

Safe & Just Michigan

Spring
2023



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There are going to be hurdles to overcome and roadblocks to get around but don't get discouraged. Keep going.

— **Kenneth Nixon, page 7**

*Far upper left: A crowd rallies on the Michigan Capitol steps for Second Look legislation; Far lower left: SJM Founder **Barb Levine** and Board Member **Joe Haveman** testify in support of creating a Michigan sentencing commission; Upper middle: Clean Slate Initiative CEO **Sheena Meade** comes to Michigan to celebrate the start of automatic expungement; Upper right: Former juvenile lifer **Leon Douglas** and his wife, **Gloria**, at a Senate hearing on a proposal to end juvenile life without parole (JLWOP); Below: SJM Community Engagement Specialist **Ronnie Waters** and his wife, **Felecia Tyson-Waters**, give testimony on ending JLWOP.*



Safe & Just Michigan

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9 a.m.-5 p.m.

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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

It has been a busy start to the legislative session in Lansing, and a number of SJM's policy priorities have been introduced and are starting to move through the committee process.

First, identical bill packages to end juvenile life without parole sentences have been introduced. The Senate package (SB 119-23) received a hearing in the Senate Committee on Civil Rights, Judiciary & Public Safety on April 20, and the committee is expected to take additional testimony in the coming weeks. The House package (HB 4160-64) is expected to receive a hearing in the House Criminal Justice Committee May 9.

Second, the Second Look package was introduced in the Senate (SB 321-25). An identical package is expected to be introduced in the House soon.

Third, the Good Time package (HB 4468-71) has been introduced in the House.

Fourth, bills to create a Sentencing Commission to review Michigan's sentencing practices (HB 4173, 4384) was introduced and had a hearing

in the House Criminal Justice Committee on April 11. The bills are expected to be voted out of committee for a floor vote as early as May 9.

Further, we continue to advocate for numerous other reforms that do not yet have bill numbers, such as bail reform, further reductions in phone fees, an expansion of the medically frail parole law, better access to vital documents upon release, and expanded opportunities for second chance employment.

Please share this information widely – the margins in the Legislature are extremely tight (56-54 in the House, and 20-18 in the Senate), so every lawmaker's vote will be critical.

Thanks for your continued support,

John S. Cooper
Executive Director



*Executive Director
John S. Cooper*

Lineup changes at Safe & Just Michigan

We're excited to announce many changes to our team:

- **Ken Nixon** has joined Safe & Just Michigan as Director of Outreach and Community Partnerships.
- Senior Policy Analyst **Josh Hoe** took a position as criminal justice policy manager at Dream.org.

- Grants manager **Cecilia Zavala** has left to become the director of development at Nation Outside.
- Former Social Media Specialist **Ashley Bellant** has become our new grants manager.
- We welcomed **Zack Whaley** as our new communications Specialist.

How to submit letters to 'Inside Voices'

"Inside Voices" is a forum for readers of Safe & Just Michigan's printed newsletter. To submit letters, send your 150-300 word letter to **Inside Voices, c/o Safe & Just Michigan, 521 Seymour Ave., Lansing, MI 48933**. If you have access to our Jpay account, you may also submit your thoughts that way with "Inside Voices" as the top line of the message.

Please specify if you want to have your name listed with your entry,

or whether you want to remain anonymous.

Subjects can include legislation, sentencing, parole, other criminal justice reform topics such as prison programming or topics of your choice.

We'll share as many of your letters to Inside Voice as we can in our newsletter, and some may be edited for space. In addition, we will share them in our electronic newsletter, which is sent to nearly 9,000 supporters each month, and on our website.

Take a listen to Michigan's 'Inside Voices'

New reader-generated column makes newsletter debut

Think twice before demanding Bernstein resignation

There's no mistaking Michigan Supreme Court Justice Richard Bernstein's Freudian Slip objection to newly appointed Justice Kyra Bolden's hiring ex-felon Pete Martel as one of her law clerks as racism, bigotry, or discrimination. But calls for Bernstein's resignation are unwarranted because his outburst isn't reflective of the "blind justice" he has delivered in opinions he has written or concurred with regarding unemployment benefits, condemnation of property, judicial bias, juvenile lifers, and other cases too numerous to mention here. ...

Having rebuilt the life he nearly threw away as a teenager, and risen above Bernstein's objection to his employment as a Michigan Supreme Court clerk, numerous doors of opportunity will open for Martel.

