Changing the Narrative on Criminal Justice:
Michiganders Ready for Reform

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An Issue Brief by Sophie Ordway
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Jan. 18, 2022

Executive Summary

Why this Brief?

Michigan passed a number of significant criminal justice reforms during the 2019-20 legislative session. The Clean Slate legislative package signed into law in October 2020 makes Michigan the first state in the nation to automatically expunge felonies from criminal records, while the passage of Raise the Age legislation a year earlier ended the state's status as one of four final holdouts that categorically treated 17-year-olds as adults in criminal courts. Earlier, Michigan reformed its civil asset forfeiture laws to be more favorable to people accused of crimes. In January of 2021, Gov. Gretchen Whitmer signed into law a package of bills proposed by the Michigan Joint Task Force on Jail and Pretrial Incarceration, which will greatly reduce the number of drivers licenses suspended for offenses unrelated to unsafe driving and will keep more people out of jails.

These reforms are significant, and should be celebrated, but there is much more work that needs to be done to reform Michigan's criminal justice system – particularly on our approaches to sentencing and parole:

Michigan's Legislature prioritized criminal justice reform in the 2019-20 legislative session, passing critical reforms such as Clean Slate and Raise the Age. A commissioned survey from Safe & Just Michigan shows Michiganders strongly support further reforms.

- Research in the last 10 years has continuously shown Michigan prisons have some of the longest 'average time served' statistics (Courtney et al., 2017; Urahn et al., 2012; Wieland, 2019).

- Michigan ranks 8th in the country for number of people per-capita who are under correctional control, meaning they are incarcerated in jail or in prison, on probation or parole (Jones, 2018).

- Michigan is just 1 of 6 states that does not have a sentencing credit system that allows time off a prison sentence for good behavior or rehabilitation (Good Time and Earned Time, 2016).

- Michigan still utilizes mandatory minimum sentencing in some cases, which removes the courts' ability to tailor sentences to the circumstances of the crime (Mahar & Cooper, 2020).

The good news is that public support for continued reform — and specifically reforms to Michigan's sentencing and parole system — is high. This issue brief details the strength and breadth of this public support as found by public opinion research that Safe & Just Michigan commissioned in February 2020.

Data Collection

Between Feb. 25, 2020, and March 5, 2020, Emma White Research, contracted by Safe & Just Michigan, contacted 1,002 registered voters in Michigan, including an oversample of 100 African American voters. People were contacted by live interviewers via landline and cell phone. Survey respondents were asked a series of questions to measure public perceptions of the criminal justice system in Michigan and support for various proposed reforms. To obtain a representative sample of the Michigan population, the survey included questions to ascertain different characteristics of survey respondents, including age, race, sex, education level, political affiliation and more.

Key Findings

A great disconnect divides what Michigan residents believe our criminal justice system should do and how well those goals are achieved. **In short, the system we have is not working and people know it**.

❖ Michiganders divided by geography, race and ideology are generally united in their perspectives on the goals and purpose of the criminal justice system, as well as their beliefs that current practices are not effective.
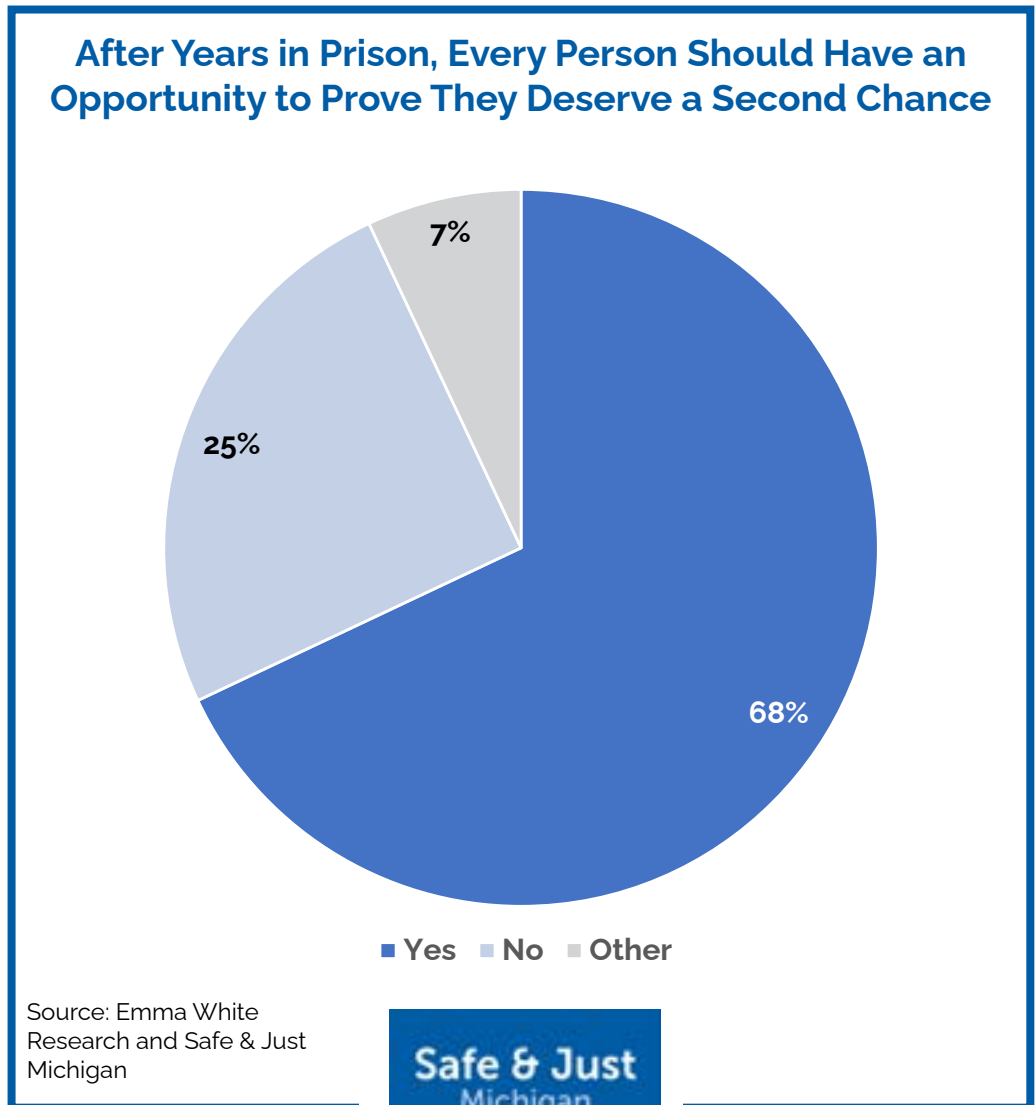
- More than 60 percent of all respondents, across demographic and ideological groups, agree that deterring crime, enhancing community safety, and rehabilitating people are important aspects to our criminal justice system's response to crime.

- However, less than 45 percent of respondents believe our criminal justice system is good at keeping communities safe, only 21 percent believe it is good at deterring crime and just 12 percent believe it is good at rehabilitating people.

❖ Notwithstanding this skepticism, public opinion research shows strong support for sentencing and parole reforms that eliminate "one size fits all" policies in favor of individually tailored decisions:

- 4 out of 5 people **support ending mandatory minimum sentences**, preferring that judges consider the individual circumstances of a crime when handing down sentences.

- There is **overwhelming support for reintroducing a sentencing credit system**, in which people in prison can earn a reduced sentence by investing in their rehabilitation through participation in educational or vocational programs.

- Sixty-eight percent of respondents **support the idea of a Second Look policy**, which would allow people who have served a long time in prison the opportunity to be considered for early release.

Strong support for these reforms illustrates the public's desire for a criminal justice system that is focused on rehabilitation — not punishment for punishment's sake — and rewards those who work toward that goal with a reduced sentence or an opportunity for release. It also suggests that the public is more concerned with the system being *effective* than it is with adhering to tough-on-crime era standards like "truth in sentencing," and it shows that public support for reform is strong *even for people serving life and long indeterminate sentences* — a group of people that is often left out of reforms for political reasons.

