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# FISCAL FOCUS

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## THE COUNTY JAIL REIMBURSEMENT PROGRAM: WHAT ARE THE ISSUES ?

Prepared by:

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April 2000



Mitchell E. Bean, Director

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April 2000

TO: Members of the House of Representatives

The County Jail Reimbursement Program, which is funded under the budget of the Michigan Department of Corrections, has been and continues to be a subject of extensive debate. While discussions over the years generally have centered on the criteria for reimbursement specified by budget act boilerplate language, recent sentencing reforms have added a new dimension to those discussions.

This publication explains the County Jail Reimbursement Program and the sentencing reforms affecting it, and provides a brief discussion of each of the main issues pertaining to the program.

Marilyn Peterson, Fiscal Analyst, wrote this report; Jeanne Dee, Administrative Assistant, prepared the report for publication. We appreciate the assistance of Michigan Department of Corrections staff who reviewed the initial draft and provided suggestions.

This report was prepared by the House Fiscal Agency to provide information to assist the Legislature in its deliberations. Please call if you have questions regarding this **Fiscal Focus**.

Mitchell E. Bean  
Director



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# INTRODUCTION

Over the past few years, debate over the County Jail Reimbursement Program (CJRP) has occupied a substantial portion of the legislative time and attention devoted to the annual budgets of the Department of Corrections.

The CJRP is one of several tools that the state has used to encourage the appropriate use of nonprison sanctions for offenders who otherwise likely would be sent to prison; use of alternative sanctions minimizes the need to construct and operate additional prison beds. Issues surrounding the CJRP generally have revolved around the broad concept of "prison diversion" and how to properly identify offenders for whom the program will reimburse.

These issues have been made more complex with enactment of comprehensive sentencing guidelines, which have profoundly changed the sentencing environment and — at least potentially — the notion of what constitutes a prison diversion.

This publication summarizes those issues, and places them in the context of recent budgetary changes and sentencing reforms. The report reviews the purpose and history of the CJRP, explains how implementation of legislative sentencing guidelines may affect the CJRP, and examines relevant data. Special attention is paid to various types of offenders who have been or are likely to be targets of the CJRP, including third-offense drunk drivers, habitual offenders, and sentencing guidelines "straddle cell offenders." Related issues of felony larceny reforms and jail utilization also are addressed. Finally, extensive county-specific data are provided in the Appendices.



# THE COUNTY JAIL REIMBURSEMENT PROGRAM

The County Jail Reimbursement Program (CJRP) was established as an incentive for counties to retain locally those offenders who otherwise probably would be sent to prison. Originally part of a broader concept for a state and local partnership on criminal justice, the CJRP was instituted under language in the FY 1988-89 budget act for the Michigan Department of Corrections (MDOC). In every year since, the program has been maintained through MDOC budget acts.<sup>1</sup> The program was given statutory permanence in 1998, when Public Act 317 amended the Code of Criminal Procedure to insert the following:

The Department of Corrections shall operate a jail reimbursement program that provides funding to counties for housing offenders in county jails who otherwise would have been sentenced to prison. The criteria for reimbursement, including but not limited to criteria for determining those offenders who otherwise would have been sentenced to prison, and the rate of reimbursement shall be established in the annual appropriations acts for the Department of Corrections.

Within a few years of the program's inception, county participation increased rapidly, with an accompanying growth in expenditures (**Appendix A** and **Figure 1**). Funding rose from the \$1.2 million expended in FY 1988-89 to the \$18.0 million appropriated for FY 1999-2000. With the increase in utilization of the county jail reimbursement program came increased potential for local reliance on CJRP revenues. While it is not clear to what extent counties earmark CJRP funds for jail operations, amounts received under the CJRP can allow counties to recoup a substantial portion of reported jail expenditures — averaging around 10 percent, according to available data (**Appendix B**).

Under the CJRP, a county receives per diem payments for "housing in jails felons who otherwise would have been sentenced to prison."<sup>2</sup> Per diem payments are made under a two-tier schedule instituted in FY 1997-98.

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<sup>1</sup> The CJRP is funded under a separate line item in the MDOC budget act. Annual boilerplate language has set forth reimbursement criteria and per diem rates.

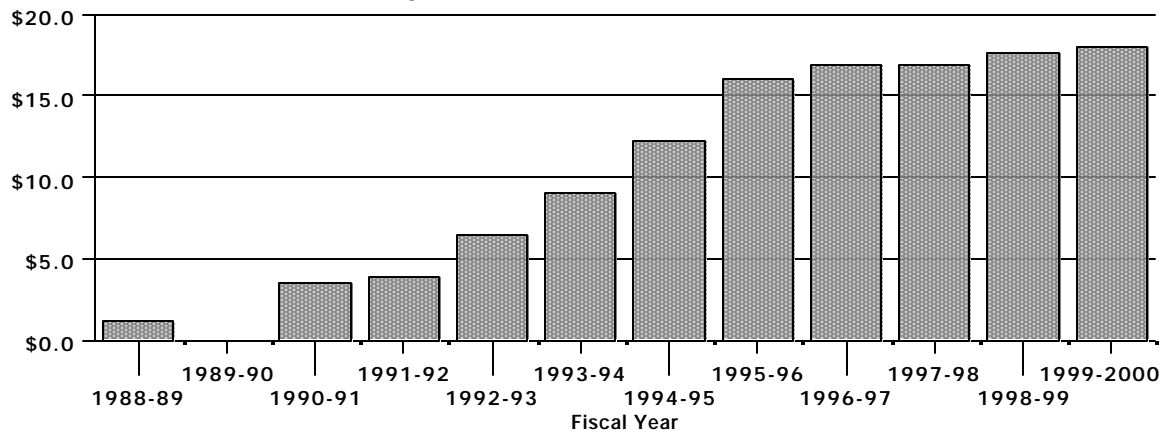
<sup>2</sup> The MDOC budget act for FY 1999-2000, 1999 PA 92, section 808(1).



- " In counties with populations of more than 100,000, the per diem is \$45 for the first 90 days of an offender's incarceration, dropping to \$38 for the remainder of the period of incarceration, up to a total of one year's incarceration for any given offender.
- " In counties with populations of less than 100,000, the initial per diem is \$40, dropping to \$38 for the remainder of up to one year's incarceration.
- " Special provision is made for eligible offenders occupying beds developed under the regional jail program (a separate construction and renovation grant program encouraging the development of multi-county jail facilities); those per diems are \$45, dropping to \$38 after 90 days.

**Figure 1**

**County Jail Reimbursement Program  
Payments (Millions of Dollars)**



NOTES: FY 1989-90 data not available; FY 1999-2000 is appropriated amount

*Source: Michigan Department of Corrections*

# SENTENCING GUIDELINES AND CJRP CRITERIA

Historically, the CJRP reimbursed for three categories of offenders who were presumed to be prison-bound:

- " Offenders whose sentencing guidelines scores were suggestive of a prison sentence,
- " Third-offense drunk drivers, and
- " Habitual offenders.

These last two categories were included because the sentencing guidelines that were in effect prior to 1999 did not apply to drunk drivers or habitual offenders.<sup>3</sup> Starting with Fiscal Year 1997-98, second-offense habitual offenders were dropped from the program because of questions over whether they constituted a prison-bound group. For example, a second-time shoplifter could be prosecuted as a habitual offender, although this sort of offender would not likely be sentenced to prison.

Public Act 445 of 1994 amended the Code of Criminal Procedure to create a sentencing commission to develop sentencing guidelines that would be made mandatory upon enactment into law. The guidelines were to reduce sentencing disparities and ensure that sentences were proportionate to the crimes. Statute also charged the commission with developing projections of the impact of the guidelines on felony sentencing practices and on state and local correctional facilities.<sup>4</sup>

The Legislature enacted sentencing guidelines in 1998 through 1998 PA 317. Unlike the judicially-promulgated guidelines that they are replacing, these legislative sentencing

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<sup>3</sup> Commencing in 1984, Michigan operated under a system of sentencing guidelines imposed by Supreme Court rule. Those guidelines, aimed at reducing sentencing disparities between counties, were normative, reflecting predominant sentencing patterns. However, less than 15 percent of Michigan crimes were addressed by the guidelines, although these crimes accounted for roughly three-quarters of the felony dispositions.

<sup>4</sup> The commission contracted with Charles W. Ostrom, Ph.D., of Michigan State University, and with the National Council of Crime and Delinquency to conduct statistical analysis and projections of the impact of proposed guidelines.



guidelines are comprehensive: they apply to all felonies committed on or after January 1, 1999 (including third-offense drunk drivers), and they provide for habitual offenders.

Sentencing guidelines assign points to offense and prior record variables to establish a score that determines a recommended range for an offender's minimum sentence. Scores are plotted on a grid; the cell on the grid where offense and prior record scores intersect is the cell that specifies the offender's minimum sentence range expressed in months. Sentencing guidelines sort all felony offenders into three groups, based on the grid cells into which their scores place them:

" ***Lockout Cells***

Offender must be sentenced to local sanctions (these include but are not limited to jail, probation, treatment, restitution, and community service), absent a judicial departure from guidelines — recommended range has an upper limit of 18 months or less.

" ***Prison Cells***

Offender must be sentenced to prison, absent a judicial departure from guidelines — recommended range has a lower limit of more than 12 months and an upper limit of more than 18 months.

" ***Straddle Cells***

Offender can be sentenced either to local sanctions or to prison — recommended range has a lower limit of 12 months or less and an upper limit of more than 18 months.

Since enactment of legislative sentencing guidelines, annual budget act boilerplate has provided for two sets of jail reimbursement criteria: the first set, which continues to apply to offenders sentenced for offenses committed before January 1, 1999, and a second set, which applies to offenders sentenced under the legislative guidelines. The second set reimburses for third-offense drunk drivers (irrespective of guidelines score), offenders whose guidelines scores put them in "prison cells" (an awful but almost unavoidable pun), and some portion of the straddle cell offenders, based on legislative

sentencing guidelines scoring.<sup>5</sup> Recent changes to CJRP criteria are summarized in **Table 2**.

Analysis of the impact of legislative sentencing guidelines is ongoing. The Department of Corrections has contracted with Charles W. Ostrom, Ph.D., of Michigan State University, for compilation and analysis of data on dispositions under legislative sentencing guidelines. Since September 1999, Dr. Ostrom and the Department have been issuing monthly reports that provide a wealth of detail on offender dispositions, particularly as they relate to the county jail reimbursement program. A report issued February 22, 2000, contains all available data for calendar year 1999; this publication draws heavily on information contained in that report.

**Table 1**  
**SENTENCING GUIDELINES GRID: CLASS E OFFENSES**

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*Prior Record Variable (Prv) Score*

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<sup>5</sup> The second set differs between FY 1998-99 and FY1999-2000. Fiscal Year 1998-99 boilerplate language (1998 PA 321) provided for criteria to be reviewed by the Appropriations subcommittees upon enactment of sentencing guidelines. The House Appropriations subcommittee on Corrections did so in the fall of 1999, and although the subcommittee issued no recommendations, revised criteria were enacted in a supplemental appropriation bill (1999 PA 515) that December. Those criteria reimbursed for: felons with guidelines lower limits of more than 12 months, third-offense drunk drivers, straddle cell offenders with lower limits of 10 months or more, and technical violators of probation whose underlying offenses put them in straddle cells with lower limits of 10 months or more. Boilerplate provided for full expenditure of the line item, so that counties also received supplemental payments that were distributed after the end of the fiscal year.

Fiscal Year 1999-2000 boilerplate language (1999 PA 92) reimburses for all third-offense drunk drivers, plus those qualifying under criteria developed by the MDOC, the Michigan Association of Counties, and the Michigan Sheriffs' Association that are "based on sentencing guidelines score and other offender characteristics that are consistent with the intent of diverting felons who otherwise would have been sentenced to prison." Upon agreement being reached between the MDOC and the sheriffs' association, the House and Senate subcommittee chairs approved criteria that reimburse counties for offenders whose guidelines scores place them in "prison cells," or who are straddle cell offenders with lower limits of 7 months or more *plus* prior record variable scores of 35 or more. It is anticipated that any surplus in the line item remaining after all counties are reimbursed under these criteria will be distributed to the counties on a proportionate basis.

	<i>0 points</i>	<i>1-9 points</i>	<i>10-24 points</i>	<i>25-49 points</i>	<i>50-74 points</i>	<i>75+ points</i>
<i>0-9 points</i>	<b>0 - 3 months</b>	<b>0 - 6 months</b>	<b>0 - 9 months</b>	5 - 23 months	7 - 23 months	9 - 23 months
<i>10-24 points</i>	<b>0 - 6 months</b>	<b>0 - 9 months</b>	<b>0 - 11 months</b>	7 - 23 months	10 - 23 months	12 - 24 months
<i>25-34 points</i>	<b>0 - 9 months</b>	<b>0 - 11 months</b>	<b>0 - 17 months</b>	10 - 23 months	12 - 24 months	14 - 29 months
<i>35-49 points</i>	<b>0 - 11 months</b>	<b>0 - 17 months</b>	5 - 23 months	12 - 24 months	14 - 29 months	19 - 38 months
<i>50-74 points</i>	<b>0 - 14 months</b>	5 - 23 months	7 - 23 months	14 - 29 months	19 - 38 months	22 - 38 months
<i>75+ points</i>	<b>0 - 17 months</b>	7 - 23 months	12 - 24 months	19 - 38 months	22 - 38 months	24 - 38 months
	<b>Lockout Cells</b>	Straddle Cells		Prison Cells		

The numbers inside the grid cells indicate the recommended range, in months, for the offender's minimum sentence. The shaded area shows straddle cells. Lockout cells are to the left of the shaded area. Prison cells are to the right.

