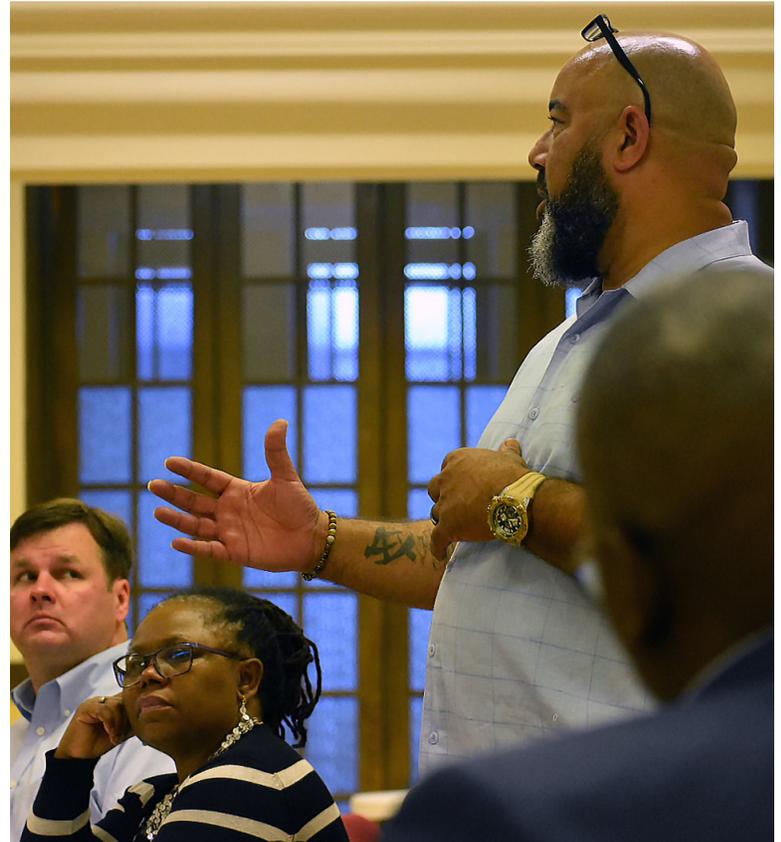


# Safe & Just Michigan

Fall  
2019



## LOOK INSIDE

**Page 2: A word from the executive director**

**Page 3: Bringing life and long sentences into focus**

**Page 4-5: Clean Slate makes its legislative introduction: How it works**

**Page 6: At Safe & Just Michigan's annual meeting, a call for directly impacted people to lead reform movement**

**Page 7: Former juvenile lifer now a University of Michigan graduate student**

Community was the most important thing to establish. I needed to find people who understood what I'd been through and was going through.

Gabe Blauer, page 7

*Clean Slate legislation has been introduced to the Legislature and has already had four hearings before the House Judiciary Committee. Safe & Just Michigan, along with our allies, has supported the seven-bill package every step of the way at the hearings and at a legislative Day of Action. Learn more inside.*



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

# From the director's corner

October was Youth Justice Awareness month, and it is therefore fitting that Gov. **Gretchen Whitmer** signed Michigan's long-awaited "Raise the Age" package on Oct. 31, which will raise the default age of criminal responsibility in Michigan from 17 to 18.

(See "Raise the Age signed at last," page 4.)

When it takes effect on Oct. 1, 2021, this legislation will end the practice of routinely considering 17-year-olds as adults in Michigan's criminal courts. With the law change, just three states in the country will send 17-year-olds to adult criminal courts: Wisconsin, Georgia and Texas.

It took five years and a collaborative effort to get this legislation signed into law. Many organizations and advocates deserve credit for this reform,

but we want to give special recognition to **Jason Smith** and **Mary King** of the Michigan Council on Crime and Delinquency, and **Alicia**



Executive Director  
John S. Cooper

**Guevara Warren**, **Gilda Jacobs**, and **Alex Rossman** of the Michigan League for Public Policy.

The "Raise the Age" campaign would not have been a success without their leadership, patience, and tireless advocacy over the last three legislative sessions. We congratulate them on their hard work.

