



# National Prosecutors' Consortium

## Survey Highlights

### *Michigan*



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# MICHIGAN REPORT

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# TABLE OF CONTENTS

Background.....	1	Specialty Courts.....	10
Methodology.....	1	Alternatives to Incarceration.....	12
The Current State: Michigan.....	2	Specialized Programs.....	13
Overview: Types of Cases.....	2	Community Programs.....	14
Chief Prosecutor.....	4	Technology.....	15
Office Budget.....	4	Body-Worn Cameras.....	15
Starting Salaries.....	6	Websites.....	17
Case Processing .....	6	Research.....	17
Number of Employees.....	8	Conclusions.....	18
Prosecutor Initiatives.....	10		



# BACKGROUND

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The National Prosecutors' Consortium (NPC), a collaboration between Justice & Security Strategies (JSS) and the Prosecutors' Center for Excellence (PCE), is designed to collect information on innovative programs employed by prosecutors' offices, to assist prosecutors in developing and deploying new programs, and to expand the research capacities of prosecutors' offices. The team developed a survey that is being administered at the county level across the United States on a state-by-state basis. This survey seeks to accomplish two objectives to support prosecution needs: 1) collection of a thorough baseline of information on the operation of county prosecutors' offices across the country, and 2) identification of those offices that have adopted innovative programs.



# METHODOLOGY

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NPC conducted focus groups with prosecutors and prosecutor coordinating offices. As part of this effort, NPC identified the desired topic areas and reviewed survey questions. The survey was designed as an agency-based questionnaire intended to collect data on the characteristics and operations within each prosecutor's office. The survey was delivered through an online, secure, cloud-based service using the *Qualtrics* survey platform. States are being offered this survey on a rolling basis.

As part of the data quality assurance process, we identified a battery of 84 questions that represent the core information requested by the survey. To minimize the proportion of missing data, the weighted number of completed responses was compared to a threshold. Offices in counties where the responses did not pass this threshold will be contacted and additional responses will be requested. This report discusses responses from all partially complete surveys, but there may be changes in the number of valid cases for some questions as follow-ups with agencies continue.

# THE CURRENT STATE - MICHIGAN

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This report discusses preliminary results from the state of Michigan. Out of the 83 prosecutors' offices operating in Michigan, at the time of this report (April 2, 2019), 45 counties (54%) had completed the survey.



## TYPES OF CASES

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**Figure 1** depicts the percentage of prosecutors' offices handling specific types of cases. All responding offices reported handling all or at least some felonies, misdemeanors, and juvenile cases. All but one office reported handling infractions. In addition, majority of the responding offices (N = 36) reported handling civil matters. **Figure 2** highlights the percentage of prosecutors' offices involved in various types of civil matters. The majority of responding offices reported handling child support (86%), child protection (83%), and adult protection (67%) matters. Approximately one third of responding offices reported handling county attorney (36%) and nuisance abatement (33%) matters.

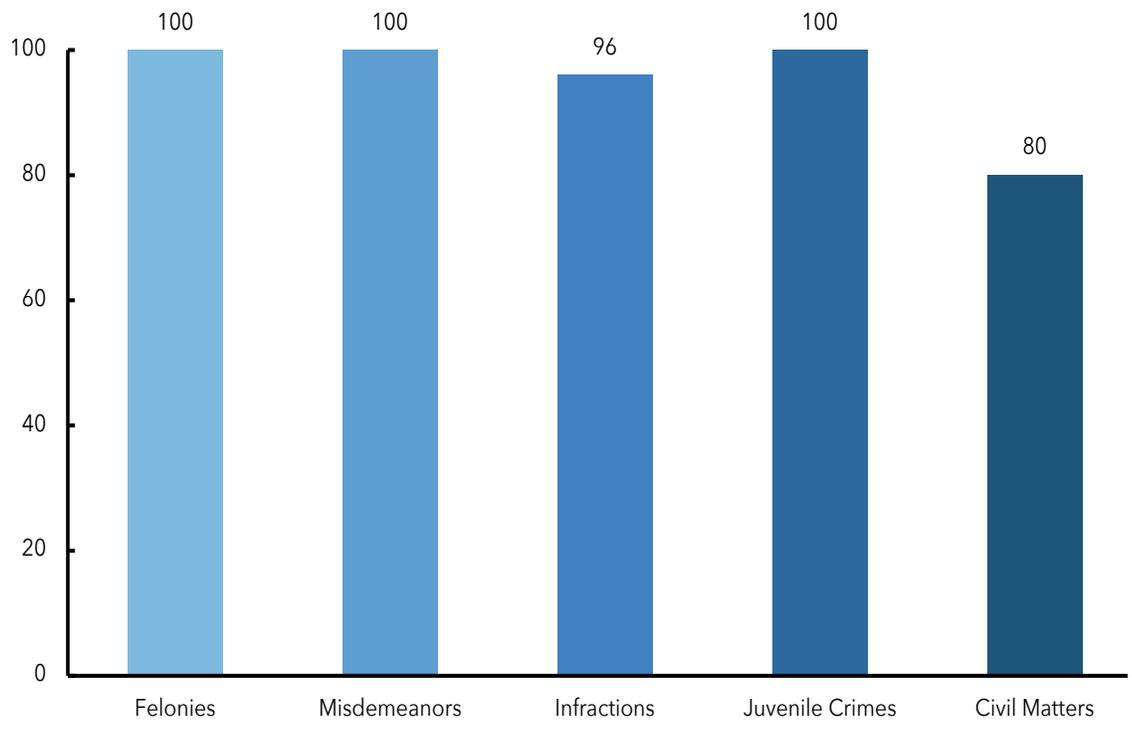


Figure 1. Percentage of Prosecutors' Offices with Jurisdiction over Cases by Type (N =45).

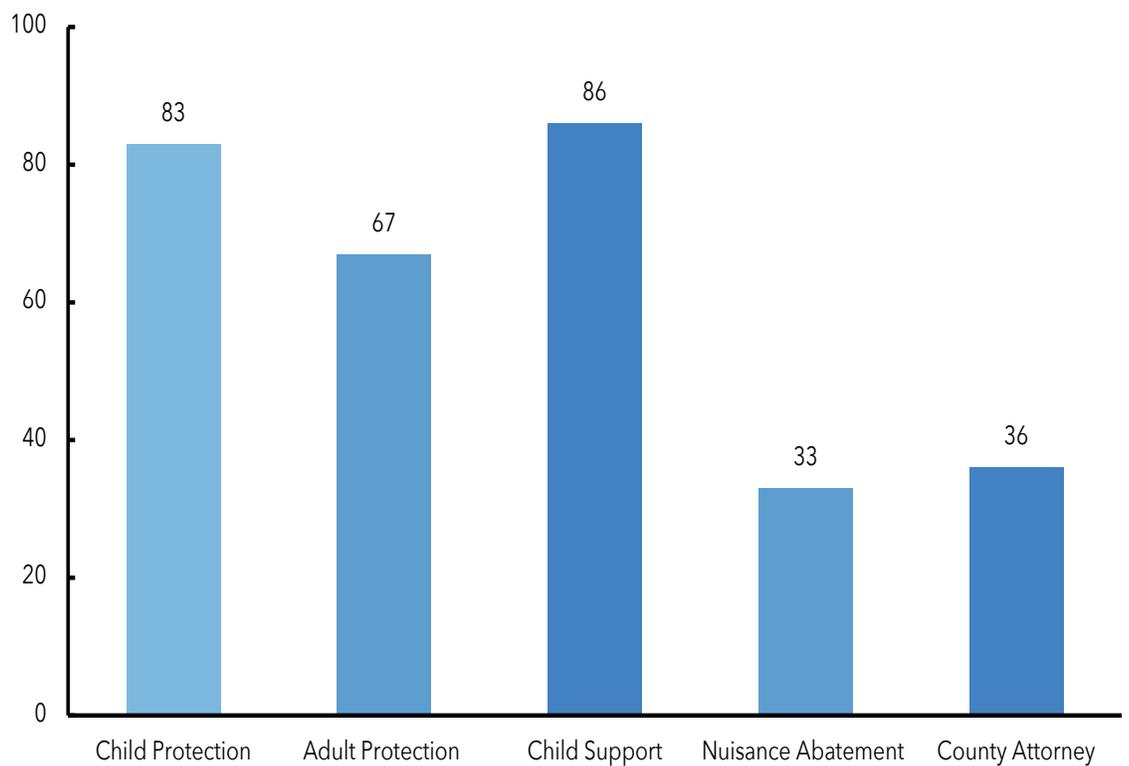


Figure 2. Percentage of Prosecutors' Offices with Jurisdiction over Civil Matters by Type (N = 36).

# CHIEF PROSECUTOR

Of the 42 counties that responded to the survey, the majority (93%) indicated that their Chief Prosecutor was elected. On average, the Chief Prosecutors had been in office for about 9 years. The tenure of the Chief Prosecutor ranged fewer than one year to 40 years. As seen in **Figure 3**, 40% of prosecutors had been in office for fewer than 5 years, 31% for 6-10 years, 12% for 11-15 years, 7% for 16-20 years, and 10% for 20 or more years.

