

REPORT TO THE LEGISLATURE
Pursuant to P.A. 59 of 2013
Section 417
County Jail Reimbursement Program

Sec. 417. (1) By March 1, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the legislative corrections ombudsman, the senate and house fiscal agencies, and the state budget director on each of the following programs from the previous fiscal year:

- (a) The county jail reimbursement program.
- (b) The felony drunk driver jail reduction and community treatment program.
- (c) Any new initiatives to control prison population growth funded or proposed to be funded under part 1.

(2) For each program listed under subsection (1), the report shall include information on each of the following:

- (a) Program objectives and outcome measures, including, but not limited to, the number of offenders who successfully completed the program, and the number of offenders who successfully remained in the community during the 3 years following termination from the program.
- (b) Expenditures by location.
- (c) The impact on jail utilization.
- (d) The impact on prison admissions.
- (e) Other information relevant to an evaluation of the program.

The County Jail Reimbursement Program was established as an incentive for counties to retain locally those felons who otherwise probably would have been sent to prison. It was instituted under language in the FY 1988-89 budget act, and has been maintained through budget acts every year since. Fiscal Year 2009-10, however, was atypical: the program existed briefly in October 2009 under the terms of a continuation budget, and, following a veto of the version that was in the FY 2009-10 budget act, was subsequently enacted through a June 2010 supplemental appropriations act (2010 PA 89), which provided for the program from January through September 2010.

In 1998, the County Jail Reimbursement Program was placed in statute as part of an extensive package of criminal justice reforms that included sentencing guidelines and truth-in-sentencing. Public Act 317 of 1998 amended the Code of Criminal Procedure to add a section (MCL 769.35) that calls for the Department of Corrections (MDOC) to 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 act specifies that reimbursement criteria and rates are to be set in the annual appropriations acts for MDOC.

In the years since the program began, changes to reimbursement criteria and rates have been common, reflecting continuing efforts to draft a reimbursement framework that would offer appropriate incentives for diverting into jail sentences those offenders who otherwise likely would have received prison sentences. After enactment of comprehensive felony sentencing guidelines, criteria increasingly described reimbursement-eligible offenders in terms of their scores and classification under sentencing guidelines.

In Fiscal Year 2012-13, the program reimbursed for felons sentenced for crimes committed on or after January 1, 1999, and who met one of the following criteria:

- (a) The felon’s sentencing guidelines recommended range upper limit was more than 18 months, the felon’s sentencing guidelines recommended range lower limit was 12 months or less, the felon’s

prior record variable score was 35 or more points, and the felon’s sentence was not for commission of a crime in crime class G or crime class H or a “nonperson” crime in crime class F under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

- (b) The felon’s minimum sentencing guidelines range minimum was more than 12 months.
- (c) The felon was sentenced to jail for a felony committed while he or she was on parole and under the jurisdiction of the parole board and for which the sentencing guidelines recommended range for the minimum sentence has an upper limit of more than 18 months. This describes a parolee whose guidelines score on the new felony places him or her in either the straddle cell or presumptive prison category.

Reimbursement was at one of three per-diem levels. If the offender’s guidelines score indicated a prison sentence, the rate was \$60.00 per day. If the guidelines score was such that either a prison sentence or a local sanction was allowed (a guidelines “straddle cell”), the reimbursement rate was \$50.00 per day if the crime was on a list of designated “Group 1” crimes, and \$35 per day if the offense was not on the “Group 1” list.

Table 1 provides data on FY 2012-13 County Jail Reimbursement Program payments and numbers of offenders by county and per diem rate. Reimbursements for the FY 2012-13 program totaled \$13.1 million: \$6.4 million at the \$35 per diem rate, \$4.0 million at the \$50 per diem, and \$2.7 million at the \$60 per diem.

