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Nessel: Don't make victims pay for changes to sentencing law | Opinion

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As Michigan's attorney general, I am strongly committed to criminal justice reform. I have spent much of my career fighting on behalf of crime victims. I started as an assistant prosecuting attorney in the Wayne County Prosecutor's Office, where for more than a decade I prosecuted some of the most heinous crimes affecting our communities, including homicide, arson, criminal sexual conduct, child abuse and gang-related conspiracy cases.

I have also worked as a defense attorney, ensuring the constitutional rights of those accused of crimes are upheld and working toward a more fair criminal justice system. Here is what my experience tells me: House Bills 4670-4673 to amend Michigan's Truth in Sentencing Law do not move the needle of criminal justice reform in any meaningful or productive way.

In 1998, the people of Michigan voted to enact the state's Truth in Sentencing Law, a law that has functioned successfully for decades. These bills undermine that law and seek to create incentives for prisoners to participate in programming to reduce their required minimum sentence of incarceration.

Prisoners are already incentivized to participate in rehabilitative programming and to behave appropriately, because these things lead to early release after completion of their minimum sentence and to the earlier possibility of parole.

This is evident from the fact that 93% of the eligible prison population already completes their recommended programming before their minimum sentence.

This package of bills, more than being unnecessary, is detrimental. It takes an established minimum sentence — one arrived at by a judge who considered the facts of the case, the Michigan Department of Correction's recommendation based on the sentencing guidelines, a defense

attorney's argument and a victim impact statement — and allows for it to be reduced by up to 20% of the minimum sentence, or two years, whichever is less.

An equally troubling aspect of these bills is their direct impact on victims. Reforms like those outlined in the legislation chip away at the minimum sentence an offender must serve before he or she is eligible for release. This undermines the very purpose of Truth in Sentencing, which is to provide victims and the community a sense of security and stability by knowing the absolute minimum term the defendant will serve.

With 78% of prisoners serving time in MDOC being classified as assaultive offenders, this is especially crucial for victims. And, although HB 4670 details crimes that are exempt from productivity credits, it leaves out serious violent felonies such as child abuse, assault with intent to murder, armed robbery, kidnapping, torture, certain domestic violence offenses, aggravated stalking and solicitation to murder offenses.

These bills will leave victims unsure as to when these credits are earned and applied, increasing their vulnerability and undermining the rights they are guaranteed under our state constitution and the Crime Victims' Rights Act.

In short, these bills attempt to save the state money at a cost to be borne by crime victims and our communities.

I believe we have a duty to support programs focused on early intervention to prevent our youth from ever entering our criminal justice system through programs within our schools and services that support families in need.

I believe we have an opportunity to help lift up those who have paid their debt to society through meaningful legislation like Michigan's Clean Slate Law that expanded eligibility for expungement of criminal records. Criminal justice reform efforts must have a meaningful, positive impact on our communities, and we absolutely must consider our victims in the equation.

These bills fall short of those laudable goals and will cause further, unnecessary harm to crime victims — the very people the criminal justice system is designed to protect.

Elected in 2018, Dana Nessel is in her first term as Michigan's attorney general.