



American
Friends
Service
Committee

SECOND LOOK UPDATE: THE 20- YEAR COMPROMISE

*What a Second Look consideration
would look like with a 20-year
requirement*



Wayne County Courthouse



August, 2024

This report was written by American Friends Service Committee's Michigan Criminal Justice Program, with data analysis by Noah Attal of the Michigan Ford School of Public Policy.

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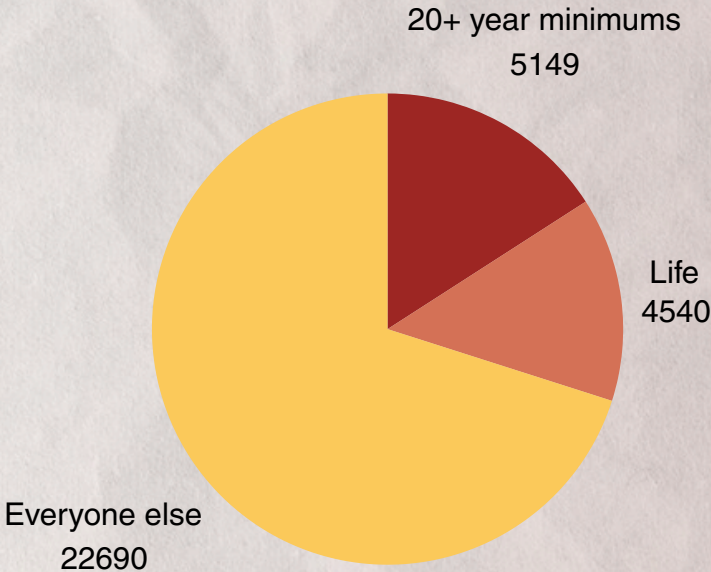


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MICHIGAN'S PROBLEM

Michigan stands out in the United States for its lengthy prison sentences. The average minimum sentence length in Michigan is nearly three times the national average. According to the Michigan Department of Corrections' (MDOC) 2022 Statistical Report,¹ the average minimum sentence length is 12.0 years.

It is worth noting that this average does not include people serving life sentences, who now account for approximately 14% of the entire MDOC population.



1. All data for this booklet was accessed through the MDOC's Offender Tracking Information System (OTIS)(current as of June 2024), the MDOC's Annual Statistical Reports, and the MDOC's Quarterly Reports to the Legislature.

We can also see how this problem has grown over time in Michigan by comparing the 2022 population of people serving prison sentences in the Michigan Department of Corrections to the population in 1990 (the last time the MDOC prison population was around 33,000 people). In this comparison, we see a population that is serving much longer sentences proportionally, as well as a population that is much older (and increasingly older because of the pool of people serving these very long sentences):

**PROPORTION SERVING
MINIMUM SENTENCES OF AT
LEAST 20 YEARS**

**1990: 15% (5,211 PEOPLE)
2022: 30% (9,689 PEOPLE)**

**AVERAGE MINIMUM SENTENCE
LENGTH (EXCLUDING LIFE
SENTENCES):**

**1990: 6.3 YEARS
2022: 12.0 YEARS**

**PROPORTION SERVING LIFE
SENTENCES**

**1990: 8% (2,784 PEOPLE)
2022: 14% (4,540 PEOPLE)**

**PROPORTION UNDER THE AGE
OF 40:**

**1990: 85.3%
2022: 50.1%**

**PROPORTION OVER THE AGE
OF 60:**

**1990: 1%
2022: 10.9%**

Over the last 40+ years, policymakers in Michigan have progressively relied on increasingly harsh penalties in response to crime. These increases in punishment have never been tied to any increase in prevention in crime. From the U.S. Department of Justice's 2016 "Five Things to Know About Deterrence":

"Some policymakers and practitioners believe that increasing the severity of the prison experience enhances the 'chastening' effect, thereby making individuals convicted of an offense less likely to commit crimes in the future. In fact, scientists have found no evidence for the chastening effect... Studies show that for most individuals convicted of a crime, short to moderate prison sentences may be a deterrent but longer prison terms produce only a limited deterrent effect. In addition, the crime prevention benefit falls far short of the social and economic costs."