Table 2

**COUNTY JAIL REIMBURSEMENT PROGRAM: REIMBURSEMENT CRITERIA**

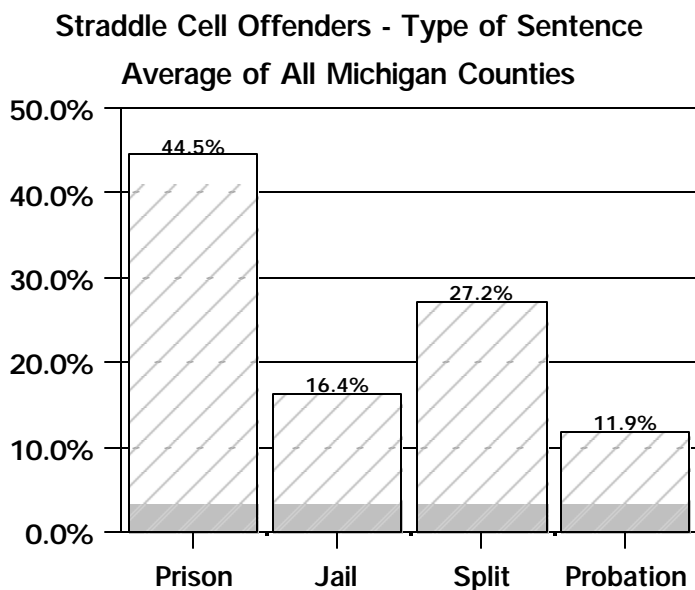
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<b>Prior to FY 1997-98</b>	<b>FY 1997-98</b>	<b>FY 1998-99</b>	<b>FY 1999-2000</b>
Ž Sentencing guidelines lower limit of 12 months or more	Ž Sentencing guidelines lower limit of 12 months or more	<i>For offenses committed before 1/1/99:</i> Ž Sentencing guidelines lower limit of 12 months or more	<i>For offenses committed before 1/1/99:</i> Ž Sentencing guidelines lower limit of 12 months or more
Ž OUIL 3	Ž OUIL 3	Ž OUIL 3	Ž OUIL 3
Ž Habitual offender convicted of <i>second</i> or subsequent felony	Ž Habitual offender convicted of <i>third</i> or subsequent felony	Ž Habitual offender convicted of third or subsequent felony	Ž Habitual offender convicted of third or subsequent felony
		<i>For offenses committed on or after 1/1/99:</i>	<i>For offenses committed on or after 1/1/99:</i>
		Ž Sentencing guidelines lower limit of <i>more than 12 months</i>	Ž "Prison cell" offenders
		Ž OUIL 3	Ž OUIL 3
		Ž Straddle cell offenders <i>with sentencing guidelines lower limits of 10 months or more</i>	Ž Straddle cell offenders <i>with lower limits of 7 months or more and with prior record variable scores of 35 or more</i>
		Ž Probation violators whose underlying offenses are straddle cell offenses with lower limits of 10 months or more	

# ISSUE: STRADDLE CELL OFFENDERS

The judicially-promulgated guidelines that apply to offenses committed prior to January 1999 have limited application. Legislative sentencing guidelines, which apply to all felonies committed on or after January 1, 1999, are changing the context for the county jail reimbursement program by newly sorting offenders into prison and non-prison groups. Clearly, a jail sentence for an offender for whom guidelines indicated a prison sentence would be regarded as a prison diversion. However, in order for that offender to receive a jail term, the sentencing judge would have to depart from guidelines for a “substantial and compelling reason” stated on the record. If legislative sentencing guidelines are sorting offenders appropriately, few presumptive prison offenders would be suitable for prison diversion programs.<sup>6</sup>

**Figure 2**



Source: Charles W. Ostrom, Ph.D., “Analysis of 1999 Sentencing Guideline Data” (February 22, 2000)

Much of the discussion over jail reimbursement criteria has centered on the straddle cell offenders, for whom guidelines countenance either local sanctions or prison terms. Because judges exercise broad discretion over straddle cell sentences, and because straddle cell offenders may be sentenced to prison, straddle cell offenders would be a likely target group for prison diversion programs such as the CJRP. Straddle cell offenders as a whole, however, are not a prison-bound population (**Figure 2**), and thus the challenge has been to identify and develop consensus on reimbursing for one or more prison-bound subgroups of

<sup>6</sup> Early data seem to bear this out, as over 85 percent of the “prison cell” offenders received prison sentences.

straddle cell offenders.

In the effort to describe a prison-bound population of straddle cell offenders, attention has focused on two parameters: the lower limit of the sentencing guidelines-recommended range for the offenders' minimum sentence (the SGL MIN), and the prior record variable (PRV) score. For the current fiscal year, a straddle cell offender who has a SGL MIN of 7 months or more and a PRV score of 35 or more is eligible for reimbursement and is presumed to be a prison diversion.

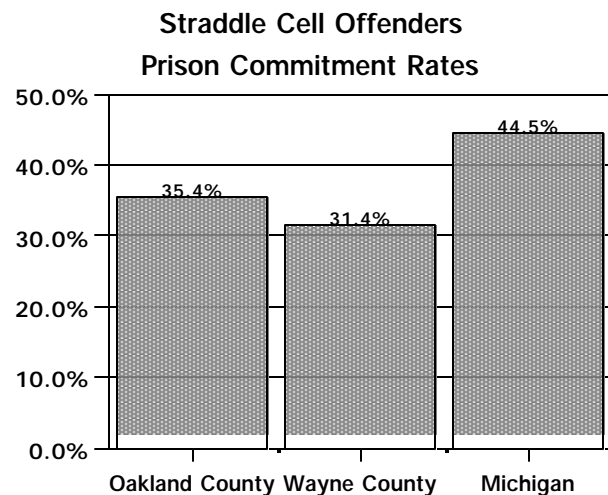
Recent issues regarding reimbursements for straddle cell offenders have centered around two competing sets of criteria:

- " Reimbursing for all straddle cell offenders with PRV scores of 35 or more, or
- " Reimbursing for straddle cell offenders who have a PRV score of 35 or more and who also have SGL MINS of 7 or more.

Generally speaking, any group of offenders with a prison commitment rate of more than 50 percent is considered prison-bound. Under this standard, the latest data released by the MDOC suggest that either set of criteria would describe a prison-bound population of straddle cell offenders, although the second set may be more predictive of whether an offender is prison-bound than the first. According to the MDOC, the prison commitment rate for offenders with a PRV greater than or equal to 35 is about 51%. For offenders who have both a PRV greater than or equal to 35 and a SGL MIN of greater than or equal to 7 months, the prison commitment rate is about 56%.

These aggregated figures do not account for activities in counties such as Wayne and Oakland, where local community corrections offices have worked with local judiciaries to implement targeting policies that divert certain straddle cell offenders into local sanctions. The prison commitment rates for straddle cell offenders in Oakland and Wayne counties are markedly lower than the statewide average (Figure 3). For straddle cell dispositions by county, see Appendix C.

Figure 3



Source: Charles W. Ostrom, Ph.D., "Analysis of 1999 Sentencing Guideline Data" (February 22, 2000)



# ISSUE: HABITUAL OFFENDERS

In Michigan, a prosecutor may seek a habitual offender sentence enhancement for (“habitualize”) anyone convicted of a second or subsequent felony.<sup>7</sup> Formerly, habitual offenders were reimbursement-eligible simply by virtue of being habitual offenders. This continues to be the case for habitual offenders sentenced under the judicial sentencing guidelines.

Offenders sentenced for felonies committed on or after January 1, 1999, are sentenced under the newly-enacted legislative sentencing guidelines. And, habitual offenders who are sentenced under the legislative guidelines are reimbursable under the CJRP only if their sentencing guidelines scores render them eligible. Thus, to the extent that a county has been habitualizing offenders whose guidelines scores do not suggest a prison sentence, that county could experience a proportionate reduction in its payments under the CJRP.<sup>8</sup> **Appendix D** details FY 1998-99 CJRP reimbursements by county and reimbursement category.

Available data suggest that about 64 percent of habitual offenders are straddle cell offenders. This is not surprising since, under legislative sentencing guidelines, habitualization increases only the upper limit of the recommended range for the offender’s minimum sentence; habitualization does not affect the lower limit. Thus, habitualization cannot change a straddle cell offender into a prison cell offender, but it can change a lockout to a straddle.

The unpredictable effects that can result from “habitualization” under legislative sentencing guidelines can be seen in **Table 3**. While the prison commitment rate for all

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<sup>7</sup> In Michigan, anyone convicted of a second or subsequent felony is sentenced as a habitual offender if the prosecutor seeks “habitual” status for the convicted defendant. There are exceptions, but generally for a second or subsequent felony, habitual status allows the sentencing judge to set a maximum sentence of up to one and one-half times the statutory maximum that otherwise would apply to the felony. For a third or subsequent felony, habitual status allows the maximum sentence to be up to twice the statutory maximum that would otherwise apply; and for a fourth or subsequent felony, the maximum sentence may be up to life or 15 years, depending on circumstances.

<sup>8</sup> An analogous event occurred in FY 1997-98, when second-offense habitual offenders were no longer eligible and at least one county (Oakland) saw its reimbursements drop sharply that year.



cell types increases from Habitual 2nd to Habitual 4th, there is no clear pattern emerging with regard to straddle cell habitual offenders. Straddle cell habituals appear more likely to go to prison than straddle cell offenders overall, which is what one would anticipate if habitual offenders were always “worse” than non-habituals.

**Table 3**

**COMPARISON: HABITUAL PRISON RATES AND STRADDLE HABITUAL PRISON RATES**

<u>Habitual Status</u>	<u>All Cells</u>		<u>Straddle Cells</u>	
	<u>Number</u>	<u>% to Prison</u>	<u>Number</u>	<u>% to Prison</u>
No Habitual	9,219	17.0%	1,671	40.2%
All Habituals	1,240	49.3%	778	54.0%
Habitual 2nd	575	44.0%	306	55.2%
Habitual 3rd	304	52.7%	190	55.7%
Habitual 4th	361	55.0%	282	51.5%
<b>Habituals + Non-habituals</b>	<b>10,459</b>	<b>20.9%</b>	<b>2,449</b>	<b>44.6%</b>

*Source: Charles W. Ostrom, Ph.D., "Analysis of 1999 Sentencing Guideline Data" (March 15, 2000 and February 22, 2000)*

On the other hand, straddle cell habituals also appear more likely to go to prison than habitual offenders overall; this is because a substantial portion (23.6 percent) of habitual offenders are lockouts; a smaller proportion (12.1 percent) are prison cell offenders (Table 4).

**Table 4**

**HABITUAL OFFENDERS BY CELL TYPE AND SENTENCE TYPE**

<u>Habitual Status</u>	<u>Number</u>	<u>% of Sample</u>	<u>Cell Type (as % of this habitual type)</u>			<u>Sentence Type (as % of this habitual type)</u>			
			<u>Lockout</u>	<u>Straddle</u>	<u>Prison</u>	<u>Prison</u>	<u>Jail</u>	<u>Split</u>	<u>Probation</u>
No Habitual	9,219	87.9%	75.3%	18.3%	6.4%	17.0%	12.7%	32.9%	37.3%
All Habituals	1,240	11.8%	23.6%	64.4%	12.1%	49.3%	18.7%	21.1%	10.9%
Habitual 2nd	575	5.5%	35.2%	54.9%	9.9%	44.0%	17.6%	25.0%	13.4%
Habitual 3rd	304	2.9%	22.6%	64.0%	13.5%	52.7%	16.8%	20.1%	10.4%
Habitual 4th	361	3.4%	6.2%	79.4%	14.4%	55.0%	21.9%	15.7%	7.4%

Habituals  
+ Non-  
habituals

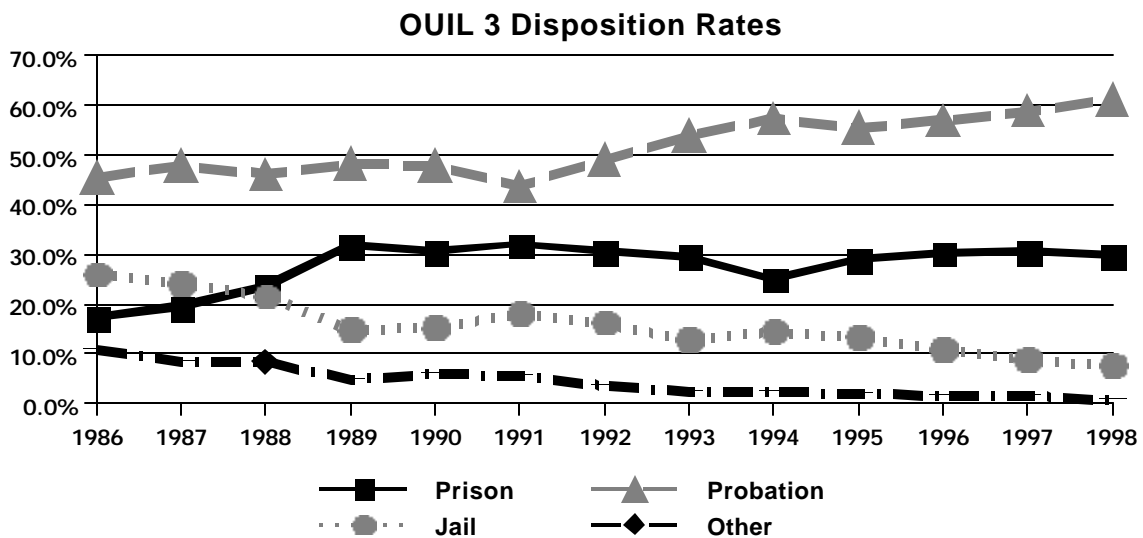
10,459	100.0%	69.2%	23.7%	7.1%	20.9%	13.4%	31.5%	34.2%
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Source: Charles W. Ostrom, Ph.D., "Analysis of 1999 Sentencing Guideline Data" (March 15, 2000 and February 22, 2000)

# ISSUE: THIRD-OFFENSE DRUNK DRIVERS

Until April 1, 1997, third-offense drunk driving (OUIL 3) carried a presumptive minimum term of incarceration of one year. Many assumed that most of these felony drunk drivers would be sentenced to prison, hence the inclusion of third-offense drunk drivers in the CJRP. However, actual prison commitment rates of third-offense drunk drivers have remained around 30 percent since 1989, when the CJRP first started reimbursing for them (Figure 4).<sup>9</sup>

Figure 4



Source: MDOC Annual Statistical Reports, BIR data

On the whole, the prison commitment rate for third-offense drunk drivers has increased since the late 1980s, while the jail commitment rate has decreased (Figure 4). However,

<sup>9</sup> Although the MDOC began reimbursing for drunk drivers sometime in 1989, budget act boilerplate did not explicitly provide for them until FY 1993-94.

the late 1980s and early 1990s were a period of heightened awareness of the dangers of drunk driving, and enactment of increased statutory penalties could, therefore, be viewed as a reflection of increased judicial and public disapproval of drunk drivers. Whether and to what extent the CJRP may have depressed what would have been an even higher OUIL prison commitment rate is impossible to determine. Also, the declining jail rate may have been connected to an increase in the use of probation, perhaps reflecting growth in the use of alternatives to incarceration such as treatment programs funded under the Community Corrections Act (1988 PA 511) and other state and local programs.

While dispositional patterns for drunk drivers were shifting, the overall numbers of dispositions for this offense increased. Thus, while the jail commitment rate declined, the numbers of jail sentences for third-offense drunk driving increased until 1996, when the numbers began to decline (**Table 5**).

**Table 5**  
**OUIL 3 DISPOSITIONS: 1986 THROUGH 1998**

	<u>Prison</u>	<u>Probation</u>	<u>Jail</u>	<u>Other</u>	<u>Total</u>
1986	47	124	71	30	272
1987	66	164	83	29	342
1988	121	237	111	43	512
1989	191	292	90	30	603
1990	274	431	137	55	897
1991	369	507	212	68	1,156
1992	476	769	256	61	1,562
1993	542	986	235	50	1,813
1994	427	976	250	45	1,698
1995	560	1,079	261	39	1,939
1996	615	1,158	224	32	2,029
1997	633	1,220	184	31	2,068
1998	655	1,350	172	24	2,201

*Source: MDOC Annual Statistical Reports, BIR data*

Reimbursements under the CJRP for drunk drivers did not decline with the numbers of OUIL 3 offenders going to jail. Offense-specific data for the early years of the CJRP are lacking, but reimbursements for drunk drivers appear to be consuming an increasing proportion of the county jail reimbursement program, rising from about 34 percent of

expenditures in FY 1996-97 to just over 40 percent in FY 1998-99. Available data is insufficient to determine whether the increase is due to an increase in the length of OUIL 3 jail stays, in the use of CJRP for OUIL 3 offenders, or in increasing numbers of OUIL 3 probation violators receiving time in jail. Based on the numbers of OUIL 3 offenders and their dispositions under sentencing guidelines, Dr. Ostrom has projected that, barring changes in per diem reimbursement rates, reimbursements for third-offense drunk drivers will represent about 50 to 55 percent of the CJRP expenditures in FY 2000-01.<sup>10</sup>

Recent changes to drunk driving laws carry the potential to further increase the number of OUIL 3 dispositions, as well as the number of drunk drivers receiving jail terms. Statutory changes that took effect October 1, 1999, expanded the law's definition of prior offense, enabling prior operating-while-impaired (OWI) offenses to count as prior offenses for third-offense operating-under-the-influence (OUIL).

