

CAPPS UPDATE

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Major announcement!

In the coming weeks, you will hear more about the renaming of CAPPS as **Safe & Just Michigan**.

Safe & Just Michigan will continue to build on CAPPS's efforts to safely reduce the prison population and support investments in programs proven to better increase public safety. **Learn more on Page 7.**



On April 3, the Prison Creative Arts Project at the University of Michigan presented the Michigan Art for Justice Forum, a day-long symposium attended by a wide range of stakeholders, including CAPPS. John Cooper, our policy director (pictured left), was a featured panelist with representatives from Shakespeare Behind Bars, California Lawyers for the Arts, Nation Outside, and former legislator Joseph Haveman. Cooper discussed current reform legislation.

Legislation

House of Representatives advances criminal justice reform

Last spring and summer the House of Representatives Law and Justice Committee heard testimony on a range of reforms, including: objective parole reform, community-based services for people suffering from mental health issues, barriers to employment, and services that help crime survivors heal.

This testimony informed a series of criminal justice reform bills brought before the House Law and Justice Committee in 2018. In January and February 2018, the Committee heard additional testimony in support of objective parole reform and barrier to employment legislation.

Inside this newsletter, you will find information about the criminal justice reform bills currently under consideration (see Pages 2 -3). You will also find information about a "good time" bill and why it has little chance to become law (see Page 4).

Objective parole reform (HB 5377) moves forward

On February 6, John Cooper, CAPPs policy director, leaders of two Michigan business associations, a crime survivor organization, a faith coalition, and a conservative interest group testified before the House of Representatives Law and Justice Committee in support of HB 5377.

House Bill 5377, sponsored by Representative Klint Kesto (R – District 39), will establish an objective parole process. The bill will promote consistency in the parole process while preserving the parole board's ability to deny parole to anyone for objective public safety reasons.

A number of organizations support the bill in addition to CAPPs, including the ACLU of Michigan, Americans for Prosperity, Christian Coalition of Michigan, Criminal Defense Attorneys of Michigan (CDAM), Detroit Regional Chamber, Michigan Council on Crime and Delinquency, Saginaw County Chamber of Commerce, and Still Standing Against Domestic Violence. Currently, the MDOC does not take a position on the bill but is in support of the concepts outlined in the proposed legislation.

On April 10, 2018, the House Law and Justice Committee voted by an overwhelming bipartisan majority (9 yes votes and 3 passes), to send HB 5377 to the full House for consideration. CAPPs's applauds Rep. Kesto's leadership in advancing this evidence-based parole policy.

Amendments to the original bill

The bill voted out of committee was drafted in consultation with numerous stakeholders – including the Michigan Department of Corrections and the Prosecuting Attorney's Association of Michigan. The bill that was voted out of the Committee on April 10 included several amendments to address concerns raised through this collaborative process. These amendments:

1. Remove references to specific reasons to deny parole that were considered "subjective";
2. Add the following to the list of substantial and compelling reasons to deny parole to a low-risk person: 1) lack of an adequate parole plan, and 2) a recent psychiatric evaluation that finds the the person poses a high risk to public safety.

CAPPs does not believe all of these modifications were necessary to protect public safety. However, in the interest of winning a reform bill based on a collaborative process with important stakeholders that will help many thousands of prisoners, we support the bill, as amended.

After a vote on HB 5377 by the full House of Representatives, it moves to a Senate committee, the full Senate and, then, hopefully, onto the Governor's desk for his signature.

Bills expand employment opportunities in the healthcare industry

On January 30, John Cooper, CAPPs policy director, and J.T. Weis, CEO of Abcor Industries, testified before the House Law and Justice Committee. They both emphasized the need to increase the available workforce in Michigan and to remove barriers to employment. Michigan Department of Corrections (MDOC) staff also testified, discussing the importance of meaningful pathways to employment upon reentry.

The testimony was in support of a series of bills that will remove the lengthy bans on employment in the healthcare industry for people with prior misdemeanors and felonies, regardless of their suitability for employment. The bills are:

- HB 5450, sponsored by Representative Klint Kesto (R – District 39)
- HB 5451, sponsored by Representative Jeff Noble (R – District 20)
- HB 5452, sponsored by Representative Curt Vanderwall (R – District 101)

Michigan's unemployment rate is at historic lows and many employers are starved for qualified employees. Removing barriers to employment for formerly incarcerated people is an opportunity to address the talent needs of our state. Tens of thousands of people are legally barred from employment in many healthcare facilities – for years after they have paid their debt to society. The bills remove these blanket bans, allowing employers the discretion to carefully screen their own employees and substantially increasing employment opportunities.

Employment is a critical component of successfully returning to the community after a period of incarceration. Cooper said:

Limiting access to employment for individuals with criminal records is misguided policy that contributes to recidivism and thus negatively impacts public safety.

