



Warren C. Evans
Wayne County Executive

**WAYNE COUNTY
COMMUNITY CORRECTIONS**

PA 511 PROGRAM ELIGIBILITY HANDBOOK

FOR

JUDGES

PROBATION AGENTS

PROSECUTORS

DEFENSE ATTORNEYS



**NOTE NEW
RESIDENTIAL
ELIGIBILITY**

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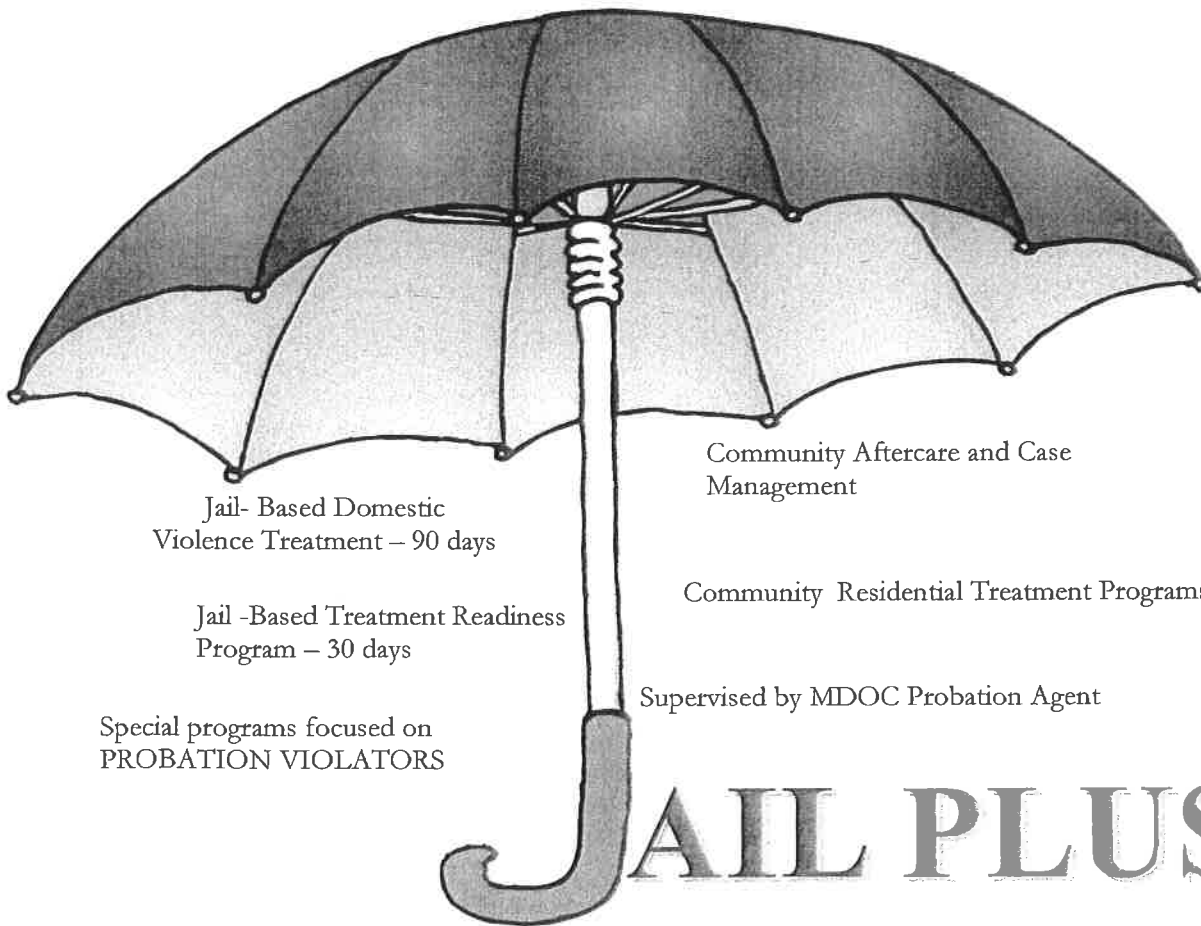
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WAYNE COUNTY DEPARTMENT OF HEALTH, VETERANS AND COMMUNITY WELLNESS

