

Safe & Just Michigan

Fall
2020



Safe & Just Michigan Executive Director **John S. Cooper** (center) speaks at the signing ceremony for Clean Slate legislation in Detroit on Oct. 12. To his right is Gov. **Gretchen Whitmer**, and to his left is Michigan's official sign language interpreter. The laws come into effect in April 2021, except for the automatic expansion law, which will take more time to implement. See page 4 for details.

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Having a plan for savings before release is a key to success. Being able to budget in this economic environment is crucial.

— Kimiko Uyeda, page 7

The Uneven Impact of the Felony Firearm Law



Safe & Just
Michigan

www.safeandjustmi.org

Michigan's felony firearm law is a key driver of our state's prison population — but it isn't being applied uniformly around the state. See page 3 for details.

Safe & Just Michigan

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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

In October, Gov. **Gretchen Whitmer** signed the Michigan Clean Slate legislative package into law in a signing ceremony at Cadillac Place in Detroit. Joining her were Lt. Gov. **Garlin Gilchrist II**, Attorney General **Dana Nessel**, Detroit Mayor **Mike Duggan**, three key bill sponsors from the House ... and me!

It was a small gathering — not even members of the press were there in person — but it was clear everyone there understood its significance. Speaker after speaker noted this bill package will help hundreds of thousands of people in Michigan, will help economic productivity and public safety in our state, and that it was necessary to bring our criminal legal system more in line with our values.

I have to say, it was touching to see and hear the political leadership of our state — one after another — talk about the importance and value of second chances, their excitement to see this legislation signed, and their commitment to seeing it implemented. The framing of their remarks was equally important:

this reform isn't about any one person or group of people, it's good for everyone in Michigan. It is about jobs, economic and workforce



*Executive Director
John S. Cooper*

development, racial justice and public safety. It is — as they say — a win-win for everyone in Michigan and should be celebrated as such.

The same can be said for many reforms to the criminal justice system in Michigan, and I hope the research and messaging related to this bill package will be a model for campaigns to come. And we acknowledge, even as we celebrate, that there is much more work to be done, and we hope you will continue to work with and support us as we move forward.

Thanks,

John S. Cooper
Executive Director

Nation Outside grows with SJM sponsorship

Nation Outside, a criminal justice reform group created and led by formerly incarcerated people, is now under the fiscal sponsorship of Safe & Just Michigan. This move allows it to grow and become self-sustaining while it becomes a fully independent nonprofit.

As part of the transition, Safe & Just Outreach Director **Troy Rienstra** has taken on the additional title of project director for Nation Outside. It's an organization he feels especially passionate about.

In the lead up to the 2020 election, Nation Outside worked

with the Michigan Secretary of State, several county sheriffs and other organizations to ensure people detained in jail and awaiting trial could exercise their right to vote.

"There's all these barriers that we're trying to either circumvent or tear down and make it possible," Rienstra said in an interview with the Detroit Free Press on Oct. 8.

Rienstra was also deputized on a volunteer basis by the Genesee County sheriff, a move that will allow him to work more closely with people inside that county's jail.

The facts about the felony firearm law

Michigan's mandatory sentencing legacy drives prison population

Last month, Safe & Just Michigan released a research report on the 40-year history of the felony firearm statute and its effect on Michigan residents and prisons.

Michigan's felony firearm statute makes it a crime for a person to possess a firearm during the attempt or commission of a felony. It applies to situations where the firearm is legally owned or even when the firearm isn't used in the commission of a felony. The felony firearm law imposes a mandatory sentence of two years for a first offense, and five- or 10-years for subsequent offenses. It's one of few mandatory sentences left in the state's criminal code.

In recent years, several concerns about the felony firearm statute have been raised. In 2015, House Bills 4419-20 were introduced to eliminate the mandatory nature of the sentence and give judges discretion in determining a punishment for the first offense. Those bills didn't gather enough support to pass. Then, in 2017, the statute received significant media attention due to the publicity of the case of **Siwatu-Salama Ra**. This summer, legislation was once again introduced to address the problems with this state law.