We are now witnessing the costs of those penalties: thousands of people are stuck in our prison system with no chance for review of who they are today, what they have learned over decades of incarceration, how they now feel about the crimes they committed, or whether they pose a risk to the safety of our communities today. Families have been separated from their loved ones—in some cases going all the way back to the 1960s. And the financial cost of these sentences continues to grow year after year, as this group of people continue to grow older inside our prisons. We need to ask: How much are we willing to pay in all of these areas in order to make sure these thousands of people die in our prisons?

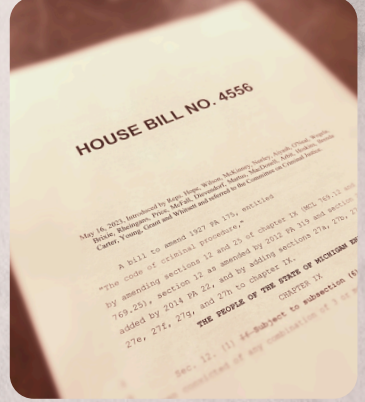
REINVESTMENT SOLUTIONS

Instead of deliberating on how much money should go towards keeping people in prison for the rest of their lives, there are questions to be asked about where that money could go to make our communities safer. As mentioned later in this report, Wayne County, as well as other urban centers in Michigan, have higher proportions of people serving at least 20-year sentences. We also know these disparities are created, in part, by systemic poverty and racism endemic to urban centers.

By directing the funds saved from decarcerating individuals under Second Look, we could reinvest that money into the communities most affected by violence and harm. This money could go towards services for survivors, community based non-police responses, and reducing recidivism, while moving us towards smarter policies that interrupt harm and prevent crime in the first place.

WHAT IS SECOND LOOK?

As introduced in the House and Senate last year, Second Look would provide an opportunity for judges to reconsider and reduce individual prison sentences once a person served a certain number of years in prison. Factors a judge could consider include the adequacy of legal representation, age or health concerns, or changes in how the public thinks about the severity of the crime. It would also allow them to consider factors not taken into consideration at the time of the original sentencing—things like trauma and abuse histories, PTSD, and accomplice culpability.



Since the initial hearing for the Second Look bill before the House Criminal Justice Committee in March 2024, discussion has emerged regarding the possibility of amending the bill to increase the eligibility threshold from 10 years to 20. As of today, the following data demonstrates what we understand concerning the individuals who would qualify for Second Look consideration if the bill were enacted into law with a 20-year provision.



WHO IS AFFECTED?

There are **4,216 people** who would be eligible for reconsideration right now - people who have served at least 20 years in prison on their current sentence. Here's what we know about that population:

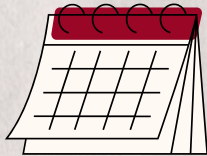
**64%
BLACK**



(compared to 51% for the current population of incarcerated individuals)

68.2% SERVING LIFE

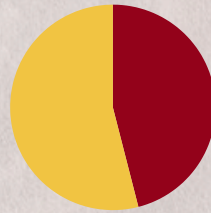
31% OFFENSES COMMITTED BEFORE 1990.



