

Safe & Just
Michigan

Lawmakers, criminal justice reform advocates call for sentencing, bail reform

Day of Empathy panels bring formerly incarcerated together with legislators

LANSING — Bills previewed by panelists during the 2023 Michigan Day of Empathy Thursday would end the possibility of sentencing a juvenile to life without parole, end Michigan's cash bail system and make it possible for anyone serving a long, indeterminate sentence in Michigan to have their sentence reviewed periodically by a judge. Another panel comprised mainly of formerly incarcerated people discussed the many barriers they and other people face when coming home from prison.

The Day of Empathy, led nationally by Dream.Org, bridges the gap between people who have been directly impacted by the justice system and those who can reshape that system. Michigan's observance of the Day of Empathy is led by Lansing-based Safe & Just Michigan. The event was held online, and a replay of the panel discussions can be viewed on Safe & Just Michigan's Facebook page at <http://www.facebook.com/safeandjustmi>.

The first panel discussion centered on two packages of pending legislation that would end the possibility of sentencing juveniles to life without parole and establishing a "Second Look" policy that would give people serving long and indeterminate sentences an opportunity for periodic judicial reviews of their sentence.

The U.S. Supreme Court declared mandatory juvenile life without parole sentences unconstitutional in 2012 and made that ruling retroactive in 2016. States are still allowed to apply the sentence on a case-by-case basis. Even so, 26 states have banned the practice, the most recent being Illinois earlier this month. Michigan remains among the states still allowing juvenile life without parole, even though our state supreme court ruled last year that such sentences violate the state's Constitutional prohibition against cruel or unusual punishment.

Second Look policies ensure that people serving long sentences are given periodic opportunities to go before a judge to have their sentence reviewed. At the review, judges can

determine whether the initial service handed down is still appropriate. An incarcerated person can also bring up their rehabilitative work, educational and vocational training or assert their innocence at the hearing. Under the proposed bill, a person would have the opportunity to have their sentence reviewed after 10 years in prison.

State Sen. **Jeff Irwin** (D-Ann Arbor), who joined the first panel, said both sets of bills would be applied retroactively to people currently incarcerated. He said bad weather had delayed the anticipated introduction of the bills which had been expected this week.

Together, both sets of bills would address the problem of Michigan's aging prison population, which is bolstered by a large cohort of people serving sentences with either indeterminate end dates or release dates in the distant future. Conversely, research shows that [people tend to age out of crime](#), meaning that the older one becomes, the less likely they are to commit crime or recidivate, and that they can safely return to society.

"Want to make sure statutes align with data that shows these individuals are very successful when they get out," Sen. Irwin said.

Pete Martel, program coordinator for AFSC-Michigan Criminal Justice Program and moderator for the first panel, said that the Second Look proposal would give a goal to people who are incarcerated on long sentences that seemingly have no end, giving them a reason to participate in educational and vocational programs and to engage in positive behavior in prison. "It's a reason to hold on to hope and make the most of their time while they're in prison," he said.

The second panel focused on a plan to end Michigan's cash bail system. As panelist **Erin Keith**, Managing Policy Counsel for the Detroit Justice Center explained, cash bail means "paying money or leveraging assets to gain freedom while you await trial, while a person who cannot afford bail has to use a bondsman or remain incarcerated ... It's our position at the Detroit Justice Center that no one should be subjected to wealth-based detention."

The proposal that will soon be introduced wouldn't keep judges from detaining someone pretrial if they are believed to be a threat to the community or a flight risk. It simply removes a cash barrier to being released before trial — when all accused people are legally considered innocent.

While critics claim that ending cash bail puts society at risk, moderator **Josh Hoe**, policy manager for Dream.Org, noted that [ending bail can actually make communities safer](#). He relayed the story of a person he met who spent 20 days in jail only to see all charges against him dismissed. However, during that time, he lost his job. When people lose their jobs or homes — as many people who spend weeks in jail do — they may be pushed the point of desperation and commit a crime to survive.

Panelist **Sarah Jones-Moody** was just 17 when she was arrested and held in detention. At the time, she was a senior in high school and also worked to help support her family. Without her help,

her mother and sister lost their home. She noted that other people in jail — but who had larger bank accounts — were able to go home, while she spent three months in jail. “That was just because I don’t have the money to fund what you think my freedom is worth,” she said.

She noted that both individuals and society fix all kinds of problems as they arise, from broken down cars to improved technology. “(Cash bail) keeps impoverished people impoverished. We should realize now that we’re at the point where we can make change. Why should we stop the change from coming?”

The final panel highlighted Nation Outside’s work to find innovative solutions to the barriers faced by people returning home from prison, such as routine denials for jobs, housing and education as well as the social stigma attached to having a criminal record. Nation Outside is a Michigan-based organization that is entirely led by formerly incarcerated people.

“I can tell you, you need to have a thick skin to succeed after incarceration,” said moderator and Nation Outside Director **Ashley Goldon**.

Nation Outside has actively worked to reduce these barriers in several ways. It has spearheaded movements to end housing discrimination against people with criminal records, leading to an antidiscrimination ordinance in Jackson. Nation Outside is now pursuing similar city-level rules in Flint, Lansing and East Lansing, and is partnering with a state Rep. **Abraham Aiyash** (D-Hamtramck) to create the same policy statewide. It has also helped people in jail awaiting trial exercise their right to vote, resulting in about 2,000 people in the Wayne and Genesee county jails voting in 2022.

Panelist state Rep. **Kristian Grant** (D-Grand Rapids) said that she is interested in working on initiatives. She said she will be sponsoring a bill that would inform people at sentencing about their opportunities for expungement, which would not only inform them of their rights, but give them hope for a better future. Rep. Grant encouraged people to come to her with more ideas for criminal justice reform and said people don’t need to have a ready-made solution in mind — they can simply start by alerting her to a problem.

“I just say, bring me the issue and we’ll figure out the policy,” she said. “A lot of people think they have to bring me a full policy idea, but they don’t. We can research it,” and find a solution, she said.

The 2023 Michigan Day of Empathy was co-sponsored by Nation Outside, The Sentencing Project, Friends of Restorative Justice, Michigan Faith in Action, American Friends Service Committee-Michigan Criminal Justice Program, A.R.R.O., the Michigan Collaborative to End Mass Incarceration, the Campaign for the Fair Sentencing of Youth, the Poor People's Campaign, Michigan Center for Youth Justice and Citizens for Prison Reform.

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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.