Michigan's recidivism rate within three years of release is approximately 28 percent, which leaves significant room for improvement.

Kyle Kaminski, MDOC legislative liaison, discussed the challenges in creating prison training programs that lead to employment. Kaminski said:

We need feedback from employers that they would actually hire these folks. Then the MDOC would very much be interested in adding programs that would address these needs.

A number of organizations support the bill in addition to CAPPs including, the ACLU of Michigan, Americans for Prosperity, Criminal Defense Attorneys of Michigan (CDAM), Detroit Regional Chamber, Grand Rapids Area Chamber of Commerce, Nation Outside, Michigan Chapter of the National Association of Social Workers, and the Saginaw County Chamber of Commerce. Currently, the MDOC does not take a position on the bills but is in support of the concepts outlined in the proposed legislation.

The “Good Time” Bills (HB 5665, 5666 and 5667)

In February, Representatives Martin Howrylak (R- District 41) and David LaGrand, (D- District 75) introduced House Bills 5665, 5666, and 5667, which seek to restore “good time” credits in Michigan’s prison system.

1. Why doesn’t Michigan have “good time”?

Michigan had “good time” until 1978. “Good time” increased the longer a person served. After two decades, “regular ‘good time’” could equal 15 days a month. In addition, a person could earn “special ‘good time’” that provided amounts up to half the “regular ‘good time’” amount. The “good time” system was abolished by a ballot initiative in 1978 (Proposal B). The proponents of the ballot initiative argued that the “good time” system deceived the public about the length of time a prisoner would actually serve and that this undermined the public’s trust in the justice system.

By 1982, in a response to increased prison crowding, the legislature introduced a system of “disciplinary credits.” Like “good time,” this system awarded credits that reduced an incarcerated person’s minimum sentence for every month they served without being cited for misconduct. However, the amount of credit did not increase over time and was limited to five days of regular and two days of special disciplinary credit days per month (up to 84 days a year). The disciplinary credits system was eliminated by the “Truth in Sentencing” legislation in 1998. Truth in Sentencing requires every prisoner to serve every day of their minimum sentence in a secure facility.

2. How can Michigan’s “good time” system be restored?

“Good time” was eliminated through a ballot initiative, which amended the Michigan Constitution. It can only be restored by a 3/4 majority vote in both the House and the Senate (see Article II, Section 9 of the Michigan Constitution). It is important to understand that this margin is extremely difficult to achieve and rarely happens in controversial legislation.

3. What is the current status of HB 5665, 5666, and 5667, which propose to restore the “good time” system?

The bills were introduced on February 28, 2018, and were referred to the House Law and Justice Committee. They have not been scheduled for further action by the Committee chair, Representative Klint Kesto (R – District 39).

4. Are HB 5665, 5666, and 5667 likely to pass during the 2017-18 legislative session?

Unfortunately, no. The reasons include: (1) Reasons include (1) the bills do not have the support of House or Senate leadership; (2) reforms related to minimum sentences are strongly opposed by law enforcement, including the Prosecuting Attorneys Association of Michigan; and (3) at this point in the legislative process, the Law and Justice Committee calendar is quite full. If the bills are brought up before Committee it is unlikely the bills could make it through both House and Senate before the end of December 31, the end of this session.

5. Are there forms of sentencing credits that can be awarded without a constitutional change?

Yes. The ballot initiative in 1978 eliminated “good time” but other forms of sentencing credits can be introduced by a statute passed by a simple majority vote in both the House and Senate without a constitutional change. One option could be to restore the disciplinary credits system that were eliminated by the “Truth in Sentencing” law in 1998. Another could be to introduce a system of “earned credits” tied to completion of educational and vocational programs.

Give former felons a chance to work

Op-ed by J.T. Weis, owner of Abcor Industries in Holland, MI

The Detroit News, May 3, 2018

(Excerpt only)

As a senior manager at publicly traded companies, I wasn't able to deploy a felon hiring strategy — or consider anyone with a criminal history. With Abcor, we are breaking the stigmas and helping change people's lives.

More than half of our production employees have been convicted of felonies and have served long sentences, hence repaying their debt to society. My intention is to continue to do everything possible to ensure they are productive members of a dynamic entrepreneurial company.

Productive employment is the leading force in their personal mission to build a new successful life as a responsible tax paying citizen. Productive employment is the leading factor in reducing recidivism. We are an important component of their life recovery. They are a vital part of our success.

Recently, I was invited to a forum on the subject of hiring re-entering citizens. At first, it was very encouraging to see so many human resource executives interested and open to the practice. However, each of the executives had a common theme of being only interested in "light felony" applicants. This was clearly driven by a risk mitigation approach.

Toward the end of the forum, they asked me to opine on their approach. They were surprised by my response that short sentence "light felony" applicants had a higher fallout rate and were more difficult to manage. Those who have served the longer sentences are very motivated, highly loyal and committed to the mission.