Thank you,

John S. Cooper

## Criminal Justice Policy Commission ends work

The Criminal Justice Policy Commission (CJPC) has completed its work.

The CJPC had studied issues such as sentencing disparities and habitual offender sentencing enhancements. But the commission failed to secure Legislative approval to extend its mandate beyond its sunset on Sept. 30, 2019.

Senators **Sylvia Santana** (D-Detroit) and **Pete Lucido** (R-Shelby Township), who were on the commission, wanted the CJPC to continue.

"You have the most talented, brightest minds of the state, from all different facets — sheriffs, judges, prosecutors, defense lawyers — you have people that are involved with the treatment of individuals, sitting

around a table to make the system a better place," Lucido told the Detroit News.

But Senate Majority Leader **Mike Shirkey** (R-Clarklake) was against continuing the commission's work.

"The majority leader sees no need, given that Sen. Lucido is the chair of the Judiciary (Committee)," his spokeswoman, **Amber McCann**, said.



Sens. Sylvia Santana (D-Detroit), left, and Pete Lucido (R-Shelby Township) at the CJPC meeting on March 6, 2019.

# SJM to research life and long sentences

*A growing number of people serve life or long sentences in Michigan*

We've seen a groundswell of interest in criminal justice reform lately. Politicians from the right and left are joining together to work to create change at the state and national levels.

Up to now, though, the public has generally only supported reform for non-violent offenses, leaving behind people sentenced to terms of 20 years to life.

That's a problem, because people serving life or long sentences represent a growing segment of Michigan's prison population. It's the reason, for instance, that Michigan has the oldest prison population in the country. The challenge of life and long sentences must be addressed if we're to have true criminal justice reform.

## The meaning of life

Michigan's "truth in sentencing" law, passed in the 1990s, is one of the toughest of its kind in the nation. It requires people to serve their entire minimum sentence before becoming eligible for parole.

Since resources in prison are

scarce, that means people serving long sentences are often last in line to receive programming or get a parole board hearing. That doesn't lead to reform, rehabilitation or safer communities.

These are some reasons why we are investing more resources and research to understanding issues such as: who receives long sentences; do long sentences protect communities; what is the true cost of life and long sentences; and which policies can best address the challenge of life and long sentences.

## Understanding the problem

About 12,500 people are serving minimum sentences of 20 years or longer in Michigan, which is more than a quarter of all the people in prison.

This population tends to be older than the overall prison population in the state, with an average age of about 47. The average age in Michigan prisons is about 40 years old.