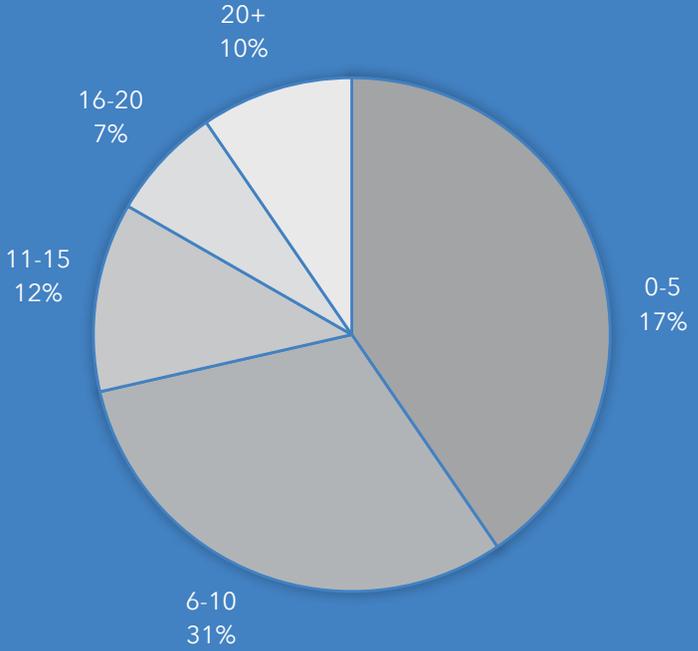


Figure 3. Chief Prosecutor Years in Office (N =42).

# OFFICE BUDGET

The 2018 average budget for prosecutors' offices was approximately \$2,030,729. **Figure 4** depicts that 29% of the offices had a budget under \$500,000, 29% had budgets between \$500,000 and about \$999,999, 15% had budgets between \$1,000,000 and about \$1,999,999, 16% had budgets between \$2,000,000 and about \$4,999,999, and 11% had budgets over \$5,000,000.

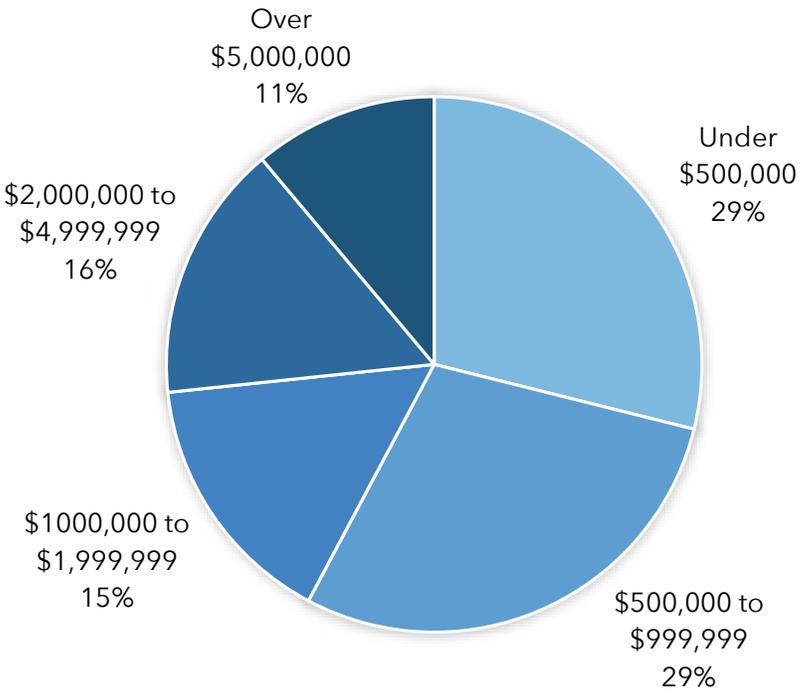


Figure 4. Ranges of 2018 Total Budgets (N = 45).

The average 2018 personnel budget for Michigan prosecutors' offices was \$1,625,102. **Figure 5** presents the ranges of personnel budgets. Approximately 41% of the offices had a personnel budget under \$500,000, 21% had budgets between \$500,000 and about \$999,999, 14% had budgets between \$1,000,000 and about \$1,999,999, 17% had budgets between \$2,000,000 and about \$4,999,999 and 7% had budgets over \$5,000,000.

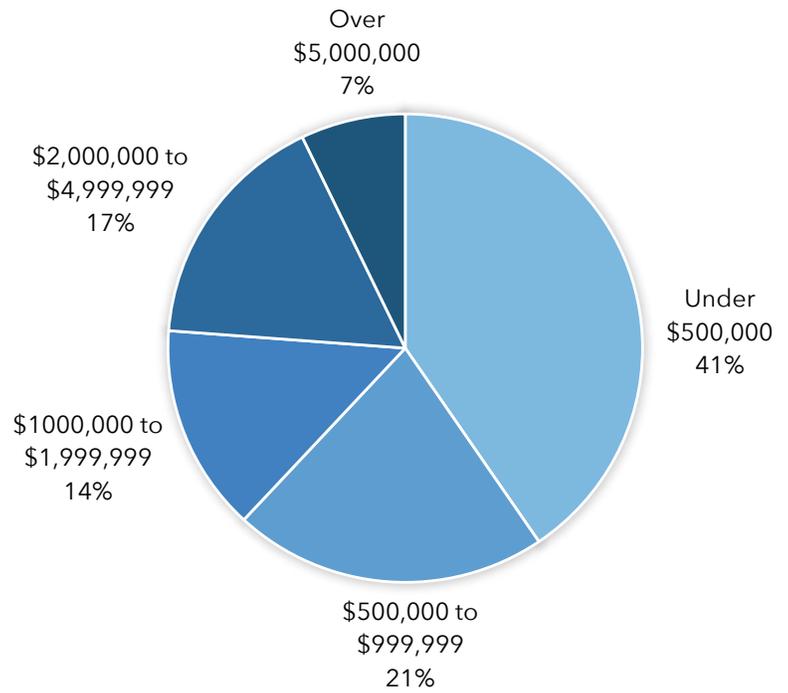


Figure 5. Ranges of 2018 Personnel Budgets (N = 42).

The average percentage of personnel to total budget by budget category is displayed in **Figure 6**. This graph provides a method to determine whether agencies with large budgets spend a disproportionate amount of their budget on personnel costs. From this graph it appears that agencies with budgets between \$1,000,000 and \$1,999,999 spend the highest percentage on personnel costs and agencies with budgets over \$5,000,000 spend the lowest percentage. These differences are slight with the average among budget categories with agencies spending an average of 83% their total budgets on personnel costs.

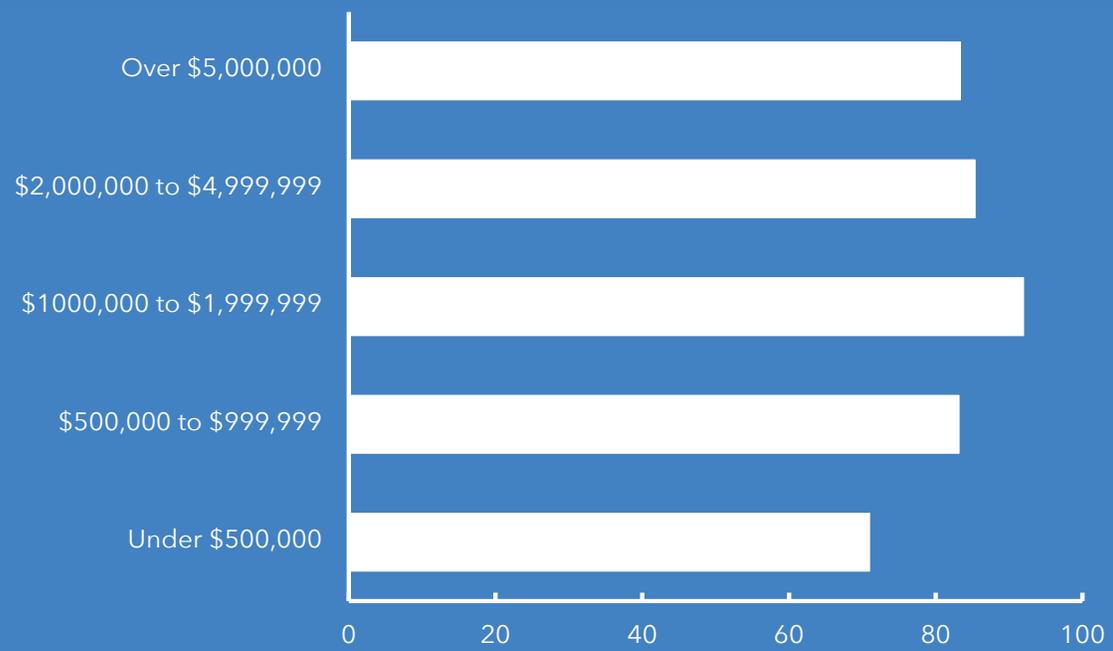


Figure 6. Average Percentage Personnel to Total Budget by Budget Category (N = 39).