No matter their ideology, race or where they call home, Michiganders generally agree that the goals of the criminal justice system should be public safety, deterring crime and rehabilitation. They also agree the system we have now is not working.
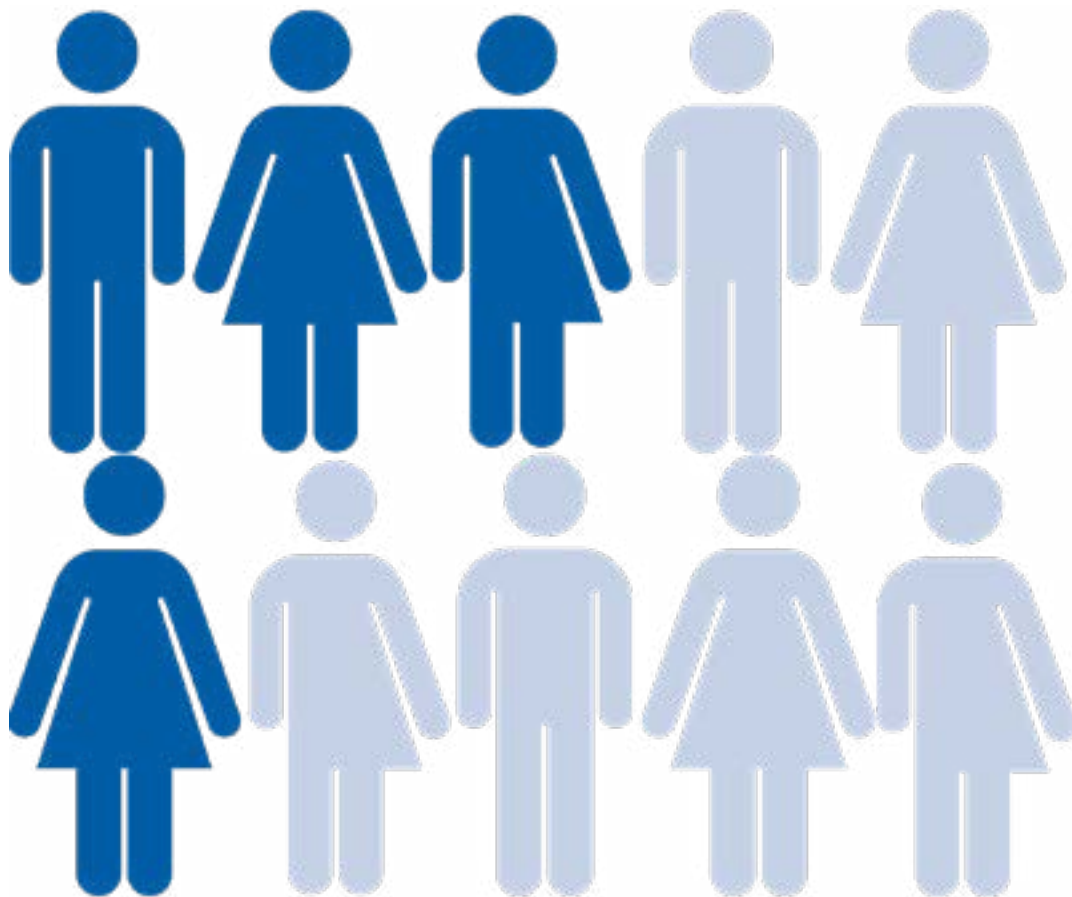
After Years in Prison, Every Person Should Have an Opportunity to Prove They Deserve a Second Chance

7%

25%

68%

■ Yes ■ No ■ Other

Source: Emma White Research and Safe & Just Michigan

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Our System Isn't Working

One of the major findings from the survey was that **the public does not believe the criminal justice system in Michigan is succeeding** in the goals of deterrence, community safety and rehabilitation.

Notably, 62 percent of respondents said deterrence is an important function of incarceration, yet only 21 percent of respondents believe our criminal justice system does a good job at deterring people from committing crimes. While the efficacy of incarceration as a deterrent to crime is debatable, this response and the results of this survey show the public has little confidence in the ability of the Michigan criminal justice system to do what it claims to do.[1]

The findings also revealed that the people who had more involvement with the criminal justice system tended to be more skeptical about the system's ability to deter crime.

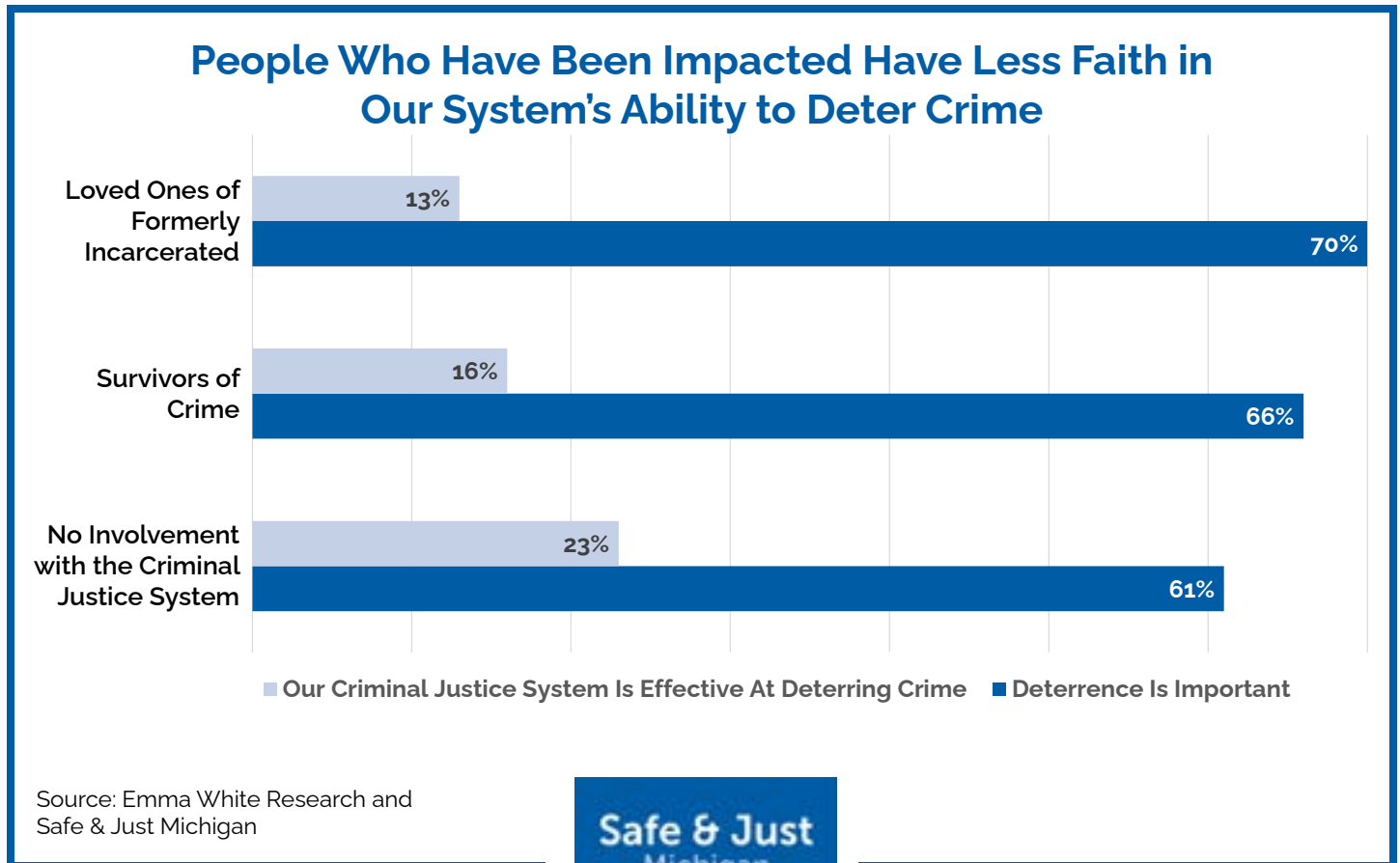*About 3 in 5 respondents said deterring crime is an important task of the criminal justice system; just 1 in 5 said the criminal justice system does the job well.*

