

SENATE BILL No. 936

May 3, 2016, Introduced by Senators EMMONS, HORN, JONES, GREGORY, COLBECK, PROOS, WARREN, KNOLLENBERG, BRANDENBURG, GREEN and BOOHER and referred to the Committee on Michigan Competitiveness.

A bill to provide for the use of evidence-based supervision practices; to prescribe the powers and duties of certain state departments and local agencies; to require the adoption of certain rules; to regulate the use of funds by certain state departments and local agencies; and to require certain reports.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Agency" means both of the following:

3 (i) The department of corrections.

4 (ii) Any regional, local, or county governmental agency that
5 receives state funding and that is responsible for supervising
6 individuals who are placed on probation or who are serving a period
7 of parole or postrelease supervision from a prison or jail.

8 Agency does not include a district court probation department

1 established under section 8314 of the revised judicature act of
2 1961, 1961 PA 236, MCL 600.8314.

3 (b) "Case plan" means an individualized accountability and
4 behavior change strategy for supervised individuals that does all
5 of the following:

6 (i) Targets and prioritizes the specific criminal risk factors
7 of the offender.

8 (ii) Matches programs to the offender's individual
9 characteristics, such as gender, culture, motivational stage,
10 developmental stage, or learning style.

11 (iii) Establishes a timetable for achieving specific
12 behavioral goals, including a schedule for payment of victim
13 restitution, child support, and other financial obligations. A
14 timetable established under this subparagraph for payment of victim
15 restitution, child support, and other financial obligations is
16 subject to an ability to pay determination.

17 (iv) Specifies positive and negative actions that will be
18 taken in response to the supervised individual's behaviors.

19 (c) "Community supervision" means either of the following:

20 (i) The placement of an individual under supervision with
21 conditions imposed for a specified period if both of the following
22 apply:

23 (A) Criminal proceedings against the individual are deferred
24 without an adjudication of guilt.

25 (B) A sentence of imprisonment or confinement, imprisonment
26 and a fine, or confinement and a fine are imposed as terms of
27 probation and the imposition of the sentence is suspended in whole

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1 or in part.

2 (ii) The placement of an individual under supervision after
3 release from prison or jail, with conditions imposed by the
4 releasing authority for a specified period of time.

5 (d) "Criminal risk factors" means characteristics and
6 behaviors that when addressed or changed affect an individual's
7 risk for committing crimes including antisocial attitudes, values,
8 and beliefs, poor impulse control, criminal personality, substance
9 abuse, criminal peers, dysfunctional family, or a lack of
10 employment or education.

11 (e) "Evidence-based practices" means supervision policies,
12 procedures, programs, and practices that scientific research
13 demonstrates reduce recidivism among individuals on probation,
14 parole, or postrelease supervision.

15 (f) "Program" means an intervention, other than medical
16 services, to which both of the following apply:

17 (i) It is intended to reduce recidivism by supervised
18 individuals.

19 (ii) It is funded in whole or in part by this state or is
20 administered by an agency of this state.

21 (g) "Recidivism" means the rearrest, reconviction, <<or>>
22 reincarceration in prison or jail<<, or any combination of those
events,>> of an individual <<as measured first after 3 years and
again after 5 years from the
23 date>> of the individual's release from incarceration, placement on
24 probation, or conviction, whichever is later, and probation and
25 parole violations as well as misdemeanor and felony convictions, if
26 recidivism data regarding technical probation and parole violations
27 are collected and maintained separately from data on new felony or

1 misdemeanor convictions.

2 (h) "Supervised individual" means an individual placed on
3 probation or serving a period of parole or postrelease supervision
4 from prison or jail.

5 (i) "Supervising officer" means a person appointed or employed
6 by an agency to supervise individuals placed on community
7 supervision.

8 Sec. 2. (1) The agency shall adopt policies, rules, and
9 regulations that within 4 years after the effective date of this
10 act result in all supervised individuals being supervised in
11 accordance with evidence-based practices, or practices developed
12 based upon evidence-based practices, in order to improve the
13 success rates of and to reduce recidivism rates for supervised
14 individuals. The agency shall consult with and seek recommendations
15 from local law enforcement agencies, including sheriff's
16 departments, circuit courts, county prosecutor's offices, and
17 community corrections programs, in adopting policies, rules, and
18 regulations for evidence-based supervision practices.

19 (2) The policies, rules, and regulations under subsection (1)
20 shall include all of the following:

21 (a) The adoption, validation, and utilization of an objective
22 risk and needs assessment tool.