# STARTING SALARIES

The 2018 starting salaries of recently graduated law students hired as prosecutors in Michigan ranged from a minimum of \$40,000 to a maximum of \$70,000. The average of the 33 responding offices was \$51,616.

# CASE PROCESSING

In 2018, the offices surveyed reviewed on average 1,344 felony cases, resulting in 1,095 felony cases charged, 933 felony cases with at least one conviction, and 95 felony cases diverted. Further, on average, the offices reported reviewing 2,184 misdemeanor cases, resulting in 1,479 misdemeanor cases charged, 1,238 misdemeanor cases with at least one conviction, and 66 misdemeanor cases diverted. Finally, on average, the offices also reviewed 374 juvenile cases, resulting in 278 juvenile cases charged, 149 juvenile cases with at least one conviction, and 76 juvenile cases diverted.

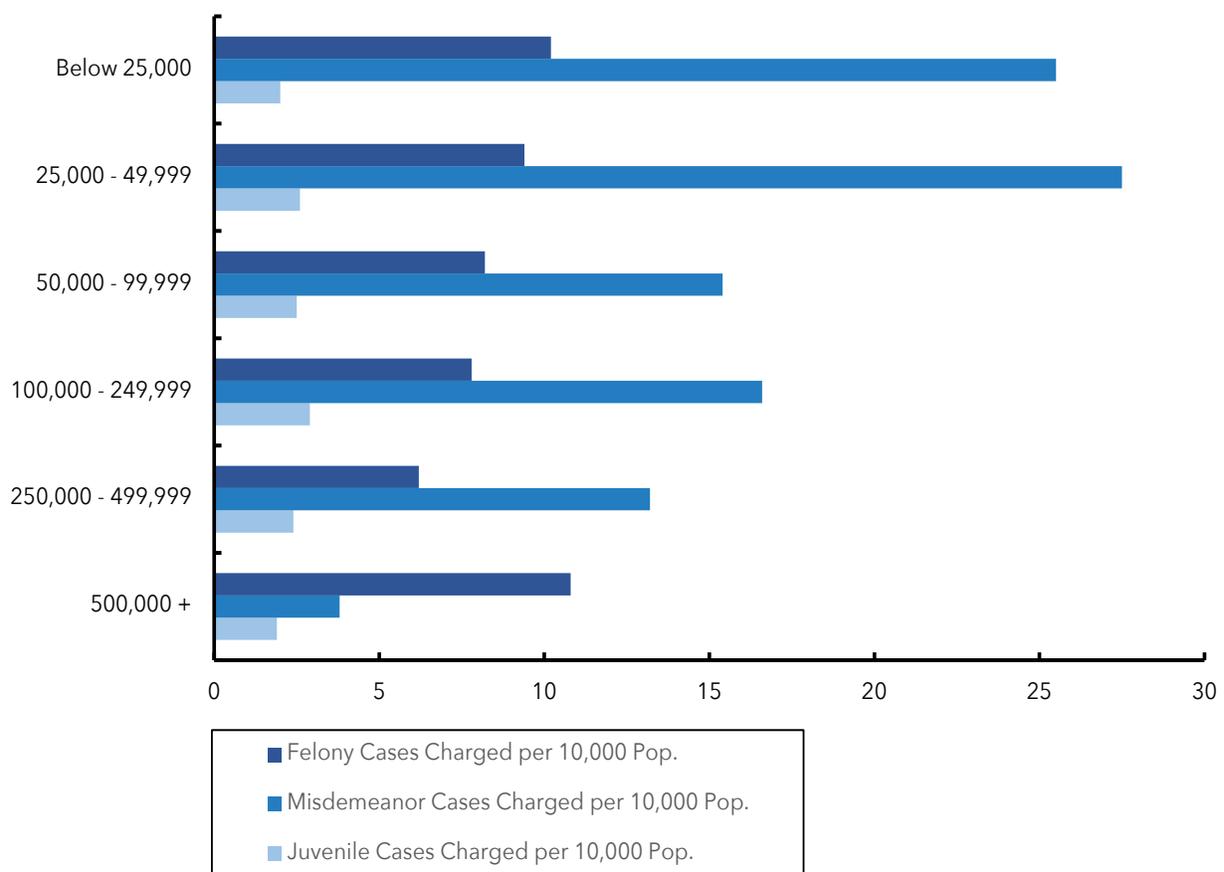
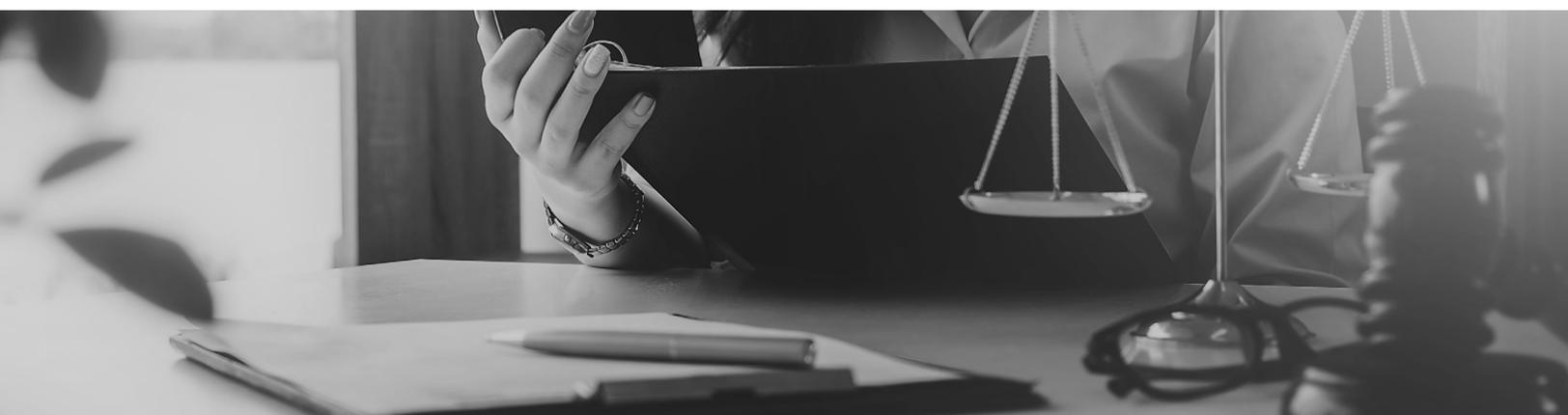


Figure 7. Cases Charged per 10,000 Population by Population Category (N = 42).

**Figure 7** depicts the number of felonies, misdemeanors, and juvenile cases charged by county population category. Across all population categories, the per capita rates of felony and juvenile cases charged are very similar. However, there appears to be a sizeable difference in the rates of misdemeanors charged. The largest counties charge the fewest misdemeanors while charging three times as many felony cases.

This result appears due to the reliance on municipal and other subcounty jurisdictions handling the bulk of misdemeanor cases. For the middle population categories, there appear to be about twice as many misdemeanor cases charged compared to felony cases. This suggests a decreased reliance on subcounty jurisdictions for misdemeanor prosecution. The smallest two population categories charge over three times as many misdemeanors as felonies. These counties often constitute a considerable rural population and it appears that the county prosecutors handle the most misdemeanor cases.



**Figure 8** presents the average number of reviewed cases per full-time attorney for felonies, misdemeanors, and both felonies and misdemeanors combined. While these data are limited, the estimated workloads can provide a useful benchmark for agencies. Across reporting offices, there were an average of 130 reviewed felony cases per full-time attorney and 318 reviewed misdemeanor cases per full-time attorney. Overall, this resulted in an average of 449 reviewed misdemeanor and felony cases per full-time attorney.

