

Safe & Just Michigan

Winter
2018



Safe & Just Michigan holds 2018 Annual Membership Meeting

Safe & Just Michigan held its Annual Membership Meeting and dinner, a night of celebration and learning, in Lansing on October 18. The evening's highlight was a discussion between **Leon El-Alamin** (pictured left), the founder and executive director of the MADE Institute in Flint, which mentors at-risk youth, teaches construction skills to formerly incarcerated people and helps them find work, and **Ellen Buchman**, vice president of The Opportunity Agenda of New York,

a communications lab. Their conversation centered on how to effectively lead people to open their minds to criminal justice reform. Read more about the annual meeting and their discussion on page 6.

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I never knew how mighty the pen was. Politics is in every aspect of our society, and legislation and policy determine the directions of our lives.

— Leon El-Alamin, page 7

Our executive director is retiring

Safe & Just Michigan Executive Director **Laura Sager** will be retiring as of Dec. 31. after being with SJM since 2012 and leading the organization for the past five years. She has been instrumental in guiding the growth and success of SJM. We invite you to send in your good wishes, and we will be sending you her farewell message in the coming months.



Safe & Just Michigan

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9 a.m.-5 p.m.

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Stay Connected After Your Parole

We are always delighted when any incarcerated member is paroled. If you would like to stay in touch, please call or write us with your new information.

Take Action

Encourage your friends, family and networks to tell their legislators, faith and other leaders of organizations about Safe & Just Michigan, our latest reports and the need for sensible justice reforms that will make our communities safe.

2018 elections bring changes to Michigan

The 2018 election resulted in significant changes to Michigan's political landscape. Those changes could bring opportunities to advance criminal justice reforms in the years ahead. Here's an overview of how the elections may impact criminal justice reform:

Ballot initiatives

Voters solidly approved three statewide ballot initiatives this year, including one that legalizes the recreational use of marijuana and regulates it like alcohol. Under the new law, anyone over the age of 21 could have up to 2.5 ounces of marijuana, grow up to 12 plants and store up to 10 ounces of marijuana in locked containers — but it doesn't expunge records of anyone previously convicted under marijuana laws.

Another ballot measure allows people to register to vote on Election Day, restores straight-ticket voting and allows all voters to vote by absentee ballot. Those proposing this initiative hope it will increase voter participation.

The last ballot measure makes the process of drawing political boundaries a joint effort of Republican, Democrat and independent officials, instead of the work of just one party. It's hoped this will lead to more competitive elections and better political representation.

Statewide races

Democrats swept statewide races, claiming the titles of governor, lieutenant governor, attorney general and secretary of state with **Gretchen Whitmer, Garlin**

Gilchrist II, Dana Nessel and **Jocelyn Benson**, respectively. They replace an all-Republican slate that led the state since 2011.

Since winning the election, Gov.-elect Whitmer has said that she may be willing to expunge marijuana-related convictions for people who were convicted of offenses that would not be crimes under Michigan's new marijuana law. Safe & Just Michigan will keep you informed of developments.

Attorney General-elect Nessel outlined potential several criminal justice reforms. They include marijuana expungements like the ones Whitmer discussed as well as expanding expungement eligibility to crimes under the Motor Vehicle Code. She also favors cash bail reform, an expansion of diversion programs and problem-solving courts such as sobriety and mental health courts and better job training for people who are incarcerated and parolees.

State Legislature

Republicans held their majorities in the state House of Representatives and Senate, though Democrats gained seats in both chambers. This means Republicans will keep leadership and decision-making posts in the Legislature and continue to set the agenda for the coming two years.

Neither party is of a single mind when it comes to criminal justice reform. Safe & Just Michigan has found partners to work with on both sides of the aisle. We'll keep you informed about efforts to reform criminal justice in Michigan.

Objective parole signed into law

New law may influence parole decisions for those now incarcerated

In September, Gov. Rick Snyder signed into law legislation establishing evidence-based standards for parole decisions for low-risk people not serving life who are sentenced as of Dec. 12, 2018.