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[1]   *It is well researched that the severity of punishment has very little deterrence effect – i.e. threatening a long sentence does little to deter crime. See the* National Institute of Justice's Five Things about Deterrence fact sheet.
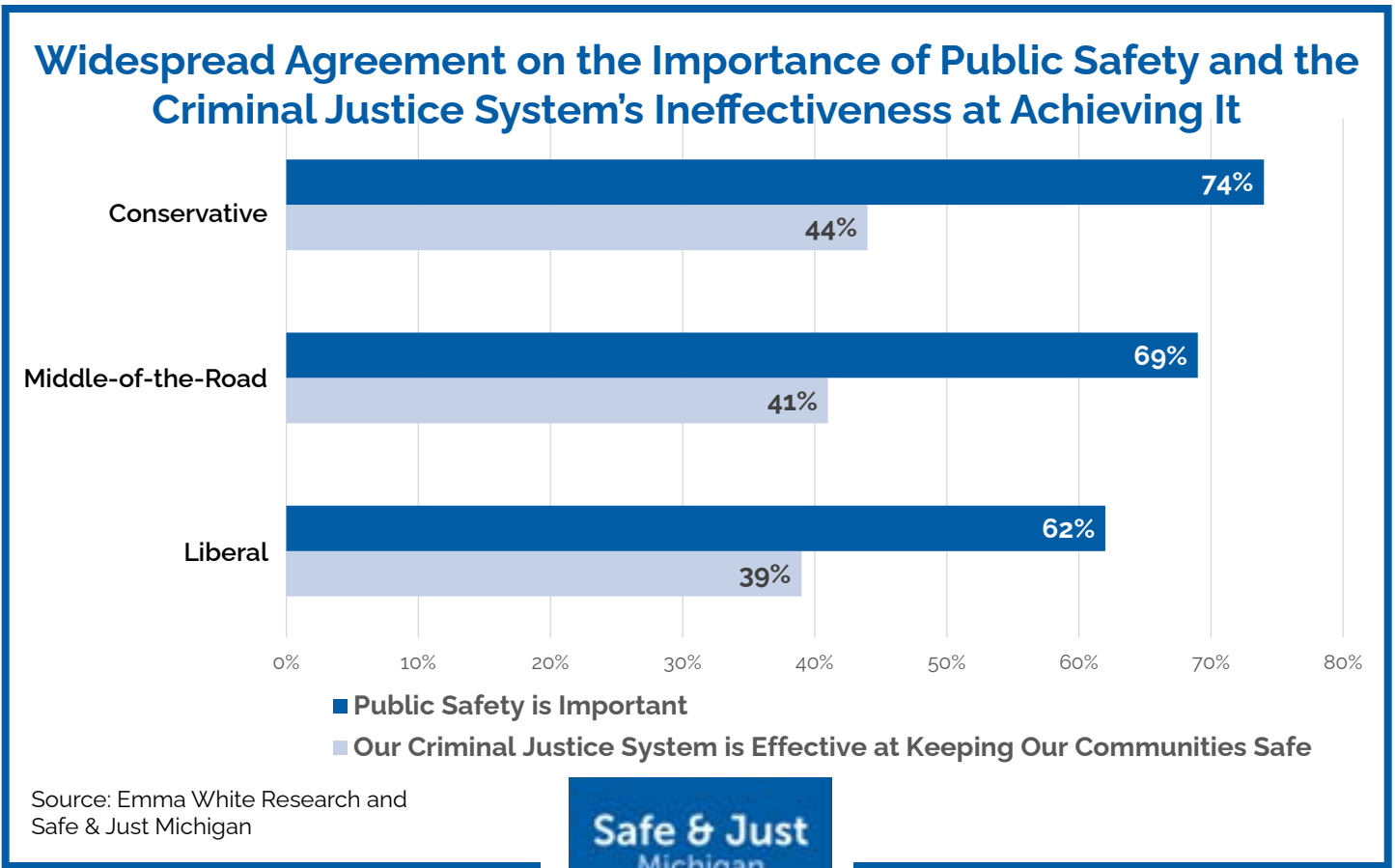
Those with no involvement in the criminal justice system had the most confidence in the criminal justice system's ability to deter crime, but even among this group, only 23 percent felt it was effective at deterrence; for comparison, **only 16 percent of crime survivors responded the system is effective at deterrence.**

People Who Have Been Impacted Have Less Faith in Our System's Ability to Deter Crime

Loved Ones of Formerly Incarcerated	13% / 70%
Survivors of Crime	16% / 66%
No Involvement with the Criminal Justice System	23% / 61%

■ Our Criminal Justice System Is Effective At Deterring Crime   ■ Deterrence Is Important

Source: Emma White Research and
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Faith in the criminal justice system's ability to deter crime ranges from just 16% among crime survivors to only 23% among those with no involvement with the justice system, though there is widespread agreement that deterrence should be a priority.

When taking a closer look at respondents' political ideology, respondents agreed on the importance of community safety. Yet, they all indicated they do not believe the current criminal justice system does a good job at keeping communities safe.

Widespread Agreement on the Importance of Public Safety and the Criminal Justice System's Ineffectiveness at Achieving It

Conservative
- 74%
- 44%

Middle-of-the-Road
- 69%
- 41%

Liberal
- 62%
- 39%

0%   10%   20%   30%   40%   50%   60%   70%   80%

■ Public Safety is Important
■ Our Criminal Justice System is Effective at Keeping Our Communities Safe

Source: Emma White Research and
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Whether conservative,
liberal or moderate —
whether a person is a
survivor of crime, has a
loved one who is formerly
incarcerated or has no
firsthand experience with
the criminal justice system
— there is widespread
agreement that deterrence
is an important goal of the
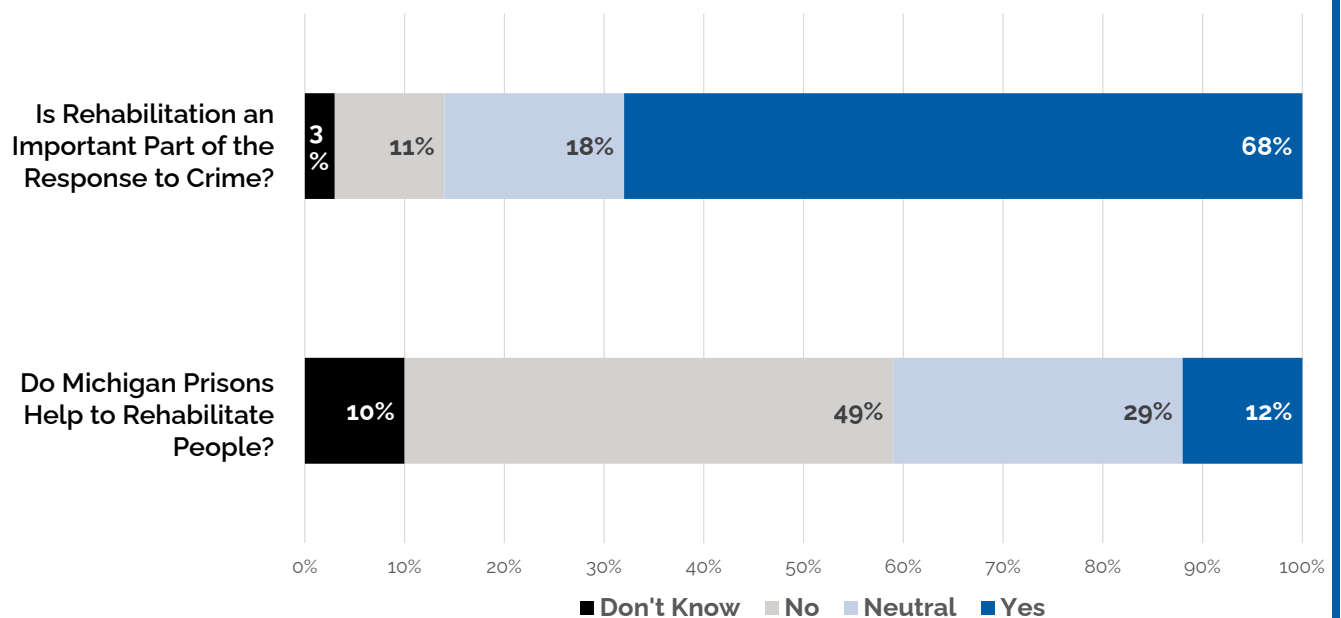criminal justice system,
*but the system isn't
achieving that goal.*

Strong support for rehabilitation ...
... but little faith in current practices

Roughly 7 in 10 respondents agree that rehabilitation is an important part of our response to crime, despite differences in political ideology.