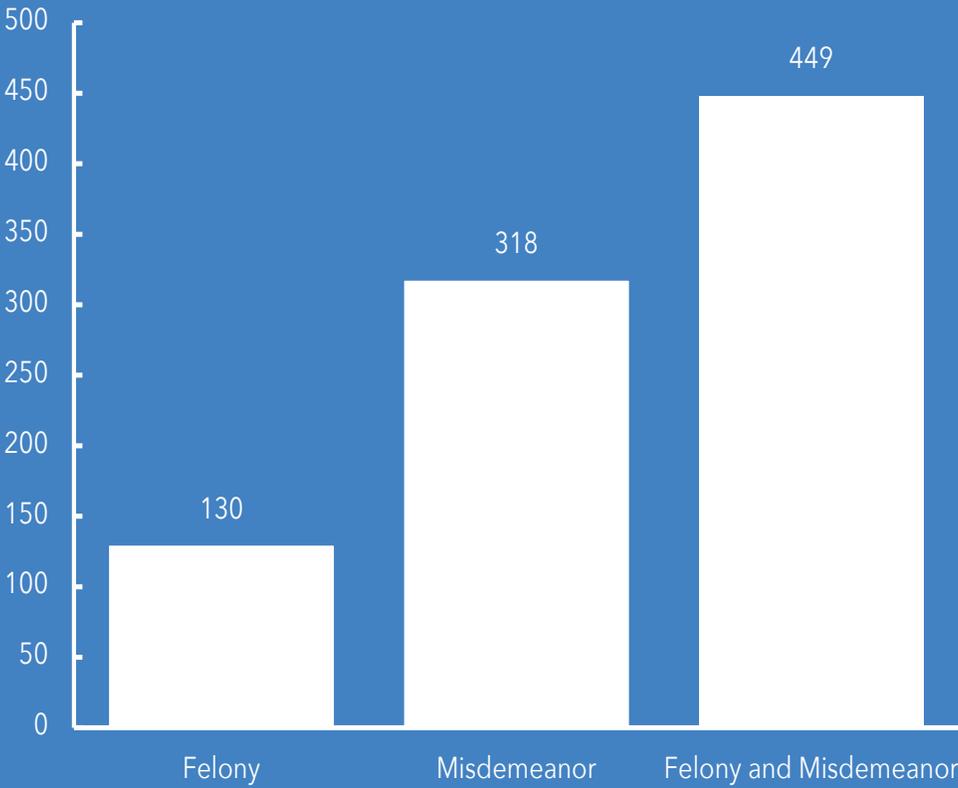


Figure 8. Average Number of Cases per Full-Time Attorney by Type of Case (N =42).



# NUMBER OF EMPLOYEES

On average, prosecutors' offices in Michigan reported employing 10 full-time attorneys. Very few offices reported employing part-time attorneys. These offices also reported employing 9.7 full-time and 1.2 part-time non-

**Figure 9** presents the number of full-time employees per 10,000 population by population category. Generally, the number of full-time employees per 10,000 population appears lower for the largest counties compared to the smaller counties. Smaller counties tend to employ slightly more full-time attorneys per 10,000 residents compared to larger counties. There is a more robust relationship between county size and the number of part-time attorneys. Smaller counties employ a larger number of non-attorneys per capita compared to larger counties.

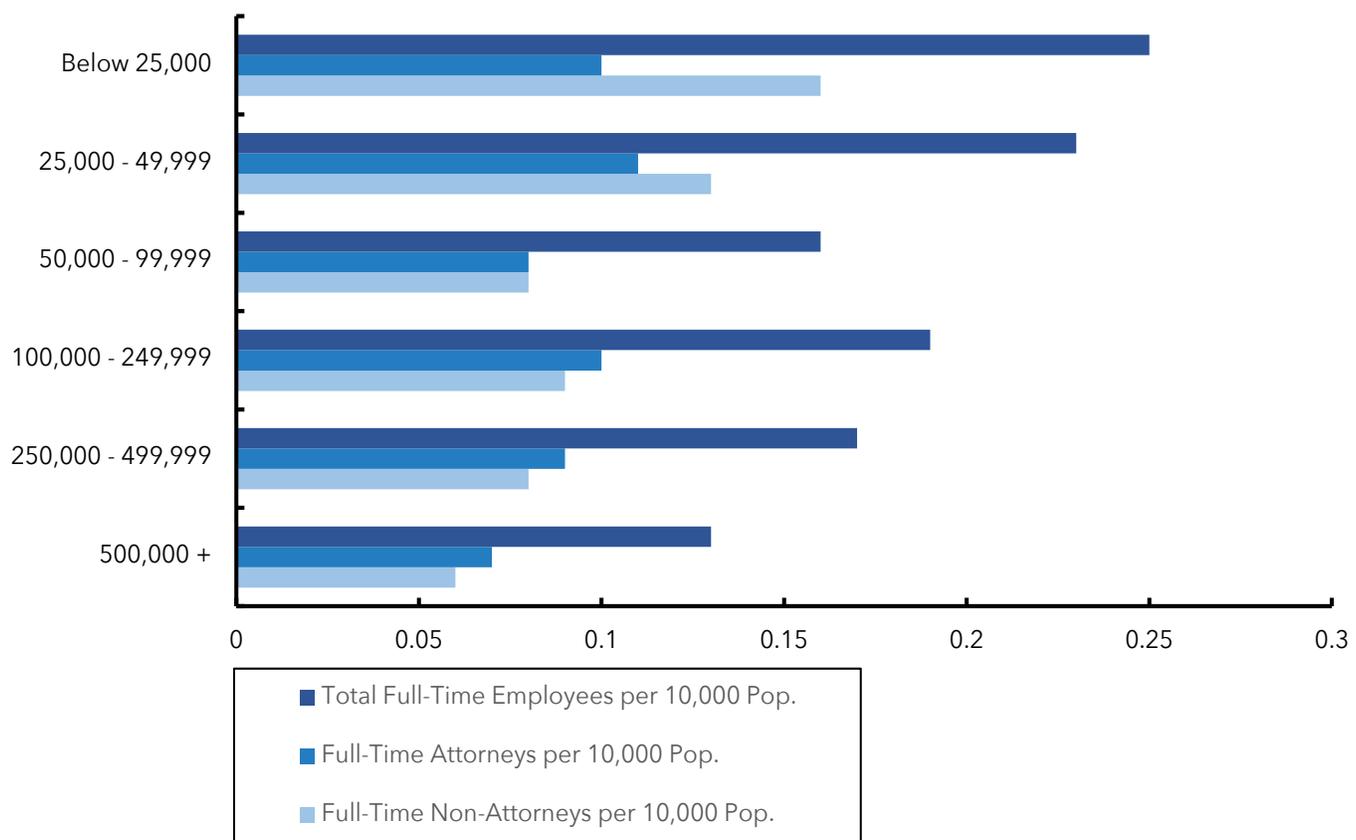


Figure 9. Full-Time Employees per 10,000 Population by Population Category (N = 45).

A different strategy for examining staffing information is to consider the ratio of staff to a measure of workload. **Figure 10** presents the average number of full-time employees per 1,000 felony and misdemeanor cases reviewed. Sites readily provided estimates of the number of felony and misdemeanor cases charged, whereas other workload measures were more likely to have missing responses. Comparing results across population categories, larger counties appear to have a higher average number of full-time employees compared to smaller counties. The smallest counties (under 25,000 residents) have the fewest number of full-time attorneys per 1,000 cases, but the highest number of full-time non-attorneys per 1,000 cases.

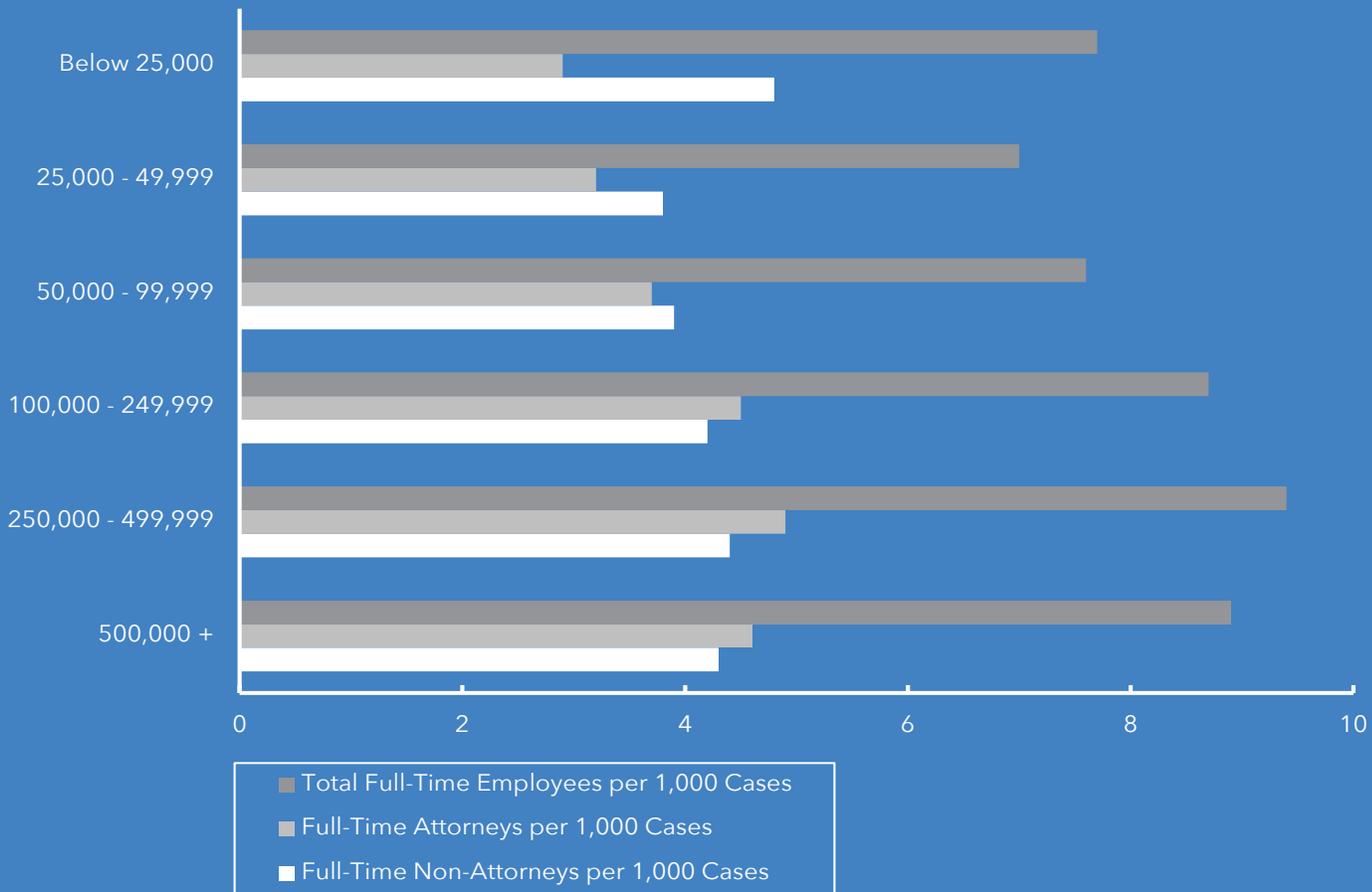


Figure 10. Average Number of Employees per 1,000 Felony and Misdemeanor Cases by Population Category (N = 43).