“Objective parole replaces subjective decision-making with an evidence-based process,” said **John Cooper**, associate director of policy & research for Safe & Just Michigan. “A consistent and evidence-based parole process will result in more people who are ready going home to their families, where they can go back to work and get back to contributing to their communities.”

The new law won’t apply to people currently incarcerated, but it already affects parole decisions, Department of Corrections spokesman **Kyle Kaminski** said in committee. He said the parole board has adopted objective parole standards to prepare for the new law.

The objective parole law will:

- Provide evidence-based data to the state parole board to guide decision-making.
- Defining what constitutes “substantial and compelling” reasons for denying parole.
- Require a review of non-lifers who score as having a high or average probability of parole at least once a year.

It’s important to note the new standards **do** apply to people with a criminal sexual conduct conviction.

Objective parole *will not* guarantee parole to anyone.

Passing the law took a six-year effort led by Safe & Just Michigan with the support of our partner, the Alliance for Safety and Justice, and the help of a coalition that included incarcerated people and their families, survivors of crime, 42 North Partners LLC, ACLU of Michigan, Americans



The Senate Judiciary Committee considers House Bill 5377, the objective parole bill, on Sept. 5, 2018.

for Prosperity, Business Leaders for Michigan, Christian Coalition of Michigan, Criminal Defense Attorneys of Michigan, Detroit Regional Chamber of Commerce, Grand Rapids Chamber of Commerce, the Mackinac Center, Michigan Catholic Conference, Michigan Council on Crime and Delinquency, Michigan Faith in Action, Michigan League for Public Policy, Saginaw County Chamber of Commerce, Still Standing and Talent 2025.

‘Clean Slate’ legislation to become focus in 2019

Expungement brings real benefits to people with a criminal record. One University of Michigan study found that people who had a criminal record set aside are 11 percent more likely to secure employment and 22 percent more likely to see an increase in income.

But currently, expungement is a confusing, expensive process available to just a few. Only people with no more than one felony and two misdemeanors can apply. Some offenses, like traffic violations and violent crimes such as murder and criminal sexual code violations, aren’t eligible for expungement.

However, Clean Slate legislation

that could be introduced as early as 2019 could automate expungement of criminal records after 10 years for people who qualify.

“Clean Slate legislation opens doors of opportunity to people who deserve a fresh start,” SJM Associate Director of Policy & Research **John Cooper** said. “Expungement makes it more likely that people with justice involvement will be hired into good-paying jobs, which makes it easier to support families and achieve dreams. Bringing down barriers to obtaining expungement makes stronger, safer communities.”

Automating expungement could

help many. The expungement process is so cumbersome that 95 percent of people who qualify don’t apply. It involves obtaining a certified copy of the conviction at issue, filing an application at the sentencing court, sending fingerprints to state police to do a background check and giving the attorney general, local prosecutor, and, in some cases, the crime survivor notice and an opportunity to weigh in, and paying a \$50 fee.

Expungement won’t hide a criminal record from the view of law enforcement. However, it shields it from the general public, including landlords and employers.

POLICY UPDATE

Look out for ‘lame duck’

Year's end often brings legislative surprises

The end of Michigan's two-year legislative session is called "lame duck." It's a time of wheeling and dealing as lawmakers rush to get bills signed into law before the end of the year. If they don't meet that deadline, the bills must be re-introduced next year and start the legislative process all over.

Lame duck began when legislators returned from Thanksgiving and continues until they stop meeting for the end of the year, usually sometime in mid-December.

What happens in lame duck is always the subject of speculation. Here are some things we believe the Legislature may do in terms of criminal justice reform — but remember, things can quickly change during lame duck:

Occupational licensing

The Senate is expected to take up a bipartisan package of bills (HB 6110-13 & 6381) to reform the "good moral character" requirement in many of Michigan's licensing laws. The bills will limit exclusions based on criminal histories to convictions that are specific evidence of a person's unfitness to perform their job (e.g. past embezzlement relevant to fitness to practice law), and will put the burden on the licensing agency to justify the exclusion.