Granted, criticism of Bolden's hiring an ex-felon is a legitimate grievance against Bernstein, but calling for his resignation isn't the way to settle the grievance. Bernstein's "blind justice" motto should not be easily dismissed.

Be careful what you wish for!!! You could wind up with a majority right-wing conservative Michigan Supreme Court.

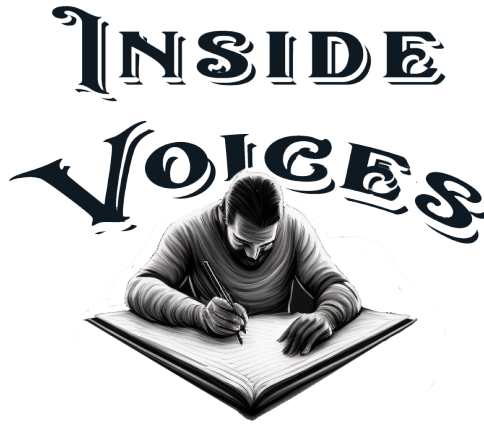
~ **Arthur Campbell**

Muskegon Correctional Facility

'Good Time' teaches nonviolent conflict resolution

House Bill 6568 was introduced in the (Michigan) Senate in 2021, and again in the House on Dec. 8, 2022. The bill will allow incarcerated citizens to earn 30 days off their sentence with each 30-day period of good behavior. It provides an important element of a criminal justice system, which is an incentive for virtuous conduct.

Whoever commits a crime falls short of their civic duty. Afterwards, the responsibility of the person is



relinquished to the state. The question proposed is that if HB 6568 passes and becomes law, isn't it about releasing criminals back on the street? Contrary, the ideal is to teach an individual who has no understanding how to apply conflict resolution in an extremely stressful environment ... If the goal of the justice system is to keep the public safe, why not invest wholeheartedly? Wouldn't you feel more comfortable knowing the state not only punished for crimes, but also actually creates programs to reform people who are in desperate need? ...

We ask people who make decisions on economic and social policies to select behind a "veil of ignorance," disregarding their own identity, hence, the Golden Rule: Do unto others as you would have them do unto you if you were in their place.

~ **Markus McGill**

Lakeland Correctional Facility

Don't forget youth sentenced to lengthy terms of years

It is unconstitutional to sentence a person who is under the age of 19 at the time of the offense to "life." Whether it be life without the possibility of parole or life with the possibility of parole, neither provides a "realistic and meaningful opportunity for parole at a meaningful time in life."

At the age of 17, I was convicted of 2nd-degree murder and felony firearm and sentenced to a total of 33-50

years. Because myself and others were sentenced to a lengthy term of years, we avoided an "unconstitutional" LIFE sentence. We continue to serve (virtual) life sentences that deny "realistic and meaningful opportunity for release at a meaningful time in life."

Unlike a parolable life sentence that has an opportunity for parole after 15 years, we must serve at least the minimum before becoming eligible for parole. No court has considered the mitigating circumstances of our youth at the time of the offense.

~ **Randy R. Smith**

Cotton Correctional Facility

Veterans abandoned by the justice system

I just watched a proud combat veteran who takes extreme pride in his service to his country almost break down and cry right in front of me. A combat veteran who has fought and shed blood in war zones. He's been in prison decades. ... He said, "I was dead when I entered combat situations before this, so buddy, being dead is not new to me." ... I understand the world might say, "Screw someone from the ghetto," like me. No one might not care if a Black man's life is taken by this unjust system. Your veterans, though? If you won't fix this system for people like me — if you feel I'm insignificant and my family means nothing — I'm used to that. I hate it, but that's how it is. Would you at least think about fixing the system for people like him? Think about starting to hold prosecutors and police accountable for misconduct. Think about making judges follow the law! ... I hope things will get better. I hope innocent people will someday have a process in place to prevent injustices. I hope my ex-military friend gets justice. I hope I get justice. I hope someone cares.

~ **Duane Williams**

Richard A. Handlon Correctional Facility

Automatic expungement arrives in Michigan

840,000+ convictions cleared on first day of auto expungement

On April 11 — the day the automatic expungement portion of Michigan’s Clean Slate laws took effect — 250,000 Michiganders woke up to a newly clean criminal record. Hundreds of thousands more met the day with fewer items on their record than when they went to sleep. On its first day alone, the state automatically erased nearly 850,000 old records from public view, a number that will continue to grow as more people qualify for automatic expungement each day.

We were proud to celebrate this joyful milestone in Lansing with several of our partners who helped make this day a reality. In particular, we would like to thank **Elvina Smith** of Detroit, who shared her personal experiences of living with an old criminal record and what getting those records expunged means to her.