Attention to this statute is valid. More than a quarter of the people incarcerated in Michigan's prison in October 2018 had at least one felony firearm sentence.

One of the most important findings of the report is the racial disparity among felony firearm charging and sentencing. Approximately 82 percent of those sentenced for a felony firearm sentence are identified

as Black in a state where just 14 percent of the population is Black.

Safe & Just Michigan isn't the only group pointing out the racial differences in the application of this law. Citizens for Racial Equity in Washtenaw (CREW) released a report titled "Race to Justice" that examined data between 2017 and 2019. It found data supporting what many community members have long said: there are vast racial disparities in our criminal legal system.

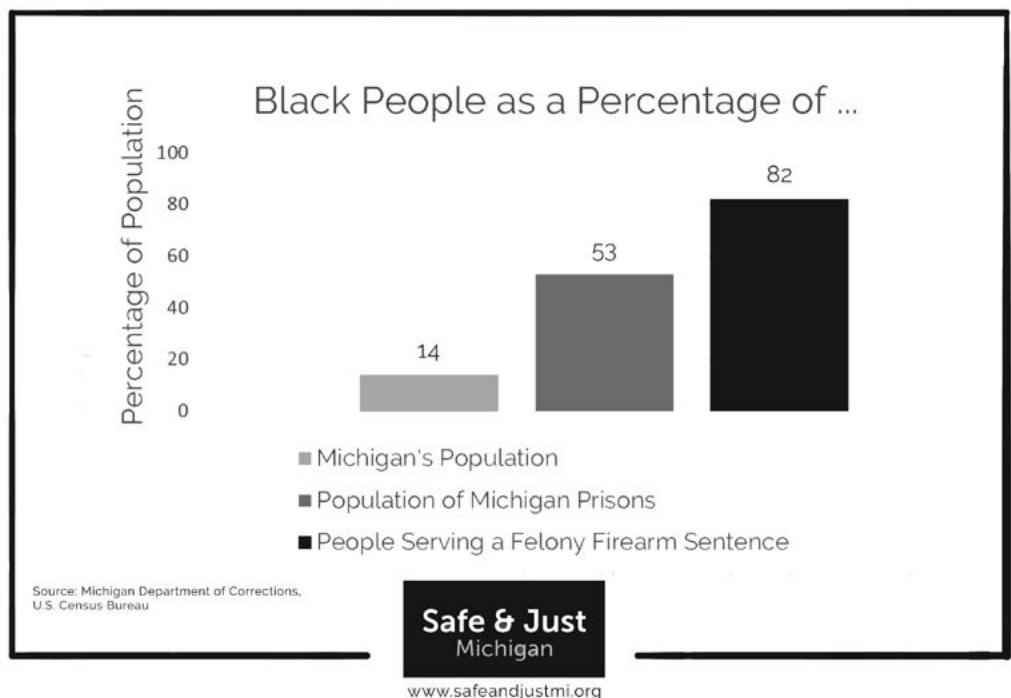
In particular, CREW identified disparities in felony firearm charging and sentencing. In the time under study, 25 people of color were charged with felony firearm, compared to only two white people. Charges against both white people were eventually dropped, while 64 percent of the people of color were convicted.

Geographic differences in the application of the felony firearm statute also emerged. A handful of

counties didn't account for anyone sentenced to prison for felony firearm in October 2018, while other counties, such as Wayne County, were responsible for more than 5,000 people incarcerated on at least one felony firearm sentence.

Recently introduced House Bills 5993-94 correct some issues caused by the felony firearm statute. The proposals could save millions of dollars annually, according to estimates. But since they don't change sentencing for second or subsequent felony firearm charges, they don't go far enough to reverse the trend of Michigan's growing prison sentence lengths and corrections spending. It's vital that the mandatory nature of the felony firearm sentence be eliminated at all levels.

Safe & Just Michigan supports these bills, but recommends further reform that would put sentencing discretion back into the hands of judges.



Black people are disproportionately affected by the felony firearm law.

