

Jeff Gerritt: Unlock the debate on good time and other sentencing reforms



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By [Jeff Gerritt](#)

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Michigan's prosecuting attorneys have squashed a needed debate on prison sentencing policies that cost state taxpayers tens of millions of dollars a year. That may be why, in Gov. Rick Snyder's otherwise comprehensive message last month on public safety, you didn't hear a peep about restoring good time, reforming sentencing guidelines or enacting a presumptive parole law.

Refusing to talk about an idea -- especially one that works elsewhere -- is silly and self-defeating. Muzzling people is no way to decide major policy questions.

[Even steely Daniel Heyns, director of the Michigan Department of Corrections, feels prosecutorial pressure.](#)

During an hour-long conversation with me last week, Heyns blew off questions about sentencing policies. "Those are contentious, hot-button issues," he said. "...That's a more long-term question and debate that's going to play out in a different arena."

In other words, he's no longer talking about it.

Nine months ago, however, Heyns, in another interview with me, did talk. Responding to a question, he told me that good time -- a prisoner's chance to shave limited time off his sentence with good behavior -- worked well for county sheriffs and provided a tool for controlling jail conduct. He did not endorse good time but said it ought to be part of the broader debate on public safety and corrections costs.

Heyns could not have been more cautious. Still, prosecutors lit him up for even broaching the subject.

"Prosecutors are one of those groups that, for some reason, we don't think we can tread on their turf," said state Rep. Joseph Haveman, R-Holland, chairman of the legislative subcommittee on corrections appropriations. "I think, though, the time is right to open up a lot of conversations and look at new ways of doing things."

Haveman's correct. Shouldn't a governor who intends to "reinvent Michigan" put everything on the table, especially ideas that work elsewhere?

Michigan spends more on prisons than higher education. It has one of the nation's highest incarceration rates -- not because it sends more people to prison but because it keeps them there far longer than other states. Michigan prisoners serve, on average, 127% of their court-ordered minimum sentence, even though studies show no correlation between a prisoner's length of stay and his chances of success after release.

Eaton County Prosecuting Attorney Jeffrey Sauter, past president of the Prosecuting Attorneys Association of Michigan, told me Thursday that the effectiveness of lengthy sentences -- or lack of it -- isn't the issue. Good time, he said, violates Michigan's truth-in-sentencing law and leads to greater uncertainty about how long prisoners will serve.

"People are still suspicious," Sauter said. "They don't believe that whatever the judge imposes is the amount of time that person will have to serve. It's a huge issue for crime victims and their families. ...

"We talked to him (Heys) and we talked to the governor's office. We did make clear what our priorities are."

Still, other states have found a way to make good time work. Michigan is one of only a handful of states that have not adopted federal standards for truth in sentencing that make inmates with good behavior eligible for parole after serving 85% of their sentence. Under a conservative Republican governor, Mississippi even enacted good-time credits of up to 75% for nonviolent offenders.

Restoring good time would safely reduce the state's prison population by the thousands. Business groups such as the Detroit Regional Chamber have backed good-time plans, understanding that the state can no longer afford to shell out \$2 billion a year from the general fund for Corrections, or to ignore a reform that could save \$100 million a year.

Prosecutors understandably want certainty in sentencing. That should be an easy fix. Courts could, during sentencing, calculate the maximum amount of good-time credits and announce the earliest release date. At any rate, Sauter told me prosecutors would be open to adopting some kind of determinate sentencing, similar to the federal system. That's encouraging and a starting point for a real debate.

Sentencing reforms are ideas that legislators, policy makers and other leaders should at least talk about. With Corrections devouring nearly 25% of the state's general fund, Michigan cannot afford to muzzle another debate on policies that drive its growing prison population.

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