Counting these OWI offenses as priors could substantially increase the number of offenders convicted of OUIL 3. And, because the OWI offenses are lesser offenses than the OUIL offenses, it is possible that a greater proportion of third-offense dispositions would result in local sanctions rather than prison sentences. Of course, the exercise of prosecutorial charging discretion will be a critical element in the impact of the statutory changes and cannot be confidently predicted at this time.

Felony dispositions, prison commitment rates, and jail stays for OUIL 3 vary widely from county to county. Dr. Ostrom compiled available data on 1999 OUIL 3 dispositions under legislative sentencing guidelines; his results on the 770 dispositions in his sample are shown in **Appendix E**. The statewide prison commitment rate for OUIL 3 offenders in the sample is about 24%.

More pertinent, however, is data on how OUIL 3 offenders fared under sentencing guidelines: the data indicate that over half of OUIL 3 offenders had scores in the "lockout cell" range. This means that absent judicial departure from guidelines, these offenders *must* be sentenced to local sanctions. Thus, the data raise a question of consistency with regard to reimbursing for drunk drivers under a program with the stated purpose of reimbursing for prison diversions.

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<sup>10</sup> Ostrom report, February 22, 2000



# ISSUE: LARCENY THRESHOLD CHANGES

Concomitant with enactment of legislative sentencing guidelines was enactment of a package of bills that generally raised the dollar level of the threshold separating misdemeanor from felony offenses for various larceny and property destruction crimes. The threshold was raised from its former \$100 to a new level of \$1,000 worth of property stolen or destroyed. Thus, the potential exists for many offenders who previously had been prosecuted as felons to instead be prosecuted as misdemeanants, with associated implications for prison commitment rates of larceny offenders and jail utilization.

Early data in the statistical reports issued by Dr. Ostrom suggest a reduction in the number of felons convicted of several of the 22 larceny/retail fraud offenses included in the threshold change. In the 1999 data sample, the top 40 felony offenses represent about 77 percent of the sample of 10,428 cases. In 1998, the "top 40" offenses represented about 83 percent of the felony dispositions (**Appendix F** and **Appendix G**).

Worth noting is the shift in rank in various offenses, especially the five larceny threshold offenses that occur in the 1998 top 40: larceny from a motor vehicle, first-degree retail fraud, receiving and concealing stolen property, embezzlement by an agent, and malicious destruction of personal property. As can further be seen in **Table 6**, while these offenses together represented about 19.2 percent of 1998 dispositions, they constitute only 3.9 percent of the 1999 sentencing guidelines sample. This reduction raises the possibility that the larceny threshold changes may cause a reduction in the number of felony dispositions that the state will experience in 1999 and 2000. If felony dispositions are appreciably lower or higher than their recent average of around 40,000 dispositions, then the CJRP reimbursements could be lower or higher than projected (see *Issue: Numbers of Dispositions*).

Table 6

SELECTED OFFENSES AFFECTED BY LARCENY THRESHOLD LEGISLATION: 1998 & 1999

<u>Offense</u>	<u>1998</u>		<u>1999 Guidelines Sample</u>	
	<u>Number of Dispositions</u>	<u>Percent of All Dispositions</u>	<u>Number of Dispositions</u>	<u>Percent of Sample</u>
Retail Fraud - 1st Degree	2,782	5.5%	93	0.9%
Receiving and concealing stolen property	2,061	4.1%	126	1.2%
Larceny from a motor vehicle	1,456	2.9%	156	1.4%
Embezzlement by an agent, servant, or employee	1,243	2.4%	36	0.3%
Malicious destruction of personal property	904	1.8%	19	0.2%
<b>Total</b>	<b>8,446</b>	<b>19.2%</b>	<b>430</b>	<b>3.9%</b>

Source: Charles W. Ostrom, Ph.D., April 5, 2000, Report; MDOC, BIR data; HFA calculations



# **ISSUE: JAIL UTILIZATION**

There has been speculation that one result of the larceny threshold changes could be that local jails would experience an influx of larceny offenders. With the larceny threshold changes, it seemed likely that a substantial number of offenders formerly sentenced as felons by the circuit court would instead be sentenced as misdemeanants by the district court. As these offenders would now be among the more serious of those sentenced by the district court, the expectation was that the district court would be more likely to order jail in cases where the circuit court might have ordered probation. Data are still lacking on this issue, but early reports indicate that at least some counties are seeing increases in the numbers of sentenced offenders, and particularly sentenced misdemeanants in their jails.<sup>11</sup>

Dr. Ostrom's reports raise the issue of another effect anticipated under legislative sentencing guidelines: that proportionately fewer offenders would be sent to prison while more offenders would be kept locally.<sup>12</sup> Preliminary data suggest that under the legislative guidelines, the proportion of felony offenders receiving prison sentences may be lower than previously experienced, while the proportion of offenders receiving local

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<sup>11</sup> This information is as yet anecdotal, but more complete data should soon be available. Local community corrections offices are in the process of analyzing local jail utilization for the mid-year reports required by the MDOC's Office of Community Corrections (OCC). Further, the OCC maintains the Jail Population Information System (JPIS), which provides data on jail utilization and the types of offenders (felons versus misdemeanants, sentenced versus unsentenced) occupying jail beds. Changes in jail utilization should be revealed by the JPIS.

<sup>12</sup> Although the proportion of offenders receiving prison sentences may decrease, prison populations are expected to continue to climb, particularly once the effects of truth-in-sentencing begin to be more fully felt. Truth-in-sentencing, which was enacted in conjunction with sentencing guidelines, requires that certain offenders serve their entire minimum sentences in prisons or camps, commencing with sentences for certain serious felonies committed on or after December 15, 1998. Truth-in-sentencing will be extended to all felonies commencing with offenses committed on or after December 15, 2000.

sanctions may be higher (Table 7).<sup>13</sup> Such a development could place increasing bed space pressures on jails.

Additional strains also could be placed on other aspects of local criminal justice systems, such as felony probation departments (which are state-funded and state-staffed), community corrections programs funded through the Community Corrections Act (1998 PA 511), and other training and treatment programs.

**Table 7**  
**OVERALL FELONY DISPOSITION RATES**

	<b>Local Sanctions</b>			
	<u>Prison</u>	<u>Probation</u>	<u>Jail/Probation</u>	<u>Jail/Fine</u>
1998	24.7%	37.0%	24.8%	13.6%
1999 Legislative Guidelines	20.9%	34.1%	31.5%	13.5%

*Source: Charles W. Ostrom, Ph.D., February 22, 2000, Report*

Finally, not only could the use of local resources be affected by statutory changes and related sentencing decisions; availability of local resources could affect sentencing decisions, particularly with regard to straddle cell offenders. If appropriate local sanctions are not available, judges may be more likely to sentence straddle cell offenders to state prison.

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<sup>13</sup> It would be premature, however, to draw firm conclusions from the disposition data. Serious cases, such as second-degree murder, are under-represented in the sample data. Further, the sample does not contain probation violators, who have been constituting an increasing proportion of prison intake. Finally, the proportion of offenders receiving prison sentences has increased as more legislative guidelines cases were processed and analyzed; if it continues to increase, the prison commitment rate could approach the historical rate of around 25 percent. This may already be happening: the MDOC reports that data for the first three months of 2000 suggest that the prison commitment rate is returning to its pre-1999 levels.

# ISSUE: LENGTH OF STAY IN JAIL

The MDOC has been reimbursing offenders based on criteria in effect on the date of sentencing; that means that an offender's reimbursable jail time may fall in more than one fiscal year. To compute the average length of stay in jail for reimbursement-eligible offenders, the MDOC identified all of the reimbursement-eligible offenders released in a given fiscal year and tallied the total number of days reimbursed for each offender across fiscal years. The resulting average length of stay for offenders released in FY 1998-99 was 126 days. Using this method, the MDOC computed the average lengths of stay for CJRP offenders to have been 133 days in FY 1995-96, 134 days in FY 1996-97, and 128 days in FY 1997-98 (Table 8).

**Table 8**

## AVERAGE LENGTHS OF STAY / AVERAGE NUMBER OF DAYS REIMBURSED

<u>Fiscal Year</u>	<u>Average Lengths of Stay (Days) for CJRP Offenders</u>	<u>Average Number of Days Reimbursed Per Offender in a Fiscal Year</u>
1993-94	not available	116.03
1994-95	not available	103.22
1995-96	133	101.99
1996-97	134	98.79
1997-98	128	92.27
1998-99	126	92.93

*Source: MDOC*

The average length of a CJRP offender jail stay is distinguished from the average number of days reimbursed per offender *within a fiscal year*. The average number of days reimbursed within a fiscal year is calculated by dividing the total number of days reimbursed within a fiscal year by the total number of offenders for whom the program made reimbursements in that fiscal year. The average number of days reimbursed per offender within a fiscal year has declined from 116 days in FY 1993-94 to 93 days in FY 1998-99.

Several things are noteworthy about this data; one is that both averages (length of stay and days reimbursed) suggest that the average number of days reimbursed per offender is declining. More significant to the debate over CJRP criteria is the fact that the two types of averages measure different things. The MDOC has maintained that to project CJRP costs for offenders admitted to jail, it is necessary to employ the average length of stay per offender as a multiplier against reimbursement rates and the expected number of offenders to be admitted to jail during the fiscal year; to do otherwise would be to risk underestimating program costs.

Also, length of stay may be presumed to vary between counties and with the offense or jail reimbursement category; certainly, the average number of days reimbursed within a fiscal year has so varied (**Appendix H**).

One of the ways in which sentencing guidelines have increased the degree of uncertainty in predicting CJRP expenditures is with regard to length of stay: there are no data at present on how long straddle-cell offenders are staying in jail. As noted earlier in this publication (see *Issue: Straddle Cell Offenders*), straddle cell offenders constitute the primary CJRP target group for offenders sentenced under sentencing guidelines.

# ISSUE: NUMBERS OF DISPOSITIONS

Another factor used to estimate future CJRP costs is the total number of felony dispositions. The Ostrom reports are providing data on a sample that currently amounts to 10,428 cases. To use the sample to estimate costs of reimbursing for various categories of offenders, it is necessary to calculate the percentage of the sample that is occupied by that category, and apply that percentage to the anticipated number of felony dispositions.

If felony dispositions are appreciably lower or higher than their recent average of around 40,000 dispositions (**Table 9**), then the CJRP reimbursements could be lower or higher than projected. The reduction in larceny dispositions noted in a previous section raises the question of whether dispositions will be fewer than the 40,000 assumed under recent departmental scenarios for FY 2000-01. For example:

Assumed number of felony dispositions for calendar year 2000 . . . . .	40,000		
Proportion occupied by larceny threshold offenses in 1998 "top 40" . . . . .	X <u>19.25%</u>		
		7,700	<i>Assumed number of larceny dispositions for calendar year 2000, based on law before larceny threshold changes</i>
Assumed number of felony dispositions for calendar year 2000 . . . . .	40,000		
Proportion occupied by larceny threshold offenses in 1999 "top 40" . . . . .	X <u>3.94%</u>		
		<u>1,576</u>	<i>Assumed number of larceny dispositions for calendar year 2000, based on SIR sentencing guidelines sample</i>
<b>Potential reduction in number of annual felony dispositions based on larceny threshold changes</b>		<b>6,124</b>	

**Table 9**  
**FELONY DISPOSITIONS: 1995-2000**

	<u>Actual</u>	<u>Assumed without Larceny Reduction</u>	<u>Assumed with Larceny Reduction</u>
1995	38,805		
1996	38,749		
1997	39,340		
1998	40,016		
1999		40,000	
2000		40,000	34,000

*Sources: Charles W. Ostrom, Ph.D., March 15, 2000;  
MDOC Annual Statistical Reports, BIR data; HFA calculations*

However, even if the apparent decline in felony dispositions holds true, caution should be used in developing assumptions regarding the CJRP. Whether a larceny-generated decline in felony dispositions had any impact on the CJRP would depend on where the affected convictions fell in sentencing guidelines grids, whether those offenders would qualify for reimbursement under the CJRP, and whether such offenders had historically been reimbursed under the CJRP.

## **ISSUE:** **CJRP AND 1988 PA 511**

Another issue that has arisen from time to time is that of the relationship between the CJRP and programs supported under the Community Corrections Act, 1988 PA 511. Although existing independently of each other, the CJRP and community corrections programs have similar objectives — namely the appropriate diversion of offenders from the prison sentences that they probably would have received and into local alternative sanctions. The programs are further linked through budget act language: corrections budget act boilerplate has for some time required that local comprehensive corrections plans (necessary for grant funding under 1988 PA 511) detail ways in which the CJRP will be used in conjunction with other local programs and resources to achieve or maintain low prison commitment rates for targeted offenders.

The MDOC, however, has argued against making connections between the CJRP and 1998 PA 511, pointing to several fundamental distinctions between the two programs:

- “ The CJRP has as its stated objective the diversion of offenders from prison sentences, while PA 511 also addresses the diversion of offenders from jail sentences into other local sanctions.
- “ Budget act boilerplate language for the CJRP identifies offenders quantitatively using specific sentence types. The description in PA 511 is more qualitative, describing offenders “who would likely be sentenced to imprisonment in a state correctional facility or jail, would not increase the risk to public safety, have not demonstrated a pattern of violent behavior, and do not have a criminal record that indicates a pattern of violent offenses.”
- “ The CJRP is an expression of statewide priorities. Under PA 511, determinations of what types of offenders to target are local decisions, subject to departmental criteria and approval.

While it can be argued that the CJRP reimbursement criteria should recognize local comprehensive plan objectives and priorities, it can also be argued that the CJRP is and

should remain a separate and distinct program.





# ISSUE: DATA RELIABILITY

Recent attempts to predict various scenarios' impacts on the CJRP have relied heavily on the data being provided by Dr. Ostrom and the MDOC. Therefore, it is important to understand how reliable the data sample is, and whether it may validly be compared with historical data.

Several things suggest that the sample (cases sentenced under the legislative guidelines for which data were available as of December 31, 1999) of sentencing guidelines dispositions is a reasonably representative sample of sentencing under the legislative guidelines. The sample's distribution of felony cases across counties roughly approximates the historical distribution (**Appendix I**). The mix of the various felonies in the sample is "very close" to the historical mix (**Appendix F** and **Appendix G**).<sup>14</sup>

Data patterns arguably are fairly consistent with several projections made by the Michigan Sentencing Commission (MSC). Information for the following tables (**Tables 10 through 13**) was taken from Dr. Ostrom's "Analysis of 1999 Sentencing Guideline Data," February 22, 2000.

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<sup>14</sup> "Analysis of 1999 Sentencing Guideline Data with Emphasis on Potential County Jail Reimbursement Criteria," Charles W. Ostrom, Ph.D., February 1, 2000.