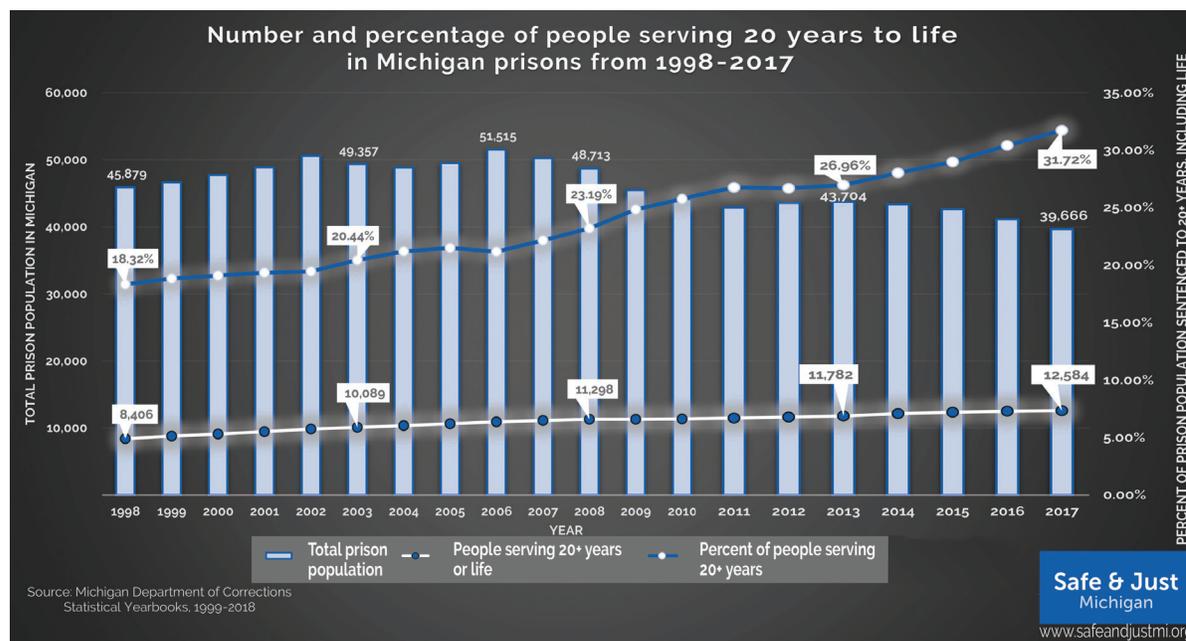
Racial disparities are also

noticeable. Black people comprised just 14.1 percent of Michigan's population, but about 53 percent of the state's prison population and a 64 percent of Michigan's population serving life or long sentences.

Among people serving these sentences, 65.3 percent were convicted at a jury trial and 22.3 percent by plea, which is the opposite of most other people who are incarcerated. Safe & Just Michigan Research Specialist Anne Mahar suggested this may be because people facing a life or long sentence may have less leverage or opportunity to accept a plea deal. Considering them geographically, 39.8 percent were convicted in Wayne County, 9.1 percent in Oakland County, 6.2 percent in Genesee County, 5.7 percent in Kent County and 4.3 percent in Saginaw County. Interestingly, this does not mirror the top-5 counties by population, which are, in order, Wayne, Oakland, Macomb, Kent and Genesee counties.



Anne Mahar



# POLICY UPDATE

## Raise the Age signed at last

On Oct. 31, Gov. **Gretchen Whitmer** signed legislation that raises the age youth are treated as adults in Michigan criminal courts to 18. Currently, 17-year-olds are routinely treated as adults in criminal courts. Because of the new law, as of Oct. 1, 2021, they will be considered juveniles.

It took five years of work to get the new law passed in Michigan. With the new law, Wisconsin, Texas and Georgia are the only states treating 17-year-olds as adults.

## Jail task force preps report

After holding several public hearings, the Michigan Joint Task Force on Jail and Pre-trial Incarceration will soon wrap up the public comment portion of its work. A final public meeting will be held in Lansing on Nov. 19.

The task force is expected to make recommendations to the Legislature early next year. Those could lead to jail reform legislation. Safe & Just Michigan will keep you updated.

## Clean Slate takes center stage

*Expungement reform moves quickly in Legislature*

On Sept. 9, a bipartisan group of state lawmakers introduced Clean Slate legislation to Michigan. On Nov. 6, the package of legislation passed out of the House and made its way to a Senate, where it will be referred to a committee. The momentum these bills have enjoyed so far serves as a testament to bipartisan readiness for criminal justice reform.

If passed, this legislation will be crucial in helping formerly incarcerated people secure good jobs, safe housing and better educational opportunities after living crime-free for a period of years. It greatly expands the number people who qualify for expungement and automates the process in many cases.

“This legislation is helpful for a number of reasons,” Safe & Just Michigan Executive Director **John S. Cooper** said. “It expands the number of convictions that a person can have set aside and increases the kinds of offenses eligible for expungement. Traffic offenses were never before eligible, and with Clean Slate, most would be. It also automates the expungement process in many cases, eliminating the confusing and expensive hurdles to clearing a record.”