Administrator
Clinical Services Division – Adult Community Corrections
 313- 833-4605

The purpose of Wayne County Community Corrections (WCCC) is to provide treatment, alternative program options, case management, and other supportive services to adult felony offenders enrolled in Adult Probation programs so they can lead productive and crime free lives. WCCC collaborates with a wide range of criminal justice system practitioners to plan, develop and administer community-based confinement alternatives for adult offenders. WCCC works in partnership with criminal justice stakeholders to implement effective programs and services designed to strengthen offender accountability. WCCC is the lead agency for the County's implementation of the Michigan Community Corrections Act (Public Act 511); and works with the local Community Corrections Advisory Board to develop Wayne County's Annual Comprehensive Plan.

Through its Comprehension Plan funding, WCCC manages and oversees services such as eligibility screening, cognitive learning programs, domestic violence treatment, substance abuse services and residential treatment. WCCC also manages services designed to increase the availability of treatment options to reduce drunk driving and drunken driving-related injuries and/or fatalities. *Referrals to WCCC programs are received from the Court, the Michigan Department of Corrections, and the Sheriff's Department.*

PROGRAM RECOMMENDATION CHART BASED ON SENTENCING GUIDELINE RANGE and/or COMPAS SCORE(s)

<u>SENTENCING GUIDELINE RANGE</u>	COMPAS SCORES	CONSIDERATIONS FOR RECOMMENDATIONS
0 – 6 or less	Overall Risk Scale < 5 Overall Recidivism Scale <5 Substance Abuse Scale <5	Probation, and/or community-based case management services; and/or substance abuse treatment.
0 – 6 with violation of probation	Overall Risk Scale > 5; or Overall Recidivism Scale >5 or; Substance Abuse Scale >5 <i>(If either scale is greater than 5 – probationer is eligible for residential treatment)</i>	Probation, and/or case management services, and/or substance abuse treatment. Also eligible for residential substance abuse treatment.
<u>Minimum:</u> 0 – 9 <u>Maximum:</u> Presumptive Prison	Overall Risk Scale > 5; or Overall Recidivism Scale >5 or; Substance Abuse Scale >5 <i>(If either scale is greater than 5 – probationer is eligible for residential treatment)</i>	Probation with jail-based programming followed by residential substance abuse treatment (generally 90 days), followed by community-based programming (Jail PLUS) – this program includes combinations of jail and/or residential treatment, and/or case management services, or relapse prevention services in the community.
OWI 3rd Programs		Drunk Driver Jail Reduction Program – (After jail stay) Community-based substance abuse treatment, and/or relapse prevention. Straddle cell offenders are eligible only with a PRV less than 35.
OWI 3rd Programs (residential treatment)	Overall Risk Scale > 5; or Overall Recidivism Scale >5 or; Substance Abuse Scale >5 <i>(If either scale is greater than 5 – probationer is eligible for residential treatment)</i>	Drunk Driver Jail Reduction Program – (After jail stay) Community-based substance abuse treatment, and/or relapse prevention. Straddle cell offenders are eligible only with a PRV less than 35.
WCSO GPS Tether Program		Supervised release program for pretrial offenders. Screened and case managed by the Wayne County Sheriff's Tether Unit.