Barely more than 1 in 10 believe our current criminal justice system is good at rehabilitating people.

There is a **clear, strong consensus across political ideology** on the importance of rehabilitation within our criminal justice system. And yet, **fewer than 20 percent of all respondents**, across political ideologies, believe our criminal justice system does a good job at rehabilitating people.

People Believe in Rehabilitation, but Not in Prison's Ability to Rehabilitate

Is Rehabilitation an Important Part of the Response to Crime?
- 3% Don't Know
- 11% No
- 18% Neutral
- 68% Yes

Do Michigan Prisons Help to Rehabilitate People?
- 10% Don't Know
- 49% No
- 29% Neutral
- 12% Yes

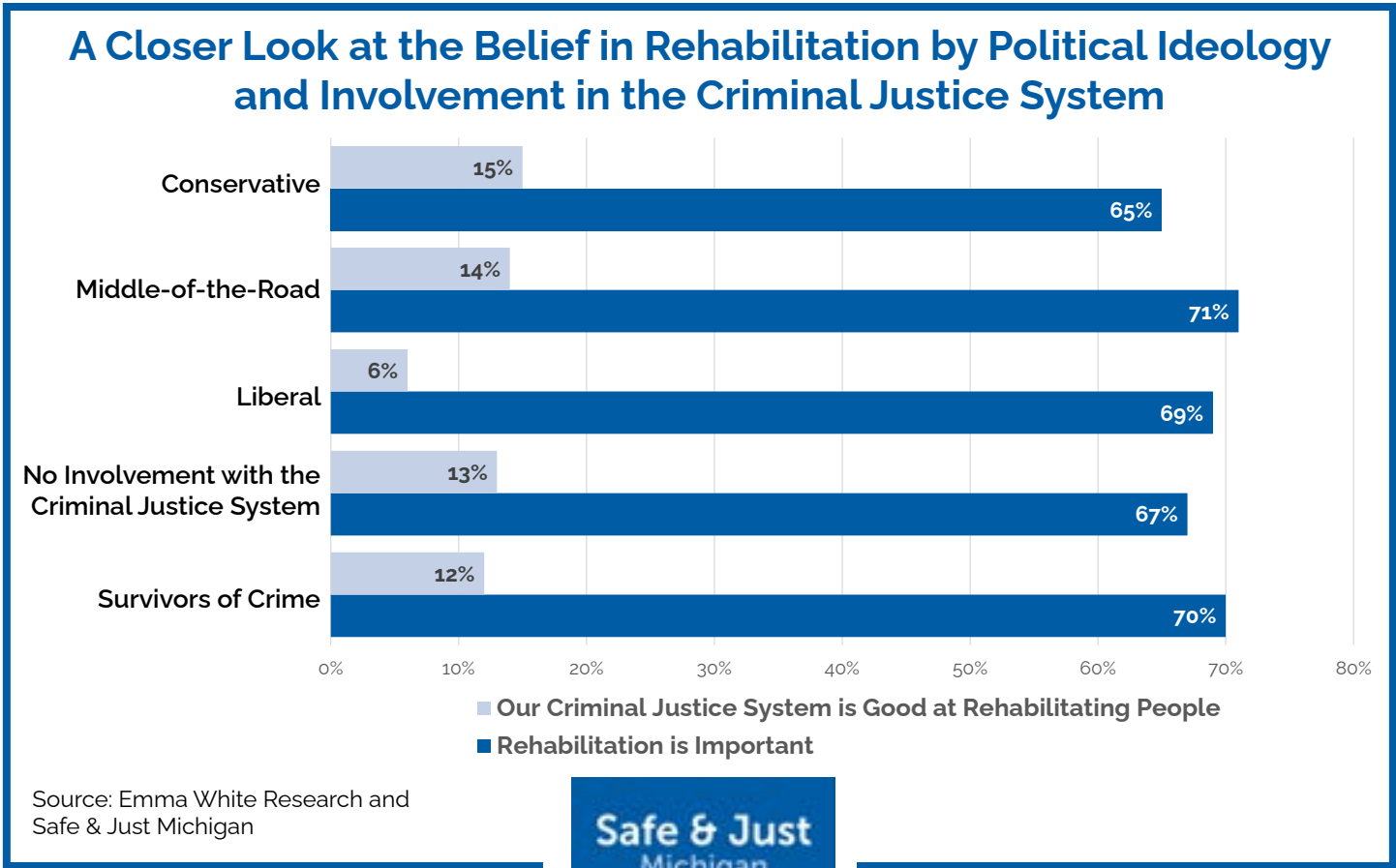Legend: ■ Don't Know ■ No ■ Neutral ■ Yes

Source: Emma White Research and Safe & Just Michigan

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Furthermore, people with different experiences with the criminal justice system all agree that **rehabilitation should be an important part of the response to crime**. But, like folks with differing political ideologies, there is little belief that the current system is good at rehabilitating people, regardless of their experience with the criminal justice system.

No matter their political ideology or their previous involvement with the criminal justice system:

- 65% or more of respondents agree that rehabilitation is important.

- 15% or less believe the criminal justice system is doing a good job of rehabilitating people.

A Closer Look at the Belief in Rehabilitation by Political Ideology and Involvement in the Criminal Justice System

Category	Our Criminal Justice System is Good at Rehabilitating People	Rehabilitation is Important
Conservative	15%	65%
Middle-of-the-Road	14%	71%
Liberal	6%	69%
No Involvement with the Criminal Justice System	13%	67%
Survivors of Crime	12%	70%

- Our Criminal Justice System is Good at Rehabilitating People
- Rehabilitation is Important