### Comprehensive legislation

The seven bills in the Clean Slate legislative package would:

*See: [Clean Slate, page 5](#)*

**CLEAN SLATE MICHIGAN:** Get to know the seven bills in the legislative package. [www.safeandjustmi.org](http://www.safeandjustmi.org)

**1** **HB 4980:** Creates a process to automatically expunge eligible criminal records after seven years for misdemeanors or 10 years for felonies.

**2** **HB 4981:** Makes most traffic offenses eligible for expungement for the first time.

**3** **HB 4982:** Creates a process to set aside certain marijuana-related offenses, that would have been legal as of Dec. 6, 2018.

**4** **HB 5120:** Creates rebuttal process for marijuana expungements and specifies that the burden of proof is on prosecutors.

**5** **HB 4983:** Reduces the waiting period to file a petition to expunge a criminal record.

**6** **HB 4984:** Increases the number of misdemeanors and felonies a person can seek to have expunged.

**7** **HB 4985:** Allows multiple convictions for certain offenses arising on “one bad night” to become eligible for expungement as a single offense.



Michigan Attorney General Dana Nessel testifies before the House Judiciary Committee on Clean Slate legislation on Oct. 8, 2019.

*Bill descriptions in graphics are accurate at time of publication. Bills are subject to change during the legislative process. Safe & Just Michigan will keep you informed of developments.*

# Clean Slate: Expungement reform legislation gets receptive welcome ... from page 4

- Create a mechanism to automatically clear up to two felonies after 10 years and four misdemeanors after seven years from a public criminal record. HB 4980, Rep. **Eric Leutheuser** (R-Hillsdale)
- Make most traffic offenses eligible for expungement, HB 4981, Rep. **Pauline Wendzel** (R-Watervliet)
- Create a process to set aside marijuana sentences for conduct that would have been legal after the 2018 referendum legalizing recreational marijuana. HB 4982, Rep. **Luke Meerman** (R-Coopersville)
- Create a challenge procedure for marijuana expungements, but state that prosecutors bear the burden of proof to show a convicted offense would still be illegal under new recreational marijuana law. HB 5120, Rep. **Issac Robinson** (D-Detroit)
- For petitioned expungements, reduce the misdemeanor waiting period to three years; five years for a first serious misdemeanor or felony; and seven years for subsequent serious misdemeanor or felony. HB 4983, Rep. **Yousef Rabhi** (D-Ann Arbor)
- Expand the number of offenses eligible for set asides from one felony and two non-assaultive misdemeanors to three felonies and an unlimited number of misdemeanors, if:
  - An applicant has no more than two convictions for assaultive crimes, and
  - No more than two convictions for the same crime bearing a maximum sentence of 10 or more years.
- House Bill 4984, Rep. **David LaGrand** (D-Grand Rapids)
- Allow multiple convictions for certain offenses arising during “one bad night” to be eligible for expungement as a single offense. HB 4985, Rep. **Sherry**

**Gay-Dagnogo**  
(D-Detroit)

## Hearings held

The bills have support from House Judiciary Committee Chairman Rep. **Graham Fuller** (R-DeWitt), who quickly put them before his committee.

The first hearing, on Sept. 24, coincided with a “Legislative Day of Action,” sponsored by Safe & Just Michigan, JustLeadershipUSA, the Detroit Justice Center, Nation Outside and Michigan Faith in Action. Several people directly impacted by the need for expungement reform came to show support for the bills.

Researchers and experts testified to the benefits of expungents. University of Michigan criminologist **Sonja Starr** said five years after living crime-free after prison release, a formerly incarcerated person has a lower risk of committing a crime than someone without a record.

The sponsoring lawmakers are passionate about the legislation. “This package of bills is about who we are as a state and as a nation. This is about justice,” Rep. Rabhi said.

The substitute bills that were adopted Oct. 29 contained changes that were largely agreeable. For instance, a measure requiring

repayment of restitution before becoming eligible for automatic expungement was removed.