# PROSECUTOR INITIATIVES

A total of 82% of responding offices reported engaging in problem solving courts or other programs that offered alternatives to incarceration in 2018. The majority of offices reported that offenders with misdemeanors (73%) and low-level felonies were eligible for participation in these programs (67%). A smaller number of counties (56%) reported that non-violent offenders, in general, are eligible for these programs. Very few counties (4%) allow offenders with violent felonies into these programs

# SPECIALTY COURTS

We asked respondents about nine different types of specialty courts: Drug courts, Veterans' courts, Mental Health courts, Human Trafficking courts, Homeless courts, Alcohol/Driving Sobriety courts, Domestic Violence courts, Community courts, and Re-entry courts. **Figure 11** provides the frequency of counties with each type of specialty court in 2018. While the majority of offices reported Drug courts (75%) and Alcohol/Driving Sobriety (66%) courts, fewer than half of respondents reported specialty Mental Health (43%), Veterans' (36%), Domestic Violence (20%), and Human Trafficking (5%) courts. No offices reported Re-entry, Community, or Homeless courts.

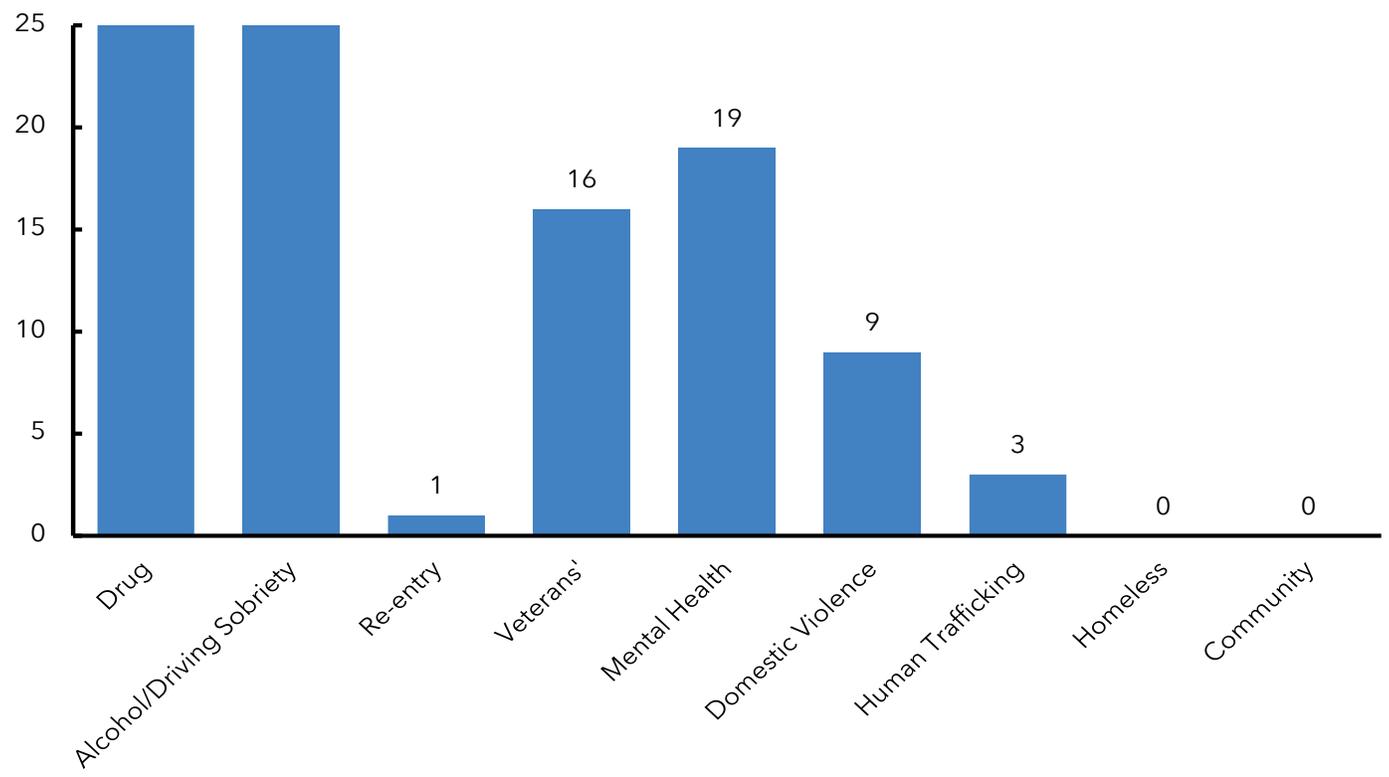


Figure 11. Number of Counties Reporting Specialty Courts by Type (N = 44).

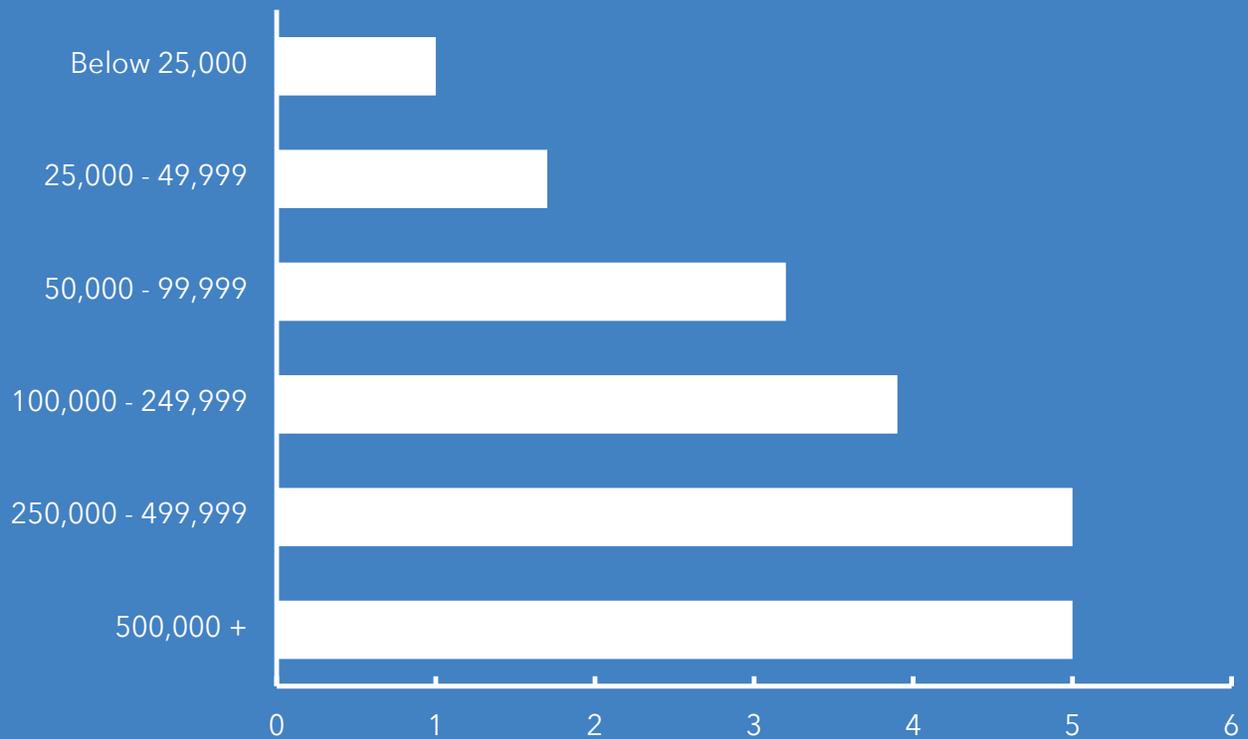


Figure 12. Average Number of Specialty Court Types by Population Category (N = 40).