41.5% OLDER THAN 60 YEARS



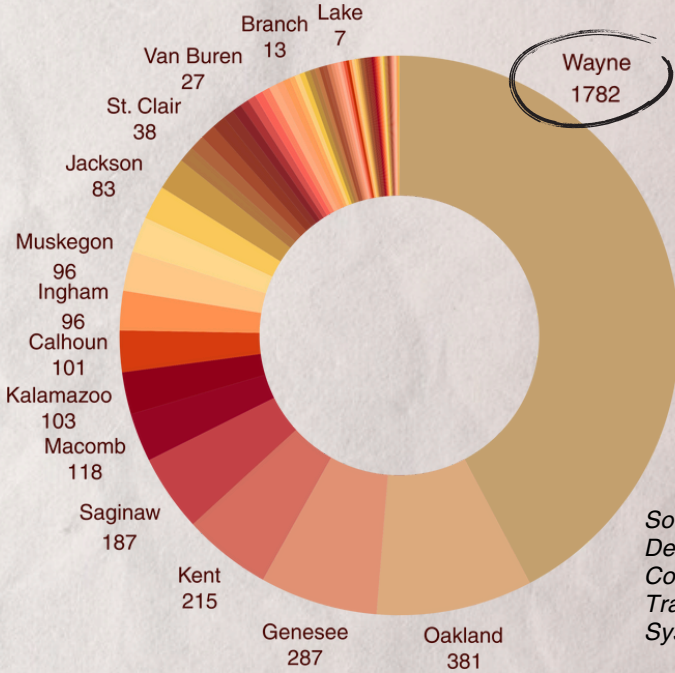
46% HAVE SERVED OVER 30 YEARS



49% COMMITTED CRIME BEFORE 25 YEARS OLD

Source: The Michigan Department of Corrections Offender Tracking Information System (OTIS)

WHICH COUNTIES HAND OUT THE HARSHTEST PRISON SENTENCES?



Source: The Michigan Department of Corrections Offender Tracking Information System (OTIS)

Note: Not all counties displayed for clarity. See page 6 for a list of all counties.

The largest proportion of people serving life and excessively long sentences, and have already served at least 20 years on those sentences, were sentenced in Wayne County.

Of the 4,216 people who would currently qualify for a 20-year Second Look reconsideration, **1,782 (42%) were sentenced by Wayne County judges.**

Oakland County has the next largest number, with 381 people serving such sentences.

TOP FIVE COUNTIES AND THEIR RACIAL DISPARITIES

County	Total	Percentage Black
Wayne	1782	86.9%
Oakland	381	53%
Genesee	287	70%
Kent	215	54%
Saginaw	187	67%

*Source: The Michigan Department of Corrections
Offender Tracking Information System (OTIS)*

This table shows the top five counties that have sentenced people to life or excessively long sentences and how Black people are represented in each of the counties.

It's clear that funds reinvested from savings accrued through Second Look policy must be reinvested proportionally to meet demand and need.

COUNTY BY COUNTY BREAKDOWN

Wayne	1782
Oakland	381
Genesee	287
Kent	215
Saginaw	187
Macomb	118
Kalamazoo	103
Calhoun	101
Ingham	96
Muskegon	96
Berrien	87
Jackson	83
Washtenaw	80
St. Clair	38
Eaton	37
Monroe	37
Bay	33
Van Buren	27
St. Joseph	23
Ottawa	21
Allegan	20
Montcalm	20
Lenawee	19
Livingston	19
Shiawassee	18
Lapeer	17
Branch	13
Marquette	13
Mecosta	13

Midland	13
Ionia	12
Cass	11
Chippewa	10
Clinton	10
Hillsdale	10
Tuscola	8
Wexford	8
Barry	7
Gladwin	7
Grand Traverse	7
Lake	7
Otsego	7
Benzie	6
Antrim	5
Charlevoix	5
Cheboygan	5
Kalkaska	5
Manistee	5
Montmorency	5
Alpena	4
Crawford	4
Delta	4
Iosco	4
Isabella	4
Leelanau	4
Menominee	4
Oscoda	4
Roscommon	4

Emmet	3
Gratiot	3
Houghton	3
Oceana	3
Ogemaw	3
Presque Isle	3
Alcona	2
Arenac	2
Clare	2
Dickinson	2
Gogebic	2
Huron	2
Mason	2
Missaukee	2
Newaygo	2
Ontonagon	2
Sanilac	2
Alger	1
Osceola	1
Schoolcraft	1
Baraga	0
Iron	0
Keweenaw	0
Luce	0
Mackinac	0

Source: The Michigan Department of Corrections Offender Tracking Information System (OTIS)

Shown above is the full data set for each county's total population of incarcerated individuals who have served at least 20 years in prison on their current sentence. Only eight out the 83 counties in Michigan hold more than 100 people that meet this criteria. Sixty one of Michigan's counties are responsible for less than 20 individuals that would be immediately eligible for Second Look under a 20 year minimum requirement.