Table 10

DISTRIBUTION OF OFFENDERS BY CELL TYPE				DISTRIBUTION OF OFFENDERS BY SENTENCE TYPE			
<u>Cell Type</u>	<u>Sample Frequency</u>	<u>Sample %</u>	<u>Anticipated % by MSC</u>	<u>Sentence Type</u>	<u>Sample Frequency</u>	<u>Sample %</u>	<u>Anticipated % by MSC</u>
Lockout	7,174	69.2%	72.9%	Prison	2,114	20.9%	24.0%
Straddle	2,455	23.7%	13.3%	Jail	1,359	13.5%	12.7%
Prison	<u>739</u>	<u>7.1%</u>	<u>13.8%</u>	Split	3,177	31.5%	24.9%
<b>TOTAL</b>	<b>10,368</b>	<b>100.0%</b>	<b>100.0%</b>	Probation	<u>3,446</u>	<u>34.1%</u>	35.1%
				<b>TOTAL</b>	<b>10,096</b>	<b>100.0%</b>	

Source: Ostrom, February 22, 2000

For county-specific data on offenders by cell type and sentence type, see **Appendix J**.

Table 11

OFFENDERS BY CRIME CLASS			
<u>Crime Class</u>	<u>Sample Frequency</u>	<u>Percent of Sample</u>	<u>Anticipated % by MSC</u>
M2	6	0.1%	0.6%
A	208	2.0%	3.5%
B	105	1.0%	0.9%
C	575	5.5%	7.0%
D	1,170	11.2%	10.4%
E	3,133	29.9%	25.8%
F	1,096	10.5%	10.7%
G	2,607	24.9%	24.0%
H	<u>1,581</u>	<u>15.1%</u>	<u>17.1%</u>
<b>TOTAL</b>	<b>10,481</b>	<b>100.0%</b>	<b>100.0%</b>

Source: Ostrom, February 22, 2000



Table 12

OFFENDERS BY CRIME CLASS AND BY TYPE OF SENTENCE

Crime Class	Prison % Anticipated by MSC	Type of Sentence			
		Prison	Jail	Split	Probation
M2	100.0%	100.0%	0.0%	0.0%	0.0%
A	100.0%	96.6%	1.5%	1.0%	1.0%
B	76.4%	60.6%	2.9%	17.3%	19.2%
C	62.8%	49.9%	5.0%	26.9%	18.2%
D	27.7%	32.5%	13.9%	29.1%	24.4%
E	16.7%	22.4%	11.4%	35.7%	30.4%
F	13.6%	15.4%	14.2%	33.5%	36.9%
G	10.2%	10.1%	19.1%	32.3%	38.5%
H	10.0%	8.1%	12.8%	28.6%	50.4%

Source: Ostrom, February 22, 2000

Table 13

DEPARTURES BY CRIME CLASS

Crime Class	Departure Type				
	Prison Cell		No Departure	Longer Jail	Prison Above
	No Prison	Shorter Prison			
M2			83.3%		16.7%
A	5.3%	20.7%	68.8%		5.3%
B	16.2%	15.2%	61.9%		6.7%
C	9.9%	4.5%	78.1%	0.3%	7.1%
D	1.3%	1.2%	86.5%	2.6%	8.4%
E	0.7%	0.4%	91.7%	3.5%	3.7%
F	0.2%	0.3%	95.2%	1.5%	2.9%
G	0.2%	0.0%	92.5%	2.2%	5.1%
H	0.2%	0.2%	92.6%	2.3%	4.7%
<b>TOTAL</b>	<b>1.2%</b>	<b>1.1%</b>	<b>90.3%</b>	<b>2.4%</b>	<b>4.9%</b>

Source: Ostrom, February 22, 2000

Some concerns should be noted regarding whether the sample may confidently be used to make predictions about the impact of legislative sentencing guidelines and the costs of various CJRP reimbursement scenarios. Although the sample's distribution across the 83 counties is similar to historical distribution, there are several notable differences. Both in the sample and historically, a relatively small number of urbanized counties account for the lion's share of dispositions. However, within that number, Wayne County appears to be over-represented in the sample, while Macomb and Oakland counties appear under-represented (**Tables 14 and 15**); other counties have shifted in rank. Does this reflect a skewed sample or a real change in dispositional patterns?

The mix of offenders in the sample also is of concern. Serious offenses such as second-degree murder appear to be under-represented in the sample, perhaps because they take longer to process. At about 20 percent, plea-bargained cases constitute a relatively high proportion of the sample, according to the MDOC. And, there are more straddle cell offenders in the sample (23.7 percent, compared to a predicted 13.3 percent) than anticipated; given the degree of judicial discretion that exists for straddle cell offenders, a higher proportion of straddle cell offenders means a greater degree of uncertainty with regard to making predictions.

**Table 14**  
**DISPOSITIONS BY COUNTY: 1998 AND OSTROM 1999**

<u>1998 Basic Information Reports (BIR) Data</u>			<u>1999 Legislative Guidelines Sample</u>		
<u>Counties with Most Dispositions</u>	<u>Number of Dispositions</u>	<u>% of Dispositions</u>	<u>Counties with Most Dispositions</u>	<u>Number of Dispositions</u>	<u>% of Sample</u>
1 Wayne	7,901	19.7%	1 Wayne	2,559	24.5%
2 Oakland	5,487	13.7%	2 Oakland	1,238	11.9%
3 Kent	3,207	8.0%	3 Kent	881	8.4%
4 Macomb	2,349	5.9%	4 Jackson	322	3.1%
5 Genesee	1,882	4.7%	5 Genesee	318	3.0%
6 Kalamazoo	1,429	3.6%	6 Kalamazoo	296	2.8%
7 Saginaw	1,398	3.5%	7 Muskegon	289	2.8%
8 Muskegon	1,131	2.8%	8 Ottawa	272	2.6%
9 Ingham	1,031	2.6%	9 Saginaw	251	2.4%
10 Calhoun	966	2.4%	10 Ingham	240	2.3%
11 Washtenaw	946	2.4%	11 Berrien	231	2.2%
12 Ottawa	872	2.2%	12 Calhoun	227	2.2%
13 Jackson	781	2.0%	13 Macomb	225	2.2%
14 St. Clair	780	1.9%	14 Washtenaw	153	1.5%
15 Berrien	707	1.8%	15 Sanilac	144	1.4%
16 Monroe	544	1.4%	16 Van Buren	144	1.4%
<b>TOTAL</b>	<b>31,411</b>	<b>78.5%</b>	<b>TOTAL</b>	<b>7,790</b>	<b>74.7%</b>
<b>Michigan</b>	<b>40,016</b>	<b>100.0%</b>	<b>Sample</b>	<b>10,428</b>	<b>100.0%</b>

*Source: MDOC, BIR data; Ostrom, February 22, 2000*

**Table 15**  
**FELONY DISPOSITIONS BY COUNTY**  
**THREE-YEAR HISTORICAL RANK AND HISTORICAL PERCENT OF DISPOSITIONS**

	<u>County</u>	<u>Percent</u>
1	Wayne	20.9%
2	Oakland	14.2%
3	Kent	8.1%
4	Macomb	5.4%
5	Genesee	4.6%
6	Kalamazoo	3.7%
7	Saginaw	3.3%
8	Muskegon	2.8%
9	Ingham	2.7%
10	Washtenaw	2.5%
11	Calhoun	2.3%
12	Ottawa	2.1%
13	St. Clair	1.8%
14	Berrien	1.8%
15	Jackson	1.8%
16	Monroe	1.4%
	<b>TOTAL</b>	<b>79.4%</b>

*Source: Ostrom, February 22, 2000*

Clouding data analyses are the presumed impacts of local community corrections targeting efforts and of CJRP criteria themselves. Sentencing decisions, particularly those made on straddle cell offenders, may be influenced by a wide variety of factors, including:

- “ The degree to which jail space or appropriate local programming is available,
- “ The relationships and degree of communication between local benches and local community corrections boards and/or sheriffs, and
- “ The recommendations of probation agents.

In addition, sentencing guidelines, through their restraints on judicial discretion, increase the relative power of prosecutors. It remains to be seen whether and to what extent local charging practices will change and thereby affect dispositional patterns.

Also to be considered is that the state is in the earliest initial period of legislative sentencing guidelines implementation. Trends identified at this time may not hold true after prosecutors, probation agents, courts, and local criminal justice agencies gain more

experience with the guidelines. It is possible that judicial departures from sentencing guidelines will increase after judges become more confident with the use of the guidelines and more cognizant of the guidelines' presumed limitations.

The data reports issued by Dr. Ostrom and the MDOC have, of necessity, utilized data contained in the Sentencing Information Reports (SIR) that sentencing courts voluntarily submit to the State Court Administrative Office (SCAO). Historical data, on the other hand, are derived from the Basic Information Reports (BIR), a correctional database that is derived from the reports that local probation agents are required to send to the Department. However, BIR data for 1999 are unavailable.<sup>15</sup> It thus is not yet clear to what extent the use of a different database may be responsible for apparent differences in the distribution of dispositions by county and by offense, or for other trends suggested by SIR data.

Finally, data are lacking on a population of offenders who may be eligible for reimbursement under the CJRP — probation violators. A probation violator who is sent to jail is eligible for reimbursement if his or her underlying conviction is for an offense that is CJRP-eligible. However, there are no data on the use of the CJRP for probation violators, whose reimbursement costs may come many months after the original date of sentencing.

Although the data sample may be flawed in some respects, this data is all that is currently available to inform discussions on the impact of legislative guidelines on the CJRP.

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<sup>15</sup> The delay in developing usable BIR data has been attributed to errors in filling out newly-revised forms. The Department has been virtually re-developing the BIR data for 1999, and estimates that full-year BIR data will be available sometime in the summer of 2000.



# QUESTIONS FOR POLICY MAKERS

In deliberating and deciding CJRP issues for FY 2000-01 and beyond, policy makers will find themselves implicitly or explicitly addressing a number of questions:

- " Is the CJRP to be a prison diversion program or a state/local equity program? If it is to remain a prison diversion program, then how is the Legislature to ensure and document that the program does, in fact, promote prison diversion? How can we tell if the CJRP is fostering prison diversions?
- " What constitutes a prison diversion? Any offender group with a greater than 50 percent prison commitment rate? Must prison diversions be described through sentencing guidelines scores?
- " Should current CJRP spending levels be maintained? If so, should they be maintained in the aggregate or should each county be protected from reductions?
- " Should CJRP spending levels be capped? If so, should a cap be accomplished through limits on the numbers of days reimbursed, on the amounts reimbursed, or by some other mechanism?
- " To what extent should the CJRP be integrated with community corrections efforts?

Uncertainties regarding data reliability are likely to remain for the period of legislative deliberation on the FY 2000-01 budget. Analysis, however, is an ongoing process. For the benefit of informed process and policy making in the future, it is imperative that comprehensive and detailed data be collected, compiled, and freely made available to the Legislature.



# APPENDICES

## APPENDIX A

### COUNTY JAIL REIMBURSEMENT PROGRAM PAYMENTS

	<u>FY 1993-94</u>	<u>FY 1994-95</u>	<u>FY 1995-96</u>	<u>FY 1996-97</u>	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00*</u>
Alcona	\$7,945	\$0	\$30,069	\$8,695	\$10,364	\$7,640	\$25,175
Alger	23,870	15,225	28,553	11,119	18,570	7,183	16,184
Allegan	26,515	89,355	104,567	133,012	141,462	153,150	75,525
Alpena	50,295	144,655	89,869	121,766	50,752	90,822	0
Antrim	0	13,125	13,018	15,352	88,924	31,938	57,543
Arenac	3,220	10,500	7,068	0	5,766	0	17,982
Baraga	1,085	10,395	26,724	34,745	26,244	20,076	0
Barry	49,920	94,810	117,996	96,497	96,766	202,500	97,104
Bay	35,525	69,230	100,496	121,378	86,041	167,845	352,451
Benzie	18,362	23,595	19,774	38,400	22,682	0	19,780
Berrien	101,815	82,495	87,448	36,748	62,157	80,149	169,033
Branch	28,455	58,225	10,847	88,675	75,720	36,149	107,893
Calhoun	26,110	93,695	149,362	170,851	245,587	331,616	377,626
Cass	62,020	118,755	213,434	170,417	237,464	367,071	154,647
Charlevoix	0	0	18,468	30,373	38,460	38,020	14,386
Cheboygan	49,560	90,690	119,790	116,759	72,032	94,321	88,113
Chippewa	21,385	29,470	20,292	75,912	18,346	1,118	52,148
Clare	0	5,705	14,413	40,604	44,330	66,195	41,359
Clinton	153,860	161,000	63,626	49,727	62,532	95,145	73,727
Crawford	2,380	7,840	29,775	59,892	54,850	46,241	66,534
Delta	7,490	69,055	91,793	50,785	65,644	39,510	46,754
Dickinson	38,295	20,860	49,467	51,671	67,954	157,420	152,849
Eaton	260,105	172,360	206,123	158,292	185,584	226,380	251,751
Emmet	0	17,150	7,296	32,101	16,452	47,327	88,113
Genesee	317,922	310,075	332,014	370,506	323,060	220,830	138,463
Gladwin	152,390	156,585	120,153	177,021	82,784	111,821	102,499
Gogebic	22,680	6,090	8,205	0	0	9,059	0
Gr Traverse	167,365	92,295	85,578	115,678	100,196	95,222	86,315
Gratiot	78,794	104,545	99,974	71,207	54,626	27,791	57,543
Hillsdale	19,075	1,680		9,605	7,790	0	14,386
Houghton	105,980	84,280	57,225	130,047	69,028	49,381	115,086
Huron	22,365	129,220	76,992	41,506	42,376	51,730	66,534
Ingham	631,378	530,985	551,904	413,924	526,851	556,430	686,920
Ionia	176,645	100,310	182,652	168,072	275,424	196,916	302,101
Iosco	0	20,230	27,712	18,510	3,192	0	0
Iron	17,535	24,845	6,688	9,442	22,466	24,067	0
Isabella	61,005	113,875	76,320	102,345	62,192	90,276	228,374
Jackson	154,735	210,492	261,491	179,201	123,064	155,843	361,442
Kalamazoo	281,450	258,577	336,257	235,678	204,336	222,866	561,045
Kalkaska	32,445	31,735	53,314	13,655	37,156	23,898	75,525
Kent	513,520	863,265	764,628	731,460	695,225	791,106	1,242,570
Keweenaw	0	6,335	5,005	8,485	18,410	86	0

