

# Safe & Just Michigan

Spring  
2019

## Getting Michigan ready for Clean Slate



Safe & Just Michigan is making the passage of Clean Slate legislation a goal for 2019. Clean Slate is the automation of the expungement of criminal records for anyone who qualifies for it. It could also include an expansion of who is eligible for an expungement in Michigan. To build momentum for Clean Slate, and to gather ideas about how to present the strongest legislative proposal possible, we've been partnering with Nation Outside, JustLeadershipUSA and many local partners to hold listening sessions throughout the state. In Ypsilanti (pictured left), our new Community Engagement Specialist Sloan Gibson (right) talks with A Brighter Way Executive Director Aaron Sukanuma about Clean Slate. In Detroit (pictured below), Detroit Justice Center's Founding Executive Director Amanda Alexander (in a striped sweater) takes part in a small group discussion about how to bring Clean Slate to Michigan.

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I have yet to meet a stranger that intuitively derived I had spent over 25 years incarcerated. — Donald Bolton, page 7



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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 leaders and leaders of organizations about Safe & Just Michigan, our latest reports and the need for sensible justice reforms that will make our communities safe.

## A word from the executive director

As the new executive director, I wanted to share a few thoughts. First, I'd like to thank Barbara Levine and Laura Sager, who preceded me in this role. Barb and Laura founded and built this organization into what it is today. I have big shoes to fill in this role and I am grateful to have them both as mentors as I settle in.

Second, I wanted to take a moment to thank those of you that have sent letters and messages to me or to Safe & Just Michigan. I want you to know that we read everything we receive, and that your perspective helps inform our legislative work, even though we are often unable to respond. We regret that we have been unable to keep up due to the volume; please do continue to share your ideas and stories with us.

Third, while the current pace and focus of reforms in Michigan may not be what we would like to see, what's happening now is part of a bigger picture that gives reason for hope.

The movement to reform our

criminal justice system is growing at the local, state and national level.

We are seeing increased public awareness of the need for reform, higher-profile advocates for reform, and increased interest in reform among legislators. This is all good news, and the reforms we are working on now — the coalitions built, the people mobilized in support of reform, and the new public narratives about safety and justice — are laying the groundwork for future reforms.

We ask that you continue to support our work, and encourage your families and friends to get involved.

Thank you.

John S. Cooper



*Executive Director  
John S. Cooper*

## SJM hires new community engagement specialist

We're happy to introduce you to Sloan Gibson, the newest person to join Safe & Just Michigan's team.

Gibson is our community engagement specialist working primarily in the Southeast Michigan region. He was born and raised in Detroit, and he is eager to work with individuals, families and organizations there and throughout Michigan to make a difference in people's lives.



*Sloan Gibson*

Before joining Safe & Just Michigan, Gibson worked with The Greening of Detroit, where he helped place formerly incarcerated people trained in landscaping skills with companies looking for skilled workers. Part of his job included showing business owners why hiring justice-involved people made good business sense.

His ability to convince employers to give others a second chance, as well as his desire to help formerly incarcerated people, make him a great addition to our team.

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# Clearing the decks for 'Clean Slate' this year

Having a criminal record brings serious consequences long after a prison sentence has been served or probation has ended. Many employers hesitate to offer jobs to people with a criminal history, and landlords often decline to rent to this same population.

Expungements seal a criminal record and shield it from public view, making it easier for people who have been involved with the justice system to get a second chance and move ahead with their lives. But Michigan's expungement process is long and confusing, requiring people to obtain copies of their criminal records, apply to a judge, get fingerprinted, pay a fee and take other steps.

On top of that, many people don't even qualify for an expungement. Those who do are often too intimidated by the process to go through with it. About 95 percent of people who qualify for an expungement don't even apply.

We know the expungement process can be better. In 2019, we and our partner organizations want to bring Clean Slate to Michigan. Clean Slate would automate the expungement process, taking the frustration, expense and confusion out of it. It would also bring expungement to thousands more people, maximizing its benefits.