A LOOK AT MDOC STAFF SHORTAGES

According to the 2024 Second Quarter MDOC Report to the Michigan Legislature, there is currently a 22% vacancy rate for full-time equated positions. **This means that on average, across all of 27 facilities, over one in five positions are vacant.**

There are prisons in Michigan where staffing shortages are much worse. Below are the six prisons with the highest vacancy rates of all full-time equated positions:

Facility	Vacancy Rate
Baraga Correctional Facility	41%
G. Robert Cotton Correctional Facility	41%
Marquette Branch Prison	40%
Alger Correctional Facility	37%
Cooper Street Correctional Facility	37%
Women's Huron Valley Correctional Complex	36%

Additionally, the Women's Huron Valley Correctional Facility faces unique health care staffing shortages. **They currently have 52.5 health care positions vacant, the most out of any prison in Michigan.**

WHAT DO HARSH PRISON SENTENCES MEAN FOR FAMILIES?

...no matter how many phones calls, emails, or visits we have. There is still this empty space in my heart and soul. My children grew up without their Mom. The separation has been unbearable at times.

APRIL JUAREZ, SERVING 20 - 50 YEARS, 14 YEARS SERVED

...Being there now, I could contribute to the raising and educating of my grandchildren. Teaching them what I needed to know when I was their age. I was only able to parent my children from behind bars with the help of my mother... I have received many obituaries of family members who were alive when I was home. Many of them have been replaced with the next two generations. I am making every effort to talk to them and learn who they are so that I will not be a stranger!

GEORGE MULLINS, SERVING LIFE WITHOUT PAROLE

I never saw the little person I loved more than myself have a full day of school, have a crush on a little girl, learn to play sports, or slow dance with his first love. Every major event in my child's life I was absent which caused him to have abandonment issues.... [If home], I would be the example of growth, change, and grace. Grace because my freedom isn't something I'm owed, but a gift. I would be a living, walking blessing not only for my family, but my community as well... My family would see how much I have changed, and know change is possible.

LINDA NUNN, SERVING LIFE WITHOUT PAROLE, 37 YEARS SERVED

I will work everyday for the rest of my life adding nothing but positivity to their lives... If I was able to go home, I would find employment, and I would be very active and present in my children's lives. I would work to show my babies that I am not defined but what happened 28 years ago. I will live my life as an example of what a woman of integrity and live my life as an upstanding citizen.

SHARON HUNTER, SERVING 60 - 100 YEARS, 29 YEARS SERVED

SUPPORT FOR SECOND LOOK FROM LEADERS AROUND MICHIGAN

Republicans should welcome the opportunity to lower the cost of incarceration... Every lawbreaker, at every level, should face swift and just punishment, but there needs to be a common sense approach to address those that have been reformed... I believe that prisons are meant for lawbreakers that we fear, not solely as a form of punishment. Any thoughtless incarceration beyond what is necessary for the public good only causes a pointless tax burden on its citizens.

**ANTHONY FORLINI, FORMER
REPUBLICAN MICHIGAN STATE
REPRESENTATIVE**

For the past 15 years I have served as a Director at the Washtenaw County Sheriff's Office and have dedicated my life to keeping our community safe... Second Look legislation is not about indiscriminately freeing individuals, and I would not be advocating for it if it were. I stand before you as a law enforcement officer who understands the deep scars that violence leaves on individuals, especially our youth. I believe in the power of Second Look to enhance safety and prevent future victimization... Former perpetrators of violence can become powerful agents of change in preventing future harm. Their lived experiences are both a source of strength and vulnerability, but when channeled positively, they can make a significant impact in our communities.


**DERRICK JACKSON, CERTIFIED LAW
ENFORCEMENT OFFICER**

I serve as an Associate Conference Minister for the Michigan Conference United Church of Christ, partnering with 140 churches across the state... we adopted a resolution "In Support of Second Look Sentencing Legislation"... As a person of faith, I believe that this legislation is vital for the soul of our state. People make terrible decisions and irreversible mistakes, AND transformation is always possible. None of us are stuck in time ... we are not the worst that we have ever been. Our justice system is not infallible, either. It can make mistakes. A second look needs to be built into the system... I urge adoption of these bills.


**REVEREND CHERYL BURK,
ORDAINED MINISTER** 12

SECOND LOOK WILL HELP MAKE MICHIGAN A MORE EQUITABLE & JUST STATE!

For more information about
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