

Safe & Just
Michigan

Report Shows Michigan Sentencing Guidelines Fail to Stop Criminal Justice Disparities

Groundbreaking report offers suggestions to make justice system more just

LANSING — A new report from Safe & Just Michigan details how our state’s sentencing guidelines fail in their mission to reduce or end sentencing disparities. The detailed report, “Do Michigan’s Sentencing Guidelines Meet the Legislature’s Goals? A Historical and Empirical Analysis of Prison Terms for Life-Maximum Offenses,” also offers suggestions to accomplish the original goal of the Legislature’s sentencing guidelines: to ensure that similar offenses committed in different parts of the state or by different kinds of people — such as people of different races, or people relying on public defenders instead of private attorneys — will receive similar sentences.

The 235-page report was authored by Safe & Just Michigan founder and former Michigan Criminal Justice Policy Commission member **Barbara Levine**, former Safe & Just Michigan Research Specialist Dr. **Anne Mahar** and Dr. Justin Smith of the University of North Carolina-Wilmington.

“Equal justice under the law’ is one of the basic values of our legal system,” Safe & Just Michigan Executive Director **John S. Cooper** said. “The sentencing guidelines enacted by Michigan’s Legislature in 1998 were meant to uphold this value, but our report shows that, in numerous ways, the guidelines have failed to do so.”

For instance, the report found that:

- Defendants with similar backgrounds and offenses received significantly different sentences depending on the county in which they are convicted.
- “Life-max” guidelines have acted to substantially lengthen sentences, which drains public resources without delivering public safety.
- The application of habitual offender enhancements varies significantly by county, ranging from 13 percent of eligible sentences in Wayne County to 91.7 percent of all eligible sentences in Muskegon and Saginaw counties.

- Michigan’s guidelines are designed to be harsher and less consistent than those of other states using guidelines grids — quite possibly because Michigan is the only state with legislative sentencing guidelines that lacks a sentencing commission.

“However,” Cooper added, “the report makes a number of practical recommendations to reduce sentencing disparities and improve the guidelines’ core goals of consistency and proportionality in sentencing.”

Recommendations for change include:

- Establish a sentencing commission with the mandate and scope of authority of the former Criminal Justice Policy Commission.
- Make compliance with the sentencing guidelines mandatory.
- Make fundamental structural changes to the guidelines, such as narrowing sentencing ranges and weighing prior criminal history less than the severity of an offense.

“At a time when both Democrats and Republicans are talking about criminal justice reform, our state remains tied to an outdated sentencing system that costs taxpayers \$2 billion a year without providing associated increases in public safety,” Safe & Just Michigan Policy Analyst **Josh Hoe** said. “We should be delivering more accurate and equally applied justice in the smartest, most transparent way possible without squandering tax dollars by locking up people who no longer pose a risk to public safety. This report shows how we can do that.”

The report is now available for public viewing on [Safe & Just Michigan’s website](#). A video of the webinar will be posted to Safe & Just Michigan’s YouTube channel later this week at bit.ly/YouTubeSJM.

###

Safe & Just Michigan (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.