<p>Domestic Violence Treatment (DVT) - No SGL eligibility requirements, no COMPAS eligibility requirements</p>		<p>Probation. Jail-based domestic violence treatment followed by 26 weeks of outpatient treatment services. No SGL eligibility requirements, no COMPAS eligibility requirements. Offenders can be directly sentenced to, or referred to out-patient domestic violence programming. Probation Agents may use DVT for violations of probation or to fulfill conditions of probation. Eligibility includes: Felony sentences, misdemeanor 2nd, or domestic violence ordinance offenses. The program is available for men and women.</p>
<p>Relapse Prevention Programs - No SGL eligibility requirements, no COMPAS eligibility requirements</p>	<p>Overall Risk Scale > 5; or Overall Recidivism Scale >5 or; Substance Abuse Scale >5 <i>(If either scale is greater than 5 – probationer is eligible for residential treatment)</i></p>	<p>Relapse prevention supportive services for offenders who have substance abuse and/or co-occurring disorders. These offenders will typically have completed phase I or II of Jail PLUS, but may also be referred directly to the program. Must be on probation, no min./max. SGL is required; no min COMPAS score required.</p>
<p>Probation Violators – Wayne County Residential Alternative to Prison (WRAP)</p> <p>SGL maximum score of at least 24 months</p> <p>**NEW PROGRAM** (January 1, 2016)</p>		<p>The Wayne County Residential Alternative to Prison (WRAP) program is designed to provide the Third Circuit Court with additional sentencing options to address Probation Violators demonstrating new criminal behavior and who may otherwise be considered prison bound. Program is min. 120 days at the Detroit Reentry Center and includes vocational training (Hospitality Management and Food Technology); and mandatory Cognitive Behavioral programming.</p>
<p>Probation Violators - Swift and Sure Sanctions Probation Program (SSSPP)</p>		<p>The Swift and Sure Sanctions Probation Program (SSSPP) is a 1 year program for felony probationers with Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment score of 7, 8, 9, or 10 on either the Risk of Violence scale, the Risk of Recidivism scale, or the Overall Risk scale; AND one of the following: One or more sanctioned probation violations on the current case, or Two or more sanctioned probation violations, or One or more probation failures due to behavioral noncompliance. There must be also at least 12 months available probation term left to complete. SSSPP targets probationers at high risk for failure and sanctions are swift and should include jail sentences for every proven probation violation.</p>
<p>Sex Offender Treatment</p>		<p>The Sex Offender Treatment services are designed to change behavior and thinking patterns. Available through Michigan Department of Corrections (MDOC) and referral by probation agent.</p>

NoteAll sentences to PA511 programs must include a Probationary term, except GPS tether.

Wayne County PA 511 Felony Offender Targeting Policies

→ Jail and Probation Leading Up to Success

Jail PLUS

As a response to crowded jails and prisons, the Michigan Legislature enacted the 1988 Michigan Community Corrections Act (Public Act 511) as a way to reduce jail and prison admissions of eligible non-violent offenders. The Act grants funds to local units of government to develop well structured, safe and effective community corrections programs. Local jurisdictions choosing to voluntarily participate in Public Act 511 are required to form local Community Corrections Advisory Boards (CCABs) made up of the key players in the local criminal justice system.

The local CCAB is required to develop a Comprehensive Corrections Plan as the basis for receiving state funds. The Plan includes a detailed study of local criminal justice issues regarding jail and prison use and includes strategies which outline the local policies, practices and programs that will address goals related to reductions in the use of jail and prison without jeopardizing public safety. Each year the Comprehensive Corrections Plan is updated to respond to new felony statutes or sentencing laws and to outline the funding and policy priorities of the fiscal year.

The Wayne County Community Corrections Advisory Board develops policies and sets annual goals for implementation of the annual Comprehensive Corrections Plan. The Wayne County Department of Health, Veterans, and Community Wellness is the administrative agency which implements and monitors the annual Plan

The Wayne County Comprehensive Corrections Plan was adapted to Public Act 317, Legislative Sentencing Guidelines. The law established three categories of felony offenders - high, medium and low risk - and provides the framework for sentencing in Michigan's circuit courts. Under the Legislative Sentencing Guidelines, only certain sanctions may be used (See Figure 1):

- High risk felons (Presumptive Prison Cells):** Felons who have a lower range guideline score of 13 months or more *must* be sentenced to prison, absent a departure from the guidelines.
- Moderate risk felons (Straddle Cells):** Felons who have a lower guideline range of 12 months or less to greater than 18 months *may* be sentenced to prison, jail or local intermediate sanctions.
- Low risk felons (Intermediate Sanctions Cells):** Felons who have an upper range score of no more than 18 months *must* be sentenced to local intermediate sanctions and cannot be sentenced to the state prison system, absent a legal departure from the guidelines.