Under Michigan’s Clean Slate law, up to two felonies can be expunged 10 years after a person’s sentencing date or completion of their term of MDOC imprisonment — whichever occurred last, and up to four “93-day or more” misdemeanors can be expunged seven years after sentencing.

Under the petition process, an individual can have no more than three felony offenses expunged. Additionally, wait times may vary depending on the type of offense that the individual is seeking to have expunged:

- 3 years for simple misdemeanors
- 5 years for serious/assaultive misdemeanors or first felony offense
- 7 years for second and third felony offenses

The state won’t notify people when their records are cleared. We hope there will soon be an online portal where people can verify their identity and check the status of their record. Until then, the best way to check is to obtain an ICHAT record from the state police, which costs \$10.

We’re thankful to everyone who helped make Clean Slate and automatic expungement a reality, including Clean Slate Initiative, JustLeadershipUSA, Nation Outside, ACLU of Michigan, Mackinac Center for Public Policy, Fresh Coast Alliance, the Alliance for Safety & Justice, Crime Survivors for Safety & Justice,



Elvina Smith of Detroit talks about her automatic expungements.

A.R.R.O., the Detroit Justice Center, Michigan Faith in Action, the Michigan Coalition Against Homelessness, Still Standing Against Domestic Violence, the Detroit Regional Chamber, Grand Rapids Chamber of Commerce, Small Business Association of Michigan, American Conservative Union, R Street Institute, Reason Foundation, Americans for Prosperity, the Center for American Progress, the Chan Zuckerberg Initiative, the Crime and Justice Institute and Code for America.

Michigan may get a sentencing commission

Body would issue sentencing guidelines, aim to end disparities

It’s no secret that there are sentencing disparities throughout the justice system. Racial disparities in sentencing have been noticed across the nation, but other discrepancies also exist, such as sentence lengths varying depending on which county a sentencing court is located.



SJM Founder Barb Levine.

Exploring those discrepancies and finding solutions to end them was the of a landmark r e s e a r c h publication Safe &

Just Michigan published in Nov. 2021, titled “*Do Michigan’s Sentencing Guidelines Meet the Legislature’s Goals? A Historical and Empirical Analysis of Prison Terms for Life-Maximum Offenses.*” The 200-plus page document concluded that one of the best ways to address these disparities would be for Michigan to establish a sentencing commission, like what exists in many other states. Safe & Just Michigan has made the publication available to prison libraries across the state.

Two bills before the Legislature, House Bill 4173 and 4384, would reestablish Michigan’s criminal justice

policy committee (CJPC), which the Legislature allowed to sunset in 2019. The CJPC would function as the state’s sentencing commission. The bills had a hearing before the House Criminal Justice Committee on April 11 with Safe & Just Michigan Founder **Barb Levine** and Board Member **Joe Haveman** testifying in support of the bills.

SJM strongly supports reestablishing the CJPC to ensure justice is equitable across the state.

No committee vote has been taken on these bills, but we’ll keep you up-to-date on this legislation.

POLICY UPDATE

'Second Look' proposal introduced to Senate

Plan would allow sentence review after 10 years of incarceration

On April 19, criminal justice reform advocates gathered at the Michigan State Capitol steps to rally for new legislation being introduced to



SJM Community Engagement Specialist **Ronnie Waters** supports a Second Look policy at the Capitol on April 19, 2023.

create a Second Look policy. Under the proposal, sponsored by Sen. **Stephanie Chang** (D-Detroit), people who have been incarcerated for 10 years would have the right to request their sentence be reviewed. That would give people an opportunity to argue that the original sentence wasn't appropriate, or that the person is no longer a threat to the community.

During a Second Look petition, a judge could weigh factors such as whether a person had been a victim of domestic violence acting in self-defense, for instance, or take a person's age at the time of a crime into consideration. Other times, a sentence may no longer match society's values, such as a long sentence for marijuana possession, now that marijuana is legal for recreational use.

If an original sentence is found to be inappropriate, the judge could adjust a sentence to time served, reduce the sentence by at least 20 percent or to no more than five years after their sentence reduction was approved. Second Look doesn't guarantee an early release.

Under the proposal, people who have been convicted of a mass shooting, domestic violence, criminal sexual conduct against a child under the age of 13, child pornography or human trafficking would not be eligible for a second look.

Safe & Just Michigan supports the establishment of a Second Look policy. Michigan already has the longest average prison sentences in the nation, and policies like these would address that problem. No hearings on the plan have yet been scheduled, but we will keep you informed.

