

For Second Chance Legislation committee hearing March 19, 2024

Thank you for allowing me to address you today. My name is Carol Siemon and I am the recently-retired Ingham County Prosecuting Attorney.

Twenty of my over 40 years as a lawyer were spent in aspects of prosecution:

-I was an assistant prosecuting attorney from 1983 to 1995, a training director with the Prosecuting Attorneys Association of Michigan for over three years, and was elected as the Ingham County Prosecuting Attorney in 2016 and 2020.

I am proud of my commitment to prosecution, including the time I was on the Board of Directors of the Prosecuting Attorneys Association of Michigan. I also am impacted by my involvement with other groups working on the criminal justice system, including Fair and Just Prosecution and the Prosecutors' Center for Excellence.

Primary functions of the criminal justice system are accountability and public safety. An overarching consideration and ethical requirement for prosecutors is the effort to achieve justice- that means justice for all, the community, the victim and victim representatives, and the accused and those in the accused's life.

Our criminal justice system often conflates the concepts of public safety and accountability with incarceration and the idea that the longer the incarceration, the "more" justice there is.

But extreme sentences beyond what is necessary for legitimate punishment does NOT increase public safety. Our criminal legal system uses incarceration and punishment as a proxy for public and community safety and as a proxy for justice.

I do believe that there are some individuals who will never be able to be safely released into the community. When I reviewed individuals eligible for parole as the elected prosecutor, about 38% of the time, I wrote letters opposing parole due to what I believed to be their continued danger to the victim or society or their incomplete rehabilitation.

But for the myriad of reasons cited in the testimony, articles, and press releases you have before you, it is a false presumption that very long sentences, especially for a young person, makes society safer or deters others from committing crimes. Instead, research and data and the long experiences of other states and other countries with less harshly- punitive systems has shown that extreme sentences disproportionately impact the most marginalized individuals in our society, including persons of color, those with mental health histories, and persons in poverty; is excessively expensive; and tears apart families and causes ripple effects of trauma that make it more likely that the children of incarcerated persons themselves will become involved with the child welfare, juvenile justice, and criminal justice systems.

Our culture in the United States is uniquely punitive concerning how persons causing harm are handled. As you have heard, the US has less than 5% of the world's population but incarcerates about 25% of the total persons incarcerated in the entire world. If one looks at the data for

juveniles in prison or those sentenced to life without the possibility of parole, the statistics are even more dramatic.

Other countries, admittedly without the gun violence we sadly see in the US, find that they can safely allow incarcerated persons to re-enter society after 15 years or less, even those who have committed murder or other heinous crimes. This is accomplished by utilizing exceptionally well-trained corrections staff, focusing on what is needed for rehabilitation, and keeping incarcerated individuals connected with their families and communities as much as possible. Even those countries, of course, do have provisions for keeping incarcerated those few individuals who continue to be a substantial risk of causing harm or committing new crimes, if released.

“But what about the victims” is a legitimate question. Because we have created a culture that promotes the idea that justice is the same thing as very long prison sentences, that is what victims and their loved ones often expect and when there is anything but the lengthiest sentence possible or efforts to consider resentencing, commutation, or parole, there is also an understandable public outcry. But lost in this outcry are the very important voices of victims who truly want a system that rehabilitates and provides second chances, even for those who have done awful things. Lost in the outcry is the success that other jurisdictions have with shorter sentences and increased options for review and possible release. Lost in the outcry are the voices of those who want us to invest some of the huge expenses for lengthy incarceration to instead provide meaningful healing resources for victims, their families, and for the defendants’ families too.

For decades the two most frequent comments I heard from victims were: “I want to know why they chose me or my child to victimize,” and “I want to help make sure they don’t do it to someone else.” Often, “not doing it to someone else” means they want the person who caused the harm to get needed help, including therapy, support for their families, and meaningful opportunities to heal and truly be rehabilitated.

Our criminal justice system has too narrowly interpreted what justice actually means for the entire society. While phrases like “tough on crime” and “truth in sentencing” are popular and compelling, a true criminal justice system provides a wide variety of potential options that can be more effective in actually addressing current harm and preventing future harm.

Thank you for your time.