Wayne County PA 511 Felony Offender Targeting Policies

Wayne County Targeting Policies Pursuant to Public Act 511

As a result of Legislative Sentencing Guidelines, and the subsequent general offender targeting requirements of PA 511, the following targeting policies have been authorized:

1. *High risk* felony cases: Not targeted for PA 511 Programs, presumed for prison sentences. However, if a judge departs from the guidelines, the felon will be eligible for services if all other eligibility criteria are met (See # 4 below, "Exclusions").
2. *Moderate risk* or straddle cell cases: Sentencing judges may consider offenders on a case-by-case basis for PA 511 programs if they do not exhibit a pattern of violence (see # 4).
3. *Probation Violators*: All violators - including those who are convicted of new offenses with or without the violation pending or referred for a PSI - are eligible who do not exhibit a pattern of violence (see # 4). **Violators whose recommended minimum sentence range is zero to six months or more are eligible for residential programs.**
4. *Exclusions*: PA 511 requires that local CCABs exclude from eligibility felons who have "a pattern of violent behavior". Since PA 317 includes a scoring system to determine offender risk based on the offenders prior record (the Prior Record Variable Score), the law provides a logical and fair basis upon which to determine exclusions based on a "pattern of violence". *Offenders being sentenced for crimes against persons or public safety will be excluded if they have a Prior Record Variable (PRV) score of 50 or more points.*
5. *Low risk* felons: Targeted for jail release to PA 511 programs. Most low risk cases are now enrolled in programs through this approach.
6. *Use of the Jail Reimbursement Program*: As authorized by annual appropriations law, reimbursements are limited to *presumptive prison* felons, for certain *straddle cell* offenders and for felony drunk drivers. Only felons who are otherwise bound for prison and/or who meet other eligibility criteria stipulated in annual appropriations law (such as felony drunk drivers) shall be targeted for the Program. *Prison bound felons who do not meet MDOC reimbursement criteria under the Program will be targeted for sentencing directly to program rather than jail. Prison bound felons who do not meet the MDOC eligibility criteria under the Program and who, in the judge's discretion require incarceration, will not be targeted for prison diversion.*

Felony Target Populations:

1. **Offenders with sentencing guidelines within the straddle cells, and probation violators.**
2. **Probation Violators are a priority population since they are not addressed in the statutory guidelines.** *Technical Probation Violators*: Targeting is addressed under local Probation Violation Processing Guidelines which define the recommended range of responses to offender behavior, offender community risk and offender need. Eligibility determined by MDOC.

MICHIGAN SENTENCING POLICY

Legislative Sentencing Guidelines (PA 317):

LOW RISK <i>Intermediate Sanction Cells</i>	MODERATE RISK <i>Straddle Cells</i>	HIGH RISK <i>Presumptive Prison Cells</i>
<p><u>Guideline Ranges:</u> SGL max < or = to 18 mos. <input type="checkbox"/> <input type="checkbox"/> a.k.a. "Lock-Out Cells" <input type="checkbox"/> Locked Out of Prison <input type="checkbox"/> Intermediate Sanctions Allowed, including Jail*</p>	<p><u>Guideline Ranges:</u> SGL min < or = 12 mos. to SGL max > 18 mos. <input type="checkbox"/> Prison Allowed <input type="checkbox"/> Intermediate Sanctions Allowed, including Jail</p>	<p><u>Guideline Ranges:</u> SGL min 13 mos. or more <input type="checkbox"/> a.k.a. "Prison Cells" <input type="checkbox"/> Truth in Sentencing Applies <input type="checkbox"/> Presumption of Prison <input type="checkbox"/> Intermediate Sanctions Allowed only as departure</p>

