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# Experts unveil the truth of Michigan's harsh 'Truth in Sentencing' laws

*"Tough on crime"-era law hampers criminal justice reform efforts*

LANSING — A law Michigan enacted in 1998 that requires people sentenced to prison to serve 100 percent of their minimum sentence in a secure facility before they are eligible for parole has inflated the prison population and has hamstrung the Michigan Department of Corrections' ability to respond to the COVID-19 outbreak in Michigan's prisons, according to a panel of experts speaking Wednesday. Michigan's "Truth in Sentencing" law — one of the harshest of its kind in the nation — has rendered over 70 percent of people in Michigan's prisons ineligible for parole while the virus continues to spread rapidly in multiple facilities across the state. With nearly 1,400 confirmed cases, Michigan has the second-largest outbreak of any state prison system.

The panel discussion was sponsored by Safe & Just Michigan, a Lansing-based nonprofit working to lessen Michigan's over-reliance on incarceration and to create safe communities throughout the state. The discussion was moderated by Safe & Just Michigan Executive Director John S. Cooper, who was joined by State Appellate Defender Office Assistant Defender Jessica Zimbelman; Amani Sawari, a criminal justice reform advocate driving an effort to repeal the Truth in Sentencing law through a ballot initiative; and Safe & Just Michigan Research Specialist Anne Mahar Ph.D.

Advocates for Truth in Sentencing argue it gives crime survivors peace of mind by guaranteeing them that someone convicted of a crime will remain incarcerated for the entirety of their minimum sentence. However, the law also dramatically increases the length and cost of sentences, eliminates incentives for incarcerated people to invest in rehabilitation, and

eliminates MDOC's ability to release someone before they have served their minimum even if they are old or sick and pose no threat to public safety.

"It's hard to overstate the extent to which the Truth in Sentencing law has impacted MDOC's ability to respond to COVID-19," Cooper said. "Not only has Truth in Sentencing eliminated MDOC's ability to consider most incarcerated people for release, it has also prevented MDOC from utilizing outside facilities to house sick or vulnerable incarcerated people, which has helped fuel the spread of COVID-19 inside."

Even before the COVID-19 outbreak, Michigan's Truth in Sentencing law had dire consequences for our corrections system. The harshness and inflexibility of the law has played a significant role in growth of Michigan's prison population and length of stay, and is one of the reasons that our prison population is among the oldest in the nation.

"As COVID-19 continues to rapidly spread among our confined prison population, it is important for us to analyze how so many people became — and remain — incarcerated today," Zimbelman said. "The lack of good time or disciplinary credits contributes to keeping people locked up more than is necessary to keep the public safe — during a pandemic or not."

The inflexibility of Truth in Sentencing revealed the inflexible nature of Michigan's sentencing law. To date, there are 1,395 reported cases of COVID-19 in Michigan prisons, and 39 incarcerated people and two MDOC employees have died of the disease. Doctors and epidemiologists agree that if prison populations are thinned, the spread of the coronavirus could be slowed. But Truth in Sentencing stands in the way and could be one of the reasons Gov. Gretchen Whitmer has hesitated to act.

"The impact of Truth in Sentencing on the Michigan prison population and length of stay was anticipated," Mahar said. "Now, more than 20 years later, Michigan has the one of the longest averages of time served and the oldest prison population as we face the problem of COVID-19. It is time to reimplement a policy that is almost as old as our statehood — time off for good behavior."

Repealing Truth in Sentencing has emerged as a priority for many advocates for criminal justice reform. One way to accomplish this goal is through a ballot initiative — an effort being led by Sawari.

"Truth in sentencing has only been successful in contributing to an unmanageable, overcrowded prison system," Sawari said. "The repeal of truth in sentencing is the only way

that we can add any sense of truth, dignity or restoration to our current draconian, destitute and desperate criminal legal system.”

A video of the panel discussion will be posted at Safe & Just Michigan’s YouTube channel, [bit.ly/YouTubeSJM](https://bit.ly/YouTubeSJM), in the afternoon of Thursday, April 30.

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Safe & Just Michigan ([www.safeandjustmi.org](http://www.safeandjustmi.org)) works to advance policies that end Michigan’s over-use of incarceration and promote community safety and healing. We partner with Michigan organizations and leaders from across the political spectrum, including business and community leaders, faith communities, crime survivor organizations, formerly incarcerated individuals, prisoners and their families, as well as Michigan taxpayers statewide.