

MICHIGAN SAFETY & JUSTICE ROUNDTABLE

2019 REPORT: CO-CREATING A VISION FOR EFFECTIVE &
EQUITABLE SOLUTIONS FOR JUSTICE-INVOLVED ADULTS

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INTRODUCTION

In January 2018, nearly 99,000 Michigan residents were under the supervision of the Department of Corrections including people on probation and parole.¹ At any point in time, the state incarcerates approximately 40,000 people in its 31 prisons, of which 95 percent will eventually return home, and another 14,000 more in its county jails. While much lower than recent years, these numbers have risen 450 percent since 1973.² As a result, over four million Michiganders now have some type of criminal record. In addition, over 10,000 Michigan youth are arrested each year; 90 percent for non-violent offenses.³ The outcomes for justice impacted youth and adults are critical to the health and safety of our communities.

If Michigan were its own country, its incarceration rate would be higher than almost every country in the world. Its prison population has risen 450 percent since 1973—even taking into account significant recent declines. Michigan also holds the dubious distinction of being among the 10 states with the highest rate of racial disparities in its prison system.⁴ How did we get here? Most prominently, the wave of "tough on crime" policies enacted in the 1980s and 1990s greatly changed the landscape of the criminal and juvenile justice systems. Across the nation, concepts of correctional rehabilitation were replaced with punitive measures focused on deterrence and incapacitation.

Specifically in Michigan, lawmakers enacted strict mandatory sentencing guidelines, created "truth in sentencing" laws, requiring a person to serve 100 percent of their sentence, and tightened parole policies leading to dramatic returns to prison due to violations.⁵ Michigan also enacted juvenile laws that were self-proclaimed as the "toughest in the nation."⁶ State lawmakers eliminated a minimum age limit on who could be sent to adult prison, allowed prosecutors to file certain juvenile cases in adult court without judicial oversight, and expanded adult sentencing options for youth of all ages. A 400-bed "punk prison" was built; expungement rules were tightened; and suspension and expulsion rates skyrocketed due to zero tolerance policies in schools and increased arrest rates for status offenses, such as truancy or violating curfew.⁷

But things are changing. There is now a substantial and growing body of research examining all phases of the justice system—including charging, sentencing, confinement, and reentry—that assesses which practices have been most successful at deterring crime and protecting the public,

and which may actually exacerbate the pernicious cycle of poverty, criminality and incarceration. This research enables our leaders to make informed decisions based on data rather than emotions. Indeed, this growing evidence base, coupled with the reality of the massive and unsustainable investment of limited public resources into corrections and supervision budgets, has prompted many states to re-evaluate past policies and make significant changes to the justice system by investing in public safety and community initiatives such as education skills-building, and key public health services that address many of the root causes of crime.

MICHIGAN SAFETY & JUSTICE ROUNDTABLE

CO-HOSTS



*Melanca Clark, President & CEO,
Hudson-Webber Foundation*



*Gilda Jacobs, President & CEO,
Michigan League for Public Policy*



*Kahryn Riley, Director of Criminal
Justice Reform, Mackinac Center*



*Mary Beth Kelly, Chair, Michigan
Committee on Juvenile Justice*

PLENARY SPEAKERS



*Amanda Alexander,
Executive Director
of the Detroit Justice
Center*



*Sheryl Kubiak,
Dean & Professor,
Wayne State
University School of
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*Mary King,
Executive Director,
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on Crime and
Delinquency*



*Paul Elam,
Chief Strategy
Officer, Michigan
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*Alice Thompson,
CEO, Black Family
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*Kevin Bowling,
Court Administrator,
20th Circuit Court,
Ottawa County*

To support and advance safe and equitable youth and adult justice system approaches in Michigan, the Hudson-Webber Foundation convened the Michigan Safety & Justice Roundtable in September 2018 in partnership with the Michigan Committee on Juvenile Justice, the Mackinac Center for Public Policy and the Michigan League for Public Policy, with technical assistance provided by the Michigan Council on Crime and Delinquency. The two-day forum assembled experts in juvenile and criminal justice from local and state government, members of the judiciary, law enforcement, academics, community leaders, and philanthropic funders to share promising practices and common challenges, and to craft common-sense justice policy recommendations to move Michigan forward.

The convening brought together experts and advocates with diverse perspectives including keynote speakers Professor Vincent Schiraldi of Columbia University School of Social Work and the Founder of the Justice Policy Institute, and Mark Holden, Senior Vice President, General Counsel and Corporate Secretary of Koch Industries.

KEYNOTE SPEAKERS



Mark Holden, Senior Vice President, General Counsel & Corporate Secretary, Koch Industries



Professor Vincent Schiraldi, Columbia University School of Social Work

Then candidate for Michigan statewide office including Dana Nessel, Democratic Candidate for Attorney General; Tom Leonard, Speaker of the Michigan House of Representatives and Republican candidate for Attorney General; and Garlin Gilchrist II, founding executive director of the Center for Social Media Responsibility at the University of Michigan School of Information and the Michigan Democratic candidate for Lieutenant Governor, were also invited to share their policy priorities with those assembled.