Currently, we at Abcor and other employers are urging the Legislature to pass bills currently before the state House Law and Justice Committee that would remove some barriers to employment and require objective reasons for denying parole to low-risk prisoners.

Right now, there are too many who remain incarcerated and present the lowest risk to public safety. The law requires that denying parole to people who present the lowest risk to public safety can only be based on objective reasonings. Subjective parole denial is immoral, and it's wrong. Not only is it counter to our values, it also wastes millions of taxpayer dollars annually on keeping these low-risk prisoners locked up.

There remains much more the state of Michigan can do to help. It should continue to expand vocational training during incarceration, implement laws and financial benefits for bridging organizations that help the released find employment, housing and transportation. In my view, the Department of Corrections could and should become a powerful force by investing in these systems and have a positive impact on workforce development.

Every year, nearly 10,000 people return from prison to Michigan communities. Many are unable to find employment due to their criminal records, even though many employers face a shortage of available workers. There exists a significant opportunity to do better.

Outreach



A criminal justice reform informational session hosted in partnership with Michigan Faith in Action, on January 4, 2018, in Lansing.

We have been busy with a variety of outreach activities designed to strengthen relationships and support our legislative agenda. In January, we conducted an informational session for members of the faith and formerly incarcerated community across the state in partnership with Michigan Faith in Action (MFA). CAPPs presented the causes and solutions to Michigan's over-reliance on incarceration and offered strategies to engage in reform efforts.

Staff were featured panelist at a variety of conferences including Michigan Art for Justice in Ann Arbor and the Prosecuting Attorney's Association of Michigan's mid-winter conference in Traverse City. Both events provided an opportunity to educate diverse stakeholders on smart criminal justice reform policies.

We attended and spoke at many community-based events across the state to work with people interested in building a safe and just Michigan. For example, Troy Rienstra, our outreach director, attended the Muskegon Locked in Solidarity event, a gun violence forum in Detroit, and "Speaking of restorative justice: What shall we do?" in Grand Rapids.

On February 24, John Cooper, our policy director, visited the National Lifers of America Chapter 1014, at Huron Valley Correctional Facility. He presented to approximately 200 incarcerated women at the monthly "Saturday Soiree." On April 23, Gary Ashby, our board member, spoke at the Inside Out Closing Ceremony at Carson City Correctional Facility.

A vision and a mission that matters



The new Safe & Just Michigan logo.

CAPPS was founded nearly two decades ago when a small group of concerned Michigan residents began to envision an organization capable of effectively challenging Michigan's over-use of incarceration and shifting resources to programs proven to reduce crime.

The people involved in CAPPS—both then and now—are dynamic, talented experts capable of providing the leadership and expertise needed to transform Michigan's approach to public safety.

CAPPS has delivered on many critical aspects of its mission. We successfully identified strategies to reduce Michigan's prison population through rigorous research and then pursued essential criminal justice reforms. Our deep understanding of criminal justice issues allows us to be a source of information for media, bipartisan leadership, and community partners.

We laid the perfect foundation for an organization equipped to advance a broader range of reforms. This required us to take a fresh look at our organizational vision.

It's time to focus our attention on both aspects of CAPPS's founding mission — reducing incarceration AND increasing public investments in community safety and well-being. We will work to help voters and lawmakers understand the effectiveness of these investments in bringing about the thriving communities we all deserve.

A new name that reflects our ultimate goal

CAPPS will soon be known as Safe & Just Michigan (SJM), a name that reflects our identity, values, purpose, and clearly conveys our mission.

Safe & Just Michigan will continue to advance policies that promote public safety and healthy communities while eliminating unnecessary corrections spending, with all its consequent human and social costs. Our vision of shared accountability for safety means we will be working with a broad range of stakeholders to strengthen public initiatives that foster community health and well-being.

With the support of national and local partners, we are pursuing a broader legislative agenda and have built an impressive base of support that includes business and community leaders, faith communities, law enforcement, and organizations led by crime survivors, prisoners, and formerly incarcerated people, and their family members, capable of building a safer, more just Michigan.

While our name will change, our telephone number and address will remain the same. Our new website will launch in a few weeks and will be www.safeandjustmi.org.

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STAY CONNECTED AFTER YOUR PAROLE!

We are always delighted when any of our prisoner members are paroled. Please stay connected with us once you are released and share with your families our new contact information. **Our mailing address and telephone number will remain the same. Please contact us at our new email at info@safeandjustmi.org.**

Many of our December 2017 newsletters were returned as undeliverable due to MDOC mailing policies. If you did not receive a newsletter and would like a copy please contact us info@safeandjustmi.org.

TAKE ACTION!

Encourage your friends, family, and networks to talk to their legislators, pastors, and leaders of organizations they belong to about smart criminal justice reform policies discussed in this newsletter.

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