Safe & Just Michigan hopes Clean Slate could be signed into law by the end of the year. We’ll keep you informed.



Clean Slate's seven-bill package will improve Michigan's expungement system. How these bills affect people with a criminal record depends on factors such as the kind of conviction someone has, how long ago a sentence was completed and whether an individual petitioned a judge for an expungement. Here's how it works.

### Marijuana Offenses



Judges must grant expungement requests for offenses that would no longer be a crime as of Dec. 6, 2018.

However, prosecutors may object to an expungement application within 60 days. Applicants will have an opportunity to answer and defend their request.

### Minor Misdemeanors

People can petition for expungement after three years.



After seven years, up to FOUR misdemeanors will be automatically expunged.

### Serious Misdemeanors

First offense: can petition a judge for expungement five years after the imposition of a sentence or release from incarceration, whichever is later.

Subsequent offenses: the wait is seven years.



### Traffic Offenses

If a misdemeanor: Can petition a judge for expungement three years after the completion of a sentence.

Otherwise: Can petition for an expungement after five years.



### Non-Assaultive Felonies



- After five years: Can petition for expungement of first felony.
- After seven years: Can petition for expungement of second and third felonies.
- After 10 years: Up to TWO non-assaultive felonies will be automatically expunged.

### Assaultive Felonies & Crimes with 10+ Year Sentences that ARE eligible for expungement

- A person can have up to two assaultive crimes expunged in a lifetime.
- After five years: Can petition for expungement of first felony.
- After seven years: Can petition for expungement of first, second & third felonies.
- These convictions will NOT be eligible for automatic expungement.



### Keep in Mind:

- Driving under the influence, traffic convictions under a commercial drivers license and traffic convictions involving injury or death aren't expungeable under House Bill 4981.
- Up to three felonies and an unlimited number of non-assaultive misdemeanors can be expunged - however, a person cannot have more than two convictions for assaultive crimes or have multiple convictions of the same kind of crime if it carries a maximum sentence of 10+ years.

### Learn More

Read about the bills, get the latest news on the #CleanSlateMI campaign, hear about upcoming events and more at [www.safeandjustmi.org/Clean-Slate-for-Michigan](http://www.safeandjustmi.org/Clean-Slate-for-Michigan)



# OUTREACH UPDATE

## SJM annual meeting brings state, national criminal justice leaders together in Lansing

*DeAnna R. Hoskins, head of JustLeadershipUSA, was featured speaker*

Safe & Just Michigan welcomed a record number of friends and supporters to our Annual Dinner Meeting Oct. 10.

Our featured speaker this year was JustLeadershipUSA's President and CEO **Deanna R. Hoskins**, who talked about her own experiences in the criminal justice system and as a reformer. She spoke about the importance of people who have been directly impacted by the justice system leading the fight to reform it.

"We were built on the premise that those closest to the problem are closest to the solution. You don't talk about veterans issues without sitting down and talking to vets. You don't talk about women's issues without talking to women," Hoskins said.

"So what I'm going to ask is, how dare you sit down and have a conversation about criminal justice without having a conversation with people who have experienced it personally? It's a principle of amplifying and elevating our voice," she said.

We gave the annual Gov. William G. Milliken Award to Rep. **David LaGrand** (D-Grand Rapids), who has been a tireless advocate for criminal justice and jail reform.

Sadly, former Gov. **William Milliken** passed away at the age of 97 on Oct. 18. After enacting many "tough on crime" laws, Milliken later understood that they did more harm than good and worked to undo them.



