duty seven days a week, 24 hours a day. It also can include placement in a "community residential home," which means a facility where the DOC provides continuous electronic monitoring of prisoners without direct supervision. Prisoners placed on electronic tethers in community residential homes, however, who are within three months of their parole dates may be taken off the tether.

A situation arose in Flint in which non-violent prisoners were being placed in a community corrections center, with continuous direct supervision, while violent and/or assaultive offenders were being placed in community residential homes on electronic tethers. Legislation has been introduced that would prohibit placing certain violent or assaultive prisoners on electronic tethers.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the Department of Corrections act to prohibit the placement in community residential homes (defined as a location where prisoners are subject to continuous electronic monitoring) of prisoners convicted of violent or assaultive crimes whose minimum sentences were ten years or more.

The bill also would specify that provisions regarding disciplinary time would take effect when sentencing guidelines were enacted and took effect. (This section of the act prohibits prisoners subject to disciplinary time who are convicted of violent or assaultive crimes [subject to the restrictions of the bill] from being eligible for an extension of "the limits of confinement", e.g., being able to, among other things, visit sick relatives, look for or work at a job, or get job training or education or community residential drug treatment, until

they have served their minimum sentences plus any disciplinary time.)

MCL 791.265a

#### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, as of November 18, 1996, there were 777 prisoners on tether, 127 of whose controlling sentence was for assaultive crimes and so were subject to the 180-day rule and 15 of whom were sentenced to minimum terms of ten years or more. Assuming that at any given time under the bill there would be 15 prisoners in corrections centers or in minimum security placement who otherwise would have been placed on tether, the bill would cost the state the difference between tether costs and other placement costs for those prisoners, or about \$150,000 to \$200,000 annually. (2-26-97)

#### ***ARGUMENTS:***

##### ***For:***

The bill would increase the public safety by prohibiting situations in which violent or assaultive offenders would be released into communities on electronic tethers without direct supervision. More specifically, the bill would immediately address a situation in Genesee County in which violent and/or assaultive offenders are being placed on electronic tethers in homes, while non-violent offenders are being placed in a half-way house under continuous direct supervision. The history behind this situation goes back to 1984, when two inmates of the Flint half-way house, the Flint YMCA Corrections Center, escaped and murdered an elderly Flint woman, assaulted her elderly companion, and stole her car. As a result, the DOC promised not to place violent criminals at the center or prisoners who had more than one year to go on their prison sentences. In 1995, it came to the attention of the Genesee County prosecutor that nearly 100 prisoners had been classified as escapees at the Flint YMCA Corrections Center and that the DOC not only was releasing prisoners convicted of violent crimes from prison two years before they were

paroled, but that these prisoners were being sent home and placed on electronic tethers. This meant that non-violent prisoners were being placed in a corrections center, with continuous direct supervision, while violent offenders were being sent home on electronic tethers. In 1996, moreover, the Flint YMCA Corrections Center reported approximately 35 prisoners on the tether program, with nine of these prisoners -- most of whom reportedly were violent criminals -- having been classified as escapees. In fact, reportedly the Flint YMCA Corrections Center has experienced a number of problems with escapees in the past year and a half, including an escapee who went on a four-day crime spree, robbing three banks and three party stores and stealing his wife's car after beating her with a hammer. Despite his being an habitual offender, this inmate had been placed on an electronic tether before his parole was granted. In another case, an escapee with three prior felony convictions robbed a woman of her car from a Meijers parking lot while using what appeared to be a gun.

According to figures from the House Fiscal Agency, the bill would currently affect 15 prisoners, the current number of prisoners with assaultive crimes who are on tether and who have been sentenced to minimum terms of ten years or more. Thus, while the total number of prisoners affected is not great, the increase to public safety could be considerable -- including preventing future such tethering -- while not adding much to the cost of directly supervising or incarcerating these criminals.

The bill would help address these kinds of problems, which could occur anywhere in the state where violent or assaultive criminals are allowed to be placed in their homes on electronic tether programs. It could help prevent tragedies, restore public confidence, and deter crime by others who would see that punishment for violent or assaultive crimes would be more than sitting at home with an electronic tether.

### ***POSITIONS:***

The Prosecuting Attorneys Association of Michigan supports the concept of the bill. (2-27-97)

A representative of the Department of Corrections testified that the department did not have a position on the bill. (2-27-97)

Analyst: S. Ekstrom/W. Flory

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