The extent to which the program has affected jail utilization or prison commitments is unclear, because the extent to which judicial sentencing decisions are affected by an offender’s eligibility is unclear. On the one hand, programs funded under the Community Corrections Act (1988 PA 511) often target straddle cell offenders with prior record scores of 35 or more. However, the elimination of the program from October 2009 to June 2009 did not appear to affect prison commitment rates. Conclusions about the program’s impact on jail utilization or prison admissions are rendered problematic by the complexity of the criminal justice system and the difficulty in isolating the impact of the County Jail Reimbursement Program from the many other factors that affect sentencing decisions.

Table 1: FY 2012-13 County Jail Reimbursement Program

	\$35 Per Diem		\$50 Per Diem		\$60 Per Diem		Total	
	Inmates	Amount	Inmates	Amount	Inmates	Amount	Inmates	Amount
Alcona	2	\$6,475.00	0		0		2	\$6,475
Alger	5	\$19,670.00	1	\$2,415.00	0		6	\$22,085
Allegan	37	\$108,185.00	7	\$36,350.00	7	\$21,780.00	51	\$166,315
Alpena	0		0		0		0	\$0
Antrim	1	\$2,030.00	0		0		1	\$2,030
Arenac	0		0		0		0	\$0
Baraga	0		0		0		0	\$0
Barry	17	\$45,655.00	6	\$28,750.00	8	\$42,960.00	31	\$117,365
Bay	29	\$110,180.00	14	\$72,750.00	2	\$16,980.00	45	\$199,910
Benzie	0		0		0		0	\$0
Berrien	29	\$62,475.00	9	\$42,400.00	7	\$20,520.00	45	\$125,395
Branch	0		0		0		0	\$0
Calhoun	36	\$112,245.00	30	\$205,650.00	3	\$20,760.00	69	\$338,655
Cass	25	\$78,995.00	2	\$7,750.00	11	\$58,260.00	38	\$145,005
Charlevoix	0		0		0		0	\$0
Cheboygan	6	\$28,035.00	0		1	\$17,880.00	7	\$45,915
Chippewa	8	\$27,650.00	2	\$9,400.00	1	\$18,240.00	11	\$55,290