**COUNTY JAIL REIMBURSEMENT PROGRAM PAYMENTS**

	<u>FY 1993-94</u>	<u>FY 1994-95</u>	<u>FY 1995-96</u>	<u>FY 1996-97</u>	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00*</u>
Lake	0	2,660	6,708	0	0	28,137	70,131
Lapeer	153,640	184,861	203,538	142,135	112,926	188,885	169,033
Leelanau	7,675	12,995	13,566	15,200	11,836	26,024	35,964
Lenawee	0	0		0	0	0	39,561
Livingston	0	0		39,596	106,711	184,618	258,944
Luce	1,070	13,180		0	0	24,590	14,386
Mackinaw	22,050	40,845	3,973	4,408	0	13,948	35,964
Macomb	45,080	304,255	748,462	816,213	853,970	748,736	230,172
Manistee	36,890	20,300	37,339	44,370	32,248	20,748	19,780
Marquette	104,370	103,205	81,511	63,539	85,592	45,759	59,341
Mason	31,605	23,590	39,102	18,696	28,124	62,557	41,359
Mecosta	129,770	60,270	68,430	133,752	59,798	33,169	210,392
Menominee	24,030	23,345	39,690	21,104	30,122	24,072	8,991
Midland	130,336	97,713	83,494	148,425	155,388	159,499	212,190
Missaukee	22,288	22,538	28,741	17,353	32,654	37,809	80,920
Monroe	0	0		56,144	77,187	60,262	307,496
Montcalm	36,055	38,460	93,082	106,155	115,342	54,424	138,463
Montmorency	26,600	47,355	43,044	44,938	27,470	24,404	55,745
Muskegon	257,354	410,734	404,939	186,057	275,143	517,160	510,694
Newaygo	0	0		0	0	0	183,418
Oakland	1,521,905	2,272,036	4,570,596	5,527,480	4,677,357	4,697,783	3,395,039
Oceana	49,140	75,355	47,391	52,512	59,128	89,724	97,104
Ogemaw	27,650	19,775	16,996	12,276	49,206	57,354	0
Ontonagon	0	11,620	14,425	4,803	15,674	2,063	0
Osceola	10,045	21,900	79,359	52,292	38,414	38,945	46,754
Oscoda	0	0		0	0	0	0
Otsego	35,490	52,630	27,220	29,250	17,784	21,395	59,341
Ottawa	156,108	164,572	162,475	171,741	175,732	250,467	555,650
Presque Isle	19,110	16,870	45,869	32,697	29,916	41,535	35,964
Roscommon	53,285	68,215	71,911	59,455	114,564	94,858	169,033
Saginaw	325,015	396,448	981,667	677,257	635,561	829,953	627,579
Sanilac	237,790	168,140	143,124	76,614	56,728	74,980	66,534
Schoolcraft	2,310	19,040	14,136	26,600	22,574	22,058	39,561
Shiawassee	89,180	65,660	112,516	131,511	142,326	172,100	161,840
St. Clair	364,313	348,466	275,439	305,881	335,882	403,007	570,036
St. Joseph	128,065	145,412	219,258	176,082	114,154	174,473	0
Tuscola	100,195	82,750	96,954	68,006	106,566	154,999	213,988
Van Buren	192,615	118,795	149,998	138,021	145,578	158,404	318,285
Washtenaw	0	199,115	212,491	176,882	197,416	433,146	343,460
Wayne	996,030	2,042,320	2,249,626	2,756,337	3,518,480	2,788,501	2,170,452
Wexford	29,915	29,750	14,781	27,930	22,432	28,701	44,956
<b>Michigan</b>	<b>\$9,090,470</b>	<b>\$12,168,784</b>	<b>\$16,068,231</b>	<b>\$16,871,825</b>	<b>\$16,922,842</b>	<b>\$17,724,387</b>	<b>\$17,983,998</b>

**COUNTY JAIL REIMBURSEMENT PROGRAM PAYMENTS**

FY 1993-94   FY 1994-95   FY 1995-96   FY 1996-97   FY 1997-98   FY 1998-99   FY 1999-00\*

\* For FY 1999-00, projected figures are based on each county's projected percentage of the total appropriation of \$17,982,200, as reported in "Analysis of 1999 Sentencing Guideline Data," prepared by Michigan Department of Corrections by Charles W. Ostrom, Ph.D., February 22, 2000.

Source: MDOC; HFA calculations

**APPENDIX B**

**COUNTY JAIL EXPENDITURES REPORTED TO DEPARTMENT OF TREASURY (FORM F-65)**

	<u>Reported Jail Expenditures</u>	<u>FY 1997-98 CJRP Reimbursement</u>	<u>FY 1998-99 CJRP Reimbursement</u>	<u>CJRP Two-Year Average as % of Jail Expenditure</u>
Alcona	n/a	\$10,364	\$7,640	
Alger	n/a	18,570	7,183	
Allegan	2,324,677	141,462	153,150	6.3%
Alpena	0	50,752	90,822	
Antrim	218,683	88,924	31,938	27.6%
Arenac	358,893	5,766	0	0.8%
Baraga	180,336	26,244	20,076	12.8%
Barry	875,471	96,766	202,500	17.1%
Bay	0	86,041	167,845	
Benzie	0	22,682	0	
Berrien	5,622,283	62,157	80,149	1.3%
Branch	n/a	75,720	36,149	0.9%
Calhoun	5,995,779	245,587	331,616	4.8%
Cass	n/a	237,464	367,071	
Charlevoix	438,446	38,460	38,020	8.7%
Cheboygan	n/a	72,032	94,321	
Chippewa	0	18,346	1,118	
Clare	736,631	44,330	66,195	7.5%
Clinton	1,996,527	62,532	95,145	4.0%
Crawford*	593,446	54,850	46,241	8.5%
Delta*	677,992	65,644	39,510	7.8%
Dickinson	150,373	67,954	157,420	74.9%
Eaton*	1,748,329	185,584	226,380	11.8%
Emmet	707,185	16,452	47,327	4.5%
Genesee*	14,431,461	323,060	220,830	1.9%
Gladwin	636,797	82,784	111,821	15.3%
Gogebic	0	0	9,059	
Grand Traverse	2,212,878	100,196	95,222	4.4%
Gratiot*	751,640	54,626	27,791	5.5%
Hillsdale	n/a	7,790	0	
Houghton*	405,764	69,028	49,381	14.6%
Huron	0	42,376	51,730	
Ingham	6,771,614	526,851	556,430	8.0%
Ionia	1,248,692	275,424	196,916	18.9%
Iosco	765,238	3,192	0	0.2%
Iron	500,111	22,466	24,067	4.7%

**COUNTY JAIL EXPENDITURES REPORTED TO DEPARTMENT OF TREASURY (FORM F-65)**

	<u>Reported Jail Expenditures</u>	<u>FY 1997-98 CJRP Reimbursement</u>	<u>FY 1998-99 CJRP Reimbursement</u>	<u>CJRP Two-Year Average as % of Jail Expenditure</u>
Isabella	1,241,130	62,192	90,276	6.1%
Jackson	n/a	123,064	155,843	
Kalamazoo	n/a	204,336	222,866	
Kalkaska	502,435	37,156	23,898	6.1%
Kent	n/a	695,225	791,106	
Keweenaw	n/a	18,410	86	
Lake	n/a	0	28,137	
Lapeer	n/a	112,926	188,885	
Leelanau	766,569	11,836	26,024	2.5%
Lenawee	0	0	0	
Livingston	0	106,711	184,618	
Luce	202,833	0	24,590	6.1%
Mackinaw	503,645	0	13,948	1.4%
Macomb	15,268,614	853,970	748,736	5.3%
Manistee	n/a	32,248	20,748	
Marquette	n/a	85,592	45,759	
Mason	n/a	28,124	62,557	
Mecosta	0	59,798	33,169	
Menominee*	0	30,122	24,072	
Midland	1,878,335	155,388	159,499	8.4%
Missaukee	313,136	32,654	37,809	11.3%
Monroe	3,663,461	77,187	60,262	1.9%
Montcalm*	692,035	115,342	54,424	12.3%
Montmorency	305,732	27,470	24,404	8.5%
Muskegon*	4,171,890	275,143	517,160	9.5%
Newaygo	0	0	0	
Oakland*	41,626,978	4,677,357	4,697,783	11.3%
Oceana	n/a	59,128	89,724	
Ogemaw	397,903	49,206	57,354	13.4%
Ontonagon*	215,652	15,674	2,063	4.1%
Osceola	489,507	38,414	38,945	7.9%
Oscoda	207,302	0	0	0.0%
Otsego	n/a	17,784	21,395	
Ottawa	3,285,852	175,732	250,467	6.5%
Presque Isle	332,538	29,916	41,535	10.7%
Roscommon	740,681	114,564	94,858	14.1%
Saginaw*	4,737,230	635,561	829,953	15.5%
St. Clair	n/a	56,728	74,980	
St. Joseph	1,358,772	22,574	22,058	1.6%
Sanilac	0	142,326	172,100	
Schoolcraft	427,910	335,882	403,007	86.3%
Shiawassee	1,092,185	114,154	174,473	13.2%
Tuscola	0	106,566	154,999	
Van Buren	n/a	145,578	158,404	
Washtenaw	10,243,154	197,416	433,146	3.1%
Wayne**	57,167,146	3,518,480	2,788,501	5.5%

**COUNTY JAIL EXPENDITURES REPORTED TO DEPARTMENT OF TREASURY (FORM F-65)**

	<u>Reported Jail Expenditures</u>	<u>FY 1997-98 CJRP Reimbursement</u>	<u>FY 1998-99 CJRP Reimbursement</u>	<u>CJRP Two-Year Average as % of Jail Expenditure</u>
Wexford	862,704	22,432	28,701	3.0%
<b>Michigan***</b>	<b>\$203,044,575</b>	<b>\$16,922,842</b>	<b>\$17,724,387</b>	<b>10.5%</b>

\* Reporting for fiscal year of October 1, 1997, through September 30, 1998

\*\*Reporting for 10-month fiscal year of December 1, 1997, to September 30, 1998

\*\*\* Partial Data

**NOTES:**

*Includes Expenditures Reported as Corrections Expenditures Paid to Other Local Units of Government.*

*All reported jail expenditures are for county fiscal year of January 1, 1997, to December 1, 1998, unless otherwise noted.*

*Some counties reporting \$0 jail expenditures may be including jail expenditures within other expenditures, such as law enforcement/sheriffs' departments.*

*n/a = As of April 1, 2000, county had not submitted form for the fiscal year in question.*

*Source: MDOC; Michigan Department of Treasury; HFA calculations*



## APPENDIX C

### STRADDLE CELL OFFENDERS BY COUNTY

County	Cell Frequency	% of 1999 SIR	Type of Sentence			
			Prison	Jail	Split	Probation
Alcona	4	0.2%	75.0%		25.0%	
Alger	10	0.4%	40.0%		50.0%	10.0%
Allegan	25	1.0%	41.7%	16.7%	33.3%	8.3%
Alpena	4	0.2%	100.0%			
Antrim	9	0.4%	66.7%		33.3%	
Arenac	49	2.0%	36.7%	32.7%	28.6%	2.0%
Barry	25	1.0%	29.2%	4.2%	58.3%	8.3%
Bay	10	0.4%	50.0%		50.0%	
Benzie	6	0.2%	66.7%	16.7%	16.7%	
Berrien	39	1.6%	56.8%		37.8%	5.4%
Branch	7	0.3%	71.4%	14.3%	14.3%	
Calhoun	52	2.1%	61.5%	17.3%	15.4%	5.8%
Cass	22	0.9%	33.3%	28.6%	38.1%	
Charlevoix	5	0.2%	80.0%		20.0%	
Cheboygan	9	0.4%	88.9%		11.1%	
Chippewa	11	0.4%	36.4%	36.4%	27.3%	
Clare	5	0.2%	20.0%		80.0%	
Clinton	4	0.2%	75.0%	25.0%		
Crawford	6	0.2%	50.0%	16.7%	33.3%	
Delta	10	0.4%	70.0%	10.0%	20.0%	
Dickinson	11	0.4%	18.2%	54.5%	18.2%	9.1%
Eaton	12	0.5%	16.7%	16.7%	25.0%	41.7%
Emmet	6	0.2%	16.7%		83.3%	
Genesee	59	2.4%	77.6%	1.7%	12.1%	8.6%
Gladwin	10	0.4%	40.0%		50.0%	10.0%
Grand Traverse	13	0.5%	66.7%		33.3%	
Gratiot	6	0.2%	100.0%			
Hillsdale	12	0.5%	91.7%	8.3%		
Houghton	10	0.4%	50.0%	20.0%	30.0%	
Huron	4	0.2%		50.0%	50.0%	
Ingham	62	2.5%	29.5%	31.1%	36.1%	3.3%
Ionia	16	0.7%	37.5%	31.3%	31.3%	
Iosco	3	0.1%	100.0%			
Iron	3	0.1%	66.7%		33.3%	
Isabella	8	0.3%	25.0%		75.0%	
Jackson	102	4.2%	73.3%	3.0%	21.8%	2.0%
Kalamazoo	87	3.6%	49.4%	11.8%	31.8%	7.1%
Kalkaska	5	0.2%	20.0%		60.0%	20.0%
Kent	215	8.8%	46.2%	26.9%	17.9%	9.0%
Keweenaw	1	0.0%			100.0%	
Lake	8	0.3%	37.5%	25.0%	25.0%	12.5%
Lapeer	20	0.8%	65.0%	15.0%	20.0%	

**STRADDLE CELL OFFENDERS BY COUNTY**

<u>County</u>	<u>Cell Frequency</u>	<u>% of 1999 SIR</u>	<u>Type of Sentence</u>			
			<u>Prison</u>	<u>Jail</u>	<u>Split</u>	<u>Probation</u>
Leelanau	6	0.2%	66.7%		33.3%	
Lenawee	22	0.9%	72.7%		13.6%	13.6%
Livingston	33	1.3%	84.4%	9.4%	6.3%	
Luce	4	0.2%	50.0%	50.0%		
Mackinac	2	0.1%	50.0%		50.0%	
Macomb	48	2.0%	65.2%	6.5%	21.7%	6.5%
Mainstee	5	0.2%	40.0%		20.0%	40.0%
Marquette	4	0.2%		50.0%	50.0%	
Mason	9	0.4%	55.6%		44.4%	
Mecosta	5	0.2%	20.0%	20.0%	60.0%	
Menominee	5	0.2%	80.0%		20.0%	
Midland	25	1.0%	56.0%		36.0%	8.0%
Missaukee	3	0.1%	66.7%		33.3%	
Monroe	18	0.7%	66.7%	16.7%	16.7%	
Montcalm	26	1.1%	38.5%	34.6%	19.2%	7.7%
Montmorency	1	0.0%			100.0%	
Muskegon	66	2.7%	60.3%	1.6%	30.2%	7.9%
Newaygo	16	0.7%	18.8%	68.8%	12.5%	
Oakland	365	14.9%	35.4%	28.4%	30.6%	5.6%
Oceana	16	0.7%	43.8%	31.3%	25.0%	
Ogemaw	1	0.0%			100.0%	
Ontonagon						
Osceola	5	0.2%	40.0%		60.0%	
Ostego	8	0.3%	50.0%	12.5%	37.5%	
Ottawa	35	1.4%	45.5%	30.3%	21.2%	3.0%
Presque Isle	2	0.1%	50.0%			50.0%
Roscommon	7	0.3%	14.3%	57.1%	28.6%	
Saginaw	73	3.0%	42.5%	17.8%	11.0%	28.8%
Sanilac	29	1.2%	48.3%		41.4%	10.3%
Schoolcraft	15	0.6%	6.7%	53.3%	40.0%	
Shiawassee	13	0.5%	46.2%	30.8%	23.1%	
St. Clair	9	0.4%	33.3%	22.2%	44.4%	
St. Joseph		0.0%				
Tuscola	15	0.6%	21.4%	21.4%	50.0%	7.1%
Van Buren	34	1.4%	35.3%	11.8%	52.9%	
Washtenaw	37	1.5%	42.9%	20.0%	20.0%	17.1%
Wayne	493	20.2%	31.4%	7.8%	26.9%	33.9%
Wexford	5	0.2%	60.0%		40.0%	
<b>Michigan</b>	<b>2,445</b>		<b>44.5%</b>	<b>16.4%</b>	<b>27.2%</b>	<b>11.9%</b>