Plan to end juvenile life without parole picks up pace

Bills get hearings before both Senate and House committees

The effort to end juvenile life without parole sentencing in Michigan is gathering momentum. The Senate Civil Rights, Judiciary & Public Safety Committee held a hearing on the plan (Senate Bills 119-123) on April 20, and the House Criminal Justice Committee on House versions of the bills (House Bills 4160-64) on May 9.

The bills are grounded in existing state and federal Supreme Court rulings that found mandatory juvenile life without parole unconstitutional because it is a "cruel or unusual" punishment. They also remove discretionary juvenile life without parole from consideration, recognizing that adolescent brains are still developing and capable of change.

The hearings featured testimony from former juvenile lifers such as

Ronnie Waters, now Safe & Just Michigan's community engagement specialist, and **Jose Burgos**, a reentry specialist at SADO, as well as former judges and attorneys who have represented juveniles sentenced to life without parole. **Leon Douglas** was present but unable to offer spoken testimony because the meeting ran out of time.

Safe & Just Michigan is bolstering the work to end juvenile life without parole with a storytelling project and the printing of postcards sharing the stories of some people still incarcerated on these harsh sentences paired with facts about JLWOP and reasons to end it (see right).

We'd like to thank **Duane Elam**, **Steven Hibbler**, **Robert Potts**, **Michael Chapple**, **Ricardo Ferrell** and **John English** for sharing their life stories for this project (note: Potts' and Ferrell's stories will be used in another storytelling project.)

Reasons to End Juvenile Life Without Parole in Michigan:

- It costs about \$2.5 million to incarcerate a juvenile for life in the U.S.
- 74% of people still waiting a JLWOP resentencing are Black, one of the starkest disparities in the justice system.
- As of March 13, there were 49 Michigan juvenile lifers still waiting for the resentencing promised to them in 2016.

#EndJLWOP
Learn more: bit.ly/EndJLWOP

Source: bit.ly/CFSY-MIJLWOP

Safe & Just Michigan
www.safeandjustmi.org

MEDIA MENTIONS

Plan to give state-issued ID to people leaving prison clears House committee

Having a state-issued ID card, like a driver's license, is key to reestablishing life outside of prison. It is needed to open bank accounts, asked for at doctors' offices and used to verify identification for voting, among many other tasks.

But getting a state-issued ID after a prison stay can be difficult because it requires other pieces of identification, such as a birth certificate or Social Security card. It can take months to gather all these documents together, slowing down a person's effort to get back on their feet and rejoin their community.

That would change if a series of bills in the Michigan Legislature is passed into law. House Bills, 4191-4194 would address this problem by ensuring people leaving a Michigan prison have a state-issued ID in hand.

The bills have already cleared the House Criminal Justice Committee, following a hearing that included testimony from Safe & Just Michigan Director of Outreach and Community Partnerships **Kenneth Nixon** (pictured below).

Nixon, an exoneree, shared his struggle to open a bank account when he came home from prison. Kenneth had received checks from people and organizations who wanted to help him. But without a driver's license, he couldn't open up a bank account to cash them. To get a driver's license, he needed a birth certificate, which he also didn't have. To get that, he needed a social security card — which he also lacked.

It took six months to sort through the confusion. He told the committee that he faced the surreal problem of proving to the state that he was the same individual that they had kept incarcerated for more than 15 years.

The problem Ken faced is shared by many people coming home from prison. Safe & Just Michigan Board President **Monica Jahner** told the committee this is a continuing challenge for people served by her

Lansing-based organization, A.R.R.O.

We're thankful these bills have made their way to the House Floor and hope they'll be approved and sent to the Senate for quick action. We'll keep you updated.



Shunning those with criminal convictions hurts us all — *Detroit Free Press, Jan. 9*: Everyone should be contacting their lawmakers and urging them to support a proposed bill that would put an end to sentencing youths to life without the possibility of parole. Research is clear that long sentences do not make communities safer or deter crime. Keeping people locked up needlessly for years when they no longer pose a threat is also costly. That's why we support 'Second Look' legislation that would allow all people serving prison sentences to be reviewed by their sentencing judge after serving a term of years depending on various factors, including their age. (Note: Safe & Just Michigan co-signed this letter.)