23 (b) The use of assessment scores and other objective criteria
24 to determine the risk level and program needs of each supervised
25 individual, prioritizing supervision and program resources for
26 offenders who are at higher risk to reoffend.

27 (c) Definitions of low-, moderate-, and high-risk levels

1 during the period of supervision.

2 (d) The development of a case plan, based on the assessment
3 score, for each individual who is assessed to be moderate to high
4 risk. The case plan shall allow a supervised individual options for
5 programming from which he or she may make a selection. If a
6 supervised individual exercises his or her option to choose
7 programming rather than having the programming selected by his or
8 her supervising officer, the selected programming shall not be less
9 rigorous than the programming which the supervised individual would
10 have otherwise been required to complete. A case plan developed
11 under this subdivision is subject to conditions of supervision, if
12 any, imposed by a court having jurisdiction over the supervised
13 individual.

14 (e) The development of a case plan, based on the assessment
15 score, for each individual who is assessed to be low risk. The case
16 plan shall allow a supervised individual options for programming
17 from which he or she may make a selection. If a supervised
18 individual exercises his or her option to choose programming rather
19 than having the programming selected by his or her supervising
20 officer, the selected programming shall not be less rigorous than
21 the programming which the supervised individual would have
22 otherwise been required to complete. A case plan developed under
23 this subdivision is subject to conditions of supervision, if any,
24 imposed by a court having jurisdiction over the supervised
25 individual.

26 (f) The identification of swift, certain, proportionate, and
27 graduated responses that an agency employee will apply in response

1 to a supervised individual's compliant and noncompliant behaviors.

2 (g) The adoption of caseload guidelines that are based on
3 offender risk levels and take into account agency resources and
4 employee workload.

5 (h) The establishment of protocols and standards that assess
6 the degree to which agency policies, procedures, programs, and
7 practices relating to offender recidivism reduction are evidence-
8 based.

9 (3) Not more than 4 years after the effective date of this
10 act, all state funds expended on programs shall be for programs
11 that are in accordance with evidence-based practices or are
12 developed based upon evidence-based practices.

13 (4) Not more than 4 years after the effective date of this
14 act, the agency shall eliminate supervision policies, procedures,
15 programs, and practices intended to reduce recidivism that
16 scientific research demonstrates do not reduce recidivism.

17 Sec. 3. The agency shall adopt policies, rules, and
18 regulations that improve crime victim satisfaction with the
19 criminal justice system, including all of the following:

20 (a) The payment by supervised individuals of victim
21 restitution and child support.

22 (b) The opportunity for victims to complete victim impact
23 statements or provide input into presentence investigation reports.

24 (c) Providing victims information about their rights and
25 services, and referrals to access those rights and services.

26 (d) Offering victims the opportunity to complete a "victim
27 satisfaction survey" with data used to measure agency performance.

1 The department of the attorney general shall develop a victim
2 satisfaction survey for use by an agency under this subdivision.

3 (e) Facilitating victim-offender dialogue when the victim is
4 willing.

5 Sec. 4. (1) The agency shall provide its employees with
6 intensive initial and ongoing training and professional development
7 services to support the implementation of evidence-based practices.

8 (2) The training and professional development services
9 provided under subsection (1) shall include assessment techniques,
10 case planning, risk reduction and intervention strategies,
11 effective communication skills, substance abuse intervention
12 information, and other topics identified by the agency or its
13 employees.

14 Sec. 5. The department of corrections may form partnerships or
15 enter into contracts with institutions of higher education or other
16 qualified organizations for assistance with data collection,
17 analysis, and research.

18 Sec. 6. (1) Beginning in 2017, by March 1 of each year the
19 agency shall submit to the governor, the secretary of the senate,
20 the clerk of the house of representatives, and the supreme court
21 administrative office a comprehensive report on its efforts to
22 implement this act. The report shall include all of the following:

23 (a) The percentage and number of supervised individuals being
24 supervised in accordance with evidence-based practices.

25 (b) The amount of state funds expended for programs that are
26 evidence-based.

27 (c) A list of all programs, including an identification of all

1 programs that are evidence-based.

2 (d) An identification of all supervision policies, procedures,
3 programs, and practices that were eliminated.

4 (e) The results of victim satisfaction surveys administered
5 under section 3.

6 (f) The agency's recommendations for resource allocation, and
7 any additional collaboration with other state, regional, or local
8 public agencies, private entities, or faith-based or community
9 organizations.

10 (2) The agency shall make the full report required under
11 subsection (1) and an executive summary of that report available to
12 the general public on its website.

13 Enacting section 1. This act takes effect 90 days after the
14 date it is enacted into law.