*Source: Ostrom, February 22, 2000*

## APPENDIX D

### CJRP: FY 1998-99 REIMBURSEMENT AMOUNTS BY COUNTY BY REIMBURSEMENT CATEGORY

	Old Guidelines		New Guidelines			Total	FY 1998-99 Supplement Payment	Grand Total
	min > = 12 months	Habitual	OUIL	min > 12 months	Straddle Cell min > = 10 months			
Alcona			\$6,754			\$6,754	\$886	\$7,640
Alger	6,350					6,350	833	7,183
Allegan	39,048	7,914	86,986		1,440	135,388	17,762	153,150
Alpena	80,288					80,288	10,534	90,822
Antrim			28,234			28,234	3,704	31,938
Arenac						0	0	0
Baraga	8,502		9,246			17,748	2,328	20,076
Barry	70,456	21,364	87,194			179,014	23,486	202,500
Bay	106,846		41,532			148,378	19,467	167,845
Benzie						0	0	0
Berrien	38,393		24,554		7,906	70,853	9,296	80,149
Branch	5,024		26,932			31,956	4,193	36,149
Calhoun	200,710	7,888	69,734	8,073	6,750	293,155	38,461	331,616
Cass	92,174		232,324			324,498	42,573	367,071
Charlevoix	6,754		26,856			33,610	4,410	38,020
Cheboygan	45,360		38,022			83,382	10,939	94,321
Chippewa	988					988	130	1,118
Clare	14,388		44,130			58,518	7,677	66,195
Clinton	27,686		56,424			84,110	11,035	95,145
Crawford	7,742		30,176		2,960	40,878	5,363	46,241
Delta			34,928			34,928	4,582	39,510
Dickinson	20,634		118,528			139,162	18,258	157,420
Eaton	39,960	2,966	152,040		5,158	200,124	26,256	226,380
Emmet	2,318		39,520			41,838	5,489	47,327
Genesee	87,400	15,447	75,866	11,240	5,265	195,218	25,612	220,830
Gladwin	19,924	26,954	44,574		7,400	98,852	12,969	111,821
Gogebic	8,008					8,008	1,051	9,059
Grand Traverse	18,048		66,130			84,178	11,044	95,222
Graiot			24,568			24,568	3,223	27,791
Hillsdale						0	0	0
Houghton	6,382	4,094	33,178			43,654	5,727	49,381
Huron	33,748		11,982			45,730	6,000	51,730
Ingham	353,586		138,309			491,895	64,535	556,430
Ionia	49,732	6,094	112,940		5,312	174,078	22,838	196,916
Iosco						0	0	0
Iron	1,650		19,626			21,276	2,791	24,067
Isabella	39,204		35,900	4,702		79,806	10,470	90,276
Jackson	29,893	2,790	93,430	4,140	7,515	137,768	18,075	155,843
Kalamazoo	115,015	21,557	52,385	4,506	3,555	197,018	25,848	222,866
Kalkaska			21,126			21,126	2,772	23,898
Kent	312,487		356,126	4,506	26,234	699,353	91,753	791,106
Keweenaw	76					76	10	86
Lake	16,852		8,022			24,874	3,263	28,137

**CJRP: FY 1998-99 REIMBURSEMENT AMOUNTS BY COUNTY BY REIMBURSEMENT CATEGORY**

	<u>Old Guidelines</u>			<u>New Guidelines</u>		<u>Total</u>	<u>FY 1998-99 Supplement Payment</u>	<u>Grand Total</u>
	<u>min &gt;= 12 months</u>	<u>Habitual</u>	<u>OUIL</u>	<u>min &gt; 12 months</u>	<u>Straddle Cell min &gt;= 10 months</u>			
Lapeer	33,022		133,956			166,978	21,907	188,885
Leelanau	7,628		15,378			23,006	3,018	26,024
Lenawee						0	0	0
Livingston	34,356	83,000	45,850			163,206	21,412	184,618
Luce			21,738			21,738	2,852	24,590
Mackinaw	6,602		5,728			12,330	1,618	13,948
Macomb	475,606	107,081	63,772	6,528	8,910	661,897	86,839	748,736
Manistee	800		17,542			18,342	2,406	20,748
Marquette	21,346		18,666	440		40,452	5,307	45,759
Mason	30,650		24,532	120		55,302	7,255	62,557
Mecosta			29,322			29,322	3,847	33,169
Menominee	15,390		5,890			21,280	2,792	24,072
Midland	28,382		110,538	680	1,400	141,000	18,499	159,499
Missaukee	10,402		23,022			33,424	4,385	37,809
Monroe	29,933	10,740	12,600			53,273	6,989	60,262
Montcalm	23,848		18,232		6,032	48,112	6,312	54,424
Montmorency	4,400		17,174			21,574	2,830	24,404
Muskegon	187,835	1,373	258,828	360	8,784	457,180	59,980	517,160
Newaygo						0	0	0
Oakland	120,091	2,506,922	1,429,278	18,434	78,208	4,152,933	544,850	4,697,783
Oceana	10,668		68,650			79,318	10,406	89,724
Ogemaw	19,264		31,438			50,702	6,652	57,354
Ontonagon			1,824			1,824	239	2,063
Osceola	5,320		25,468	1,520	2,120	34,428	4,517	38,945
Oscoda						0	0	0
Otsego	5,044		13,870			18,914	2,481	21,395
Ottawa	4,430	5,640	211,348			221,418	29,049	250,467
Presque Isle	9,230		27,488			36,718	4,817	41,535
Roscommon	31,786		52,070			83,856	11,002	94,858
Saginaw	140,295	348,454	238,252	180	6,514	733,695	96,258	829,953
St. Clair	71,465	8,929	275,872			356,266	46,741	403,007
St. Joseph	95,600		58,358		280	154,238	20,235	174,473
Sanilac			66,284			66,284	8,696	74,980
Schoolcraft	10,028		7,752	1,720		19,500	2,558	22,058
Shiawassee	63,666		88,474			152,140	19,960	172,100
Tuscola	25,650		111,372			137,022	17,977	154,999
Van Buren	82,788		48,924	560	7,760	140,032	18,372	158,404
Washtenaw	288,739		73,439	1,305	19,427	382,910	50,236	433,146
Wayne	1,672,002	184,388	414,183	54,091	140,426	2,465,090	323,411	2,788,501
Wexford			25,372			25,372	3,329	28,701
<b>Michigan</b>	<b>\$5,471,89</b>	<b>\$3,373,595</b>	<b>\$6,340,760</b>	<b>\$123,105</b>	<b>\$359,356</b>	<b>\$15,668,708</b>	<b>\$2,055,67</b>	<b>\$17,724,387</b>
	2						9	

*Source: MDOC; HFA calculations*



## APPENDIX E

### OUIL OFFENDERS BY COUNTY

County	Frequency	OUIL 3 as % of County Dispositions	Type of Sentence				Cell Type		
			Prison	Jail	Split	Probation	Lockout	Straddle	Prison
Alcona	2	22.2%	50.0%		50.0%			100.0%	
Alger	1	3.1%			100.0%		100.0%		
Allegan	4	4.1%	50.0%		50.0%		25.0%	75.0%	
Alpena	0	0.0%							
Antrim	5	17.2%	20.0%		80.0%		40.0%	60.0%	
Arenac	7	5.7%	14.3%	14.3%	71.4%		57.1%	42.9%	
Baraga	0	0.0%							
Barry	6	6.3%			100.0%			100.0%	
Bay	5	10.6%		20.0%	80.0%		50.0%	50.0%	
Benzie	4	26.7%	75.0%		25.0%		33.3%	66.7%	
Berrien	6	2.6%	16.7%		66.7%	16.7%	60.0%	40.0%	
Branch	4	11.1%			100.0%		100.0%		
Calhoun	9	4.0%	22.2%		77.8%		75.0%	25.0%	
Cass	12	15.8%	16.7%	8.3%	75.0%		45.5%	54.5%	
Charlevoix	1	3.8%			100.0%			100.0%	
Cheboygan	7	28.0%	33.3%	50.0%	16.7%		57.1%	42.9%	
Chippewa	5	7.2%	20.0%	20.0%	60.0%		40.0%	60.0%	
Clare	2	8.7%			100.0%			100.0%	
Clinton	4	12.5%	50.0%		50.0%		100.0%		
Crawford	5	18.5%	60.0%	20.0%	20.0%		40.0%	60.0%	
Delta	5	15.6%	60.0%	20.0%	20.0%		40.0%	60.0%	
Dickinson	8	20.0%		12.5%	87.5%		75.0%	25.0%	
Eaton	7	14.3%			85.7%	14.3%	71.4%	28.6%	
Emmet	5	14.7%			80.0%	20.0%	60.0%	40.0%	
Genesee	3	0.9%	33.3%		33.3%	33.3%	66.7%	33.3%	
Gladwin	7	22.6%	28.6%		71.4%		14.3%	71.4%	14.3%
Gogebic	0	0.0%							
Grand Traverse	8	9.3%	14.3%		85.7%		75.0%	25.0%	
Graziot	5	16.1%	25.0%		75.0%		80.0%	20.0%	
Hillsdale	1	1.8%		100.0%			100.0%		
Houghton	11	35.5%	18.2%	9.1%	72.7%		45.5%	54.5%	
Huron	3	21.4%		33.3%	66.7%		33.3%	66.7%	
Ingham	22	9.2%	23.8%	14.3%	61.9%		54.5%	45.5%	
Ionia	21	27.6%	14.3%	19.0%	66.7%		84.2%	15.8%	
Iosco	1	7.1%	100.0%					100.0%	
Iron	1	7.1%				100.0%	100.0%		
Isabella	6	16.7%	20.0%		80.0%		40.0%	60.0%	
Jackson	39	12.1%	43.6%		48.7%	7.7%	46.2%	53.8%	
Kalamazoo	22	7.4%	36.4%	4.5%	36.4%	22.7%	47.6%	52.4%	
Kalkaska	3	12.0%			66.7%	33.3%	66.7%	33.3%	
Kent	31	3.5%	16.1%	12.9%	67.7%	3.2%	58.1%	38.7%	3.2%
Keweenaw	0	0.0%							
Lake	5	16.7%	20.0%		80.0%		60.0%	40.0%	
Lapeer	16	21.1%	31.3%	18.8%	50.0%		37.5%	62.5%	
Leelanau	5	26.3%	40.0%		60.0%		40.0%	60.0%	
Lenawee	6	5.0%	66.7%		33.3%		33.3%	66.7%	
Livingston	14	13.7%	84.6%	7.7%	7.7%		42.9%	57.1%	
Luce	2	16.7%			100.0%		100.0%		
Mackinac	0	0.0%							
Macomb	2	0.9%			100.0%			100.0%	
Mainstee	6	24.0%			16.7%	83.3%	50.0%	50.0%	

### OUIL OFFENDERS BY COUNTY

County	Frequency	OUIL 3 as % of County Dispositions	Type of Sentence				Cell Type		
			Prison	Jail	Split	Probation	Lockout	Straddle	Prison
Marquette	3	7.1%			66.7%	33.3%	100.0%		
Mason	5	13.2%	40.0%		60.0%		75.0%	25.0%	
Mecosta	8	27.6%		12.5%	87.5%		75.0%	25.0%	
Menominee	2	7.4%	100.0%						100.0%
Midland	17	23.0%	47.1%		47.1%	5.9%	47.1%		52.9%
Missaukee	6	30.0%	33.3%		66.7%		66.7%		33.3%
Monroe	6	7.0%		16.7%	83.3%		83.3%		16.7%
Montcalm	12	12.1%	8.3%	33.3%	50.0%	8.3%	50.0%		50.0%
Montmorency	0	0.0%							
Muskegon	23	8.0%	34.8%	4.3%	60.9%		59.1%		40.9%
Newaygo	9	23.7%	22.2%	66.7%	11.1%		22.2%		77.8%
Oakland	92	7.4%	24.4%	16.7%	55.6%	3.3%	57.1%		41.8% 1.1%
Oceana	13	23.2%	30.8%	46.2%	15.4%	7.7%	30.8%		69.2%
Ogemaw									
Ontonagon	0	0.0%							
Osceola	3	12.0%	33.3%		66.7%		33.3%		66.7%
Oscoda	0	0.0%							
Ostego	5	15.2%	20.0%		60.0%	20.0%	25.0%		75.0%
Ottawa	34	12.5%	9.1%	21.2%	60.6%	9.1%	73.5%		26.5%
Presque Isle	1	12.5%			100.0%		100.0%		
Roscommon	3	8.1%		66.7%	33.3%		66.7%		33.3%
Saginaw	21	8.4%	23.8%	33.3%	28.6%	14.3%	57.1%		38.1% 4.8%
Sanilac	18	12.5%	16.7%		72.2%	11.1%	52.9%		47.1%
Schoolcraft	12	19.7%	9.1%	18.2%	72.7%		66.7%		33.3%
Shiawassee	12	22.2%	36.4%	18.2%	45.5%		50.0%		50.0%
St. Clair	3	13.0%	33.3%		66.7%				100.0%
St. Joseph	0	0.0%							
Tuscola	12	23.5%	10.0%		90.0%		66.7%		25.0% 8.3%
Van Buren	20	13.9%	25.0%	5.0%	70.0%		35.0%		65.0%
Washtenaw	14	9.2%	21.4%	14.3%	28.6%	35.7%	57.1%		42.9% 0.0%
Wayne	57	2.2%	16.1%	1.8%	51.8%	30.4%	63.2%		35.1% 1.8%
Wexford	5	8.1%			100.0%		80.0%		20.0%
<b>Michigan</b>	<b>770</b>	<b>7.2%</b>	<b>24.1%</b>	<b>11.5%</b>	<b>56.7%</b>	<b>7.7%</b>	<b>54.8%</b>	<b>44.4%</b>	<b>0.8%</b>

