

Safe & Just Michigan

Spring
2021



Safe & Just Michigan offered four online learning sessions during the Day of Empathy. From left to right: The Bail Project's **Asia Johnson** spoke about the harm caused by cash bail and proposals to eliminate it; State Rep. **Tenisha Yancey** (D-Detroit) discusses concerns she's heard from incarcerated constituents and their loved ones about prison conditions during the COVID-19 crisis; during a panel on long and indeterminate sentences, the Justice Policy Institute's Director of Research and Policy, **Ryan King**, says criminal justice reform can only make significant advances if it includes offenses that bear life or long sentences; a talk on civic oversight for pregnant people in prison featured **Siwatu-Salama Ra**, who gave birth while incarcerated. Turn to page 6 for more information.

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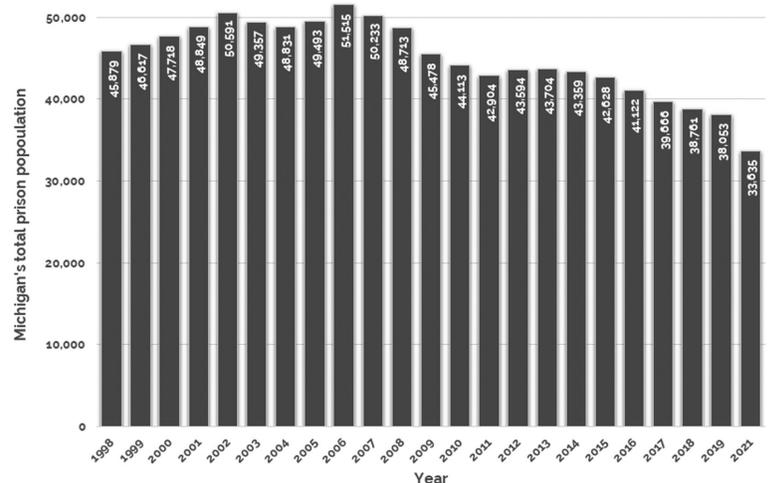
Page 6: Day of Empathy brings lawmakers to criminal justice reform advocates

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Beliefs and worldviews are formative, not neutral. Be able to articulate how they led to your incarceration, how you've grown away from bad ones and are shaped by good ones.

— Michael Duthler, page 7

Michigan's falling prison population



The latest statistical report from the Michigan Department of Corrections shows that the number of people incarcerated in the state's prisons continues to decline from a high point of 51,515 reached in 2006, falling to 38,053 by the end of 2019 and again to 33,635 by January 2021. However, at the same time, the average minimum sentence continues to get longer. At the end of 2019, the average minimum sentence stood at 10.8 years, up slightly from 10.6 years in 2017. To learn more about the MDOC 2019 Statistical Report and some of its findings, please turn to page 3.

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

This is our first newsletter to you in 2021, and already there is much to catch up on.

2020 was a great year for criminal justice reform in Michigan. Reforms signed into law included Clean Slate legislation and laws to expand access to professional and occupational licenses, end suspension of drivers licenses for non-driving offenses, end mandatory jail terms for many misdemeanors and encourage alternatives to arrest or jail.

Many of these are nation-leading reforms passed with bipartisan support in a year when politics seem more polarized than ever. We're proud Michigan serves as a model of what can be accomplished when people put aside differences and work together for the common good.

Now, a new legislative session has begun. New House leadership doesn't prioritize criminal justice reform as highly. Some members of the leadership team opposed reform, including new House Judiciary Committee Vice Chair

Rep. **Mike Mueller**. Sen. **Pete Lucido**, former chair of the Judiciary and Public Safety Committee, left to become Macomb County prosecutor. His replacement as committee chair, Sen. **Roger Victory**, supported reforms in the past, but hasn't championed them like Sen. Lucido.

We'll keep pushing for reform. Important bills expected to be introduced in 2021 include bail reform, expanded medical parole and Good Time/earned credits. We support them, but too few legislators do right now, so they likely won't pass. We may have to settle for progress rather than passage during this session. We will keep you posted.

Thanks,

John S. Cooper



Executive Director
John S. Cooper

Lawmakers try again for DUI expungement

During the Lame Duck session of the Legislature, lawmakers hurriedly passed bills that would have allowed people to petition for the expungement of a first-time DUI offense that didn't result in a death or serious injury — the first time DUIs would be allowed in Michigan.