Wayne County Public Act 511 (Jail PLUS) Targeting Policies

<p><input type="checkbox"/> <u>Jail Inmates</u> eligible for PA 511 Jail Utilization Improvement Strategies</p> <p><input type="checkbox"/> All probation violators who do not exhibit a pattern of violence</p> <p><input type="checkbox"/> Jail Reimbursement for OUIL 3rd offenders</p>	<p><input type="checkbox"/> Eligible for PA 511 if offender does not exhibit a pattern of violence (exclusion);</p> <p><input type="checkbox"/> All probation violators, who do not exhibit a pattern of violence</p> <p><input type="checkbox"/> Exclusion: Offenders are <u>excluded</u> if they exhibit a "pattern of violence" defined as: Offenders being sentenced for crimes against persons or public safety who have a Prior Record Variable score of 50 or more points.</p>	<p><input type="checkbox"/> Departures Eligible for PA 511 on a case-by-case basis</p> <p>- Departures Eligible for Jail Reimbursement</p>
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* Intermediate sanctions are defined by PA 317 (Section 31(c)) as:

... probation or any sanction, other than imprisonment in a state prison or state reformatory, that may be lawfully imposed. Intermediate sanction includes, but is not limited to, one or more of the following: (i) Inpatient or outpatient drug treatment, (ii) Probation with any probation conditions required or authorized by law, (iii) Residential probation, (iv) Probation with jail, (v) Probation with special alternative incarceration, (vi) Mental health treatment, (vii) Mental health or substance abuse counseling, (viii) Jail; (ix) Jail with work or school release, (xi) Participation in a community corrections program, (xii) Community service, (xiii) Payment of a fine, (xiv) House arrest, (xv) Electronic monitoring.