Gov. Whitmer signs Clean Slate into law

Most bills take effect April 2021; automatic clearance to take longer

Gov. **Gretchen Whitmer** signed Michigan's Clean Slate legislation into law Oct. 12. These seven bills — House Bill 4980-4985 and HB 5120 — automatically expunge simple misdemeanors and non-assaultive felonies from the records of hundreds of thousands of Michiganders who lived crime-free for at least seven years, and make it possible for thousands more to apply for the expungement of other old convictions.

"We are so thankful that the governor has signed Clean Slate into law. Clean Slate legislation will make new opportunities and a brighter future possible for hundreds of thousands of Michiganders, and as a result, for the entire state of Michigan," Safe & Just Michigan Executive Director **John S. Cooper** said.

Having a criminal record can prevent people from getting a good-paying job, obtaining safe and affordable housing or even getting into a college or job training program. Expungements shield those convictions from public view, while allowing police and courts to still view the information.

Michigan's existing expungement process was limited in eligibility, expensive to complete and confusing to navigate. Fewer than 7 percent of people who qualified for an expungement tried to get one, even though benefits await those who did. A University of Michigan study found wages for those who obtained an expungement rose an average of about 25 percent within two years.

"We are so happy for the people of Michigan whose lives will be changed for the better because

of Clean Slate legislation," Cooper said.

"Working as a team, we put political differences aside and worked together to the benefit of hundreds of thousands of people."

Bills included in the Clean Slate legislative package are:

- **House Bill 4980:** Creates an automated process to expunge eligible misdemeanors after seven years and eligible non-assaultive felonies after 10 years.
- **HB 4981:** For the first time, most convictions for traffic offenses — which constitute half of all criminal cases in Michigan — are eligible for expungement.
- **HB 4982:** Creates a process to set aside most marijuana convictions that would have been legal as of Dec. 6, 2018, the date recreational marijuana was legalized in Michigan.
- **HB 4983:** Reduces waiting periods to file expungement petitions of a misdemeanor conviction to three years.
- **HB 4984:** Increases the number of misdemeanors and felonies a person can expunge to an unlimited number of non-assaultive misdemeanors and three felonies — however, a person cannot have more than two assaultive felonies expunged in a lifetime, or have multiple convictions of the same crime expunged if the maximum



The gavel comes down in the Michigan House of Representatives as Clean Slate legislation clears its final legislative hurdle on Sept. 25, 2020.

sentence for that crime is 10 or more years of incarceration

- **HB 4985:** Allows multiple convictions for certain offenses arising on "one bad night" to be eligible for expungement as a single offense.
- **HB 5120:** Creates a rebuttal process for marijuana expungements specifying that prosecutors bear the burden of proof.

Automation of expungements will have a two-year phase-in once the Legislature appropriates funds to create technological systems allowing court, police and state computer systems to communicate with each other. The rest of the bills take effect in April 2021.

"This package will increase economic productivity and tax base, expand our workforce, increase incomes for thousands of people and their families, and allow hundreds of thousands of people to fully participate in the economy while also promoting public safety. It truly is a win-win for Michigan," Cooper said.

POLICY UPDATE

Legislature gears up for busy lame duck session

As 2020 comes to an end, the Michigan Legislature will head into a “lame duck” session.

Lame duck is the name given to the time after an election but before the newly elected officials are sworn into office. It’s often a busy time in the Capitol, as lawmakers hurry to make deals and pass legislation before the Legislature concludes business for the year. Bills that don’t become law by then will have to be re-introduced the next session and start the process from the beginning.

Criminal justice reform advocates hope several important measures will become law before the end of the year. They include bills stemming from the Michigan Joint Task Force on Jail and Pretrial Incarceration, bills to make it easier for formerly incarcerated people to obtain occupational and professional licenses, and a bill to reform the state’s sex offender registry (see sidebar).

Jails Task Force

Bills reflecting the work of the jails task force include:

- Bills removing mandatory jail sentences for certain misdemeanors (House Bills 5844 & 5855-5857).
- Bills to end the practice of suspending driver’s licenses for things unrelated to unsafe

driving (HBs 5846-5854).

- Bills encouraging alternatives to arrest, jail incarceration or probation (Senate Bills 1046-1051).