These bills found widespread bipartisan support, so it came as a shock when Gov. **Gretchen Whitmer** refused to sign them into law.

Fortunately, legislators didn't give up. As soon as legislators got back to work in 2021, Rep. **Tenisha Yancey** (D-Detroit) and Rep. **Joseph Bellino** (R-Monroe) re-introduced House Bills 4219 and

4220, respectively — legislation to expunge a first-offense DUI. These are essentially copies of the bills introduced last year, but this time they are introduced by a bipartisan team — a feature that could make a difference in winning the governor's support.

The bills have already cleared the House with broad bipartisan support and are on their way to the Senate. They also have the support of Michigan Attorney General **Dana Nessel**, who said she would try to secure Gov. Whitmer's support for them.

Safe & Just Michigan supports these bills, and we will keep you updated on their progress through the Legislature.

Michigan Department of Corrections by the numbers

Latest MDOC yearbook for 2019 sheds light on statistical trends

The Michigan Department of Corrections released its 2019 Statistical Report, offering a glimpse into the corrections system shortly before the COVID-19 crisis brought about significant changes. Some of those changes are apparent in the MDOC's January 2021 Budget Briefing to the Michigan Legislature which details how the state's prison population dipped sharply because of the pandemic.

Numbers don't lie — but there's more to the story

Michigan's prison population was falling before COVID-19 arrived. As of Dec. 31, 2019, the state had incarcerated 38,053 people, down 1.8 percent from 2018 but off 26.1 from a highpoint of 51,515 in 2006.

Then came COVID. By January, 2021, the state's prison population had fallen 11.6 percent in just one year — to 33,635 compared to 2019's 38,053 people. The drop is more breathtaking when you compare it to the 2006 watermark — a fall of 34.7 percent.

The numbers look good, but it's too soon to celebrate. Much of the decrease comes from one-time events rather than policy changes that can be sustained over time. MDOC spokesman Kyle Kaminski said that half of the 5.2 percent population drop in the first three

months of the COVID crisis can be attributed to decreased intake from county jails, which will return to normal levels once COVID protocols end.

However, one new law passed in 2020 — tailoring parole terms to individuals so that fewer return to prison on technical violations — may result in a sustained lowering of the prison population. We'll keep a watch on statistics and keep you informed.

Prison stays get longer, health costs keep climbing

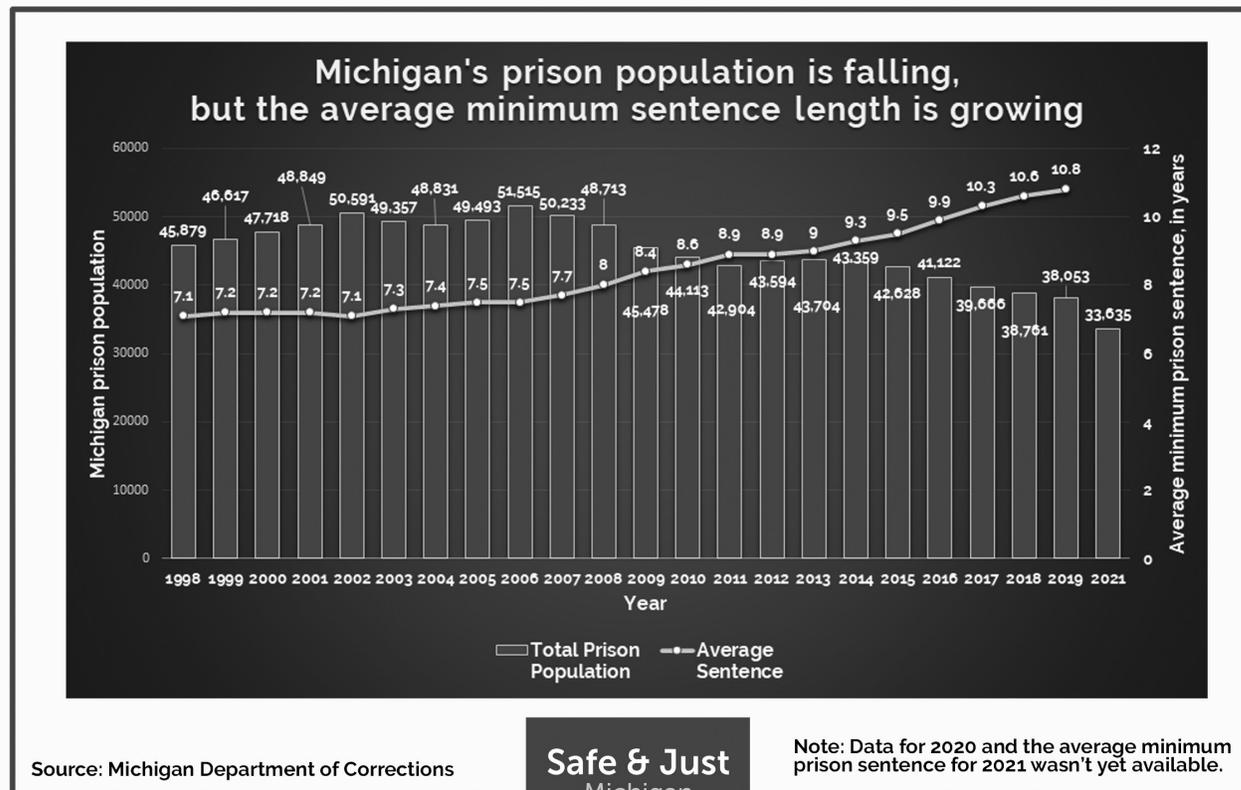
The 2019 report shows average prison sentences continuing to grow. The average minimum sentence was 10.8 years in 2019, up 1.9 percent from 10.6 years in 2018 and up 28.6 percent from 8.4 years in 2009.