Clare	8	\$34,790.00	4	\$29,500.00	0		12	\$64,290
Clinton	0		1	\$5,000.00	0		1	\$5,000
Crawford	3	\$16,660.00	1	\$6,050.00	1	\$480.00	5	\$23,190
Delta	1	\$5,810.00	0		0		1	\$5,810
Dickinson	6	\$15,715.00	0		0		6	\$15,715
Eaton	37	\$141,365.00	7	\$28,750.00	21	\$118,500.00	65	\$288,615
Emmet	6	\$16,660.00	0		0		6	\$16,660
Genesee	20	\$49,980.00	19	\$59,250.00	16	\$55,080.00	55	\$164,310
Gladwin	8	\$44,695.00	1	\$7,750.00	0		9	\$52,445
Gogebic	2	\$8,120.00	0		0		2	\$8,120
Grand Traverse	0		0		0		0	\$0
Gratiot	4	\$13,895.00	0		0		4	\$13,895
Hillsdale	0		0		0		0	\$0
Houghton	12	\$59,255.00	1	\$10,300.00	0		13	\$69,555
Huron	0		0		0		0	\$0
Ingham	59	\$198,660.00	35	\$120,800.00	9	\$47,040.00	103	\$366,500
Ionia	1	\$1,575.00	1	\$9,500.00	0		2	\$11,075
Iosco	2	\$8,190.00	0		0		2	\$8,190
Iron	0		0		0		0	\$0
Isabella	19	\$82,495.00	9	\$49,750.00	10	\$77,640.00	38	\$209,885
Jackson	31	\$76,475.00	8	\$47,150.00	6	\$33,720.00	45	\$157,345
Kalamazoo	92	\$294,315.00	27	\$135,550.00	24	\$115,080.00	143	\$544,945
Kalkaska	5	\$13,125.00	0		1	\$10,320.00	6	\$23,445
Kent	88	\$317,275.00	44	\$193,900.00	52	\$322,680.00	184	\$833,855
Keweenaw	0		0		0		0	\$0
Lake	0		3	\$15,650.00	0		3	\$15,650
Lapeer	29	\$92,715.00	12	\$43,000.00	5	\$12,120.00	46	\$147,835
Leelanau	0		0		0		0	\$0
Lenawee	7	\$26,495.00	2	\$19,900.00	0		9	\$46,395
Livingston	24	\$61,320.00	4	\$19,500.00	3	\$16,260.00	31	\$97,080
Luce	0		0		0		0	\$0
Mackinac	0		0		0		0	\$0
Macomb	237	\$770,280.00	66	\$381,350.00	34	\$241,020.00	337	\$1,392,650
Manistee	0		0		0		0	\$0
Marquette	1	\$4,165.00	2	\$16,350.00	0		3	\$20,515
Mason	8	\$39,305.00	6	\$34,650.00	1	\$7,200.00	15	\$81,155
Mecosta	7	\$19,845.00	2	\$9,950.00	1	\$2,580.00	10	\$32,375
Menominee	4	\$32,165.00	0		1	\$19,380.00	5	\$51,545
Midland	3	\$7,350.00	2	\$11,550.00	0		5	\$18,900
Missaukee	1	\$1,995.00	0		0		1	\$1,995
Monroe	24	\$52,780.00	10	\$37,050.00	2	\$15,960.00	36	\$105,790
Montcalm	5	\$12,180.00	0	\$12,900.00	0		5	\$25,080
Montmorency	0						0	\$0
Muskegon	42	\$124,810.00	29	\$143,250.00	1	\$3,540.00	72	\$271,600
Newaygo	4	\$8,085.00	4	\$13,450.00	2	\$18,780.00	10	\$40,315
Oakland	302	\$1,072,365.00	94	\$468,650.00	20	\$150,960.00	416	\$1,691,975
Oceana	8	\$30,940.00	4	\$15,100.00	0		12	\$46,040
Ogemaw	3	\$10,710.00	1	\$3,300.00	0		4	\$14,010
Ontonagon	0		0		0		0	\$0
Osceola	4	\$16,310.00	0		0		4	\$16,310
Oscoda	0		0		0		0	\$0
Otsego	12	\$36,400.00	1	\$9,800.00	0		13	\$46,200
Ottawa	19	\$44,240.00	9	\$41,600.00	1	\$5,940.00	29	\$91,780
Presque Isle	3	\$8,680.00	0		0		3	\$8,680
Roscommon	7	\$25,620.00	2	\$12,800.00	0		9	\$38,420
Saginaw	65	\$325,465.00	54	\$306,350.00	18	\$141,840.00	137	\$773,655
St. Clair	66	\$215,600.00	19	\$87,650.00	4	\$29,880.00	89	\$333,130
St. Joseph	17	\$61,040.00	3	\$14,350.00	6	\$41,400.00	26	\$116,790

Sanilac	1	\$280.00	4	\$7,200.00	4	\$35,100.00	9	\$42,580
Schoolcraft	4	\$8,575.00	0		0		4	\$8,575
Shiawassee	6	\$23,905.00	2	\$10,600.00	2	\$31,080.00	10	\$65,585
Tuscola	15	\$45,150.00	7	\$22,950.00	13	\$85,260.00	35	\$153,360
Van Buren	18	\$36,610.00	1	\$4,900.00	4	\$10,560.00	23	\$52,070
Washtenaw	46	\$152,145.00	44	\$163,450.00	13	\$106,620.00	103	\$422,215
Wayne	374	\$1,047,025.00	214	\$994,650.00	122	\$686,820.00	710	\$2,728,495
Wexford	0		2	\$11,650.00	0		2	\$11,650
TOTALS	1,965	\$6,413,540.00	916	\$4,041,800.00	485	\$2,658,540.00	3,433	\$13,113,880