Source: Emma White Research and Safe & Just Michigan

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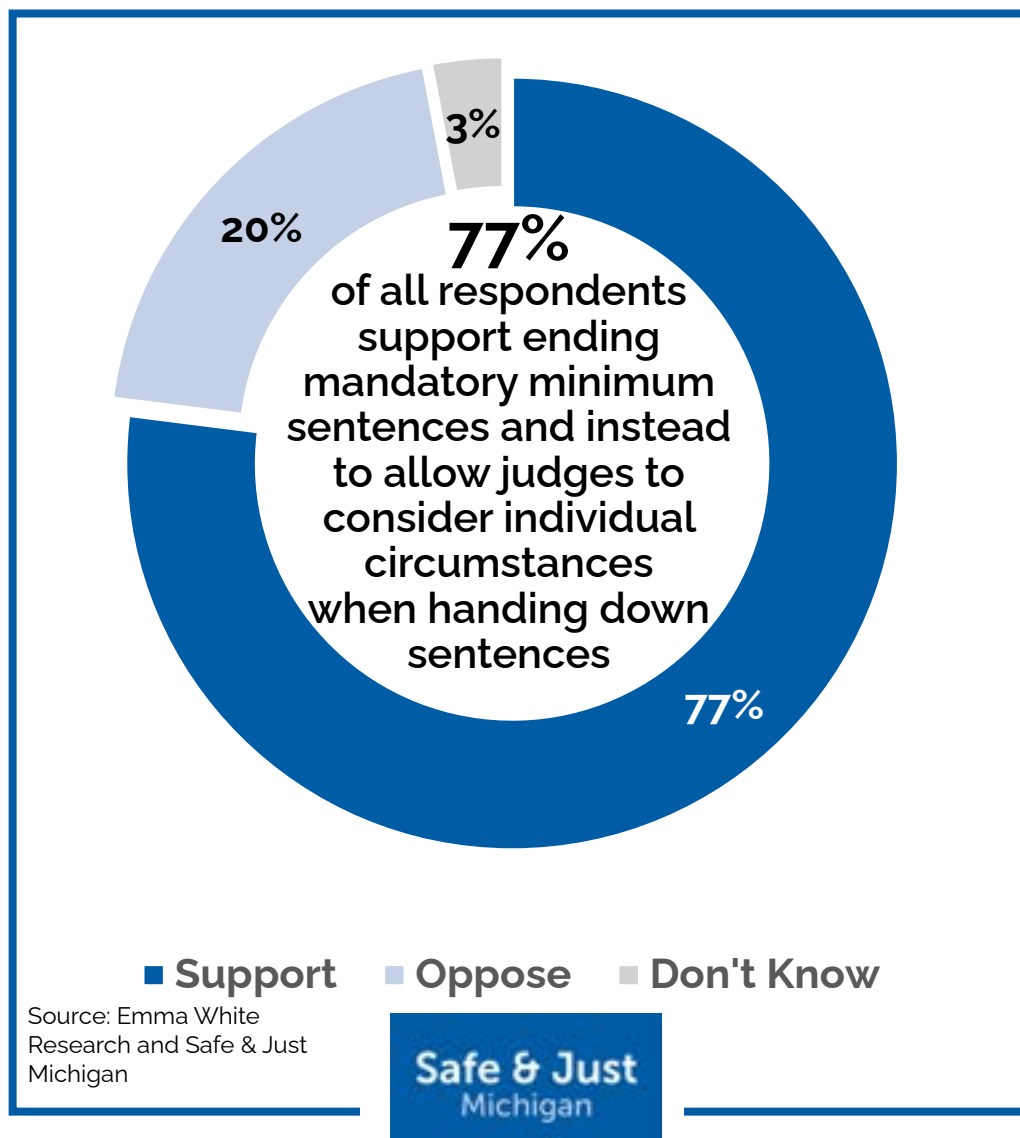Michigan

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Potential Solutions: Strong Support for Sentencing & Parole Reform

While the survey found a lack of faith in the system, it also hints at ways in which the system can be improved. For example, it found broad and consistent support among Michiganders for sentencing and parole reforms, including: **(1)** ending the practice of mandatory minimum sentences, **(2)** reimplementing a sentencing credit system that allows time off for good behavior and rehabilitation and **(3)** utilizing a second look policy. Based on the support from survey respondents these are all potential options for future reform in Michigan.
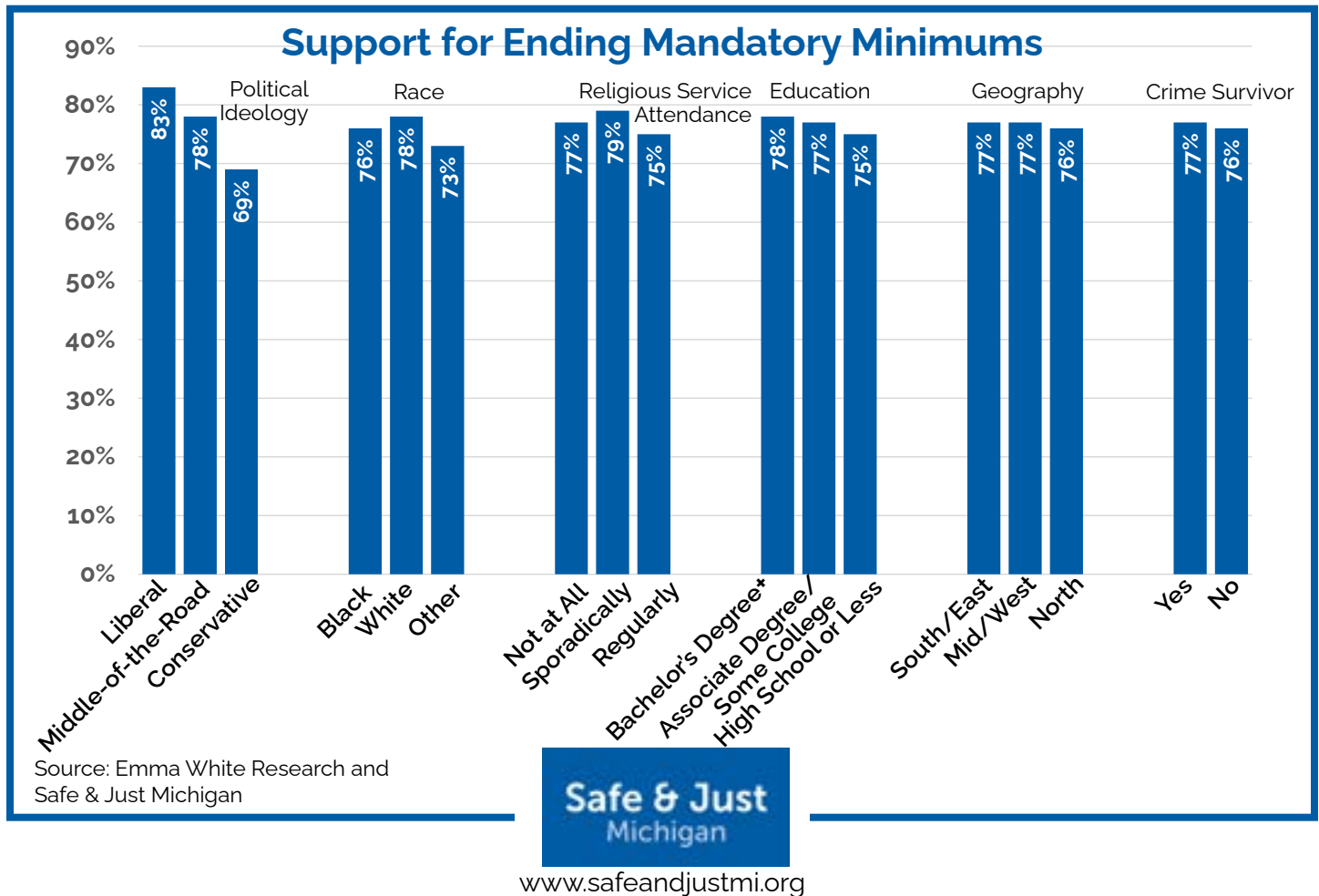
Michiganders Support Ending Mandatory Minimum Sentences

Support for eliminating mandatory minimum sentences is strong across demographic groups. For example, people with less formal education expressed 75 percent support, compared to people with college degrees, at 78 percent. Similarly, support based on rate of religious participation ranged from 75 to 79 percent. Seventy-eight percent of white respondents expressed support, compared to 76 percent of Black respondents and 73 percent of respondents who identified as another race. The differences in support by region only varied by 1 percent.

3%

20%

77%
of all respondents support ending mandatory minimum sentences and instead to allow judges to consider individual circumstances when handing down sentences

77%

■ **Support**   ■ **Oppose**   ■ **Don't Know**

Source: Emma White Research and Safe & Just Michigan

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Notably, there is also only a one percent difference in support for ending mandatory minimums between crime survivors, at 76 percent, and people who have not survived a crime, at 77 percent.

Support for Ending Mandatory Minimums

Political Ideology: Liberal 83%, Middle-of-the-Road 78%, Conservative 69%

Race: Black 76%, White 78%, Other 73%

Religious Service Attendance: Not at All 77%, Sporadically 79%, Regularly 75%

Education: Bachelor's Degree+ 78%, Associate Degree/Some College 77%, High School or Less 75%

Geography: South/East 77%, Mid/West 77%, North 76%

Crime Survivor: Yes 77%, No 76%

Source: Emma White Research and Safe & Just Michigan

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Michiganders Support Bringing Back an 'Earned Time' System

Most states, as well as the federal government, use what is known as a sentencing credit system, often referred to as 'Good Time' or 'Earned Time'. The concept is rooted in the science of incentives, positive reinforcement, and behavioral change.[2] Prison systems that allow people to earn time off their sentence for good behavior and educational or vocational achievement operate with the understanding that most people in prison will return to society and it is therefore a better use of resources to incentivize rehabilitation and positive behavior, rather than spend those resources on keeping people in prison for as long as possible.[3] Michigan's prison system does not currently operate under that premise: our Truth in Sentencing laws require everyone convicted of a felony committed after December 2000 to serve 100 percent of their minimum sentence in a secure facility.