In 2019, the MDOC counted four more people serving a minimum sentence of 20 years compared to 2018 (2,586 compared to 2,582 people); 39 more people serving a minimum sentence of 25 years (2,222 people vs. 2,183 in 2018); and 79 more people serving a sentence of 25 years to less than life (2,861 vs. 2,782). The number of people serving life sentences fell less than 1 percent in 2019 to 5,017 people, down from 5,056 in 2018.

Long sentences are tied to aging prison populations

and rising medical costs. Using inflation-adjusted figures, the average health care cost per person in 2019 was \$9,221 — a 3 percent decline from 2018's \$9,502 per person. Since 2009, health care costs climbed 13.7 percent from \$8,108.

Safe & Just Michigan will monitor MDOC statistics and share our findings with you.



Source: Michigan Department of Corrections

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www.safeandjustmi.org

Note: Data for 2020 and the average minimum prison sentence for 2021 wasn't yet available.

POLICY UPDATES

Michigan passes dozens of reform laws in 2020

Flurry of new laws caps banner year for criminal justice reform

Michigan made great strides toward criminal justice reform in 2020.

In October, Gov. **Gretchen Whitmer** signed the seven bills in the Clean Slate package into law. The legislation expands the number of offenses eligible for expungement, increase the number of expungements an individual can receive and automate expungements in many cases. So far, Michigan is the only state to automate the expungement of felonies.

It didn't stop there. In December, the Legislature pushed through 32 more criminal justice reform bills, many related to the work of the Michigan Joint Task Force on Jail and Pretrial Incarceration.

Here's a roundup of the new laws:

Bills related to the jails task force

Ending driver's license suspensions for non-driving offenses: Michigan's practice of suspending driver's licenses for things unrelated to driving, such as failing to appear in court or to pay fines, has ended. In 2018, nearly 358,000 people had their licenses suspended for those two reasons alone.

Reclassifying many traffic offenses as civil infractions: Many traffic offenses that were misdemeanors are now civil infractions. These include operating a motorcycle without a proper endorsement and allowing an unlicensed minor to drive. Since they are now civil infractions, they are ticketable offenses, sparing people from arrest and jail.

Eliminating mandatory minimum jail sentences: Offenses covered under these new laws include operating a motor vehicle while impaired, operating a vehicle without a license, fraudulently using a teaching certificate or college degree to get a job, poaching, and offenses related to railroad switches and devices.

Tickets in lieu of arrest: This allows law enforcement officers to issue tickets instead of arresting people for minor offenses. This is important, as even short jail stays can lead to job losses and other significant financial consequences.