These bills easily passed in the House this fall and are expected to pass in the Senate during lame duck.

"Raise the Age"

As of the time of printing, the campaign to "raise the age" of criminal responsibility to 18-years-old awaits action on the House floor.

The legislation stalled earlier this fall over cost concerns associated with transitioning 17-year-olds to the juvenile system. A proposal (HB 6396) to address the cost has been introduced, but it has to go through the appropriations process.

Committee Chairman Rep. **Klint Kesto** (R-Commerce Township) succeeded in moving this bill out of committee in lame duck, but it's not clear it can make it through the Legislature by the end of session.

Medical Parole

A plan (HBs 4101-02 & 5245) to create "compassionate release" for medically frail people who are incarcerated who've not served their minimum sentence was notably weakened in the legislative process earlier this year. It then got stuck on the Senate floor this summer.

Bill sponsors will likely try to get this legislation out of the Senate during lame duck. It would have to pass through the House again, as the Senate amended it, but we're not sure this will happen. Advocates are split on whether passing the narrow bill now is preferable to restarting the process with a stronger bill in the future.

Legislation to reform cash bail introduced

Michigan's cash bail system could be in for an overhaul.

Rep. **David LaGrand** (D-Grand Rapids) is leading an eight-bill bipartisan package of legislation that would:



Rep. David LaGrand

- Make personal recognizance bonds the default form of pre-trial release.

- Create an assessment process to determine a person's financial situation and assets, which a judge must consider in setting a cash bond.

- Require courts to submit quarterly data to the state Supreme Court about bonds levied and collected to assure the cash bond system isn't abused.

- Urge local governments to use savings from these reforms for community policing efforts.

"We all know that in America, people are presumed innocent when they are accused," LaGrand said in a press release. "Yet our justice system doesn't give rich and poor the same freedoms ... A person's failure to post a small bond because of a cash shortage can lead to a loss of a job or housing and separates parents from children."

Introduced in October, the legislation is pending in the House Judiciary Committee. Safe & Just Michigan Associate Director of Policy & Research **John Cooper** said it is expected to receive attention in committee, but not likely to pass both chambers of the Legislature during lame duck. If it does not pass, it will be reintroduced early next year.

MEDIA MENTIONS

Safe & Just Michigan gains attention

Safe & Just Michigan has actively engaged with news media around the state to keep citizens, reporters and decision-makers informed about important developments in criminal justice reform. Here are some recent mentions in Michigan news media:

Objective Parole:

WSYM TV 47-Lansing, Sept. 5

“Objective parole will return low-risk incarcerated people to their



Safe & Just Michigan Associate Director of Policy & Research John Cooper

communities after they've served their minimum sentence, while ensuring the parole board retains their authority to deny parole based on legitimate safety concerns,” said **John Cooper**, associate director of policy & research for Safe & Just Michigan. “This is smart criminal justice policy: when you return people to their communities, you get them back to their families, back to work and back into the tax base. It makes the community stronger for everyone.”

WKAR 90.5 FM-East Lansing, Sept. 12

“The law will help remove potential bias that could keep people locked up who are at low risk for reoffending,” Cooper said. “This is going to eliminate subjective decision-making in low-risk cases while preserving the Parole Board’s ability to deny parole to low risk prisoners based on legitimate safety concerns. ‘Smart on Crime’ laws like this one have helped to reduce Michigan’s prison population.”

Bail Reform:

Bridge Magazine, Oct. 16

“Cash bail is an outdated system that unjustly disrupts the lives of thousands of vulnerable Michiganders before they are convicted of any crime and without regard for whether they pose a risk to public safety,” Cooper said. “The mere inability to pay bail causes many people to languish in county jails for weeks or even months at the cost of their jobs, vehicles, housing, credit scores and minor children. The human cost of this unnecessary incarceration is tragic but avoidable, as the federal system and the number of states that do not use cash bail have made clear.”