The House bills completed their work in the House and won approval from the Senate Judiciary and Public Safety Committee. They now await a vote on the floor of the Senate.

The Senate bills passed the Senate Judiciary and Public Safety Committee. They need a vote on the Senate floor and will then need to repeat the process in the House Judiciary Committee and House floor.

Professional Licensing

State licenses are needed for several kinds of jobs, including hair styling, carpentry and plumbing. These licenses contain a “good moral character” clause, which is used to screen out people with a criminal record.

HBs 4488-4492 would prevent licensing boards from using a conviction as sole proof of a lack of good moral character. However, if a license relates to the conviction, such as a child care license and a child abuse conviction, it could be taken into consideration.

These bills completed work in the House, cleared the Senate Regulatory Reform Committee and await a vote on the Senate floor.

Tight Schedule
The state Legislature takes a 15-day “Hunting Break” from Nov. 15-30 and will complete its work for the year in mid-December.

Registry rewrite bill still in limbo

In 2016 — and again in 2020 — federal judges decided that several portions of Michigan’s sex offender registry are too vague and overly broad to the point that they are unconstitutional.

In February 2020, federal Judge **Robert Cleland** decided that Michigan’s registry law must be rewritten, and until that happens, many portions of the registry are not enforceable. He set a 60-day deadline for the Legislature to act.

Then, COVID happened.

Gov. **Gretchen Whitmer’s** executive orders led the judge to pause his deadline until the COVID emergency passed — which it has yet to do.

Meanwhile, lawmakers in Lansing failed to agree on what the new sex offender registry law should look like.

An attempt to present a new registry law to the Legislature was made earlier this year, but it encountered significant reservations from numerous individuals and organizations, including Safe & Just Michigan. Its sponsors have been working to address concerns that were brought up during committee hearings.

So far, no further hearings on the registry bill have occurred (one was scheduled but then canceled when a representative contracted COVID-19). We will keep you posted on this issue.

OUTREACH UPDATE

Community Engagement Specialist Finds His Voice

Rick Speck finds transformation and hope in written word

Contributing to Safe & Just Michigan's blog wasn't one of the job duties that led **Rick Speck** to want to become the Community Engagement Specialist for Safe & Just Michigan eight months ago.

But now, with a few blog posts under his belt, Speck is finding

to tell you. Michigan's prisons are crowded with stories like his — people whose trauma played a role in landing them in prison, and whose trauma, if left untreated, can play a role in returning them back to it.

In August, Speck joined about 20 people taking part in a weekend

positive that Speck took part in another art therapy workshop sponsored by the YJF in October.

This time, Speck wrote about working on metal artwork featuring the names of his children and grandchildren while listening to the voices of his formerly incarcerated friends around him.

“For me in that moment inside the art studio, I have never been so proud of my community. What society often looks at as the dregs of society to me are a beacon of light for change. Transformation is possible, like the flower that grows in the cracks of concrete.

“Men and women of the numbers also grow through the cracks, as beautiful and resilient as the flower,” he wrote.

Most recently, Speck wrote about the weekly support group meeting he helps lead on Zoom.

“I remember learning of one member's husband that was COVID-19 positive. She feared she might never see him again, hold him again. We also got to hear how one member of the group had secured funds so her eldest daughter could head off to her freshman year of college. We saw the smile of one member as she recounted her video visit with her son, whom she had not seen in years. You could see and feel how much joy it brought her to see and hear her son during these uncertain times.”

Your loved ones are welcome to join us on the online support calls co-lead by Speck from 3-4:30 p.m. every Friday by going to zoom.us/j/186112685



Rick Speck at the Trauma Summer Camp. Photo courtesy of Aaron Kinzel and the Youth Justice Fund.

his own voice. Not only that, he's realizing that writing is a powerful tool he can use not only to connect with others, but to also better understand his own experiences.

Speck has a lot of experiences to process. He spent 18½ years inside Michigan prisons. After he was released, his adult daughter was murdered.

Trauma like that is hardly unique to Speck, as he'll be the first

workshop in northern Michigan sponsored by the Youth Justice Fund for people who had been sentenced as teens to help them process their trauma and heal. Group sessions, writing, music and art therapy were all used as healing techniques.

