

## EVIDENCE-BASED PRACTICES FOR PROBATION AND PAROLE SUPERVISION

### Act 5 of 2017

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

**History:** 2017, Act 5, Eff. June 29, 2017

*The People of the State of Michigan enact:*

#### 798.31 Definitions.

##### Sec. 1.

As used in this act:

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

(i) The department of corrections.

(ii) Any regional, local, or county governmental agency that receives state funding and that is responsible for supervising individuals who are placed on probation or who are serving a period of parole or postrelease supervision from a prison or jail. Agency does not include a district court probation department established under section 8314 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8314.

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

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

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

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

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

(c) "Community supervision" means the placement of an individual under supervision after release from prison or jail, with conditions imposed by the releasing authority for a specified period of time.

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

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

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

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

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

(g) "Recidivism" means the rearrest, reconviction, or reincarceration in prison or jail for a felony or misdemeanor offense or a probation or parole violation, of an individual as measured first after 3 years and again after 5 years from the date of his or her release from incarceration, placement on probation, or conviction, whichever is later.

(h) "Supervised individual" means an individual placed on probation or serving a period of parole.

(i) "Supervising agent" means an individual appointed or employed by the agency to supervise individuals placed on community supervision.

(j) "Technical parole violation" means a violation of the terms of a parolee's parole order that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law.

(k) "Technical probation violation" means a violation of the terms of a probationer's probation order that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law.

**History:** 2017, Act 5, Eff. June 29, 2017

**798.32 Adoption of policies, rules, and regulations; expenditures; elimination of certain supervision policies, procedures, programs, and practices; collection and maintenance of data.**

Sec. 2.

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

(2) The policies, rules, and regulations adopted under subsection (1) must include all of the following:

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

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

(c) Definitions of low-, moderate-, and high-risk levels during the period of supervision.

(d) The development of a case plan, based on the assessment score, for each individual who is assessed to be moderate to high risk. The case plan developed under this subdivision must allow a supervised individual options for programming and is subject to conditions of supervision, if any, imposed by a court having jurisdiction over the supervised individual.

(e) The development of a case plan, based on the assessment score, for each individual who is assessed to be low risk. The case plan developed under this subdivision must allow a supervised individual options for programming and is subject to conditions of supervision, if any, imposed by a court having jurisdiction over the supervised individual.

(f) The identification of swift, certain, proportionate, and graduated responses that a supervising agent will apply in response to a supervised individual's compliant and noncompliant behaviors.

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

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

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

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

(5) Any data collected and maintained under this act regarding recidivism rates must be collected and maintained in a manner that separates the data regarding technical probation violations and technical parole violations from data on new felony and misdemeanor convictions.

**History:** 2017, Act 5, Eff. June 29, 2017

**798.33 Crime victim satisfaction with criminal justice system; adoption of policies, rules, and regulations.**

Sec. 3.

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

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

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

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

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

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

(e) Facilitating victim-offender dialogue if the victim is willing.

**History:** 2017, Act 5, Eff. June 29, 2017

#### **798.34 Evidence-based practices; training and professional development services.**

Sec. 4.

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

(2) The training and professional development services provided under subsection (1) must include assessment techniques, case planning, risk reduction and intervention strategies, effective communication skills, substance abuse intervention information, and other topics identified by the agency or its employees and supervising agents.

**History:** 2017, Act 5, Eff. June 29, 2017

#### **798.35 Assistance with data collection, analysis, and research; partnerships; contracts.**

Sec. 5.

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

**History:** 2017, Act 5, Eff. June 29, 2017

#### **798.36 Report.**

Sec. 6.

(1) Beginning in 2018, by March 1 of each year the agency shall submit to the governor, the secretary of the senate, the clerk of the house of representatives, and the supreme court administrative office a comprehensive report on its efforts to implement this act. The report must include all of the following:

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

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

(c) A list of all programs, including an identification of all programs that are evidence-based.

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

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

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

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

**History:** 2017, Act 5, Eff. June 29, 2017