*Pictured clockwise from upper left:*

*JustLeadershipUSA President and CEO **DeAnna R. Hoskins** addresses Safe & Just Michigan's 2019 Annual Dinner Meeting.*

*Rep. **David LaGrand** (D-Grand Rapids) receives the Gov. **William G. Milliken** Award for advancing criminal justice reform in the Legislature.*

*A guest asks a question following Ms. Hoskins' speech.*

*People listen to Ms. Hoskins' speech.*

*JustLeadershipUSA's Michigan Organizer **Hakim Crampton** (center) and Safe & Just Michigan's Policy Analyst **Josh Hoe** (right) chat before the dinner.*

*DeAnna Hoskins and a guest talk after the 2019 Annual Dinner Meeting.*



# Former juvenile lifer now in grad school to become a social worker

Two years after being released from prison as a former juvenile lifer, **Edward Sanders** is now a graduate student in the University of Michigan's School of Social work.

Sanders was featured in Safe & Just Michigan's newsletter last year. He hopes an update on his return to college will inspire people who are still incarcerated to keep faith in their dreams.

Sanders' goal is to one day start an organization helping people like himself — adults who were incarcerated as adolescents and spent many years in prison.

"They spent their whole life in corrections. Often, they get out and they find they have no immediate family members — their elders are deceased," Sanders said. "They look around and see society has dramatically changed, technology has changed. It's like going to a

different country."

Sanders has dealt with some of those things himself. As a university student, his biggest challenge is not a heavy class load or demanding professors, but learning to use new computers. He's getting help from fellow students, he said.

His classmates have been incredibly welcoming, he said. "They're open to hearing about my experiences and viewpoints."

Sanders had to take extra steps to be admitted to college, such as meeting with the university's head of security. But that didn't deter him. He was determined to obtain an education.

No one should be afraid to go to school, he said.

"You're in school right now," Sanders said. "The skills you're learning in prison, they're applicable out here. They translate."

## MEDIA MENTIONS

**"It may become easier to clear criminal history in Michigan"** - *Detroit Free Press, Sept. 20, 2019:*

Michigan could become one of a few states that automatically sets aside certain convictions for those who stay out of trouble. ... The clean slate package could help improve access to jobs and housing for hundreds of thousands of Michiganders, according to Safe & Just Michigan, an organization that advocates for policies reducing incarceration. John Cooper, the group's executive director, said the bills are a "significant step forward."

"That it's being done in a bipartisan way is encouraging," Cooper added.

**"Pay-to-stay, other fees, can put Wisconsin jail inmates hundreds or even thousands of dollars in debt,"** - *Wisconsin Journal Sentinel, Sept. 25, 2019:*

A common argument made by those who support pay-to-stay is these individuals commit crimes, creating a need for jails, so they should pay, said John Cooper, the executive director of Safe & Just Michigan. The Lansing group focuses on reducing Michigan's use of incarceration.

But Cooper said most people in jail are there because of lack of opportunity and poverty and pay-to-stay exacerbates that. "There is a good argument," Cooper said, "that it undermines public safety."

## Three things I wish I knew

### Life after release

**Name:** Gabe Blauer

**Title:** Director of Operations/  
Part-Owner, Catastrophic  
Creations



**City:**  
Grand  
Rapids  
**Years  
since  
release:**  
14

*Advice to others looking forward to release:*

**1** Community was the most important thing to establish. I needed to find people who understood what I'd been through and was going through. I also needed to replace the negative people with whom I'd formerly associated. For me, this came in the form of a 12-step fellowship, but there are a lot of places to find this kind of community.

**2** I had to realize I wasn't going to conquer the world in one day. I had to take it one day at a time. Needing to find employment, housing, transportation, etc., all at one time is a lot! I had to break it down into small, manageable chunks and give myself a break.

**3** When you're in the outside world, you'll find exactly what you're looking for. If you expect it to be difficult to abstain from the behavior you got locked up for, it'll be difficult. If you expect to rejoin society and be productive, you'll find that, too.

# Safe & Just Michigan

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**All of us at Safe & Just Michigan wish you**

## **Happy Holidays!**

**Always remember that you are the reason we do what we do.  
In this season of gratitude and hope, we are mindful of our shared  
mission, and grateful for the opportunity to work with you.**



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 and policies that remove barriers to employment, create safer communities for everyone and reform life and long sentences. We thank you for your support!