That's why Safe & Just Michigan is working with our partner organizations to make passing Clean Slate legislation a priority this year.

In this newsletter, you'll see that we have hosted several listening sessions throughout Michigan with our partners, including Nation Outside, JustLeadershipUSA and many local organizations, where we've asked people their ideas about how to draft the strongest Clean Slate legislation possible.

**We ask you to share your thoughts and ideas as well, because we know that your perspective is crucial to the success of this legislation.**

Our goal is to introduce this legislation within the coming months, pass it through the Legislature and present it to the governor for her signature before the end of the year.

See photos from our Clean Slate Listening Tour on page 7



Participants break out into a small group for discussion at the Clean Slate listening session in Flint on Feb. 27, 2019.

## 'Raise the Age' rolls out bills for another run

Michigan remains one of just four states where 17-year-olds are treated as adults in the criminal justice system. That means that while you must be 18 to vote, sign up for the military or to even buy a pack of cigarettes, Michigan considers 17-year-olds to be adults when they stand before a judge.

Last year, supporters of reforming Michigan's juvenile justice system came very close to success. A package of bills known as "Raise the Age" made it through the House committee, but it then died on the floor of the House during the *Lame Duck* session.

A funding discussion is what prevented the passage of the Raise the Age legislation last year. Michigan counties were concerned that transferring 17-year-olds to the juvenile system would cost counties too much. Juvenile corrections is funded half by county governments and half by the state, while the state alone pays for adult corrections.

A potential solution was found to resolve that problem late last year, but not in time to appropriate the funds and move the legislation through the House and Senate.

With progress made toward resolving that issue, we believe it will be easier than before to move the legislation through the Capitol.

The Raise the Age bills were re-introduced earlier this year and are already receiving committee hearings. They have support from lawmakers in both the Democratic and Republican parties, so we are hopeful the legislation has the momentum needed to go through the legislative process and be signed into law this year.

# POLICY UPDATE

## Civil asset forfeiture bills get hearings

A plan to overhaul Michigan's civil asset forfeiture laws has been fast-tracked by the legislature. Under the proposed law, property valued at less than \$50,000 confiscated by law enforcement in a controlled substance-related offense would be returned to its owner unless charges against the owner resulted in a conviction.

The bills, House Bill 4001-2, were the first introduced to the Michigan House of Representatives this legislative session by House Speaker **Lee Chatfield** (R-Levering). By making this the first bill of the session, Chatfield signaled that criminal justice reform will be a top priority of the 2019-2020 legislative session. The bills have already cleared the House Judiciary Committee and are awaiting action on the House floor.

Similar bills from the Senate, sponsored by Sen. **Pete Lucido** (R-Shelby Township), have already cleared the Senate and are also awaiting action on the House floor.

## Michigan AG signals flexibility on registry

Michigan's new Attorney General **Dana Nessel** has signaled that she could be open to reforming the state's sex offender registry after she filed legal briefs in two counties in January. The briefs objected to amendments made to the state's sex offender

registry law in 2006 and 2011 that applied the registry requirement retroactively to people who pled guilty to criminal sexual conduct violations between 1993 and 1995.

In the filings, Nessel said the registry stands in the way of rehabilitation and leads to recidivism, as people on the list face significant struggles securing safe housing and good jobs.

"It has become a bloated statute whose recent amendments are out of touch with the practical ramifications," she wrote.

## Five courts try bail reform pilot plan

Many people have criticized the cash bail system for keeping people who are ultimately found innocent locked up for weeks or months at a time, resulting in lost jobs, evictions and even the loss of parental rights to their children.

Legislative efforts are underway to reform the bail system, but even without new laws on the books, courts are experimenting with ways to reform the bail system.

The Michigan Supreme Court launched a five-court trial in Hamtramck, Clinton Township, Mount Pleasant, Flint and Escanaba using a pre-trial risk assessment to set bail. It turns the bail-setting process into a scientific determination, rather than an arbitrary judge's decision.