**Figure 12** shows the number of specialty court types compared to the population category of the county. There is a very clear relationship between county size and special court availability in that larger counties report having a larger number of special courts. Since the total caseload of larger counties is higher than that of smaller counties, larger counties are more likely to have enough cases of particular types to allow for specialized courts. The consequence of this relationship is that cases in larger counties may have more targeted sentencing options, such as court-ordered treatment. To achieve the same level of availability of specialized courts, smaller counties would need to consider cross-jurisdictional courts when possible.





# ALTERNATIVES TO INCARCERATION

We also asked whether the offices in each county offered alternatives to incarceration, as shown in **Figure 13**. About 31% of offices reported offering drug treatment. Anger management was offered in 27% of counties, and community service was offered in 22% of counties. Very rarely were mental health services (18%), training/education (16%), deflection (13%), or restorative justice (9%) programs offered as alternatives to incarceration.

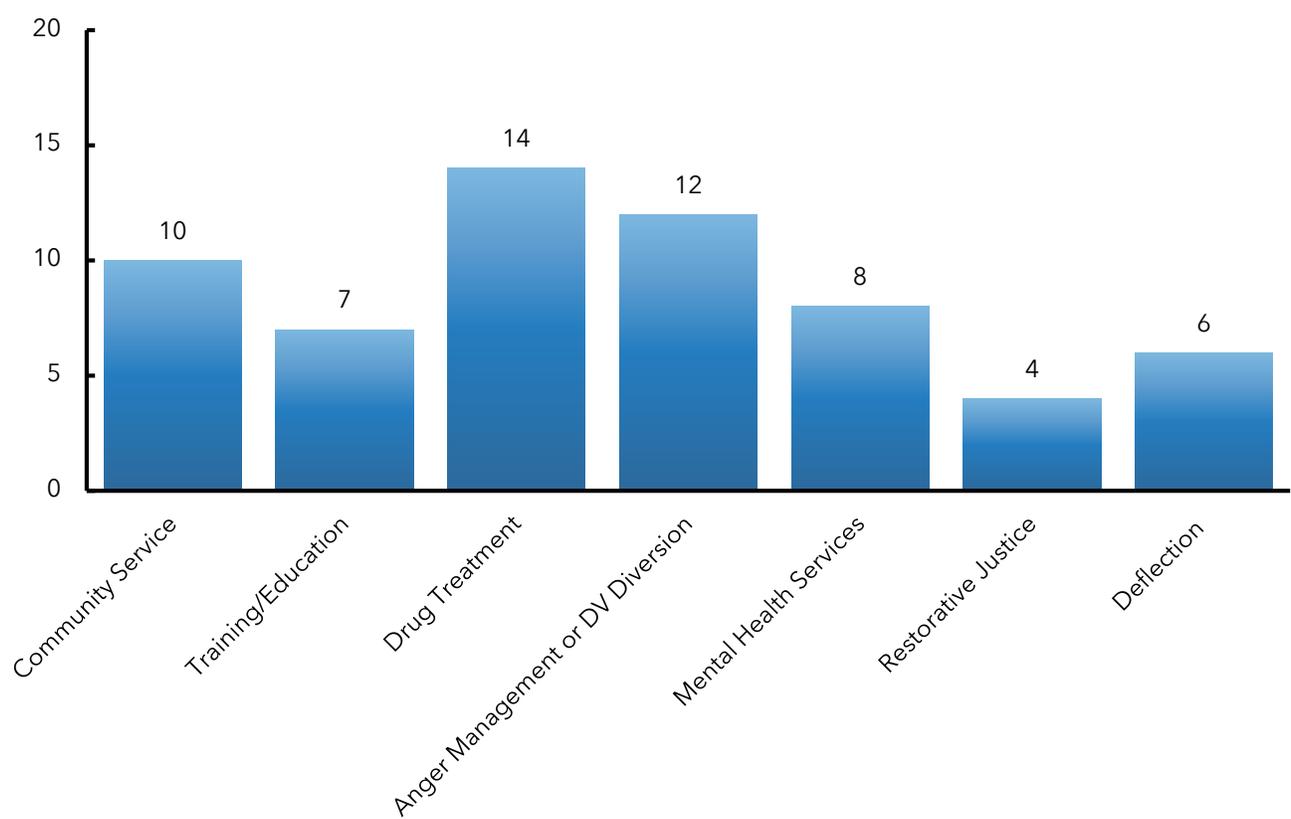


Figure 13. Number of Districts Reporting Alternatives to Incarceration by Type (N = 43).

## SPECIALIZED PROGRAMS

**Figure 14** presents the number of prosecutors' offices that reported operating specialized programs. The most common type of program is Victim Assistance, which was reported by 93% of offices. Slightly less common were Victim Assistance programs where no arrest was made (62%), Witness Assistance programs (58%), and Restitution programs (58%). Very rarely did prosecutors' offices report running Community Affairs Units (16%), Crime Strategies Units (7%), Conviction Review programs (4%), Community Prosecutors (2%), or Victim/Witness Relocation programs (2%).

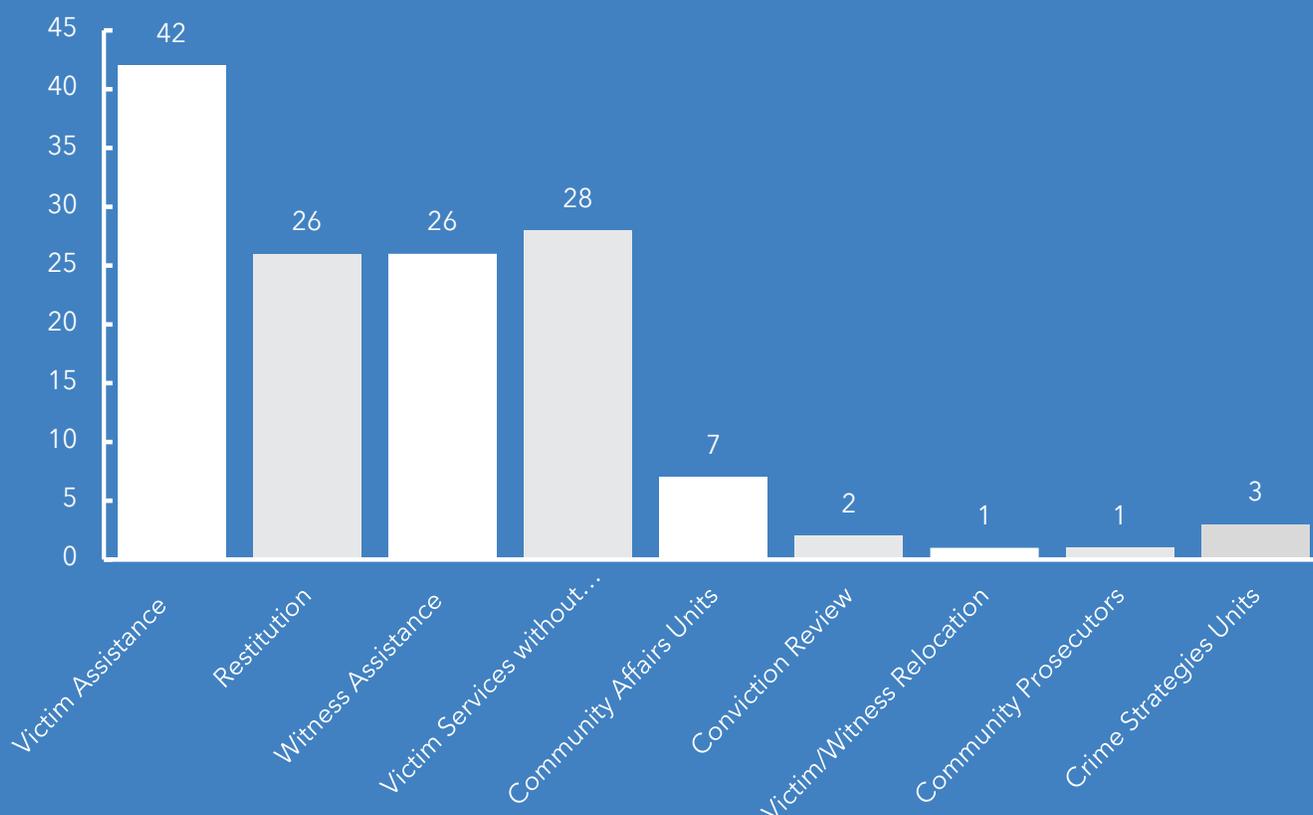
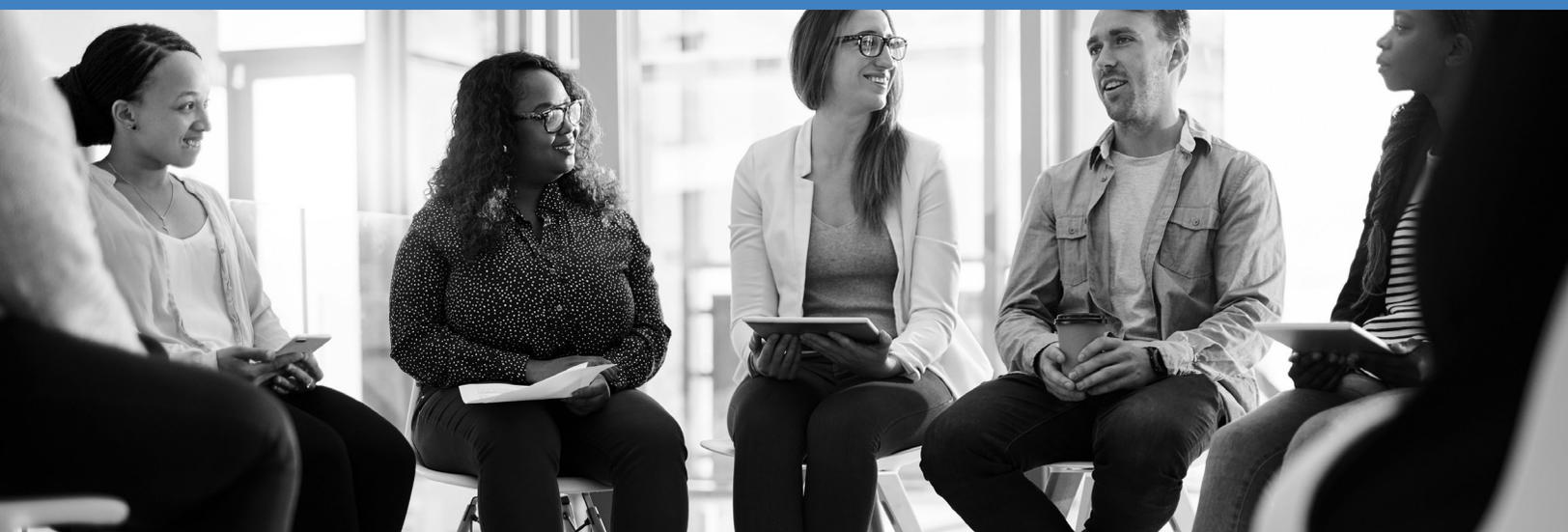


