Reducing Felony Probation Caps in Michigan

5-year impact in Michigan

Prospectively reducing maximum felony probation sentences from 5 years to 3 years could create an 8.4% reduction in agent caseload and $29.6M in avoided probation costs over the next 5 years.

The opportunity

Michigan has the fifth highest rate of probation supervision in the country, with over 150,000 adults on probation - including over 43,000 on felony probation - at the end of 2018. In 2019, felony probation agents supervised an average of 50 clients at a time. High caseloads may lead to lack of adequate supervision and individualized attention for people on probation and contribute to officer burnout.

For people on probation, technical violations, such as coming into contact with someone convicted of a felony, entering an establishment selling alcohol, or failing to pay supervision fees, can land them in jail or prison. In 2018, over 2,000 people committed to Michigan prisons were for probation violations - 24% of all new commitments - and around half of those were for technical violations.

The current maximum probation sentence in Michigan is 5 years for felonies, and people initially sentenced to shorter terms can have their probation extended up to the 5-year cap due to outstanding fines and fees or violations of supervision conditions. People who remain on probation for extended periods of time are less likely to be successful because even minor or technical violations of the law may result in a probation violation that leads to incarceration. Research also shows that probation services, such as mental healthcare and addiction treatment, are most effective during the first 18 months of supervision and that providing increased supervision services earlier reduces an individual's likelihood to recidivate.

43 states have some form of probation caps

- **Utah**
  For people without violations, probation is capped at 3 years for felonies and Class A misdemeanors and 1 year for Class B or C misdemeanors. It can also be terminated earlier at the discretion of the court.

- **Illinois**
  Misdemeanors have a 2-year probation cap, Class 3 and 4 felonies have a 30-month cap, and Class 1 and 2 felonies have a 4-year cap, with extensions allowed for noncompliance.