PA 317 PRIOR RECORD VARIABLE CHART

PRV#	POINTS Variable Name and Category	Instructions
1	PRIOR HIGH SEVERITY FELONY CONVICTIONS 75 Offender has 3 or more prior high severity convictions 50 The offender has 2 prior high severity convictions 25 The offender has 1 prior high severity convictions 0 The offender has no prior high severity convictions	"Prior high severity felony conviction" means a conviction for a crime listed in offense class M2, A, B, C or D or for a felony under a law of the United States or another state corresponding to a crime listed in offense class M2, A, B, C or D, if the conviction was entered before the sentencing offense was committed."
2	PRIOR LOW SEVERITY FELONY CONVICTIONS 30 Offender has 4 or more prior low severity convictions 20 The offender has 3 prior low severity convictions 10 The offender has 2 prior low severity convictions 5 The offender has 1 prior low severity conviction 0 The offender has no prior low severity convictions	"Prior low severity felony convictions" means a conviction for a crime listed in offense class E, F, G, or H, or for a felony under a law of the United States or another state corresponding to a crime listed in offense class E, F, G, or H, if the conviction was entered before the sentencing offense was committed.
3	PRIOR HIGH SEVERITY JUVENILE ADJUDICATIONS 50 Offender has 3 or more prior high severity juv adj 25 The offender has 2 prior high severity juv adjudications 10 The offender has 1 prior high severity juv adjudication 0 The offender has no prior high severity juvenile adjud	"Prior high severity juvenile adjudication" means a juvenile adjudication for conduct that would be a crime listed in offense class M2, A, B, C, or D. If committed by an adult or for conduct that would be a felony under a law of the United States or another state corresponding to a crime listed in offense class M2, A, B, C, or D if committed by an adult, if the order of disposition was entered before the sentencing offense was committed.
4	PRIOR LOW SEVERITY JUVENILE ADJUDICATIONS 20 The offender has 6 or more prior low severity juv adjud 10 The offender has 4 or 5 prior low severity juv adjud 5 The offender has 2 or 3 prior low severity juv adjud 0 The offender has no prior low severity juv adjudications	"Prior low severity juvenile adjudications" means a juvenile adjudication for conduct that would be a crime listed in offense class E, F, G, or H, if committed by an adult or for conduct that would be a felony under a law of the United States or another state corresponding to a crime listed in offense class E, F, G, or H if committed by an adult, if the order of disposition was entered before the sentencing offense was committed.
5	PRIOR MISDEMEANOR CONVICTIONS OR PRIOR MISDEMEANOR JUVENILE ADJUDICATIONS 20 The offender has 7 or more prior misdemeanor convictions or prior juvenile adjudications 15 The offender has 5 or 6 prior misdemeanor convictions or prior juvenile adjudications 10 The offender has 3 or 4 prior misdemeanor convictions or prior juvenile adjudications 5 The offender has 2 prior misdemeanor convictions or prior juvenile adjudications 2 The offender has 1 prior misdemeanor conviction or prior juvenile adjudication 0 The offender has no prior misdemeanor convictions or prior juvenile adjudications	1. Count a prior misdemeanor conviction or prior juvenile adjudication only if it is a crime against a person or property, a controlled substance crime, or a weapon offense enumerate in Chapter 37 of the Michigan Penal Code, 1931 PA 328, (MCL 750.222 to 750.239a). 2. Count all prior misdemeanor and prior misdemeanor adjudications for operating a vehicle, vessel, aircraft or locomotive while under the influence of, or impaired by alcohol, a controlled substance, or a combination of alcohol and a controlled substance. 3. Do not count a prior conviction used to enhance the sentencing offense to a felony.
6	RELATIONSHIP TO THE CRIMINAL JUSTICE SYSTEM 20 The offender is a prisoner of the department of corrections or serving a sentence in jail 15 The offender is incarcerated in jail awaiting adjudication or sentencing on a conviction or probation violation 10 The offender is on parole, probation or delayed sentence status or on bond awaiting adjudication or sentencing for a felony 5 The offender is on probation or delayed sentence status, or on a bond awaiting adjudication or sentence for a misdemeanor 0 The offender has no relationship to the criminal justice system	1. Score the appropriate point value if the offender is involved with the criminal justice system in another state or United
7	SUBSEQUENT OR CONCURRENT FELONY CONVICTIONS 20 Offender has 2 or more subsequent or concurrent convictions 10 The offender has 1 subsequent or concurrent convictions 5 The offender has no subsequent or concur convictions 0 The offender has no subsequent or concurrent convictions	1. Score the appropriate point value if the offender was convicted of multiple felony counts or was convicted of a felony after the sentencing offense was committed. 2. Do not score a felony firearm conviction in this variable.

Wayne County Community Corrections Program Descriptions

**Probation Violators are a priority population for targeting.*

RESIDENTIAL PROGRAMS

ELIGIBILITY –

Overall Risk Scale > 5; or

Overall Recidivism Scale >5 or;

Substance Abuse Scale >5

(If either scale is greater than 5, then probationer is eligible for residential treatment)



- **Elmhurst Home, Operation Get Down, and Christian Guidance Center** are residential substance abuse treatment facilities. The programs offer up to 120 days of residential programming which includes: Substance abuse treatment in the forms of individual and group counseling, didactic drug education, vocational and educational training; cognitive skill development, parenting skills, financial responsibility; job seeking skills as well as referrals to community-based programs for offenders with special needs.
Specialized Services: Mental Health services are addressed through a collaboration with Detroit Central Cities Community Mental Health.
- **Elmhurst Home Naomi's Nest, Genesis House III and Heartline** are programs that offer up to 120 days of residential programming for **females** which include: vocational and educational training; cognitive skill development; parenting skills; financial responsibility; job seeking skills as well as referrals to community-based programs for offenders with special needs.
Specialized Services: Mental Health services are addressed through a collaboration with Detroit Central Cities Community Mental Health.
- **SPECIAL WEEKEND or 30 TO 45 DAY – PROBATION VIOLATION PREVENTION PROGRAM)-
*POSITIVE CHANGES PROGRAM***
Positive Changes Program – Weekend, or 30 to 45 day stay at residential treatment facility (Elmhurst Home, Inc.) as an interim sanction for Probation staff, Specialty Court case managers, and Judges to utilize for referral to treatment and/or case management services to probationers that might otherwise be found in violation by the Court. *Please indicate length of stay on referral form.*