Figure 14. Counties Reporting Specialized Programs by Type (N = 45).



## COMMUNITY PROGRAMS

Finally, we asked whether the prosecutors' offices either ran or participated in several different community programs. These results are presented in **Figure 15**. Over half of the county offices reported participating in Community Engagement (62%), Co-located Child Abuse Services (58%), and Truancy programs (56%). Slightly fewer offices reported participating in Violence Reduction (51%), Youth Education programs (53%), Adult Education programs (44%), and Co-located Domestic Violence programs (42%). Considerably fewer offices reported participating in Neighborhood Courts (9%), Sports programs (7%), Neighborhood Clean-up (7%), Children of Inmates programs (7%), and Re-entry Programs (7%).

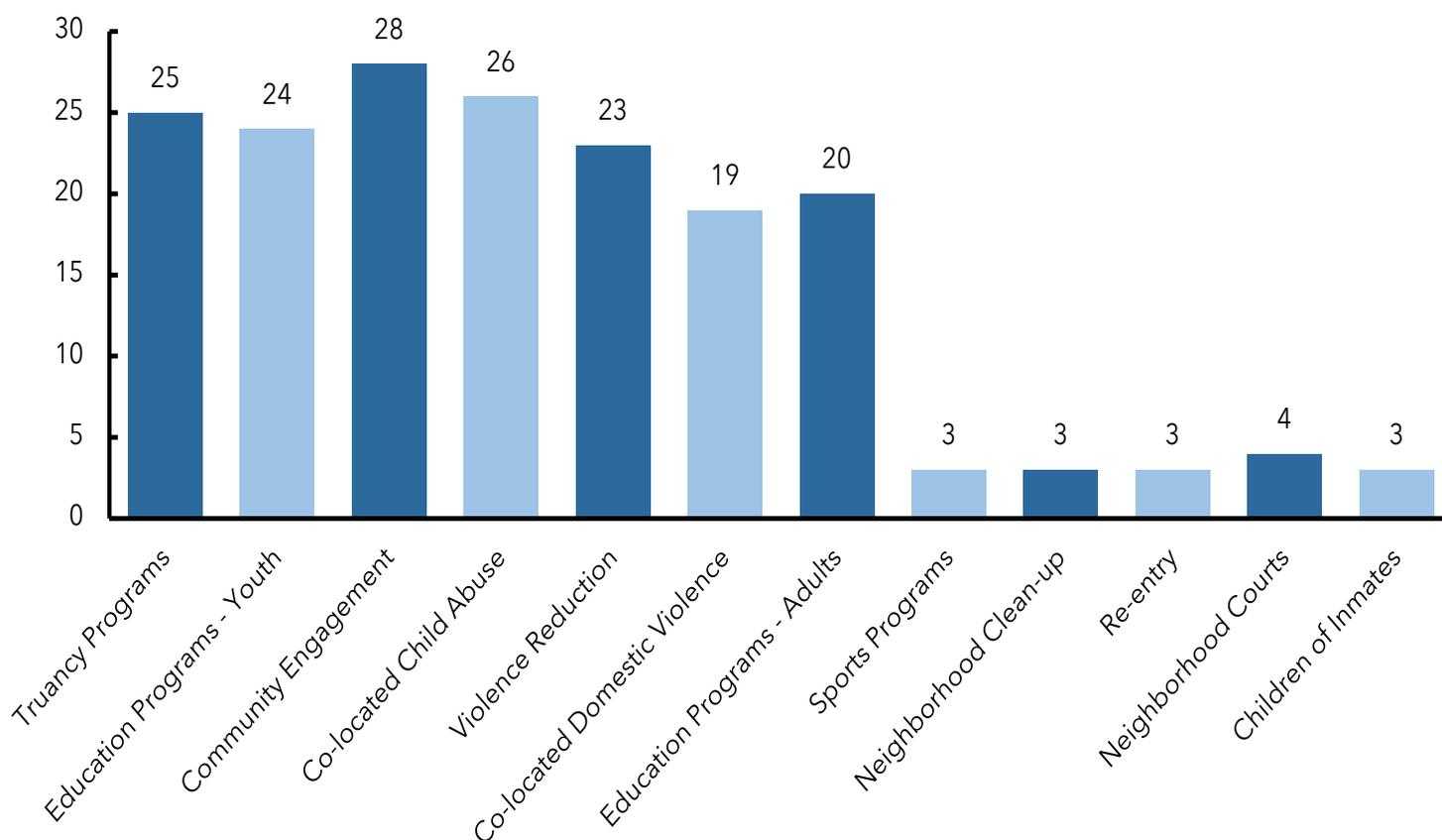


Figure 15. Participation in Community Programs by Type (N = 45).

## TECHNOLOGY

In the following section, we asked respondents about the use of technology within their offices. Only nine percent (9%) of the offices responded that they have a technology unit responsible for the computers, data, software, and hardware functioning within their offices. Eighty-nine percent (89%) reported that they are using an electronic case management system, and 60% of the offices currently use electronic discovery. All responding offices reported using technology in their courtrooms, and 42% reported having staff to support them with the use of this technology.

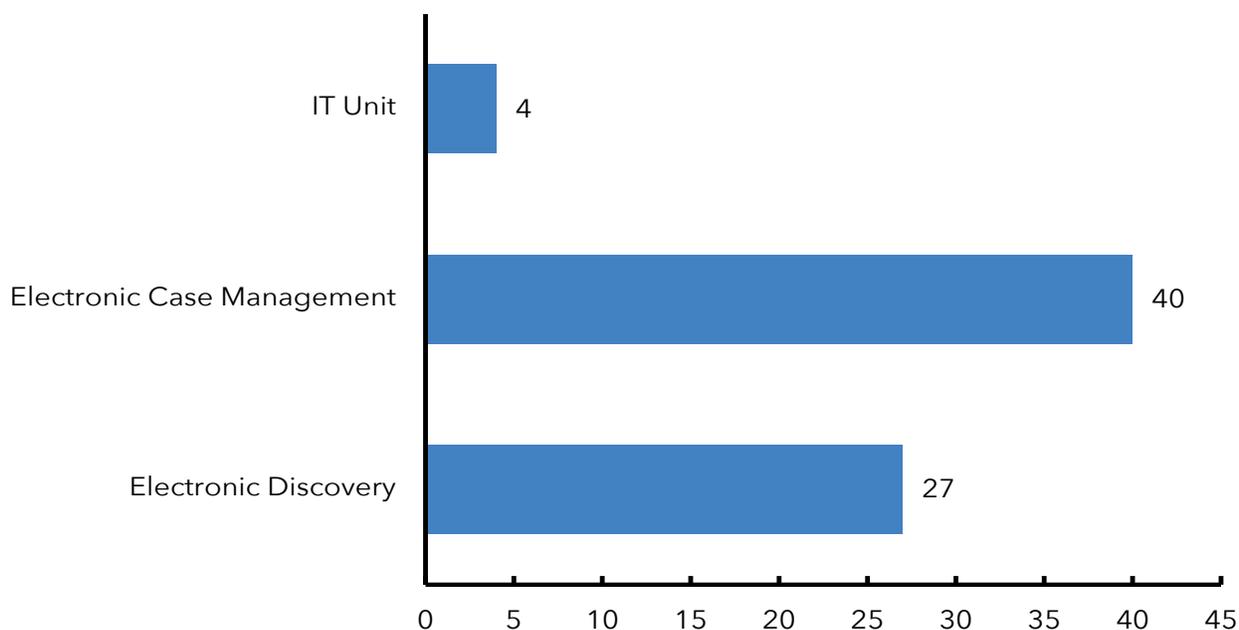


Figure 16. Technology Use within Prosecutors' Offices by Type (N = 45).