Legislators work toward ending life without parole sentencing for juveniles in Michigan - *WILX TV channel 10 Lansing, March 3*: Senate and House members introduced bipartisan legislation that abolishes juvenile life without parole in Michigan. ... **Ronnie Waters**, a Safe & Just Michigan community engagement specialist who was sentenced to life without parole as a juvenile but released in 2020 after a resentencing hearing, stressed the importance of this package. "There is a misconception that *Miller v. Alabama* ended juvenile life without parole for good, but it did not," he said. "States like Michigan can still sentence children to death by incarceration."

Detroit man wrongfully convicted of crime advocates for those in similar situation — *WWJ-TV Channel 2 Detroit, April 4*: A Detroit man who spent 15 years in prison for a crime he didn't commit is now leading an effort to advocate for those in the position he was once in. "I was arrested literally hours after this crime happened. A crime I didn't even know had taken place," said **Ken Nixon**. ... Nixon is also working in Lansing to lobby for policies that can help people who are in the position he once was in. He believes one way the state can address the problem of innocent people in prison is to provide more funding for conviction integrity units. In order for there to be progress, he said the state must first acknowledge that this is a serious problem and that the justice system can get it wrong.

Declining prison population does not translate to decreased spending — *Capital News Service, April 21*: Michigan prisons face budgetary challenges due to rising costs of prisoner health care, staff shortages that lead to overtime labor costs and high retirement rates and pension payouts. ... Based on 15 years of inflation, the corrections budget should have increased by 50% up to \$3 billion, said **John S. Cooper**, CEO at Safe and Just Michigan, an organization that advocates for policies to reduce the use of incarceration.

OUTREACH UPDATE

Ice storm doesn't stop 2023 Day of Empathy

An ice storm the night before the 2023 Michigan Day of Empathy forced us to quickly switch our observation of the day from an in-person event with discussion panels and legislative office visits to an online-only event on Feb. 23. Though we had less than a day to make the switch, our panel guests were able to accommodate the change, and we were joined by scores of dedicated reform advocates from around the state.

During the day, we hosted talks on ending juvenile life without paroles sentencing, instituting a second look policy, ending cash bail and highlighting the work of Nation Outside. We heard from key legislators such as state Sen. **Jeff Irwin** (D-Ann Arbor) and state Rep. **Kristian Grant** (D-Grand Rapids), as well as leading criminal justice reform advocates in our state like **Jose Burgos** of SADO and **Ashley Goldon** and **Tony Gant** of Nation Outside.

We're thankful for the flexibility of our panel participants and to the caring and dedicated advocates around the state who changed their plans to join us online. Here are a few screenshots from the day's events:



(Left) Nation Outside Director of Policy & Program Operations **Tony Gant** outlines the work of his organization during the 2023 Michigan Day of Empathy; (Right) State Sen. **Jeff Irwin** (D-Ann Arbor) outlines a plan to end juvenile life without parole sentencing.

POLICY IN BRIEF

'Good Time' bills reintroduced to Michigan House of Representatives

A package of legislation has been introduced to the Michigan House of Representatives that would restore "Good Time" credits.

House Bills 4468-4471 were introduced April 25 but haven't yet received a committee hearing.

Michigan voters ended Good Time through a voter referendum in 1978. Restoring them will be more difficult than passing a regular law. Michigan's Constitution places a higher bar to amending or eliminating a voter referendum — either a three-fourths

vote of both the House and Senate, or a subsequent voter referendum.

The bills have 26 co-sponsors. While most of the co-sponsors are Democrats, there is some bipartisan support.

The Michigan Collaborative to End Mass Incarceration, Citizens for Prison Reform, Michigan Liberation, Michigan United and Michigan Justice Advocacy are leading this effort. Safe & Just Michigan also supports the passage of these bills.

We'll keep you updated.

Three things I wish I knew *Life after release*

Name: Kenneth Nixon

Title: Director of Outreach & Community Partnerships for Safe & Just Michigan; Chairman of Organization of Exonerees



City: Detroit

Years since release: 2

Advice to others looking forward to release:

1 Don't let your fear of not knowing how to do something keep you caged inside of your house. Engage with people from different walks of life, different cultures and different career paths. Diversity will keep you grounded.

2 There are going to be hurdles to overcome and roadblocks to get around but don't get discouraged. Keep going.

3 Mental health is a real issue as a returning citizen. Find someone to talk to. There's nothing wrong with asking for help.

Safe & Just Michigan

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Please note this newsletter was printed and distributed
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Please Take Note:



Safe & Just Michigan is moving to a new home as of July 1, 2023. Starting July 1, you can reach us at our new home:

**Safe & Just Michigan
119 Pere Marquette Drive, Suite 2A
Lansing, MI 48912**