

Legislative Analysis



ELIMINATE PRISONER BOOT CAMP SUNSET

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House Bill 5311 as introduced
Sponsor: Rep. Alma Wheeler Smith
Committee: Judiciary

First Analysis (9-10-09)

BRIEF SUMMARY: The bill would enable eligible prisoners to continue to participate in the Special Alternative Incarceration program, otherwise known as the “boot camp program”.

FISCAL IMPACT: The bill would have fiscal implications, as discussed in detail later in the analysis.

THE APPARENT PROBLEM:

In 1988, legislation was enacted that established a special alternative incarceration (SAI) program for offenders who had never been imprisoned in a state correctional facility. The boot camps, which were established in an attempt to relieve prison overcrowding and reduce crime, were patterned after military basic training units and included an intensive exercise and work regimen designed to instill discipline and a sense of responsibility. To be eligible for placement in a boot camp, a participant had to be a probationer who, if not for the boot camp program, would be sentenced to a term of prison.

In the early 1990s, legislation was enacted that extended boot camp eligibility to persons sentenced to prison, under certain conditions. Prisoners sentenced for certain assaultive crimes, including first-, second-, and third-degree criminal sexual conduct, were not eligible for boot camp placement.

More recently, Public Act 158 of 2008 amended the Corrections Code to, among other things, extend boot camp eligibility to a prisoner serving a second prison term. Public Act 158 also required that the program utilize a validated risk assessment and prisoner-specific transition accountability plan and programming during program enrollment, include interaction with community-based service providers from the community to which the prisoner will be discharged, and utilize prisoner discharge planning and community follow-up services. As a result of these changes, the boot camp program is less militaristic and more treatment and rehabilitation oriented. According to the MDOC, the boot camp program is now more cost effective, reduces recidivism of participants by 10 percent compared to non-participants, and saves the state between \$40 and \$50 million a year by reducing the number of prison beds that would otherwise be needed to house the participants.

However, Public Act 158 also contained a provision that repeals Section 34a of the Corrections Code – which provides for prisoner participation in the boot camp program – on September 30, 2009. Legislation has been offered to repeal the sunset provision.

THE CONTENT OF THE BILL:

The bill would amend the Corrections Code (MCL 791.234a) to eliminate a sunset of September 30, 2009 on prisoner participation in the special alternative incarceration (SAI, or "boot camp") program. The sunset was placed on the prisoner program by 2008 PA 158, which extended prisoner SAI eligibility -- then limited to first-time prisoners -- to prisoners who had once previously been in prison. Eliminating the sunset would allow prisoner participation in the "boot camp" program to continue. (There is no sunset on participation by probationers.)

BACKGROUND INFORMATION:

The bill is identical to House Bill 4538. That bill was reported from the House Appropriations Committee and is pending floor action.

Special Alternative Incarceration. Currently, all participants – male and female, prisoners and probationers – in the boot camp are housed in the same SAI facility at Cassidy Lake. The total capacity, for whatever mix of prisoners and probationers, is 585 beds. Currently, there are about 264 participants. There is a constant ebb and flow of participants because under the revamped program, prisoners and probationers enter at different times and complete their own 90-day program, rather than a set number of participants entering the program on the same date and completing it as a platoon.

According to MDOC, the department is engaging in efforts to educate judges, who sentence probationers to SAI, about the redesigned boot camp program and its emphasis on programming that is risk and need assessment driven and is evidence based rather than the old militaristic boot camp model.

Though Public Act 158 of 2008 expanded prisoner eligibility for those serving a second prison sentence, the wording of the amendment excludes prisoners who had a previous non-prison sentence for a prohibitive crime (a crime for which a current or previous sentence makes a prisoner ineligible for placement in the SAI, e.g., certain assaultive or criminal sexual conduct crimes). If this provision were amended to only exclude those who had or were serving a prison sentence for a prohibitive crime, more prisoners would become eligible for boot camp placement. However, legislative attempts to do so have so far been unsuccessful.