## BODY-WORN CAMERAS

In addition, 82% of the respondents reported having at least one police agency within their jurisdiction that has implemented a body-worn camera (BWC) program. **Figure 17** presents the method of delivery for BWC video. Of the 5 offices receiving BWC video, 14% reported solely using cloud-based interfaces, 53% are using DVDs, and 25% reported using both DVDs and cloud-based interfaces. A total of 33% of respondents reported needing additional staff to view and manage the evidence collected by BWCs.

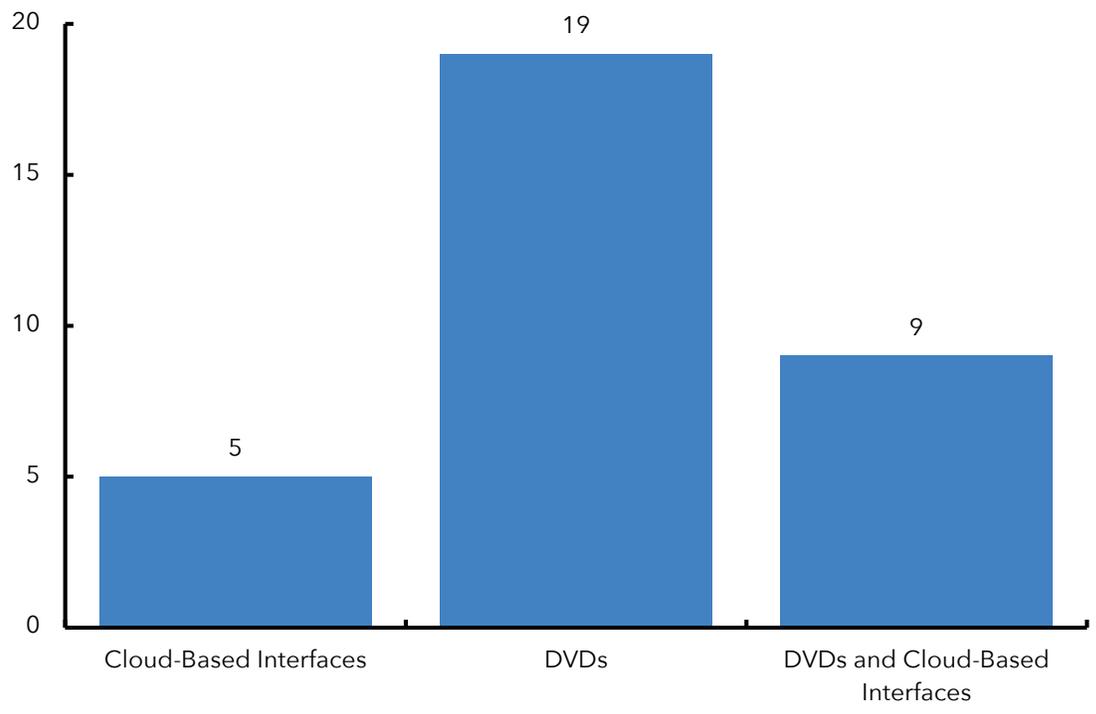


Figure 17. BWC Recordings Received by Prosecutors' Offices by Type (N = 36).

**Figure 18** below shows the percentage of offices by jurisdiction size that reported needing additional staff to view and manage BWC footage. All offices with 500,000 or more residents stated that they needed additional staff to review BWC footage. Approximately 83% of offices with 25,000 to 49,999 residents and offices with 100,000-249,999 residents reported needing additional staff. One third of offices with fewer than 25,000 residents and offices with 250,000 to 499,999 residents stated needing additional staff, as did 56% of offices with 50,000 to 99,999 residents.

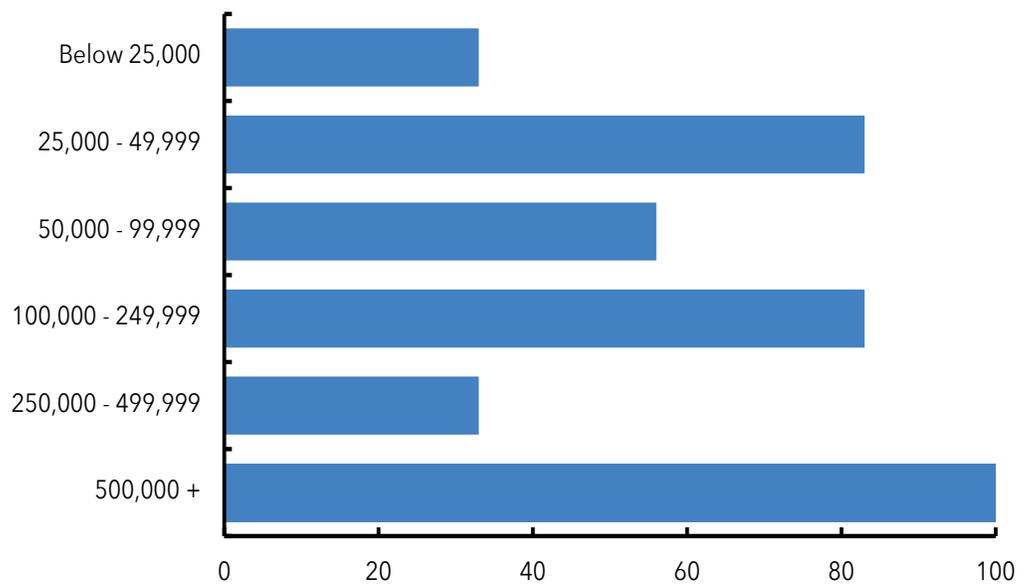


Figure 18. BWC Recordings Received by Prosecutors' Offices by Type (N = 36).

## WEBSITES

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Asked what they share with the public online, 84% of survey respondents reported having office websites and 47% reported updating their websites routinely (monthly, quarterly, or annually).

## RESEARCH

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A minority of the responding offices reported engaging in research and analysis. Fewer than nine percent (9%) of offices reported involvement in a research project in the last two years with a university, college, consultant, or independent research firm.

Thirty-three percent (33%) of offices reported analyzing crime data, caseloads, or other types of information routinely on a monthly, quarterly, or annual basis. Thirty-one percent (31%) of offices provide an annual report to the public on the work of the office.

Fewer than half (43%) of the responding counties have participated in major U.S. Department of Justice grant-based programs. Of those offices, five have participated in Violence Against Women Act programs. Seven offices reported participating in Federal Victims of Crimes Act programs. No offices have participated in a Smart Prosecution Initiative, a Project Safe Neighborhoods Program, or a Violence Reduction Network program.



# CONCLUSIONS

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The statewide survey administered by JSS and PCE provides many insights into the day-to-day functioning of Michigan prosecutors' offices. From the approximately one half of Michigan counties that have submitted survey responses thus far, we see a number of trends emerging as well as the existence of various outliers.

From the survey, we can determine that all responding Michigan prosecutors' offices handle felonies, misdemeanors, and juvenile cases, and that the majority of responding offices also handle civil matters and infractions.

Most offices have elected prosecutors serving less than 10 years. Over half have budgets less than \$1 million and the majority of the budgets are expended on personnel. The number of full-time employees per 10,000 population appears slightly lower for the largest counties compared to the smaller counties, but the number of attorneys per capita appears relatively stable across diverse population groups.

Across all population categories, the per capita rates of felony and juvenile cases charged are very similar. Larger offices process more felonies than misdemeanor cases, most likely because of sub county offices, whereas smaller offices process more misdemeanor cases than felonies.

It is apparent that nearly all offices offer specialized or problem-solving courts, and that some courts

are significantly more common than others. While a majority of offices reported offering Drug Courts, few reported offering Domestic Violence or Human Trafficking courts, and no offices offered Homeless, Community, or Re-entry courts.

Most offices reported running a number of specialized programs. By far the most common specialized program offered fell under the heading of Victim Assistance, while only one office had a Community Prosecutor program, and no offices provided Victim or Witness Relocation.

Over half of respondents reported providing specific community programs to the areas they serve. The most common offerings were Community Engagement, Co-located Child Abuse Services, and Truancy Programs.

This research has given much insight of the basic needs of prosecutor's office. Further research based on these findings should focus on the caseload of prosecutors. This research concluded that high population counties have a higher caseload. Researchers should continue to investigate ideal caseloads for prosecutors and evaluate proper resource management.

All in all, the Michigan offices that completed the statewide prosecutor survey have provided key data that has increased the knowledge base on the functioning of Michigan prosecutors' offices as well as on the role of Michigan prosecutors.