Issuing summons instead of arrest: First-time instances of failure to appear in court will result in a summons rather than an arrest warrant.

Presumption of non-jail sentence: Judges are directed to issue sentences other than jail, such as probation or community service, for most misdemeanors and some felonies.

Age expansion for Youthful Trainees: The upper age limit for the Youthful Trainee Act is expanded to 25, giving more young people an alternative to jail.

Probation reforms: Changes include tailoring the terms of probation to each individual; reducing probation lengths; and capping jail sanctions when probation terms are violated.

Parole reform: Similar to probation reform, this requires parole to be tailored to each individual.

Occupational Licensing Reform

Professional and occupational licensing boards have used the "good moral character" clause to summarily deny licenses to people with a criminal record. That changes with these new laws, which state that having a record alone is not proof of a lack of moral character. However, it can be taken into consideration in some cases — for instance, someone with a child abuse conviction could be denied a license to operate a child day care center.

Juvenile Justice Reform

Clean Slate for Kids: Juvenile court records will be sealed from public view. A process to automatically expunge those records for youth who don't commit future offenses will be created.

Limiting the use of juvenile detention: Running away from home is no longer a crime. The use of secure juvenile detention facilities for offenses that are not crimes is now limited. Similar changes are made to the use of juvenile boot camps.

Safe & Just Michigan thanks the Michigan Center for Youth Justice for their work on these bills.

Food Assistance for Justice-Involved People

The lifetime ban on SNAP food assistance to people with a drug-related conviction is ended. This comes as Michigan claws its way out of a recession. Safe & Just Michigan is grateful to the Michigan League for Public Policy for their hard work on this bill.

8 WAYS NEW LAWS

WILL BRING CRIMINAL JUSTICE REFORM TO MICHIGAN



1



CLEAN SLATE & EXPUNGEMENT EXPANSION

Seven new laws make more offenses expungeable, let people receive more expungement and automatically expunge many convictions.

5



OCCUPATIONAL LICENSING REFORM

New laws end the practice of issuing blanket denials of professional and occupational licenses to anyone with a criminal history.

2



DRIVER'S LICENSE SUSPENSIONS

Laws based on the work of the jails task force will end the suspension of driver's licenses for things unrelated to unsafe driving.

6



CLEAN SLATE FOR KIDS

Criminal records of juveniles who don't commit future offenses are automatically expunged and sealed from public view.

3



ENDING MANDATORY JAIL SENTENCES FOR MISDEMEANORS

Mandatory minimum sentences for offenses like poaching and certain types of driving under the influence are repealed.

7



LIMITING JUVENILE DETENTION

The use of secure juvenile detention facilities for offenses that are not crimes is limited. A similar new law makes the same changes for juvenile boot camps.

4



ALTERNATIVES TO JAIL, ARREST OR PROBATION

Police are empowered to issue tickets in lieu of arrest. Sentences won't include jail time in many cases. Probation terms are shorter and tailored to each person.

8



FOOD ASSISTANCE REFORM

The prohibition is ended on food assistance for people who had drug-related convictions in their past but who are otherwise eligible for help.

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OUTREACH UPDATE

Day of Empathy brings legislators to advocates

On Tuesday, March 2, Safe & Just Michigan hosted the Michigan observation of the Day of Empathy for the second year in a row. The Day of Empathy is a national event sponsored by Dream Corps JUSTICE that aims to call attention to the struggles and humanity of people impacted by the justice system.

We welcomed hundreds of guests to four online panel discussions on bail reform, COVID-19 in Michigan prisons, long and indeterminate sentencing and civic oversight for pregnant people in prison.

The first panel focused on 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).



Washtenaw County Prosecutor **Eli Savit** said during a panel discussion on the Day of Empathy that he will never pursue cash bail for anyone in his county.

lack of money doesn't allow for that," said Savit.

The day's second panel looked at prison life during the COVID-19 outbreak, and efforts to make the state properly protect people incarcerated in state prisons. This panel featured state Rep. **Tenisha Yancey** (D-Detroit), 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.

"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, adding that it should include making them a priority for vaccination.

