

Sentencing Guidelines

DETROIT FREE PRESS

Sunday, Feb. 15, 2004

Revising the rules can save state millions without sacrificing public safety

Legislators could save the state millions of dollars by revising sentencing guidelines as recommended by Gov. Jennifer Granholm in her proposed budget.

Even tweaking the guidelines, which were approved by lawmakers in 1998, would save at least 1,200 prison beds over three years. Equally important, the changes would add some badly needed standards to the sentencing of probationers. Now, the state has no guidelines for sentencing offenders who violate the conditions of their probation. Such violators made up more than a third of those who came to prison last year.

Changes recommended by the Department of Corrections would divert a few more nonviolent offenders into community programs, including county jails, by eliminating some so-called straddle cell guidelines. They call for sending some minor, non-violent offenders either to prison or into community programs. The new guidelines would restrict some of them to community programs only. Judges now do that more than 90 percent of the time anyway.

Without the changes, the state's 42 prisons and 10 camps will hit capacity by August 2005. Changing the guidelines would give the state another year to figure out how to further manage its prison population, now at nearly 49,000.

Those opposing any change in sentencing guidelines argue that it would remove some discretion from judges and increase county jail populations. But for those offenses affected by the new guidelines, judges are already choosing alternatives to prison 93 percent of the time. Moreover, judges could continue to sentence those offenders to prison if they gave a written explanation for departing from the guidelines.

It's true that jails could feel more pressure, but the state would reimburse counties for housing offenders diverted from prisons.

The larger point is that revised sentencing guidelines would take the state closer to what ought to be the aim of every legislator: housing offenders whenever possible in the least restrictive — and therefore least costly — setting necessary to maintain public safety.

Prison costs Michigan taxpayers nearly \$30,000 a year for each offender, compared to \$2,000 each for supervision in community programs.

Steps by Corrections to manage the penal population are already paying dividends, enabling the cash-starved state to close the Western Wayne County Correctional Facility and save \$22.7 million a year.

Giving state sentencing guidelines a badly needed review would take Michigan one step further to creating a criminal justice system that protects the public without bankrupting the government.