“I was able to hear so much of the trauma that these beautiful human beings had endured as youth,” he wrote. “What I experienced was like watching the caterpillar transform into a butterfly. ... If we can begin to reduce the harm and trauma that occurs all across America, then we can begin to see our communities flourish instead of enduring loss and destruction and ultimately decay.”

The experience was so

MEDIA MENTIONS

SJM builds prominent media profile

With the passage of Clean Slate and COVID-19 continuing its grip on Michigan prisons, reporters are keeping Safe & Just Michigan on speed dial. Here are some recent stories we've helped out on:

- **Michigan prepares to automate expungement of criminal records** (*State Scoop, Oct. 19*): Michigan will begin automating the clearance of criminal records for some state residents within the next six months, and make it easier for others to apply for expungement over the next two years, after Gov. **Gretchen Whitmer's** signing of a series of bills last week endorsed by criminal justice advocacy groups and the civic-tech group Code for America's "Clear My Record" program. ... With at least 787 laws on the state's books that prevent felons and former criminals from getting a job, housing or an education, according to criminal justice reform group Safe and Just Michigan, simplifying the expungement process is a huge win. "This is a milestone in state criminal record-sealing policy that will help hundreds of thousands of people in Michigan and help drive the national conversation on reform forward," the group's executive director, **John S. Cooper**, said in a press release.
- **'Clean Slate' legislation needed to help people move forward** (*The Mining Journal, Oct. 14*): Truly rehabilitated

people have a right to start over and begin a new life. ... "We are so thankful that the governor has signed Clean Slate into law," Safe & Just Michigan Executive Director **John S. Cooper** said in a statement. "Clean Slate legislation will make new opportunities and a brighter future possible for hundreds of thousands of Michiganders, and as a result, for the entire state of Michigan."

- **Religious ideals shaped the broken U.S. prison system. Can they also fix it?** (*America Magazine, July 17*): It was week three of Gov. Gretchen Whitmer's stay-at-home order, and some Michiganders had grown impatient. On April 15, thousands of protesters gridlocked downtown Lansing to demand the state's reopening. ... The next day, (SJM Outreach Director) **Troy Rienstra**, who spent 22 years incarcerated and six years in solitary confinement, joined a smaller group of protesters at the state capitol — not to protest the stay-at-home order but to advocate for the 38,000 people in the state who are actual prisoners. ... "In other cultures, if you steal something [and] they ask you, 'Why did you do it?' and you say because you were hungry, they bring you more food," said Mr. Rienstra. But in the United States we have a "punitive approach to justice as opposed to a restorative approach," he explains. When someone harms us, we want retaliation.

Three things I wish I knew *Life after release*

Name: Kimiko Uyeda

Title: Owner, Third Coast Design and Renovations



Active in: Youth Justice Fund (board member)
Years since release: 2

Advice to others looking forward to release:

1 I think it would have been important to know organizations that were actually helping folks come home and be safe in returning to home, such as the Youth Justice Fund, A Brighter Way and the American Friends Service Committee (AFSC-Michigan Criminal Justice Program).

2 Having a plan for savings before release is a key to success. Being able to budget in this economic environment is crucial. Be able to have something to help get your feet under you.

3 I wish I knew who I could turn to and trust to have **reliable** information on employment, and housing. I needed to know what rights I had, including voting, whether it was an election year or not.

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

Everyone at Safe & Just Michigan wish you **Happy Holidays!**

You inspire us to do the work we do.
This year especially, when so many are missing their loved ones both
near and far, our thoughts are with you.



We invite you to ask your friends and family to become members of Safe & Just Michigan by donating a gift of any size. Also, your kind and generous donations from Prisoner Benefit Funds help us advocate for 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!

We invite your family and friends to join the Safe & Just Michigan/
AFSC-Michigan Criminal Justice Program Support Call held every Friday from 3-4:30 p.m.,
where they can talk with others who share their hopes and worries.
Tell them to join us on Zoom at zoom.us/j/186112685