"No Michigan resident should be sitting in jail just because they can't afford to pay their bail," said Chief Justice **Bridget M. McCormack** in a story in the Detroit Free Press.

## Medically frail parole makes a comeback

A plan to establish parole for medically frail people who are incarcerated fell short of winning legislative approval last year after the Senate rewrote the bill to narrow down its scope.



*Rep. Graham Filler*

Legislators supporting creation of medically frail parole are trying again. A new set of bills has been introduced this year that mirrors the changes the Senate made to the medically frail parole bills last year.

The bills have cleared the House Judiciary Committee, chaired by Rep. **Graham Filler** (R-DeWitt), and moved through the House to the Senate.

Notably, the Prosecuting Attorneys Association of Michigan told legislators they are neutral to the bills. That is important, because it means that they won't be lobbying lawmakers to vote against it.

The bills have bipartisan sponsorship and the support of several organizations, including Safe & Just Michigan and the ACLU of Michigan.

"Safe & Just Michigan urges the Legislature to amend this legislation to apply to all medically frail prisoners," SJM Executive Director **John Cooper** said in his written testimony.

# Michigan corrections by the numbers

*Statistics from the MDOC tell the story of incarceration in our state*

Consider the following two statements:

- People incarcerated in Michigan prisons are serving some of the longest sentences in the nation, with an average minimum sentence that is 10.3 years and growing, and;
- Michigan’s prison population has fallen 23 percent between 2017 and 2006, when it reached its largest size of 51,515 people.

The two sentences might sound like they cancel each other out, but both statements are true.

The paradox is one of the interesting facts brought to light in the Michigan Department of Corrections’ 2017 statistical report, which was released in January 2019. The 285-page report touches on topics as diverse as sentencing trends, Department of Corrections funding and expenditures and information on parole, probation and recidivism.

It’s no coincidence that the av-

erage minimum prison sentence is rising at the same time the overall prison population is declining. In fact, the two are related.

In recent years, efforts have been made to find ways to divert people from prison for offenses that bring shorter prison sentences. Problem-solving courts, such as substance use courts and mental health courts, offer treatment programs instead of prison time. This has reduced the state’s prison population.