Capital News Service, Nov. 2

“(Being in jail awaiting trial) is a period of time where you’re not going to your job, not earning money, not able to care for your kids. There needs to be an individualized look at someone’s case before taking away their liberty.” — *John Cooper*

Current criminal justice research available upon request

Safe & Just Michigan receives research, reports and surveys on criminal justice reform from many organizations. If you are interested in receiving full reports of any of the publications listed, please contact **Safe & Just Michigan at 517.482.7753 or at info@safeandjustmi.org.**

Blueprint for Justice

A plan authored by the **ACLU of Michigan** offers a road map to reduce Michigan’s prison population by 23,000, or about

59 percent, by 2025, and save taxpayers about \$1.8 billion over the next seven years.

Among the report’s findings:

- Black people are imprisoned at nearly 7 times the rate of white people; 54 percent of people in Michigan’s prisons in 2014 were Black.

- Michigan’s prison population fell about 24 percent between 2006 and 2016, but its average minimum sentence increased 32 percent during the same time.

Getting Back on Track

The **Prison Policy Institute’s** report, “Getting Back on Track,” found that prison depresses an incarcerated person’s likelihood of finishing high school or college. It found that 4 percent of formerly incarcerated people earn four-year degrees, compared to 29 percent of the general public. Also, less than 1 percent of people who obtain a GED while incarcerated earn four-year degrees, compared to 4.8 percent of the general public.

OUTREACH UPDATE

Annual meeting focuses on ‘moving hearts and minds toward reform’

Getting more people to get on board with criminal justice reform was the theme of the night at Safe & Just Michigan’s Annual Membership Meeting and dinner, held Thursday, Oct. 18. The event, attended by nearly 200 people, featured speakers **Leon El-Alamin** from Flint, who is the founder and executive director of the MADE Institute, and **Ellen Buchman**, who is vice president of the communications lab The Opportunity Agenda in New York.

Also at the event, state Rep. **Dave Pagel** (R-Berrien Springs) received the William G. Milliken Award for his efforts to advance criminal justice reform in Michigan.

Sponsors for the event included Cascade Engineering, Jandernoa Foundation and Resch Strategies.



SJM Outreach Director Troy Rienstra and The Opportunity Agenda Vice President Ellen Buchman at the annual meeting.

El-Alamin and Buchman’s presentation, “Moving hearts and minds toward reform,” began with El-Alamin sharing his life story (see page 7). Growing up in Flint, he followed examples he saw around him and became involved in selling drugs, which led to a prison stay. After his release, he chose to go home to repair the harm he caused.

“A lot of what people think they know about the criminal justice system is outdated or misguided, and that harms formerly incarcerated people who are trying so hard to turn their lives around,” El-Alamin said. “There’s dignity in being able to work and put food on the table, and when you take that away from someone, you’re telling them that they’ll never be forgiven or get a second chance.”

Buchman built on El-Alamin’s example to demonstrate The Opportunity Agenda’s Value-Problem-Solution-Action (VPSA) model to move hearts and minds.

While many people may be hesitant to extend a helping hand to formerly incarcerated people, Buchman said most everyone believes in values like redemption, hard work

and fairness. Those values are a common ground we can build on.

Guests at the meeting noted that a lack of access to expungement and too few job opportunities put roadblocks between those formerly incarcerated people and those ideals. Buchman said that is “problem” of the VPSA model.

She suggested that offering a solution, such as expanding expungement or banning the box, or a public awareness campaign encouraging employers to hire formerly incarcerated people, could break down barriers that keep formerly incarcerated people from redemption and success.

Finally, ask for action, such as calling legislators to ask for a vote or talking to business leaders about the benefits of hiring formerly incarcerated people. Let people know that they are empowered to make a change for the better.

“Changing the narrative comes from connecting people to the values that we all share,” Buchman said. “When it comes to the big issues of the day, people change their minds after they have had a change of heart — when we help them see that we share common values — and take action together.”

