

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

SECRETARY OF SENATE
ENROLLING CLERKS

BRIAN CALLEY
LT. GOVERNOR

RICK SNYDER
GOVERNOR

March 30, 2017

2017 MAR 31 A 11: 26

Michigan Senate
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Ladies and Gentlemen:

Senate Bill 50 would require the Michigan Department of Corrections (MDOC) to implement a "County Jail Bed Savings Program" that could result in state prisoners that receive determinate two-year sentences being placed in a county jail for the duration of their sentence, rather than prison. The Department previously utilized a similar approach as part of the leased bed/virtual prison program, but that program was eliminated by the Department and Legislature during the current budget year. Upon review, it was clear that the program was not consistent with the MDOC's efforts to create "Offender Success" and did not produce savings for taxpayers.

Over the past two years, Michigan's prison population has declined nearly 5% due to the Department's focus on "Offender Success", which includes cognitive programming, vocational and skilled trades' education, vital documents, employment readiness training and efforts to return offenders to their communities as self-sufficient, law-abiding citizens. This model requires that time in prison must be productive time spent actively preparing an offender to return to their community from their first day of incarceration. The recent population decline has allowed for the closure of a prison facility, resulting in over \$20m in annual savings for taxpayers, a clear indication that the model is working.

Senate Bill 50 could prevent prisoners who qualify for the County Jail Bed Savings Program from receiving any of the support currently provided to offenders under the "Offender Success" model, allowing them to return to the community without the tools necessary to be successful while potentially putting the public at risk. County jails are designed to house prisoners for sentences that do not exceed one year and, as a result, generally lack programming space, vocational classrooms, or sufficient staff dedicated to vital document gathering and employment readiness training that are the hallmarks of the MDOC's current reentry approach. Housing state prisoners in county jails also places the state at risk for potential litigation related to mental and physical healthcare, access to the courts, and compliance with the federal Prison Rape Elimination Act (PREA).

The issues that result from the housing of MDOC prisoners in county jail beds are not offset by any clear benefit from this program. The MDOC has sufficient capacity in existing state facilities

to house the prisoners that would be eligible under this program, and removing those prisoners would not have a significant impact on the department's population, operation, or costs. In fact, implementing a new County Jail Bed Savings Program would actually increase costs for the state. Elimination of the previous leased bed/virtual prison program resulted in a net savings of nearly \$3.1m for taxpayers, since the state no longer pays a per diem to house prisoners when less expensive beds were available within state prisons.

While the legislation that came to my desk does not force the Department to house eligible offenders in county jails, it does require that the MDOC create and administer the County Jail Bed Savings Program. Simply put, having the Department design and manage a program they will not utilize due to its inconsistent nature with our current efforts to promote offender success and smart justice, and that could potentially cost taxpayers more money, are the primary reasons why I will not be signing this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Snyder", with a long horizontal flourish extending to the right.

Rick Snyder
Governor