However, that has done nothing to reduce the number of people who

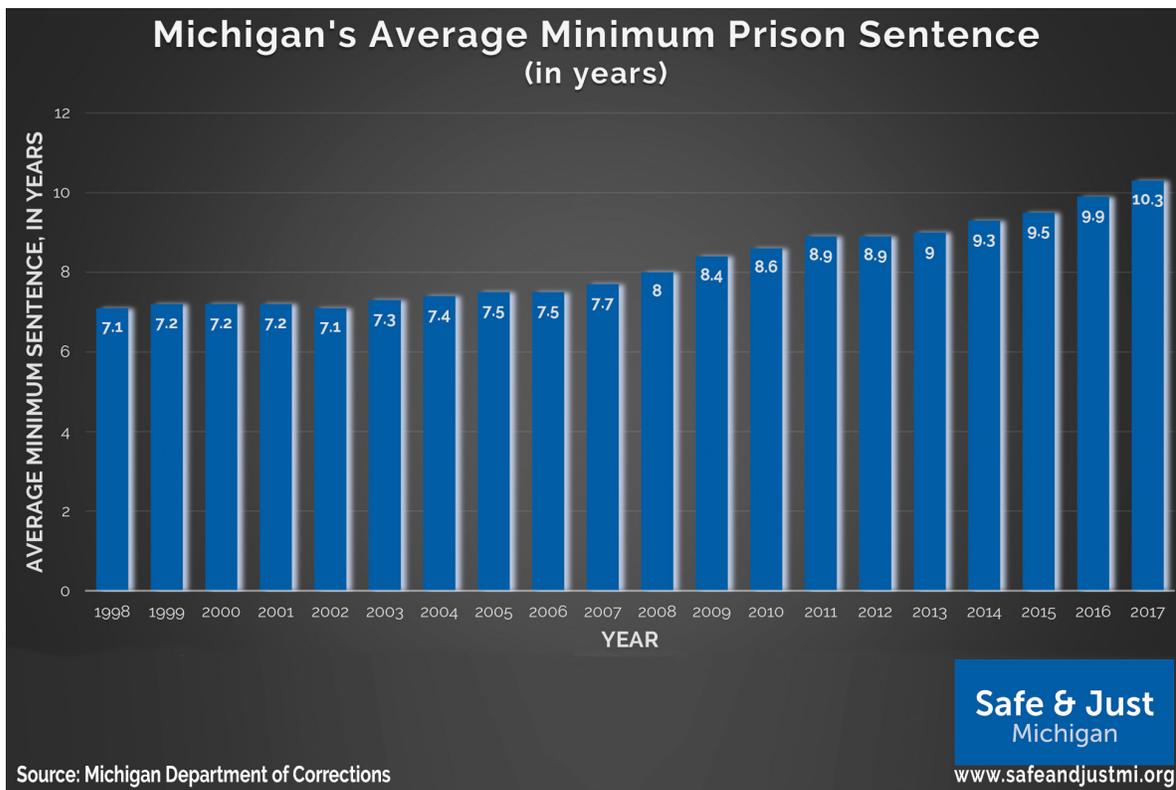


*Michigan Department of Corrections’ Legislative Liaison Kyle Kaminski gives testimony to the House Appropriations Corrections Subcommittee on Feb. 6, 2019.*

are still serving long-term sentences. While people serving sentences of 20 years or more comprised 18.3 percent of the prison population in 1998, as of 2017 they represented 31.7 percent of the population.

“We have fewer people coming to prison, but those who are coming are coming for a longer time,” MDOC Legislative Liaison Kyle Kaminski said in testimony to the House Appropriations Corrections Subcommittee in February.

“We’re approaching what we view as the natural floor for the prison population with our current accepted practices. We’ll get to the point where we can’t move the population down any further and we’ll need some kind of structural reform to do that,” he said.



# OUTREACH UPDATE

## SJM co-sponsors annual 'Day of Empathy'

*Event encourages people to share stories in order to build understanding*

People from around the state gathered in Lansing on March 5 to mark the National Day of Empathy, an event designed to highlight the everyday challenges faced by people with a criminal record and their families.

Following a presentation that included several formerly incarcerated people, legislators and SJM's Executive Director John Cooper, participants spent the day meeting with lawmakers and sharing their stories with people in

and around the Capitol who were willing to listen with them to learn about what it is like to live in society while having a criminal record.

"A lot of people think that you pay your debt to society when you go to prison, and then it's over," said **Troy Rienstra**, SJM's outreach director. "That's unfortunately not how it is for many of us. Once you have a criminal record, a lot of landlords will rule you out when you fill out a rental application, and a lot of employers won't look at your application.

at formerly incarcerated people."

People from many walks of life attended the event, including lawmakers, survivors of crime, formerly incarcerated people and their families.



*SJM Board Member Monica Jahner shares her story at the National Day of Empathy.*

We're working to change that, but change will come the fastest once people change the way they look

Sharing stories can be a powerful part of reaching out to people who haven't considered how an over-reliance on incarceration harms the community they live in. When people open up about the challenges they face, it can lead to others changing their hearts and minds about the criminal justice system.

SJM co-sponsored the national event with the local host, Michigan Council on Crime and Delinquency.

*Participants listen at the Day of Empathy in Lansing on March 5. SJM co-sponsored the national event with the local host Michigan Council on Crime and Delinquency.*



## MEDIA MENTIONS

People are taking note of the Clean Slate listening tour:

**State News, Feb. 15:** "Returning convict discussion and bill drafting tour visits Lansing" — "During her 28 years in prison, (Safe & Just Michigan Board Member Monica Jahner) studied in law libraries and fought to keep youth prisoners separate from adults."

