

Safe & Just
Michigan

Day of Empathy Unites Advocates, Lawmakers in Effort to Create Criminal Justice Reform

The day's events included panel talks on bail reform, COVID-19 in prison

LANSING — Tuesday's [Day of Empathy](#) brought together Michigan legislators, criminal justice reform advocates and people who have been directly impacted by Michigan's police, court and prison systems to push for changes that will create a better criminal justice system. The national event, led by [Dream Corps JUSTICE](#), was sponsored in our state by the criminal justice reform organization Safe & Just Michigan. Day of Empathy events included panel discussions on bail reform, COVID-19 in Michigan prisons, the challenge of long and indeterminate sentences and civic oversight for pregnant people in prison.

Criminal justice reform has emerged as a key legislative issue both nationally and in Michigan in recent years. In 2020, the Michigan Legislature passed dozens of criminal justice reform laws that expanded access to criminal record expungements, made it easier for people with a criminal past to obtain professional and occupational licenses, end driver license suspensions for non-driving offenses, eliminate mandatory jail sentences for minor offenses, ensure expungements of juvenile records and limit juvenile detention, among other measures. Advocates are hoping to build on those successes in the coming year, as there is still much work to be done in order to reform Michigan's broken criminal justice system and make it more accountable, equitable and effective.

"Last year was a historic year for the movement to reform Michigan's criminal justice system," said Safe & Just Michigan Executive Director **John S. Cooper**. "And while advocates are rightly celebrating reforms that will help hundreds of thousands of Michiganders access new opportunities and help many more avoid involvement with the justice system to begin with, we also recognize that there is much more work to be done, and we are eager to build on our recent success."

The day's first panel focused on the injustices inherent in the cash bail system and included Washtenaw County Prosecutor **Eli Savit**; **Asia Johnson**, communications associate of The Bail

Project; The Bail Project client **Sarah**, who was still attending high school when she was arrested; and **Phil Skaggs**, the legislative director for state Rep. **David LaGrand** (D-Grand Rapids). In its report last year, the [Michigan Joint Task Force on Jail and Pretrial Incarceration](#) recommended a presumption that everyone arrested should be released on their own recognizance pretrial unless they meet certain criteria. The panel was moderated by Safe & Just Michigan Policy Analyst **Josh Hoe**.

“For a lot of our conservative friends, what motivates them is a sense of faith and values that are based in redemption. There is something really powerful in saying we are not going to perpetually punish someone for a mistake, but a bail system that holds someone for lack of money doesn’t allow for that,” said Savit, who observed that Michigan had made great strides in criminal justice reform. “Bail is next up on the list, and I think we can get allies from our more conservative friends by speaking their language.”

The day’s second panel took a close look at life in prison during the COVID-19 outbreak, and at efforts to make the state properly protect people incarcerated in state prisons. This panel featured state Rep. **Tenisha Yancey**, Detroit Free Press reporter **Angie Jackson** and **Lorenzo Garrett**, whose sentence was recently commuted by Gov. **Gretchen Whitmer** and who lived through the pandemic in prison. Michigan has suffered [one of the largest prison-based COVID-19 outbreaks](#), with more than 25,000 positive COVID-19 tests inside prison and the loss of 138 lives among the state’s prison population. Most recently, it was discovered that the [Bellamy Creek Correctional Facility](#) is at the center of Michigan’s UK-variant COVID-19 outbreak. This panel was also moderated by Hoe.

“We have to make sure our most vulnerable populations are protected, and that includes the population within the Michigan Department of Corrections,” Rep. Yancey said. “They don’t have the ability to do what’s necessary to socially distance because of where they are.” She added that protecting people who are incarcerated includes making them a priority for vaccination.

The third panel centered on the challenge of long and indeterminate sentences. Much of criminal justice reform activity has narrowed on drug use convictions and nonviolent offenses, leaving behind people who are serving sentences of 20 years or longer. However, empirical research shows that this population is actually at a lower risk of recidivating, posing a lower risk to public safety if they are allowed to go home. Panelists state Sen. **Jeff Irwin** (D-Ann Arbor), Justice Policy Institute Director of Research and Policy **Ryan King** and Safe & Just Michigan Research Specialist Dr. **Anne Mahar** discussed the importance of expanding criminal justice reform to offenses that bear long sentences, and how to change public perceptions of the people who are or have been incarcerated on these sentences. Moderator **Danny Jones**, special project coordinator for the Michigan Collaborative for Ending Mass Incarceration, was formerly a juvenile lifer who only got a chance to go

home because of a 2012 U.S. Supreme Court ruling that said juvenile lifers should have a chance for a resentencing.

“Sentencing juveniles to life without parole is unconstitutional, but we still have a number of people sentenced that way who are still waiting for their resentencing. That's an embarrassment to our state,” Sen. Irwin said. The senator plans to introduce bills to speed up reviews of their sentencing, and to re-introduce a bill to repeal Michigan’s strict “Truth in Sentencing” law that requires people to serve 100 percent of a sentence before becoming eligible for release. Michigan has one of the strictest Truth in Sentencing laws in the nation. “We need to fully repeal the Truth in Sentencing law passed at the height of the ‘Tough On Crime’ movement in the '90s. That impulse is wrong, and the data shows that,” Sen. Irwin said.

The day’s final panel discussed civic oversight to protect the dignity of pregnant people who are incarcerated. Many people have heard about shackling of people during childbirth, but there are many other challenges facing pregnancy and the post-partum period in prison, including breast feeding and milk banking, visitation and custody issues. Panelist **Siwatu-Salama Ra** lived through many of these experiences herself when she was incarcerated at Women’s Huron Valley Correctional Facility. She was joined on the panel by state Sen. **Erica Geiss** (D-Taylor), who has introduced legislation to guarantee oversight to protect pregnant people in prison, and **Natalie Holbrook**, the director of the American Friends Service Committee-Michigan Criminal Justice Program.

“Our sentencing system is just insensitive. It's overly punitive. It's beyond frustrating. It's heartbreaking,” said Sen. Geiss, who introduced legislation in the previous term to address many of the issues faced by pregnant people in prison. She plans to re-introduce those bills, including one to create a civic oversight panel. “The oversight commission is needed. Infants of people who are pregnant and have delivered in prison need to be safe and have access to breast milk and be nurtured. It's about the community.”

If you were unable to view these discussions as they happened, you can view recordings of the Livestreams on our [Facebook page](#), or later in the week, on our [YouTube channel](#).

Safe & Just Michigan is grateful to the co-sponsors who helped make this day possible. They are: A.R.R.O • Carceral State Project • Citizens for Prison Reform • FORJ (Friends of Restorative Justice) • Michigan Center for Youth Justice • Michigan Faith in Action • Michigan Justice Advocacy • Michigan Collaborative to End Mass Incarceration • Nation Outside • Still Standing • The Prison Creative Arts Project.

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Safe & Just Michigan (www.safeandjustmi.org) works to advance policies that end Michigan’s over-use of incarceration and promote community safety and healing. We partner with Michigan organizations and leaders from across the political spectrum, including business and community leaders, faith communities, crime survivor organizations, formerly incarcerated individuals, prisoners and their families, as well as Michigan taxpayers statewide.