

REPORT TO THE LEGISLATURE
Pursuant to P.A. 487 of 2006 Section 40(3) — M.C.L. 791.240
Parolees Returned for Violations Involving Alcohol or Controlled Substances
April, 2012

Section 40(3) of Public Act 487 of 2006:

“Not later than April 1 of each year, the department shall report to the legislature on the number of parolees who are returned to state correctional facilities for a violation of parole involving the use of alcohol or a controlled substance during the preceding calendar year. The report shall specify the number of parolees who are returned to a state correctional facility after 1 such violation, 2 such violations, 3 such violations, 4 such violations, and 5 or more violations.”

Methodology

The following reported data is limited to parolees returned to prison as Parole Violators for Technical Violations involving alcohol or controlled substance abuse use or New Sentences for crimes involving alcohol or controlled substance use, e.g. OUIL. Parolees returned for one of these offenses were included, even if they had sentence(s) for other crimes as well.

Technical Violations of alcohol or controlled substance use were limited to behavior charged under Special Condition 2.0 and Standard Condition 4.0 of parole. Special Condition 2.0 prohibits alcohol use, so violations of this condition code were consequently included in the count without review. Standard Condition 4.0 prohibits several types of conduct including committing new crimes and use of controlled substances. Thus, for Standard Condition 4.0 violations, case notes were reviewed to select violations that indicate use of alcohol or controlled substances. It should be noted that Parole Violators were included in this selection if they had violated conditions of parole which indicated alcohol or substance use even if they also had other types of technical violations or a new crime. Technical violation charges for possession of controlled substances or possession of drug paraphernalia and violations that indicated that controlled substances were in the “area of control” of the parolee were not included in this count. It is important to note that, since the 2007 report was issued, significant improvements have been made to data reporting and data capture capabilities, which enhanced our ability to discriminate between use violations and other violations involving alcohol or controlled substances.

Results

As shown in Table 1, a total of 3,419 Parole Violators returned to prison for a Technical Violation or with a New Sentence from January through December 2011. Of those returns, 407 (11.9%) fit the criteria for use of alcohol or controlled substances.

Table 1: Number and Percent of Returns to Prison with Alcohol or Drug Use

	Total Technical and New Sentence Returns	Technical and New Sentence Returns with Alcohol/Drug Use	
	Number	Number	Percent
2011 Total	3,419	407	11.9%

Table 2 shows the actual numbers and percents of prior positive substance abuse tests for cases returned to prison for alcohol or substance use in 2011. These figures include the event(s) that resulted in return to prison. For example, if a parolee had two prior positive tests and was returned following the next positive, they would be in the “Three” column of Table 2. Table 2 shows that 46.7% of the Parole Violators who returned to prison for use of alcohol or drugs had no prior positive substance abuse tests. However, 53.3% of the Parole Violators who returned for use had at least one positive substance abuse test prior to their return. Over one out of four (28.0%) had five or more positive tests before being returned to prison. In cases where the parolee’s drug or alcohol abuse is detected independent of any new criminal behavior or other conduct which poses a threat to public safety, case management strategies typically incorporate referrals to substance abuse counseling, closer supervision, increased substance abuse testing (including remote alcohol testing) and inpatient programming as deemed appropriate.

Table 2: Number of Positive Substance Abuse Tests for Parolees Returned to Prison for Alcohol or Controlled Substance Use.

	None		One		Two		Three		Four		Five or More		Total with One or More	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
2011Total	190	46.7%	53	13.0%	45	11.1%	23	5.7%	23	5.7%	73	28.0%	217	53.3%

In many cases, when alcohol or drug abuse is a factor in the decision to return a parolee to prison, the alcohol or drug use is part of a larger “package” of violations or crimes that led to the decision. In such cases, there may well not be an extensive history of positive test results prior to the return.