"Man, did I get the rude awakening when I came out here," Jahner said. "I put my first job application in at

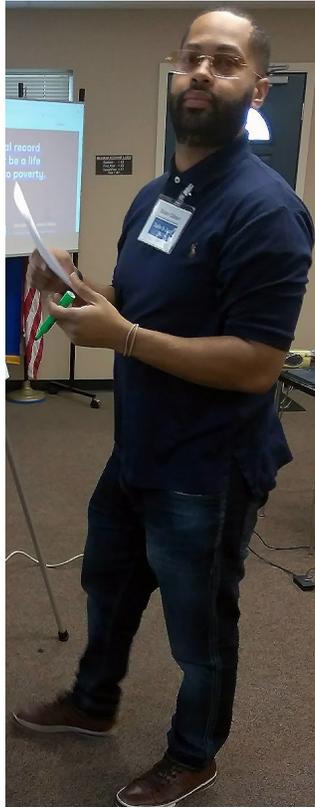
a detention center for girls. I told them I had been convicted, and who better? I had all the credentials they needed; who better to deal with young kids than somebody that's been in the system? But they turned me down."

**FlintSide, Feb. 20:** "Michigan's 'Clean Slate' initiative looks to Flint for support" — "Organizers hope to gather stories and individuals to testify in support of Michigan legislation, which will be drafted in

May, according to a release on the event."

**Concentrate, Feb. 20:** "Ypsi event will gather input on how to simplify Michigan's expungement process" — "SJM ... has conducted similar events in Muskegon and Lansing. Representatives from that organization and A Brighter Way hope to use the information and stories gleaned from the events to lobby for a change in state legislation."

# 'Clean Slate' listening tour stops throughout Michigan



Safe & Just Michigan, along with Nation Outside, JustLeadershipUSA and our local hosting partners, held Clean Slate listening tour sessions in Muskegon, Grand Rapids, Lansing, Kalamazoo, Saginaw, Flint, Ypsilanti, Pontiac and Detroit. The purpose of the meetings was to explain the aim of Clean Slate and to gather ideas about how to draft the strongest Clean Slate legislation possible before it is introduced to the Legislature. All of the meetings were energetic and well-attended, and we are thankful to everyone who took the time to participate and share their stories and ideas with us.



*Clockwise from upper right: SJM Community Engagement Specialist Sloan Gibson at the Grand Rapids Clean Slate event; Hakim Crampton of JustLeadershipUSA facilitates a discussion in Kalamazoo while Gibson stands behind him; SJM's Outreach Director Troy Rienstra, front, with participants at the Muskegon discussion; the discussion at Flint; Rienstra discusses Clean Slate in Ypsilanti.*

## Three things I wish I knew

### *Life after release*

**Name:** Donald Bolton

**Title:** Construction Supervisor, Restoration Concepts

**City:** Three Rivers

**Years since release:** 1.5

*Advice to others looking forward to release:*



**1** I wish I'd have known that the way we segregate ourselves in prison does nothing to prepare us for an inclusive life in society. I worked hard at trying to be open-minded about people and their behaviors while trying to break down barriers between groups. This helped me tremendously in my transition.

**2** I wish I'd have known that ex-felon is not written across my face. I have yet to meet a stranger that intuitively derived I had spent over 25 years incarcerated. Modeling good citizenry while in an uncivilized environment gave me the confidence I needed to interact with society in a familiar way thus keeping barriers to a minimum.

**3** I wish I'd have learned to better manage my money when I had no debt. Save money that normally would go to the "store-man" and you'll be better off when the doors finally open.

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## Your ideas are important

Safe & Just Michigan is preparing to create Clean Slate legislation. A Clean Slate law would make an expungement automatic for anyone who qualifies for it. The law could also expand who qualifies to have their criminal record cleared.

We've been gathering ideas from around the state on how to make this the best proposal possible. We've talked with formerly incarcerated people, their families, service providers, crime survivors and community leaders.

But someone's voice is missing: **YOURS.**

As someone who is incarcerated, your opinion is critical, and your voice matters. We want your ideas about how to make this legislation work for you once you are released.

Write to: **Safe & Just Michigan • 222 West Genesee Street • Lansing, MI 48933**