Michigan utilized a 'Good Time' sentencing credit system for well over 100 years before it significantly rolled back by a ballot initiative in 1978 and was eventually eliminated all together with the implementation of the Truth in Sentencing law in 1998 and 2000.

In the last 20 years, other states that also implemented harsh truth in sentencing laws during the tough on crime era have since rolled them back (Ghandnoosh, 2019; Ordway, 2020). In line with their strong emphasis on the need for rehabilitation, responses to this survey indicate Michigan voters would also support reinstating a sentencing credit system.

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2   *Research shows that positive reinforcement is more effective at reducing recidivism than punishment.*
3   *According to the Bureau of Justice Statistics, "At least 95% of all state prisoners will be released from prison at some point."*
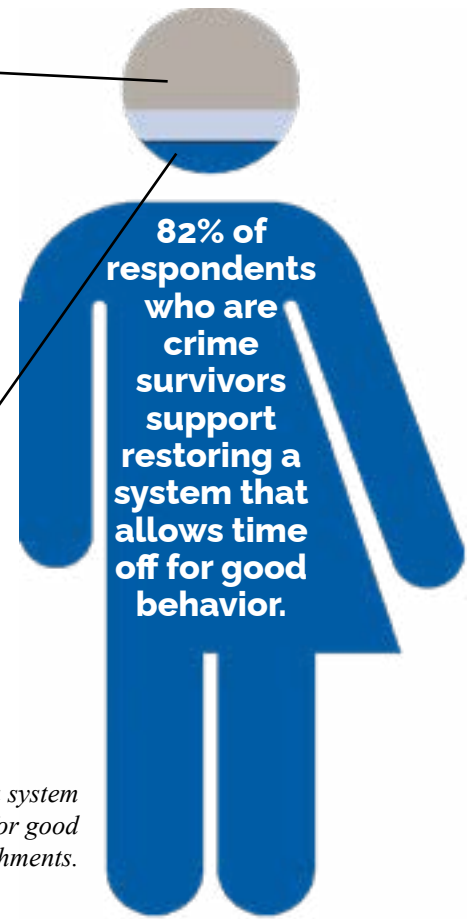
Overall, **84 percent of respondents expressed support for bringing back a system of time off for good behavior**, allowing people in prison to earn a reduction in their sentence if they show rehabilitation through work or education achievements.

Furthermore, survey results indicate **people who have survived a serious crime overwhelmingly support bringing back sentencing credit system.** There is only a three percent a difference in support between people who have survived a serious crime compared to those who have not.
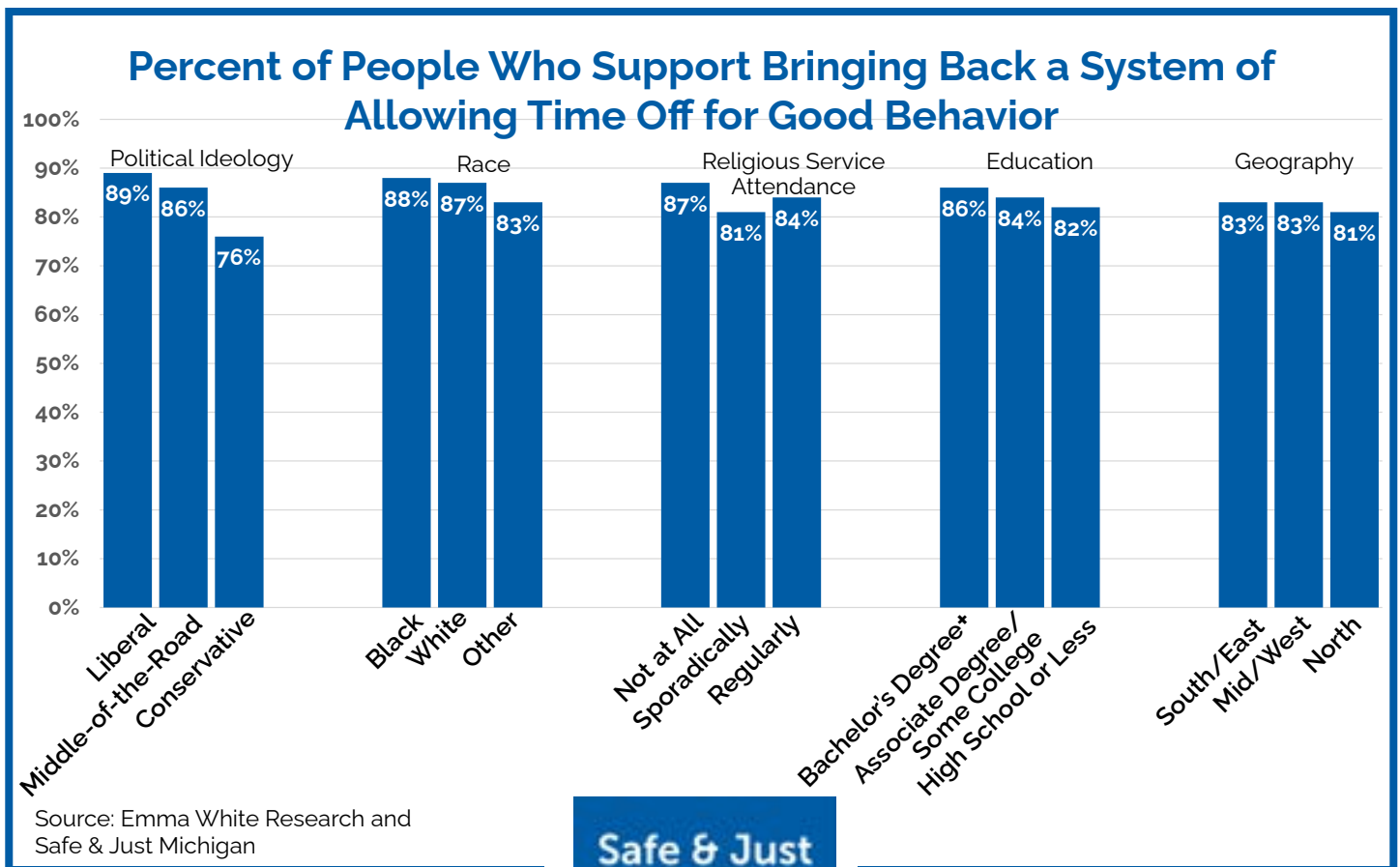
Roughly 16 percent of crime survivors oppose bringing back a sentencing credit system, while 3 percent are unsure of how they feel about it, compared to 13 percent of non-survivors of crime who oppose and 2 percent who are unsure of their position.