Source: Ostrom, February 22, 2000

## APPENDIX F

### FORTY MOST FREQUENTLY-OCCURRING CRIMES: 1998 ATTEMPTS AND VIOLATIONS

Rank	MCL	Offense	Total	Prison	Probation	Jail	Other	% of Total Top 40 Dispositions	% of all Dispositions
1	333.74032A5	Controlled Sub Possession < 25g	4,641	640	3,155	733	113	11.0%	9.1%
2	750.356c	Retail Fraud 1st Degree	2,782	479	1,175	899	229	6.6%	5.5%
3	333.74012A4	Mfg, Deliver, Possession < 50g	2,605	1,244	1,269	65	27	6.2%	5.1%
4	257.625	OUIL III	2,205	656	1,353	172	24	5.2%	4.3%
5	750.82	Felonious Assault	2,079	475	1,212	259	133	4.9%	4.1%
6	750.535	Receiving Stolen Prop > \$100	2,061	488	1,094	271	208	4.9%	4.1%
7	750.227	Carrying Concealed Weapons	2,042	266	1,305	282	189	4.8%	4.0%
8	333.74012Diii	Deliver/Manufacture Marijuana	2,034	183	1,488	219	144	4.8%	4.0%
9	750.110-A	Break & Enter with Intent	1,664	584	753	162	165	3.9%	3.3%
10	750.360	Larceny in Building	1,649	227	936	300	186	3.9%	3.2%
11	750.356a	Larceny Motor Vehicle	1,456	256	777	193	230	3.4%	2.9%
12	750.110a3	Home Invasion 2nd Degree	1,398	534	655	96	113	3.3%	2.8%
13	750.249	Uttering & Publishing	1,369	372	767	131	99	3.2%	2.7%
14	750.174	Embezz Agt, Serv, Emp, Trustee	1,243	128	788	76	251	2.9%	2.4%
15	750.479	Resisting, Obstructing Officer	1,166	222	581	310	53	2.8%	2.3%
16	750.377A	Malicious Destruct Prop > \$100	904	104	562	129	109	2.1%	1.8%
17	750.413	Unlawfully Driving Away in Auto	888	309	403	130	46	2.1%	1.7%
18	750.356	Larceny - over \$100	750	148	403	103	96	1.8%	1.5%
19	750.529	Robbery Armed	696	663	27	3	3	1.6%	1.4%
20	750.520C	CSC, 2nd degree	696	386	268	30	12	1.6%	1.4%
21	750.52	CSC, 4th degree	566	93	372	82	19	1.3%	1.1%
22	750.131A	Checks w/o Acct or Suff Funds	540	97	335	93	15	1.3%	1.1%
23	750.157N	Financial Device, Poss/Fraud	530	68	306	97	59	1.3%	1.0%
24	750.84	Asslt w/int GrBodHrm Less	518	318	171	20	9	1.2%	1.0%
25	750.520D	CSC, 3rd degree	509	341	105	27	36	1.2%	1.0%
26	750.414	Unlawful Use Auto w/o Int Steal	498	77	262	129	30	1.2%	1.0%
27	750.110A2	Home Invasion - 1st degree	456	264	151	17	24	1.1%	0.9%
28	750.218	False Pretenses - w/Int to Defraud	443	126	257	35	25	1.0%	0.9%
29	750.479A3	Driver Fleeing Police - 3rd Degree	439	164	200	65	10	1.0%	0.9%
30	750.53	Robbery Unarmed	435	247	144	28	16	1.0%	0.9%
31	750.479A2	Police Offr Fleeing - 4th Degree	388	68	237	75	8	0.9%	0.8%
32	333.7413	Controlled Sub, Second Offense	370	129	154	81	6	0.9%	0.7%
33	750.52	CSC	350	327	15	7	1	0.8%	0.7%
34	750.357	Larceny from Person	339	119	165	41	14	0.8%	0.7%
35	750.224F	Weapon, Poss by Felon	319	167	88	58	6	0.8%	0.6%
36	750.38	Malicious Dest of Bldg over \$100	318	49	169	56	44	0.8%	0.6%
37	750.248	Forgery Records, Oth Instruments	283	67	162	24	30	0.7%	0.6%
38	257.602A3	Police Offr - Fleeing/Vehicle CD	236	84	103	44	5	0.6%	0.5%
39	337.7405D	Drug House, Maintain or Keep	218	32	155	27	4	0.5%	0.4%
40	333.74012C	Controlled Sub, Mfg, Del, Poss	206	30	117	50	9	0.5%	0.4%
<b>Total</b>			<b>42,33</b>	<b>11,235</b>	<b>22,667</b>	<b>5,625</b>	<b>2,803</b>	<b>100.0%</b>	<b>83.3%</b>
			<b>50,82</b>						
<b>Total all dispositions*</b>			<b>1</b>						

\*Includes multiple dispositions per offender



Source: MDOC, BIR data; HFA calculations

## APPENDIX G

### FORTY MOST FREQUENTLY-OCCURRING CRIMES: 1998 vs1999

1999 Rank	Conviction Code	Description	1999 SIRs (N = 10,450)				1998 BIRs (N = 42,864)			
			Total SIRs	% of Total	% of Sample	% of Total Dispositions	% to Jail	% of Total Dispositions	% to Jail	
1	333.7403A5	Control sub narc< 25 g	1,135	14.1%	10.9%	10.8%	36.2%	10.3%	35.8%	
2	257.6256D	OUIL/OWI 3rd	731	9.1%	7.0%	7.0%	68.9%	4.4%	61.9%	
3	333.74012A 4	Control sub< 50g	671	8.3%	6.4%	6.4%	22.1%	6.6%	15.6%	
4	750.227	CCW	507	6.3%	4.9%	4.8%	24.5%	4.3%	30.3%	
5	333.74012D 3	Control sub. marij	481	6.0%	4.6%	4.6%	47.6%	4.0%	49.0%	
6	750.82	Assault dangerous weapon	477	5.9%	4.6%	4.6%	43.6%	4.1%	44.9%	
7	750.360	Larceny building	367	4.5%	3.5%	3.5%	55.0%	3.3%	51.0%	
8	750.110	BE with intent	364	4.5%	3.5%	3.5%	54.1%	2.3%	45.7%	
9	750.249	Uttering publishing	342	4.2%	3.3%	3.3%	38.3%	2.6%	38.5%	
10	750.479-B	Police off resist and obstruct	324	4.0%	3.1%	3.1%	59.0%	1.8%	59.0%	
11	750.413	MV drive away	257	3.2%	2.5%	2.5%	44.7%	1.6%	46.9%	
12	750.110A3	Home invasion 2nd	242	3.0%	2.3%	2.3%	41.7%	2.8%	42.8%	
13	750.479A3	Fleeing 3rd penal	210	2.6%	2.0%	2.0%	48.1%	0.8%	48.8%	
14	750.479A2	Fleeing 4th penal	126	1.6%	1.2%	1.2%	54.8%	0.7%	46.7%	
15	750.414	MV unlawful use	120	1.5%	1.2%	1.1%	65.8%	0.9%	59.8%	
16	750.110A2	Home Invasion 1st	108	1.3%	1.0%	1.0%	32.4%	0.9%	31.6%	
17	750.529	Robbery armed	103	1.3%	1.0%	1.0%	5.8%	1.5%	4.7%	
18	750.84	Assault intent body harm	103	1.3%	1.0%	1.0%	29.1%	1.0%	28.7%	
19	750.356A	Larceny MV	99	1.2%	0.9%	0.9%	50.5%	1.1%	44.9%	
20	750.813	Domestic Violence 2nd	92	1.1%	0.9%	0.9%	65.2%	0.4%	66.9%	
21	750.157N1	Fin trans device stealing	90	1.1%	0.9%	0.9%	41.1%	0.6%	36.8%	
22	750.530	Robbery unarmed	89	1.1%	0.9%	0.8%	23.6%	0.9%	34.1%	
23	750.356C	Retail fraud 1st	89	1.1%	0.9%	0.8%	53.9%	5.7%	52.3%	
24	750.5353A	Stolen property 1,000-20,000	84	1.0%	0.8%	0.8%	39.3%	3.4%	35.5%	
25	750.224F	Firearm poss. felon	75	0.9%	0.7%	0.7%	50.7%	0.5%	36.8%	
26	750.357	Larceny person	72	0.9%	0.7%	0.7%	33.3%	0.7%	41.8%	
27	257.602A3A	Operate license suspend 2nd	70	0.9%	0.7%	0.7%	54.3%	0.0%	0.0%	
28	333.7405D	Control sub drug house	70	0.9%	0.7%	0.7%	54.3%	0.3%	43.0%	
29	750.411A1B	False report felony	63	0.8%	0.6%	0.6%	33.3%	0.4%	39.4%	
30	750.193	Escape prison	55	0.7%	0.5%	0.5%	9.1%	0.4%	5.1%	
31	287.29A	Sex offender failure register	54	0.7%	0.5%	0.5%	59.3%	0.1%	60.0%	
32	750.520C1A	CSC 2nd< 13	53	0.7%	0.5%	0.5%	34.0%	0.5%	33.8%	
33	257.625	OUIL	51	0.6%	0.5%	0.5%	72.5%	0.5%	52.9%	
34	750.131A	Check no account	49	0.6%	0.5%	0.5%	49.0%	0.5%	52.7%	
35	750.520D1A	CSC 3rd 13-15	48	0.6%	0.5%	0.5%	50.0%	0.6%	31.2%	
36	750.356A3	BE damage car	44	0.5%	0.4%	0.4%	52.3%	0.5%	39.6%	
37	750.248	Forgery	40	0.5%	0.4%	0.4%	62.5%	0.4%	46.2%	
38	257.602A3-A	Fleeing 3rd degree vehicle	40	0.5%	0.4%	0.4%	40.0%	0.4%	44.7%	
39	333.74032B A	Control sub analogues	40	0.5%	0.4%	0.4%	32.5%	0.3%	35.7%	

40	333.74132	Control sub double penalty	<u>38</u>	<u>0.5%</u>	<u>0.4%</u>	<u>0.4%</u>	<u>57.9%</u>	<u>0.8%</u>	<u>49.4%</u>
		<b>TOTAL</b>	<b>8,073</b>	<b>100.0%</b>	<b>77.4%</b>	<b>77.0%</b>	<b>43.5%</b>	<b>72.9%</b>	<b>40.4%</b>
		<b>Total Sample</b>	<b>10,428</b>						

Source: Ostrom, February 22, 2000

## APPENDIX H

### COUNTY JAIL REIMBURSEMENT PROGRAM REIMBURSEMENTS

Days Reimbursed by Reimbursement Category by County, FY 1998-99

	Total Number of Days Reimbursed						Average Number of Days Reimbursed					
	Old Sentencing Guidelines			New Sentencing Guidelines			Old Sentencing Guidelines			New Sentencing Guidelines		
	Minimum > or = 12 months	Habitual	OUIL	Minimum > 12 months	Straddle Cell Minimum > or = 12 months	All	Minimum > or = 12 months	Habitual	OUIL	Minimum > 12 months	Straddle Cell Minimum > or = 12 months	All
Alcona			173			173			173.0			173.0
Alger	160					160			80.0			80.0
Allegan	1,009	202	2,252		36	3,499	126.1	67.3	150.1		18.0	125.0
Alpena	2,074					2,074						148.1
Antrim			718			718			89.8			89.8
Arenac						0						0.0
Baraga	219		238			457	73.0		119.0			91.4
Barry	1,806	548	2,245			4,599	129.0	182.7	93.5			112.2
Bay	2,566		978			3,544	135.1		122.3			131.3
Benzie						0						0.0
Berrien	914		550		183	1,647	101.6		50.0		36.6	65.9
Branch	126		704			830	63.0		176.0			138.3
Calhoun	4,860	191	1,680	185	150	7,066	115.7	191.0	112.0	46.3	75.0	110.4
Cass	2,381		5,966			8,347	140.1		129.7			132.5
Charlevoix	173		683			856	173.0		113.8			122.3
Cheboygan	1,170		978			2,148	146.3		163.0			153.4
Chippewa	26					26	26.0					26.0
Clare	370		1,130			1,500	123.3		141.3			136.4
Clinton	722		1,452			2,174	144.4		121.0			127.9
Crawford	199		773		74	1,046	199.0		96.6		74.0	104.6
Delta			894			894			99.3			99.3
Dickinson	527		3,046			3,573	105.4		138.5			132.3
Eaton	1,024	77	3,886		131	5,118	146.3	38.5	105.0		131.0	108.9
Emmet	61		1,005			1,066	61.0		100.5			96.9
Genesee	2,069	375	1,771	256	117	4,588	82.8	125.0	70.8	85.3	58.5	79.1
Gladwin	508	689	1,142		190	2,529	101.6	114.8	126.9		190.0	120.4
Gogebic	206					206	206.0					206.0
Grand Traverse	460		1,689			2,149	115.0		105.6			107.5
Gratiot			628			628			125.6			125.6
Hillsdale						0						0.0
Houghton	161	103	857			1,121	80.5	103.0	85.7			86.2
Huron	878		306			1,184	175.6		102.0			148.0
Ingham	8,606		3,326			11,932	122.9		123.2			123.0
Ionia	1,284	158	2,915		133	4,490	98.8	158.0	121.5		66.5	112.3
Iosco						0						0.0
Iron	43		507			550	21.5		253.5			137.5
Isabella	1,007		918	119		2,044	143.9		131.1	119.0		138.5
Jackson	666	62	2,140	92	167	49	39.2	62.0	52.2	46.0	55.7	48.9
Kalamazoo	2,713	482	1,210	102	79	4,586	71.4	60.3	46.5	102.0	79.0	62.0
Kalkaska			537			537			134.3			134.3
Kent	7,490		8,510	102	599	16,701	117.0		93.5	102.0	66.6	101.2
Keweenaw	2					2	1.0					1.0
Lake	434		203			637	217.0		67.7			127.4
Lapeer	848		3,423			4,271	169.6		110.4			118.6
Leelanau	196		391			587	196.0		97.8			117.4
Lenawee						0						0.0
Livingston	840	1,944	1,071			3,855	140.0	92.6	82.4			96.4
Luce			554			554			138.5			138.5
Mackinaw	169		146			315	169.0		146.0			157.5
Macomb	11,498	2,537	1,536	153	198	15,922	103.6	110.3	102.4	76.5	39.6	102.1

## COUNTY JAIL REIMBURSEMENT PROGRAM REIMBURSEMENTS

Days Reimbursed by Reimbursement Category by County, FY 1998-99

	Total Number of Days Reimbursed						Average Number of Days Reimbursed					
	Old Sentencing Guidelines			New Sentencing Guidelines			Old Sentencing Guidelines			New Sentencing Guidelines		
	Minimum > or = 12 months	Habitual	OUIL	Minimum > 12 months	Straddle Cell Minimum > or = 12 months	All	Minimum > or = 12 months	Habitual	OUIL	Minimum > 12 months	Straddle Cell Minimum > or = 12 months	All
Manistee	20		446			466	20.0		49.6			46.6
Marquette	547		475	11		1,033	109.4		79.2	11.0		86.1
Mason	786		618	3		1,407	65.5		61.8	3.0		61.2
Mecosta			751			751			93.9			93.9
Menominee	397		155			552	198.5		155.0			184.0
Midland	719		2,825	17	35	3,596	79.9		94.2	17.0	35.0	87.7
Missaukee	269		579			848	134.5		64.3			77.1
Monroe	754	269	315			1,338	107.7	134.5	157.5			121.6
Montcalm	617		462		154	1,233	123.4		77.0		154.0	102.8
Montmorency	110		442			552	22.0		147.3			69.0
Muskegon	4,563	33	6,259	8	198	11,061	117.0	33.0	120.4	8.0	99.0	116.4
Newaygo						0						0.0
Oakland	2,893	60,407	34,775	435	1,805	100,315	87.7	95.0	116.7	108.8	66.9	100.5
Oceana	276		1,742			2,018	138.0		96.8			100.9
Ogemaw	501		806			1,307	167.0		100.8			118.8
Ontonagon			48			48			48.0			48.0
Osceola	133		649	38	53	873	66.5		81.1	38.0	53.0	72.8
Oscoda						0						0.0
Otsego	128		348			476	128.0		87.0			95.2
Ottawa	100	130	4,955			5,185	100.0	32.5	56.3			55.8
Presque Isle	240		707			947	240.0		141.4			157.8
Roscommon	818		1,335			2,153	136.3		102.7			113.3
Saginaw	3,337	8,349	5,782	4	146	17,618	95.3	116.0	118.0	4.0	48.7	110.1
St. Clair	1,746	209	6,583			8,538	109.1	69.7	92.7			94.9
St. Joseph	2,439		1,474		7	3,920	116.1		70.2		7.0	91.2
Sanilac			1,706			1,706			155.1			155.1
Schoolcraft	260		204	43		507	65.0		204.0	43.0		84.5
Shiawassee	1,647		2,271			3,918	164.7		133.6			145.1
Tuscola	652		2,834			3,486	81.5		94.5			91.7
Van Buren	2,109		1,234	14	194	3,551	81.1		51.4	14.0	32.8	63.4
Washtenaw	7,015		1,739	29	451	9,234	132.4		75.6	29.0	75.2	111.3
Wayne	39,726	4,345	9,576	1,228	3,180	58,055	71.4	61.2	48.9	49.1	54.8	64.1
Wexford			644			644			80.5			80.5
Michigan	133,267	81,110	155,870	2,839	8,280	381,366	94.6	94.1	94.9	54.6	59.6	92.9