Residential Program Contact Phone Numbers

Christian Guidance Center	313.263.0077 ext 4013	FAX 313.893.1735
Elmhurst Home (males)	313.867.1090	FAX 313.867.0706
Elmhurst Home Naomi's Nest (females)	313.865.1500	FAX 313.865.1477
Genesis House III	313.883.5614 ext 5557	FAX 313.883.3233
Heartline	313.923.4200	FAX 313.923.9381
Operation Get Down	313.921.9422	FAX 313.571.9022

NON-RESIDENTIAL PROGRAMS- COMMUNITY-BASED SERVICES

- ❑ **Cherry Street (male) and Operation Get Down (female) are Supportive Services Programs** which offer up to five months of programming including: vocational and educational training; cognitive skill development, parenting skills, financial responsibility, and job seeking skills as well as referrals to community-based programs for offenders with special needs.
- ❑ **Wayne County Community Corrections Case Differentiation Unit (CDU)** provides screening and assessment of offenders based on the targeting criteria found in this Handbook. The CDU makes Conditional Jail Release and disposition recommendations to the 3rd Judicial Circuit Court judges and the Wayne County Director of Population Management.
- ❑ **Detroit Recovery Project and Black Family Development** both operate relapse prevention programs. These programs offer services to offenders who have completed residential programs. Offenders can also be referred directly. Services provided include, substance abuse counseling, vocational and educational referrals; cognitive skill development, and job seeking skills in order to prevent relapsing into criminal or antisocial behaviors.
- ❑ **Transitions (Out-Patient Domestic Violence Treatment):** A domestic violence program that provides 13 to 26 weeks domestic violence treatment. Offenders can be directly referred to out-patient domestic violence programming as a condition of Probation. Probation Agents may use this program for violations of probation or to fulfill conditions of probation. Eligibility includes: Felony sentences, misdemeanor 2nd, or domestic violence ordinance offenses.
- ❑ **Wayne County Sheriff's Tether Program** provides GPS tethering and case management services to pretrial offenders and sentenced offenders.

JAIL-BASED PROGRAMMING – FOLLOWED BY COMMUNITY-BASED SERVICES

- ❑ **Jail-Based Programming** involves a split Probation/Wayne County Jail sentence. Felony offenders sentenced to jail are screened by the Case Differentiation Unit (CDU) with a risk/needs assessment tool for placement in one of two jail-based programs:

Personal Assessment and Growth Experience (PAGE) – (jail-based) a program, for higher risk/need offenders with a SGL guideline score typically in the straddle cell range or higher who participate in a 30 day treatment readiness program followed by residential or day reporting programs and relapse prevention in the community; the offenders could also be released with a tether for additional supervision.

Domestic Violence Treatment -Transitions – (jail-based) a domestic violence program that provides twelve (12) weeks of jail-based treatment followed by a minimum of ten (10) weeks of intensive outpatient treatment/relapse prevention for a total of up to twenty-six (26) weeks of community-based treatment and supervision.

Eligibility criteria for jail-based DV program: The offender must receive a Probation sentence and at least a 90 day jail sentence.

Non-Residential Treatment Program Contact Phone Numbers:

Catholic Social Services (Sex Offender Treatment)	313-883.8325	
Detroit Recovery Project	313.365.3100	FAX 313.365.3101
CDU at Dickerson and FMHJ	313.875.8667 (WCJ)	313 224--5845 (FMHJ)
ETRS- Personal Assessment and Growth Experience (PAGE)		
Transitions Domestic Violence, and Drunk Driver Relapse Prevention Programs	248.399.2600	FAX 248.399.2606
Phoenix Out-Patient Supportive Services (males)	313.822.2087x248	FAX 313.822.2128
Black Family Development Relapse Prevention	313.758.0150	
Operation Get Down Female Supportive Services	313.921.9422	FAX 313.571.9022