More than 4 in 5 surveyed support the reintroduction of a system that encourages rehabilitation through awarding time off for good behavior and educational or vocational accomplishments.
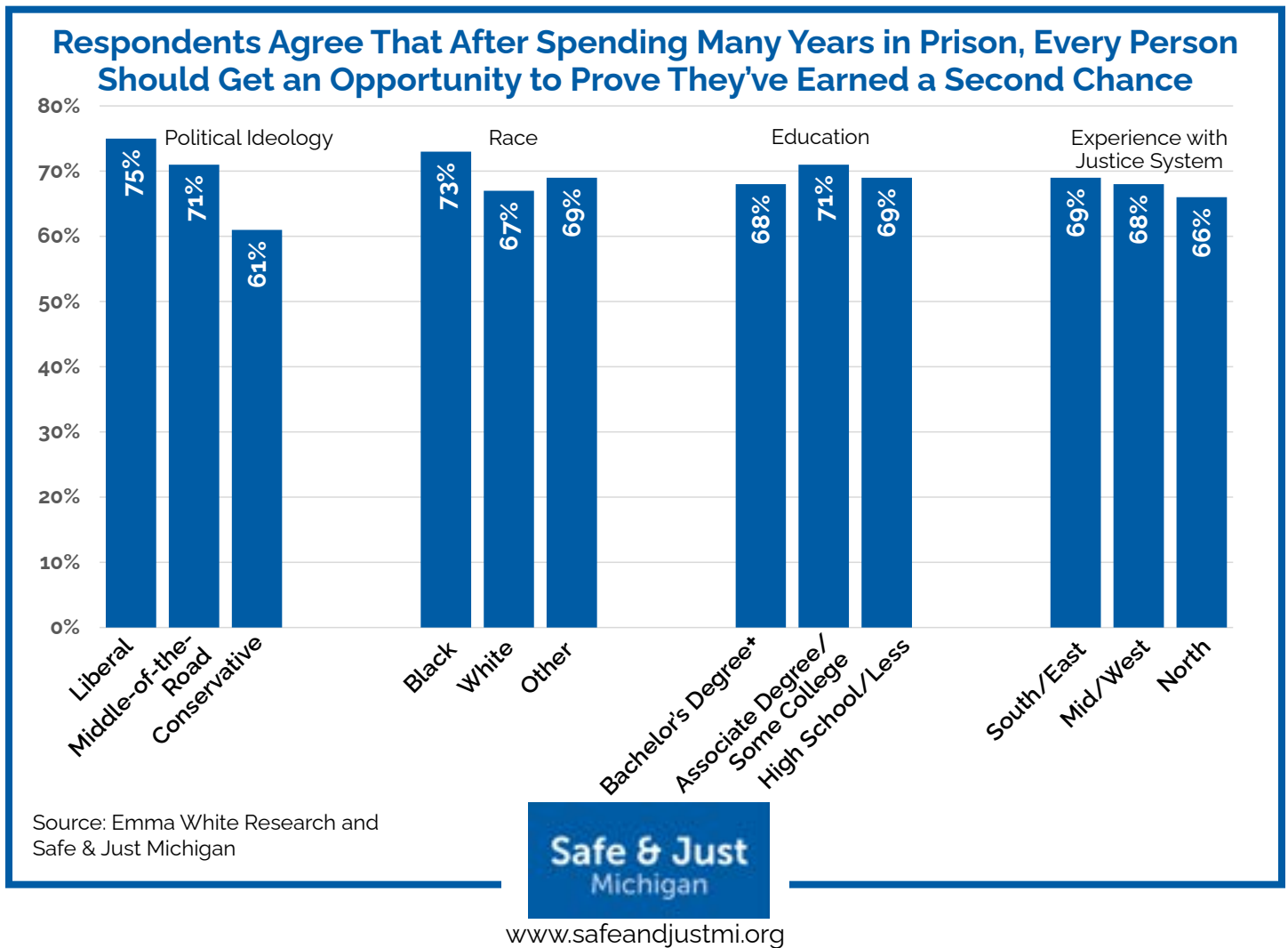
Only 15 to 18 percent of all respondents either oppose reimplementing a system that allows time off for good behavior, or they do not know how they feel about it.

85% of respondents who are not crime survivors support reimplementing a system that allows time off for good behavior.

82% of respondents who are crime survivors support restoring a system that allows time off for good behavior.

Percent of People Who Support Bringing Back a System of Allowing Time Off for Good Behavior

Political Ideology
- Liberal: 89%
- Middle-of-the-Road: 86%
- Conservative: 76%

Race
- Black: 88%
- White: 87%
- Other: 83%

Religious Service Attendance
- Not at All: 87%
- Sporadically: 81%
- Regularly: 84%

Education
- Bachelor's Degree+: 86%
- Associate Degree/Some College: 84%
- High School or Less: 82%

Geography
- South/East: 83%
- Mid/West: 83%
- North: 81%

Source: Emma White Research and Safe & Just Michigan

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Michiganders Support Second Chances

Much like the support for a strong focus on rehabilitation and ending mandatory minimums, the support for bringing back a system in which people in prison can earn time off their sentence is consistent across a variety of demographics, even within groups that are typically characterized as having polarizing perspectives. People from all different regions of Michigan expressed roughly the same amount of support, ranging only from 81 to 83 percent. Eighty-three percent of white respondents expressed support, compared to 88 percent of Black respondents, and 87 percent who identified as neither white nor Black. The support between those with different political ideologies varied the most, from 76 percent of conservatives to 89 percent of liberals. But even that relatively small gap does not detract from the fact that, **regardless of education level, rate of religious practice,[4] location in Michigan, race or political ideology, Michiganders overwhelmingly support a sentencing credit system for our prisons.**

Respondents Agree That After Spending Many Years in Prison, Every Person Should Get an Opportunity to Prove They've Earned a Second Chance

Political Ideology			Race			Education			Experience with Justice System		
Liberal	Middle-of-the-Road	Conservative	Black	White	Other	Bachelor's Degree+	Associate Degree/Some College	High School/Less	South/East	Mid/West	North
75%	71%	61%	73%	67%	69%	68%	71%	69%	69%	68%	66%

Source: Emma White Research and Safe & Just Michigan

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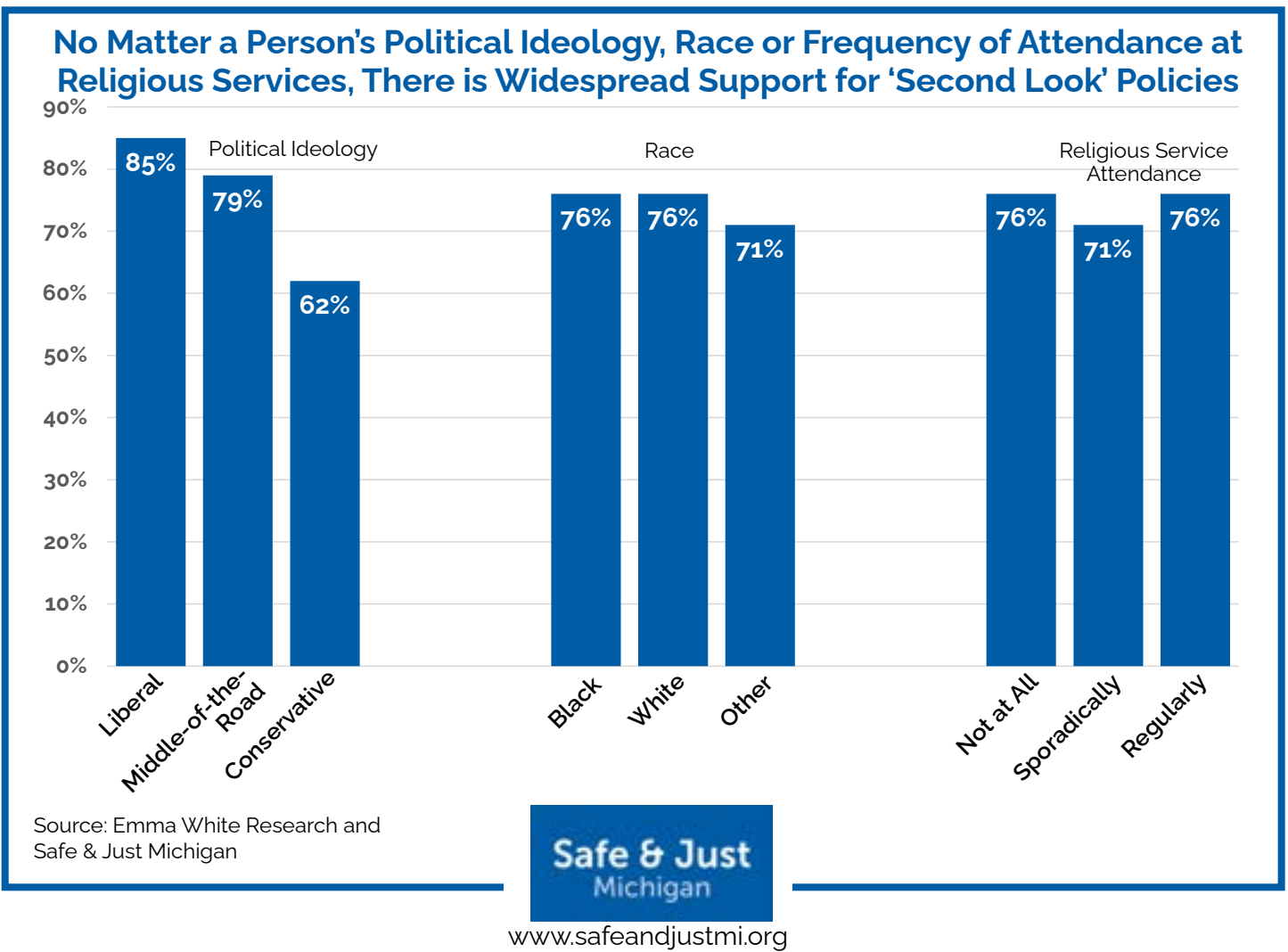Michigan