Source: MDOC

## APPENDIX I

### CURRENT SAMPLE OF CASES SENTENCED UNDER NEW GUIDELINES - 1999

<u>County</u>	<u>Sample Frequency</u>	<u>Sample Percent</u>	<u>Historical Percent*</u>	<u>Surplus Deficit</u>
Alcona	9	0.09%	0.10%	-0.02%
Alger	32	0.31%	0.08%	0.23%
Allegan	97	0.93%	0.61%	0.31%
Alpena	9	0.09%	0.18%	-0.09%
Antrim	29	0.28%	0.19%	0.08%
Arenac	122	1.16%	0.10%	1.06%
Baraga	9	0.09%	0.04%	0.05%
Barry	95	0.91%	0.47%	0.44%
Bay	47	0.45%	0.87%	-0.42%
Benzie	15	0.14%	0.07%	0.07%
Berrien	231	2.20%	1.82%	0.38%
Branch	36	0.34%	0.35%	-0.01%
Calhoun	227	2.17%	2.32%	-0.16%
Cass	76	0.72%	0.45%	0.27%
Charlevoix	26	0.25%	0.16%	0.08%
Cheboygan	25	0.24%	0.25%	-0.02%
Chippewa	69	0.66%	0.27%	0.39%
Clare	23	0.22%	0.22%	0.00%
Clinton	32	0.31%	0.37%	-0.06%
Crawford	27	0.26%	0.21%	0.05%
Delta	32	0.31%	0.23%	0.07%
Dickinson	40	0.38%	0.23%	0.15%
Eaton	49	0.47%	0.87%	-0.40%
Emmet	34	0.32%	0.28%	0.05%
Genesee	318	3.03%	4.64%	-1.60%
Gladwin	31	0.30%	0.24%	0.05%
Gogebic	7	0.07%	0.04%	0.03%
Grand Traverse	86	0.82%	0.48%	0.34%
Gratiot	31	0.30%	0.27%	0.02%
Hillsdale	57	0.54%	0.35%	0.19%
Houghton	31	0.30%	0.15%	0.15%
Huron	14	0.13%	0.14%	-0.01%
Ingham	240	2.29%	2.67%	-0.38%
Ionia	76	0.72%	0.56%	0.17%
Iosco	14	0.13%	0.26%	-0.13%
Iron	14	0.13%	0.12%	0.02%
Isabella	36	0.34%	0.63%	-0.28%
Jackson	322	3.07%	1.82%	1.26%
Kalamazoo	296	2.82%	3.68%	-0.86%
Kalkaska	25	0.24%	0.22%	0.02%
Kent	881	8.40%	8.10%	0.31%
Keweenaw	2	0.02%	0.01%	0.01%
Lake	30	0.29%	0.16%	0.12%

**CURRENT SAMPLE OF CASES SENTENCED UNDER NEW GUIDELINES - 1999**

<u>County</u>	<u>Sample Frequency</u>	<u>Sample Percent</u>	<u>Historical Percent*</u>	<u>Surplus Deficit</u>
Lapeer	76	0.72%	0.54%	0.19%
Leelanau	19	0.18%	0.10%	0.08%
Lenawee	119	1.14%	0.72%	0.42%
Livingston	102	0.97%	1.01%	-0.04%
Luce	12	0.11%	0.04%	0.08%
Mackinac	15	0.14%	0.12%	0.02%
Macomb	225	2.15%	5.44%	-3.30%
Mainstee	25	0.24%	0.23%	0.01%
Marquette	42	0.40%	0.38%	0.02%
Mason	38	0.36%	0.25%	0.12%
Mecosta	29	0.28%	0.35%	-0.08%
Menominee	27	0.26%	0.12%	0.14%
Midland	74	0.71%	0.80%	-0.10%
Missaukee	20	0.19%	0.15%	0.04%
Monroe	86	0.82%	1.39%	-0.57%
Montcalm	99	0.94%	0.53%	0.42%
Montmorency	4	0.04%	0.10%	-0.06%
Muskegon	289	2.76%	2.83%	-0.07%
Newaygo	38	0.36%	0.40%	-0.04%
Oakland	1,238	11.81%	14.18%	-2.37%
Oceana	56	0.53%	0.23%	0.31%
Ogemaw	15	0.14%	0.20%	-0.06%
Ontonagon		0.00%	0.03%	-0.03%
Osceola	25	0.24%	0.27%	-0.03%
Oscoda	1	0.01%	0.04%	-0.03%
Ostego	33	0.31%	0.18%	0.14%
Ottawa	272	2.59%	2.11%	0.49%
Presque Isle	8	0.08%	0.13%	-0.05%
Roscommon	37	0.35%	0.36%	0.00%
Saginaw	251	2.39%	3.32%	-0.92%
Sanilac	144	1.37%	0.31%	1.06%
Schoolcraft	61	0.58%	0.06%	0.52%
Shiawassee	54	0.52%	0.50%	0.01%
St. Clair	23	0.22%	1.84%	-1.62%
St. Joseph		0.00%	0.51%	-0.51%
Tuscola	51	0.49%	0.39%	0.10%
Van Buren	144	1.37%	0.92%	0.46%
Washtenaw	153	1.46%	2.46%	-1.00%
Wayne	2,559	24.41%	20.92%	3.49%
Wexford	62	0.59%	0.26%	0.33%

**Totals 10,428**

*Source: Ostrom, February 22, 2000*

## APPENDIX J

### CELL TYPE AND SENTENCE TYPE BY COUNTY FOR 1999 CASES

	Sample		Cell Type %			Type of Sentence %			
	Frequency	Percent	Lockout	Straddle	Prison	Prison	Jail	Split	Probation
Alcona	9	0.09%	50.0%	50.0%	0.0%	33.3%	11.1%	33.3%	22.2%
Alger	32	0.31%	53.1%	31.3%	15.6%	27.6%	6.9%	41.4%	24.1%
Allegan	97	0.93%	70.5%	26.3%	3.2%	15.8%	24.2%	50.5%	9.5%
Alpena	9	0.09%	44.4%	44.4%	11.1%	66.7%	11.1%	11.1%	11.1%
Antrim	29	0.28%	65.5%	31.0%	3.4%	28.6%	3.6%	64.3%	3.6%
Arenac	122	1.16%	52.1%	40.5%	7.4%	25.0%	25.8%	32.5%	16.7%
Baraga	9	0.09%	55.6%	0.0%	44.4%	50.0%	25.0%	25.0%	0.0%
Barry	95	0.91%	68.8%	26.9%	4.3%	17.0%	4.3%	52.1%	26.6%
Bay	47	0.45%	69.6%	21.7%	8.7%	15.2%	6.5%	63.0%	15.2%
Benzie	15	0.14%	57.1%	42.9%	0.0%	40.0%	6.7%	26.7%	26.7%
Berrien	231	2.20%	77.4%	17.0%	5.7%	20.3%	5.0%	60.4%	14.4%
Branch	36	0.34%	77.8%	19.4%	2.8%	25.0%	22.2%	52.8%	0.0%
Calhoun	227	2.17%	67.4%	23.2%	9.4%	26.9%	23.7%	30.6%	18.7%
Cass	76	0.72%	69.3%	29.3%	1.3%	12.5%	27.8%	38.9%	20.8%
Charlevoix	26	0.25%	73.1%	19.2%	7.7%	26.9%	34.6%	34.6%	3.8%
Cheboygan	25	0.24%	58.3%	37.5%	4.2%	43.5%	21.7%	30.4%	4.3%
Chippewa	69	0.66%	76.5%	16.2%	7.4%	19.1%	30.9%	32.4%	17.6%
Clare	23	0.22%	72.7%	22.7%	4.5%	13.0%	8.7%	65.2%	13.0%
Clinton	32	0.31%	78.1%	12.5%	9.4%	34.4%	15.6%	46.9%	3.1%
Crawford	27	0.26%	59.3%	22.2%	18.5%	28.0%	4.0%	52.0%	16.0%
Delta	32	0.31%	51.6%	32.3%	16.1%	46.7%	16.7%	36.7%	0.0%
Dickinson	40	0.38%	67.5%	27.5%	5.0%	12.5%	30.0%	45.0%	12.5%
Eaton	49	0.47%	65.3%	24.5%	10.2%	16.3%	6.1%	59.2%	18.4%
Emmet	34	0.32%	79.4%	17.6%	2.9%	9.4%	0.0%	84.4%	6.3%
Genesee	318	3.03%	67.9%	18.7%	13.3%	36.7%	2.9%	25.4%	35.0%
Gladwin	31	0.30%	58.1%	32.3%	9.7%	19.4%	3.2%	71.0%	6.5%
Gogebic	7	0.07%	85.7%	0.0%	14.3%	14.3%	28.6%	57.1%	0.0%
Grand Traverse	86	0.82%	78.8%	15.3%	5.9%	28.9%	3.6%	65.1%	2.4%
Gratiot	31	0.30%	76.7%	20.0%	3.3%	30.0%	26.7%	40.0%	3.3%
Hillsdale	57	0.54%	67.9%	21.4%	10.7%	43.9%	29.8%	17.5%	8.8%
Houghton	31	0.30%	61.3%	32.3%	6.5%	19.4%	12.9%	58.1%	9.7%
Huron	14	0.13%	57.1%	28.6%	14.3%	14.3%	28.6%	57.1%	0.0%
Ingham	240	2.29%	69.2%	25.8%	5.0%	16.9%	22.5%	45.0%	15.6%
Ionia	76	0.72%	69.4%	22.2%	8.3%	22.4%	27.6%	40.8%	9.2%
Iosco	14	0.13%	71.4%	21.4%	7.1%	35.7%	0.0%	64.3%	0.0%
Iron	14	0.13%	78.6%	21.4%	0.0%	14.3%	7.1%	57.1%	21.4%
Isabella	36	0.34%	64.7%	23.5%	11.8%	24.2%	9.1%	57.6%	9.1%
Jackson	322	3.07%	58.6%	32.0%	9.4%	41.1%	5.7%	38.5%	14.6%
Kalamazoo	296	2.82%	65.5%	29.7%	4.8%	21.3%	12.2%	28.6%	38.0%
Kalkaska	25	0.24%	73.9%	21.7%	4.3%	12.0%	0.0%	68.0%	20.0%
Kent	881	8.40%	69.2%	24.7%	6.2%	21.1%	27.0%	19.1%	32.7%
Keweenaw	2	0.02%	50.0%	50.0%	0.0%	0.0%	50.0%	50.0%	0.0%
Lake	30	0.29%	73.3%	26.7%	0.0%	10.0%	13.3%	73.3%	3.3%
Lapeer	76	0.72%	69.3%	26.7%	4.0%	24.3%	12.2%	54.1%	9.5%



**CELL TYPE AND SENTENCE TYPE BY COUNTY FOR 1999 CASES**

	Sample		Cell Type %			Type of Sentence %			
	Frequency	Percent	Lockout	Straddle	Prison	Prison	Jail	Split	Probation
Leelanau	19	0.18%	66.7%	33.3%	0.0%	26.3%	0.0%	68.4%	5.3%
Lenawee	119	1.14%	73.5%	18.8%	7.7%	32.2%	0.0%	55.1%	12.7%
Livingston	102	0.97%	59.4%	32.7%	7.9%	36.6%	8.9%	37.6%	16.8%
Luce	12	0.11%	58.3%	33.3%	8.3%	25.0%	33.3%	41.7%	0.0%
Mackinaw	15	0.14%	80.0%	13.3%	6.7%	6.7%	53.3%	40.0%	0.0%
Macomb	225	2.15%	71.3%	21.5%	7.2%	24.4%	10.9%	24.4%	40.3%
Manistee	25	0.24%	72.0%	20.0%	8.0%	24.0%	4.0%	36.0%	36.0%
Marquette	42	0.40%	85.7%	9.5%	4.8%	5.4%	24.3%	51.4%	18.9%
Mason	38	0.36%	51.4%	24.3%	24.3%	42.1%	2.6%	55.3%	0.0%
Mecosta	29	0.28%	82.8%	17.2%	0.0%	3.4%	17.2%	79.3%	0.0%
Menominee	27	0.26%	73.1%	19.2%	7.7%	23.1%	23.1%	50.0%	3.8%
Midland	74	0.71%	55.6%	34.7%	9.7%	31.5%	1.4%	56.2%	11.0%
Missaukee	20	0.19%	83.3%	16.7%	0.0%	15.0%	0.0%	60.0%	25.0%
Monroe	86	0.82%	74.1%	21.2%	4.7%	24.4%	22.1%	53.5%	0.0%
Montcalm	99	0.94%	71.4%	26.5%	2.0%	12.9%	23.7%	44.1%	19.4%
Montmorency	4	0.04%	75.0%	25.0%	0.0%	0.0%	0.0%	75.0%	25.0%
Muskegon	289	2.76%	71.3%	23.4%	5.3%	24.0%	9.9%	48.1%	18.0%
Newaygo	38	0.36%	55.3%	42.1%	2.6%	10.5%	42.1%	39.5%	7.9%
Oakland	1,238	11.81%	64.5%	29.7%	5.8%	17.1%	20.3%	28.1%	34.6%
Oceana	56	0.53%	66.1%	28.6%	5.4%	19.6%	23.2%	46.4%	10.7%
Ogemaw	15	0.14%	86.7%	6.7%	6.7%	8.3%	8.3%	75.0%	8.3%
Ontonagon	0	0.00%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Osceola	25	0.24%	79.2%	20.8%	0.0%	12.0%	0.0%	80.0%	8.0%
Oscoda	1	0.01%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Otsego	33	0.31%	56.3%	25.0%	18.8%	27.3%	3.0%	60.6%	9.1%
Ottawa	272	2.59%	81.9%	12.9%	5.2%	13.1%	21.8%	24.2%	40.9%
Presque Isle	8	0.08%	75.0%	25.0%	0.0%	12.5%	25.0%	25.0%	37.5%
Roscommon	37	0.35%	75.0%	19.4%	5.6%	5.6%	19.4%	55.6%	19.4%
Saginaw	251	2.39%	62.8%	29.2%	8.0%	24.2%	10.1%	12.9%	52.8%
St. Clair	144	1.37%	73.0%	20.6%	6.4%	19.6%	11.2%	46.9%	22.4%
St. Joseph	61	0.58%	60.0%	25.0%	15.0%	16.9%	28.8%	52.5%	1.7%
Sanilac	54	0.52%	68.5%	24.1%	7.4%	20.8%	20.8%	50.9%	7.5%
Schoolcraft	23	0.22%	56.5%	39.1%	4.3%	18.2%	27.3%	54.5%	0.0%
Shiawassee	0	0.00%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Tuscola	51	0.49%	62.7%	29.4%	7.8%	12.2%	16.3%	67.3%	4.1%
Van Buren	144	1.37%	66.0%	23.6%	10.4%	18.9%	16.1%	42.0%	23.1%
Washtenaw	153	1.46%	60.8%	24.2%	15.0%	25.2%	10.5%	10.5%	53.8%
Wayne	2,559	24.41%	73.3%	19.4%	7.3%	16.2%	4.8%	14.3%	64.8%
Wexford	62	0.59%	83.3%	8.3%	8.3%	16.4%	3.3%	67.2%	13.1%
<b>Michigan</b>	<b>10,428</b>	<b>100.00%</b>	<b>69.2</b>	<b>23.7</b>	<b>7.1</b>	<b>20.9</b>	<b>13.5</b>	<b>31.4</b>	<b>34.1</b>

Source: Ostrom, February 22, 2000



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