

Re-assessing “Truth-in-Sentencing”
the impact of eliminating disciplinary credits
and community residential programs

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Truth in Sentencing

Part A: The elimination of disciplinary credits

Good time

For decades, Michigan, like most states, granted prisoners generous amounts of credit for good behavior, commonly referred to as “good time.” Regular good time was awarded on a progressive basis. The number of days awarded per month increased with the number of calendar years served, for example: first and second years – five days a month, third and fourth years – six days a month, fifth and sixth years – 7 days a month, seventh through ninth years – nine days a month. By the 20th year, regular good time could equal 15 days a month. In addition, special good time could be awarded in amounts up to half the regular credit. Thus, if credit was not forfeited through misconduct, lengthy minimums eroded at an increasingly accelerated rate.

Proposal B

Ballot Proposal B, adopted by the voters in 1978, amended the Michigan Constitution to prohibit the award of good time to reduce the minimum sentence. The actual time a defendant would have to serve on a given minimum increased from 30-300%, depending on the amount of good time being eliminated.

Disciplinary credits

By 1982, it became apparent to the legislature that Proposal B was resulting in increasingly overcrowded prisons. Effective January 1, 1983, it restored a limited amount of good conduct credit in the form of five regular and two special disciplinary credit days per month, or up to 84 days a year. Because some people were not eligible to earn disciplinary credits and others lost credits for misconduct, on average, Michigan prisoners served 88 percent of their judicially imposed minimum sentences.

Truth in Sentencing

In the 1990s, the federal government began encouraging “truth in sentencing” by conditioning the award of federal prison construction funds to the states on the requirement that violent offenders serve 85 percent of their sentences. The federal system itself permits sentence reductions of up to 15 percent. Because Michigan already met the standard, it was awarded \$33 million in federal “truth in sentencing” funds in 1997.

Nonetheless, in 1998, Michigan adopted its own version of truth in sentencing. It prospectively eliminated disciplinary credits and required all prisoners to serve 100 percent of their minimum sentences. The consequence was to lengthen the time served by everyone whose good conduct in prison would otherwise have allowed them to earn modest amounts of credit, regardless of the nature of their offenses.

The impact of the various credit schemes on individuals is shown in the following chart.

Minimum years to be served under various credit schemes

Sentence	Good Time	Disciplinary	Truth-in-Sentencing
5 y	3 y, 7 mos	4 y, 1 mo	5 y
10 y	6 y, 5 mos	8 y, 1 mo	10 y
15 y	8 y, 10 mos	12 y, 2 mos	15 y
20 y	10 y, 9 mos	16 y, 3 mos	20 y
30 y	13 y, 4 mos	24 y, 5 mos	30 y
40 y	15 y, 11 mos	32 y, 6 mos	40 y
50 y	18 y, 7 mos	40 y, 8 mos	50 y

The overall impact on bedspace takes effect gradually but is substantial. In 1994, when truth-in-sentencing was first proposed, the Michigan Department of Corrections estimated that the elimination of disciplinary credits would require 2,268 additional beds within 10 years. The Citizens Alliance on Prisons and Public Spending currently estimates that if 3,000 people who earned the maximum amount of disciplinary credits were paroled when they first became eligible, the savings would be \$100 million.

Notably, Michigan's sheriffs are authorized by MCL 51.282 to award to jail inmates 1 day of good time for each six days of the sentence. Sheriffs routinely use that authority to help control county jail populations and promote compliance with jail regulations.