FISCAL INFORMATION:

As of September 1, 2009, there were a reported 267 prisoners (33 women, 234 men) in the SAI program; there also were 130 probationers (5 women, 125 men), for a total program population of 397. If prisoners currently in SAI had to be immediately returned to prison, the sunset would have an immediate impact of about 265 beds, and that impact would grow as prisoners who otherwise would have been transferred to the program were instead kept in prison placements. The Department of Corrections has estimated that if prisoner placements in the 90-day SAI program were to cease on October 1, but prisoners

currently enrolled in the program were allowed to finish, the department would need an additional 390 prison beds by the end of the calendar year. Based on an assumption that prisoner placement in SAI would have continued to expand to a maximum capacity of 580 beds and would have stayed fully occupied, the Department projects that loss of the prisoner SAI program would have an annualized bed space impact of 1,585 by the end of Fiscal Year 2009-10, peak at 1,927 in March 2011, and decline thereafter, stabilizing at around 1,620.

Enactment of the bill would allow the state to avoid the cost of prison beds that otherwise would have to be returned to service. The cost of an additional 1,600 to 1,800 prison beds would be roughly \$40 to \$45 million annually; actual costs would depend on the security levels of the affected prisoners, staffing levels, and which prisons or units were reopened. The Department of Corrections reports that the SAI program costs \$73.73 per offender per day; cost of the 90-day program for 1,600 to 1,800 prisoners thus would be about \$10.6 to \$11.9 million. Net cost avoidance under the bill therefore could be approximately \$30 to \$35 million annually, based on an assumption that the SAI program would have been running at its capacity of 580 beds.

ARGUMENTS:

For:

Enactment of the bill would continue prisoner participation in the boot camp program by repealing the sunset date of September 30, 2009. Without the bill, prisoners would no longer be eligible for participation. The bill only impacts the Correction Code, which pertains to persons sentenced to a prison term. The bill does not repeal or otherwise amend the Special Alternative Incarceration Act, which establishes the boot camp program for probationers. However, since prisoner participation makes up about 2/3 of enrollment, it is not clear if the program would be continued just for probationers, or if it would be deemed too costly to operate solely for probationers.

What is clear, is that prisoner participation saves money by saving prison beds; it simply is cheaper to house prisoners in the boot camp than in a prison for the same amount of time. And, now that the program has been transformed into emphasizing treatment and rehabilitation, thus fitting in well with the objectives of the Michigan Prisoner Reentry Initiative, there appears to be a greater drop in recidivism rates among boot camp participants. Reducing the risk of reoffending increases public safety, enables ex-prisoners to become productive members of society, and reduces the burden on taxpayers for other costs such as public services provided to spouses and children while the person is incarcerated.

In addition, according to a recent study, the revamped boot camp program is more cost efficient and, in the opinion of the study's author, has become one of the best treatment/rehabilitation programs in the U.S. If expanded to its full capacity of 585 beds (or even expanded to handle an enrollment up to 800), millions in savings could be realized, in addition to increased public safety if the intensive treatment provided in the program impacts the recidivism rate.

The important thing to remember is that all of the boot camp participants are people who will eventually come to the end of their sentences and be released – with no oversight by corrections agencies. Participation in the boot camp program, whether by probationers or prisoners, provides an intensive program that can make the difference in a person's life and enable him or her to break the cycle of crime.

Against:

Though the testimony offered in favor of the bill is compelling, there are no data to support some of the claims made regarding the impact on recidivism and increases to public safety. Perhaps instead of repealing the sunset date, a new sunset date could be added. If prisoner participation could be continued for say, another two years at least, there would be sufficient time to continue enrollment in the program by both prisoners and probationers, and data could be collected and evaluated to see if these early trends in public safety and lower recidivism continue.

POSITIONS:

A representative of the Department of Corrections testified in support of the bill. (09-09-09)

The Michigan Corrections Organization-Service Employees International Union (MCO-SEIU) indicated support for the bill. (09-09-09)

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