SJM to host community pot luck in Detroit

Safe & Just Michigan will host a community pot luck in Detroit on Saturday, Dec. 15, from 3-5 p.m. at the Nazarene Baptist Church, 901 Melbourne St. in Detroit. If

this reaches you in time, we urge you to invite your friends and family to join us, but ask that they RSVP by contacting SJM Outreach Director Troy Rienstra at troy@

safeandjustmi.org or call him at 517.295.5139 and to let him know if they can bring a dish to pass. All are welcome to attend, and we hope to see your loved ones there!

Homelessness: exploring the links between criminal justice and housing

Safe & Just Michigan and the Michigan Coalition Against Homelessness (MCAH) have held three meetings with housing advocates to discuss housing challenges faced by formerly incarcerated people and survivors of crime.

People who have a criminal record often face significant hurdles when it comes to finding safe, affordable housing. Many landlords hesitate to rent to formerly incarcerated people. People on a state-mandated registry have legal restrictions about where they can live that can make finding housing even more difficult.

Landlords should be more open-minded about renting to people with a criminal record, said Grand Rapids Police Officer Ruth Walters, who runs the CLEAR Program for formerly incarcerated women.

“No one ever hears the success stories that come out of prison, and there are so many of them,” she said.

Walters said formerly incarcerated tenants are usually reliable because they are often supervised by parole officers, drug tested, held to employment requirements by their

parole release and motivated to get their lives back on track.

Survivors of crime also have housing struggles.

Kimberly Cole, an instructor at St. Luke’s New Life Center in Flint, teaches life skills to formerly incarcerated people. She often helps students resolve housing problems.

Recently, she helped one of her students find shelter when her boyfriend shot at her and threatened to kill her. All shelter beds in Flint were full that night, but Cole was able to use her network to find emergency help for her student.

“Shelter is a life-or-death need,” Cole said. “The people I work with are taking all the right steps and doing all the right things, but if they can’t find a safe place to live, then they go back on the street or into a person’s house where people are using (drugs). They go back into chaos.”

SJM and MCAH will continue to hold meetings on the links between housing and criminal justice and develop ways to communicate with people who are affected by these topics. We will keep you informed.

Three things I wish I knew *Life after release*

Name: Leon El-Alamin



Title: Founder & Executive Director, the MADE Institute
City: Flint
Years since release: 8

Advice to others looking forward to release:

1 Incarcerated individuals experience a loss of life skills and knowledge of contemporary life. Begin now before your release to learn how to control your fear and anxiety of the unknown society that has stigmatized people with felonies. It will be a big cultural shock, so surround yourself with “Positive Peer Pressure” support groups, organizations and family members who want to see you succeed.

2 I never knew how mighty the pen was. Politics is in every aspect of our society, and legislation and policy determine the directions of our lives.

3 I wish I knew how important it is to maintain a healthy lifestyle. Prison is not designed to properly treat medical, psychiatric and substance abuse disorders. I can now recognize the impact physical health and mental and substance abuse played on my path to criminal behavior and ultimately prison.



Photos of the annual meeting

From upper right: The Opportunity Agenda Vice President Ellen Buchman; a woman speaks out during the meeting; Rep. David Pangel accepts the William G. Milliken Award; people listen to Buchman and Leon El-Alamin’s presentation; SJM Outreach Director Troy Rienstra; the MADE Institute Founder and Executive Director El-Alamin; A woman asks a question to Buchman; guests gather following the Annual Membership Meeting.

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Please note this newsletter was printed and distributed
by BRD Printing Inc., located in Lansing, Michigan.

Happy Holidays!



Everyone at Safe & Just Michigan wishes you, your family and friends a happy, healthy and meaningful holiday season.

You are always in our hearts, but never more so than at this time of year.

We invite you to ask your friends and family to become members of Safe & Just Michigan. Also, your generous donations from Prisoner Benefit Funds help us advocate for Clean Slate legislation, the removal of barriers to employment, compassionate release, reform of the lifer parole process and policies that create safer communities for everyone. We thank you for your support!