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4   *The survey asked respondents how often they attend religious services, aside from weddings and funerals. Respondents were given six options to respond, which were condensed into the three categories seen in the table above as follows: More than once a week, About once a week = Regularly; About once a month, A few times a year = Sporadically; Less often than that, and Never = Not at all.*

'Second Look' policies are one way for lawmakers to remedy negative effects of draconian sentencing policies from the 'tough on crime' era. Evidence shows long sentences do not enhance public safety, as people age out of criminal behavior and the threat of long sentences does not deter crime. Because of this, keeping people in prison for many years is an ineffective use of taxpayer dollars.[5]

Second Look policies give courts or parole boards the authority to consider parole for individuals that have already served a certain amount of time, typically 10, 15 or 20 years, and have shown evidence of rehabilitation. Support for Second Look policies has been growing in jurisdictions across the country, including in the federal system. Our survey indicates Michigan voters would also support a Second Look policy.

Sixty-eight percent of respondents agree with the following statement: After spending years in prison to pay for their crimes, **every person should get an opportunity to prove they should have a second chance.** This statement found support across ideologies, race, experience with crime and the criminal justice system, and education level.

No Matter a Person's Political Ideology, Race or Frequency of Attendance at Religious Services, There is Widespread Support for 'Second Look' Policies

Source: Emma White Research and Safe & Just Michigan

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5   The Sentencing Project's '_Long-Term Sentences_' report details why lengthy sentences are an ineffective use of taxpayer dollars.
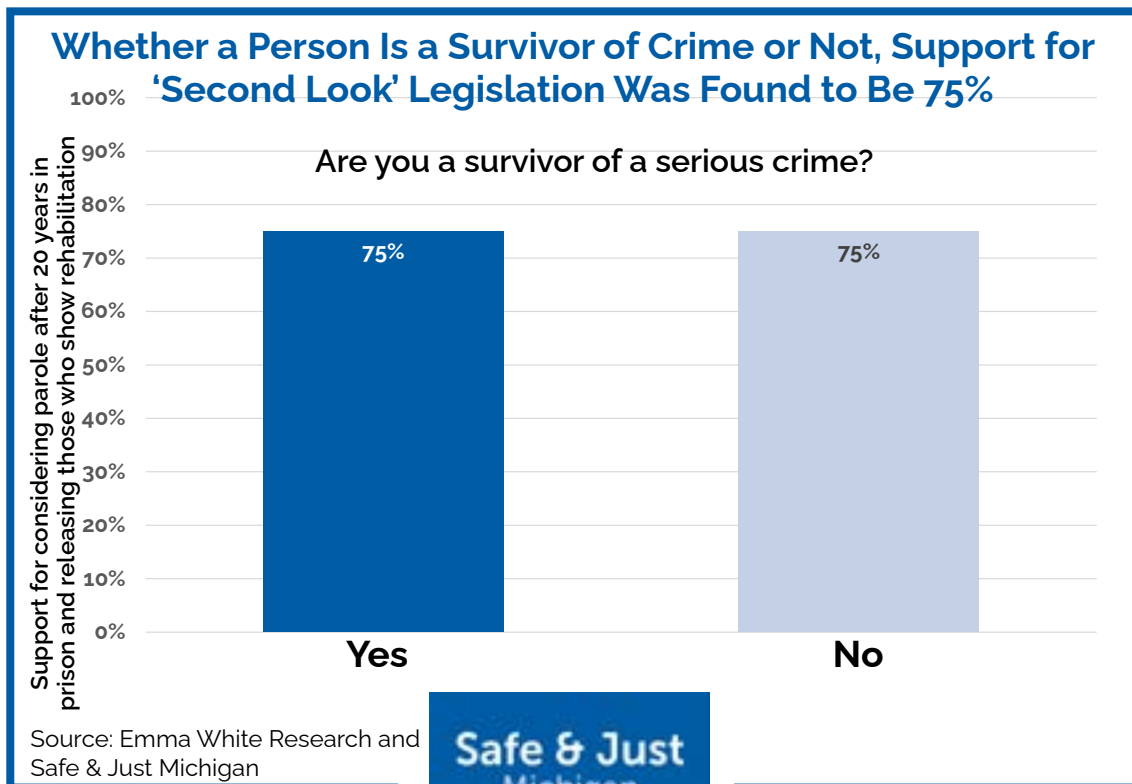
Again, here we see only a small difference in support between survivors of crime (66 percent) and people who have never been the victim of a serious crime (68 percent). The largest gap in support is between respondents who identified as conservative (61 percent) and those that identified as liberal (75 percent).

Additionally, 75 percent of respondents **support the idea of paroling people who have served more than 20 years in prison**, even if they were sentenced to life or a long-term sentence, as long as they can show that they have been rehabilitated.

Perhaps most importantly, **survivors of crime are just as likely to support this type of 'Second Look' policy as people who did not report surviving a serious crime.**

Persistent support for considering parole after 20 years, despite respondents having vastly different experiences with crime, is a stark contrast to the oft-mentioned 'lock them up and throw away the key' mentality for the sake of crime survivors during the tough-on-crime era. The strong support for giving people a second chance to prove they have been rehabilitated through a Second Look policy was also consistent across various demographics among survey respondents, including race, political ideology, and rate of religious participation.

Again, the greatest outliers are respondents who identify as conservative or liberal. Yet, a strong majority in both camps, ranging from 62 percent to 85 percent, indicates **political ideology does not create as much of a difference in values as we often think**. There is no difference in support between those that regularly attend religious services and those that do not, at 76 percent, and only five percent less for those who attend sporadically. Similarly, respondents who identify as both Black and white indicated equal amounts of support for considering parole after 20 years, also at 76 percent, with 71 percent of respondents who identified as other races expressing support.

In a time when we are regularly reminded how polarizing policy change can be, this relatively consistent support across demographics, particularly political ideology, show that **criminal justice reform can continue to be an area of collaboration and progress**. The strong consensus in support of these two concepts, considering parole after 20 years and the idea that everyone deserves an opportunity to prove they can have a second chance after spending years in prison, indicates Michiganders would likely support some form of a 'Second Look' policy. This type of policy would follow in the footsteps of the federal government and other jurisdictions that are relying on evidence and best practices which show keeping people in prison for lengthy sentences is not actually beneficial to public safety.

Whether a Person Is a Survivor of Crime or Not, Support for 'Second Look' Legislation Was Found to Be 75%

Are you a survivor of a serious crime?

Support for considering parole after 20 years in prison and releasing those who show rehabilitation

	Yes	No
	75%	75%

Source: Emma White Research and Safe & Just Michigan

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CONCLUSION

This public opinion research shows broad support for reforms to Michigan's sentencing and parole system. Specifically, public opinion supports moving away from harsh, inflexible sentencing and parole policies, and toward policies that treat people as individuals, regularly evaluate suitability for release, and make evidence-based release decisions.

We hope this information is helpful to lawmakers, system-actors, and advocates as they evaluate proposals to reform Michigan's sentencing and parole system.

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