The third panel centered on the challenge of long and indeterminate sentences. Panelists state Sen. **Jeff Irwin** (D-Ann Arbor), Justice Policy Institute



Lorenzo Garrett, who received a pardon from Gov. **Gretchen Whitmer** in December 2020, contracted COVID-19 earlier that year. "Everyone was terrified," he said of the early days of the pandemic.

Director of Research and Policy **Ryan King** and Safe & Just Michigan Research Specialist Dr. **Anne Mahar**

discussed the need to expand 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 to End Mass Incarceration, was formerly a juvenile lifer who 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. He plans to introduce bills to speed up reviews of their sentencing, and to re-introduce a bill



"Michigan's first 'Good Time' policy was enacted 20 years after we became a state. We have a long history of doing this. Bringing it back is not radical." - Dr. **Anne Mahar**, Safe & Just Michigan Research Specialist

See: Empathy, page 7

MEDIA MENTIONS

Here are a few media stories that relied on Safe & Just Michigan as a source recently:

Genesee County Jail inmates voluntarily receive COVID-19 vaccine - *WJRT Channel 12 Flint, March 16*: "Each person that has made this poor choice that put them here, it shouldn't be a choice that costs in their life," explained **Rick Speck**, SJM Community Engagement Specialist. ... The Genesee County Jail made the COVID-19 vaccine available to every inmate on Tuesday. (The vaccination program is a partnership between Genesee County Sheriff Chris Swanson,

the Sheriff Office's Ambassador Program and Nation Outside. SJM is Nation Outside's fiscal sponsor.)

State Sen. Sylvia Santana says more justice system reform needed in 2021 - *Michigan Radio, Dec. 29*: State Sen. **Sylvia Santana**, long an advocate for justice system reform, says there are a number of important problems the state should address. ... Safe & Just Michigan noted that long sentences, combined with truth in sentencing and habitual offender laws, resulted in thousands of inmates serving time in their 50s for crimes committed as very young adults.

Empathy: Lawmakers, advocates, directly impacted people lift voices for change ... from page 6

to repeal Michigan's strict "Truth in Sentencing" law — one of the toughest of its kind in the nation — that requires people to serve 100 percent of a sentence before becoming eligible for release.

The final panel discussed civic oversight for pregnant people who are incarcerated. Panelist **Siwatu-Salama Ra** lived through indignities like shackling and having her newborn taken from her immediately after birth while incarcerated at Women's Huron Valley Correctional Facility. She was joined by state Sen. **Erika Geiss** (D-Taylor), who introduced legislation to guarantee oversight to protect pregnant people in prison, and **Natalie Holbrook**, 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 heart-breaking," said Sen. Geiss, who will reintroduce legislation to protect pregnant people in prison.

Safe & Just Michigan is grateful to Day of Empathy national sponsor Dream Corps JUSTICE and to the co-sponsors who helped make this day possible: 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 and The Prison Creative Arts Project.



State Sen. Erika Geiss

Three things I wish I knew *Life after release*

Name: Michael Duthler

Title: Recovery & Reentry coach,



Fresh Coast Alliance

City: Muskegon

Years since release: 3

Advice to others looking forward to release:

1 For those who qualify, the Offender Success Program is an incredible asset that can assist with housing resources, acquiring vital documents, employment and networking with organizations that help with reentry. Ask your parole officer if you're eligible for OSP.

2 Your parole officer and law enforcement are allies who want to help you succeed, not enemies trying to trip you up. Find out if a CLEAR group is held in your area and be open to the wisdom offered by those who have successfully completed parole, parole officers, law enforcement and others in authority positions.

3 Beliefs and worldviews are formative, not neutral. Be able to articulate how they led to your incarceration, how you've grown away from bad ones and are shaped by good ones. This helps you live deliberately so that you're better prepared to cope with adversities, both now and when in society.

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Please note this newsletter was printed and distributed
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Mark your calendars and tell your friends and family:
Safe & Just Michigan's Annual Meeting
returns to an in-person gathering **October 14, 2021**

We're finalizing the program and looking forward to saying hello to members and allies. Tell your family to mark their calendars for Oct. 14 and to save the date for dinner, to get the latest on Michigan's criminal justice reform and to enjoy fellowship and networking with other advocates from across the state. We'll share news and updates from the evening with you in a newsletter after the meeting.

Stay tuned for further details, including how to get tickets!