Sentence Reduction Credits and Time Served Requirements in Selected States

State	Sentence Type	2006 Incarceration Rate	Credit Availability	Time Served Requirement
CA	Determinate	475	Worktime credit: six mos. of credit for each six mos. of full-time work. If full-time assignment not available, may earn up to four months reduction for eight months served. Inmates assigned to conservation camps earn two days of worktime credit for each day served	No credit if offense was murder. Credit limited to 15% for certain vehicle theft offenses.
FL	Determinate	509	Basic gain time: Up to 10 days/month. Meritorious gain time for outstanding deed: Up to 60 days. Incentive gain time for educational or vocational certificate: 60 days.	85% of sentence (total gain time cannot exceed 15% of sentence)
GA	Indeterminate	558	None	Seven serious violent crimes: 100% of sentence 20 add'l violent crimes: 90% Other crimes: one-third Life sentences: 14 years
IL	Determinate	350	Statutory good time: One day credit for each day served for nonviolent offenses; less for violent offenses. Meritorious good time: 90 days for good behavior in director's discretion. Supplemental meritorious good time: add'l 90 days for good behavior only for nonviolent offenders in director's discretion. Earned good conduct credit: ½ day for each day of participation in education, drug treatment, industries (nonviolent only).	Murder: 100% Violent crimes: 85% Other crimes: 50%
IN	Determinate	411	Class I: one day credit for each day served Class II: one day credit for two days served Class III: no credit (Classification depends on disciplinary history) Class IV (certain child molesting and sex/murder offenses): one day for six days served	

			In addition: education/treatment credits can be earned = to four years or 1/3 of total applicable credit time, whichever is less	
MI	Indeterminate	511	None	100% of minimum sentence
MN	Determinate	312	None. Disciplinary time for misconduct can be added to extend prison portion of sentence up to entire term.	2/3 of judicially imposed sentence is served in prison and 1/3 is spent on supervised release
NJ	Indeterminate	313	Commutation Credits (good time): 4 mos/year Work credits: 1 day for every 5 days worked Minimum Custody Credits: 3 days for each month during first year in minimum custody and 5 days/month thereafter	If no mandatory minimum term, parole eligibility is at one-third of sentence less time off for work and minimum custody credits
NY	Mixed	326	Indeterminate: up to 1/3 of maximum sentence Determinate: up to 1/3 of flat term	
OH	Determinate	428	With limited exceptions, may earn one day/month for program participation	
PA	Indeterminate	353	None	100% of minimum sentence
TX	Indeterminate	683	Line Class III: no credit Line Class II: 10 days good conduct + 15 days diligent participation credit/30 days served Line Class I: 20 days good conduct + 15 days diligent participation credit/30 days served State Approved Trusty (SAT) IV: 25 days good conduct + 15 days diligent participation credit/30 days served SAT II – I: 30 days good-conduct + 15 days diligent participation credit/30 days served	Most offenders eligible when calendar time served + good time credits = ¼ of sentence. Violent offenders: calendar time served must = ½ of sentence.
WI	Determinate	284	None. Disciplinary time for misconduct can be added to extend prison portion of sentence up to entire term.	Judge imposes bifurcated sentence, setting amount of time to be served in prison and amount on extended supervision in community. Extended supervision portion must be at least 25% of total.

Part B: The Elimination of Community Residential Programs (CRP)

Michigan's truth-in-sentencing scheme had a second major component. It required all prisoners to serve every day of their minimum sentences in secure facilities. That is, it prohibited prisoners who were approaching their first parole dates from transitioning back to the community by being placed in corrections centers or on electronic monitoring, so that they could work or go to school while still in MDOC custody. As the table from the MDOC's 1998 Annual Statistical Report shows, for 12 years, thousands of people participated in CRP annually. Today, only about 40 remain eligible.

E10 Year-End Prisoner Population: Community Residential Programs
(Community Corrections Centers & Electronic Monitoring)
Calendar Years 1986 - 1998

Year	Year-End Population	Numerical Change	Percent Change
1986	1,903	---	---
1987	2,047	144	7.6
1988	2,343	296	14.5
1989	2,513	170	7.3
1990	2,969	456	18.1
1991	3,275	306	10.3
1992	3,497	222	6.8
1993	2,468	(1,029)	(29.4)
1994	2,356	(112)	(4.5)
1995	2,258	(98)	(4.5)
1996	2,167	(91)	(4.0)
1997	2,345	178	8.2
1998	2,058	(287)	(12.2)