Garlin Gilchrist II



Representative Tom Leonard



Dana Nessel

During the forum, the over 150 participants worked collaboratively in small and large group discussions, and identified common challenges, work underway, and concrete action items that will advance the field on twelve broad topics affecting youth and adults in our justice system, including:

JUVENILE JUSTICE

- Youth Justice Data Collection & Management
- Preventing Juvenile Justice Involvement
- Diverting Youth from the Juvenile Justice System
- Using Evidence-Based Practices with Justice Involved Youth
- Expanding Reentry & Aftercare for Youth Returning Home after Out-of-Home Placement

CRIMINAL JUSTICE

- Criminal Justice Data Collection & Reporting
- Community Policing
- Poverty & Confinement in Criminal Justice
- Reducing Lengths of Prison Stay
- Removing Post-Incarceration Barriers for Adults

Unsurprisingly, common themes emerged over the two days. Almost all of the participants spoke of needing to improve data collection; to create more diverse funding opportunities for research or project implementation; to include families and system-involved people in the decision-making process; and to break down silos among stakeholders by increasing opportunities for cross-system learning and partnership.

THE REPORTS

We have produced two companion reports, Co-Creating a Vision for Effective & Equitable Solutions for Justice-Involved Youth, and Co-Creating a Vision for Effective & Equitable Solutions for Justice-Involved Adults, that together contain the 12 issue briefs borne from the input of diverse leaders and experts in the fields of juvenile and criminal justice. Each topic includes specific, tangible ideas and resources for the next generation of policymakers. We hope they will serve as a blueprint for creating a non-partisan and comprehensive vision for fair and effective justice in Michigan.

Melanca Clark
President & CEO
Hudson-Webber Foundation

***Note on the Reports:** The action items identified in the Michigan Safety & Justice Roundtable Reports reflect consensus recommendations of conference participants. Consensus was not always unanimous and individual action items do not necessarily reflect the official positions or views of all conference attendees or sponsoring organizations.*

ENDNOTES:

¹Michigan Dept. of Corrections, *2016 Statistical Report* (2017).

²Wagner, P. & Sawyer, W., *Mass Incarceration: The Whole Pie*, Prison Policy Initiative (2018); Prison Policy Initiative, *Michigan Profile* (2018), available at <https://www.prisonpolicy.org/profiles/MI.html>.

³Bureau of Justice Statistics, Office of Justice Programs, U.S. Dept. of Justice, *Survey of State Criminal History Information Systems, 2012* (2014); Michigan State Police, *Michigan Incident Crime Reporting: 2017 Statewide Arrest Totals* (2018).

⁴U.S. News and World Report, *Best States, Corrections Rankings*, "Equality in Jailing" ranking, available at <https://www.usnews.com/news/best-states/rankings/crime-and-corrections/corrections>.

⁵Gov. John Engler (Aug. 2002). *Criminal Justice Report: Fighting Crime, Protecting Families*. Lansing, MI: State of Michigan Executive Office.

⁶Id.

⁷Staley, K. and Weemhoff, M., *Youth Behind Bars: Examining the impact of prosecuting and incarcerating kids in Michigan's criminal justice system*, Michigan Council on Crime and Delinquency (2014).

DATA COLLECTION & REPORTING

THE ISSUE:

The general mission of Michigan's criminal justice system is to create public safety through effective sanctions and programming that holds individuals accountable for their offenses while promoting their rehabilitation. To measure its impact and achieve these goals, continuous data collection and analysis are needed to assess the extent to which the state's criminal justice system is working; appropriate programming is applied correctly; and the justice system is preventing and not causing future harm.

Data-driven decisions allow stakeholders to effectively and efficiently invest precious criminal justice resources. Collecting and analyzing data on who is entering the justice system, how they are served, and the longitudinal effects of the programming can provide comprehensive insight on which policies and practical criminal justice efforts are working and which need to be targeted for reform.

Best practices for criminal justice data collecting and reporting include elements such as:

- A strong position of independence and non-partisanship;
- An active research program and continual development of more useful data;
- Openness about the data provided and cooperation of data users;
- Wide dissemination of data;
- Fair treatment of data providers; and
- Coordination and cooperation with other statistical agencies.¹



CHALLENGES:

DATA ARE NOT INTEGRATED BETWEEN STATE AND LOCAL SYSTEMS: Michigan maintains a piecemeal approach to criminal justice data collection and management. Police, jails, courts, prosecutors, public defenders, community corrections, and the Michigan Department of Corrections (MDOC)—each have their own data collection processes, and rarely do these various data systems interface with each other. This results in gaps in our knowledge and the inability to be able to track or monitor an individual through multiple levels of the state’s criminal and legal institutions. When data is collected in silos, overlapping, duplicative or inefficient services may be provided and the opportunity for the system to truly rehabilitate can be lost.

The largest gap in data is most likely due to an unintegrated jail system. All of the county jails have independent data systems. These systems are primarily for facility management and are not designed to be used for broad data gathering. Nonetheless, significant data is needed to effectively answer questions regarding any jail incarceration, release and return to jail, and the effectiveness of jail-based and community programs. Unifying these systems is possible, but it is complex and currently not available in a consistent and reliable manner.

DATA TERMS AND BENCHMARKS ARE NOT CONSISTENTLY DEFINED, MAKING IT NEARLY IMPOSSIBLE TO DETERMINE SUCCESSES OR FAILURES: Related to the inconsistent collection of data, numerous datasets and institutional points of input frequently lead to inconsistent definitions and understandings of data terms. Such variations in collection and oversight make for weakened data analysis and can lead to flawed conclusions about how well the system is working.

For example, Michigan’s Criminal Justice Policy Commission took several months to generate a definition of recidivism. This new definition is different than how recidivism has been defined previously among the state’s justice institutions, making it more comprehensive in that it now includes jail recidivism, probation and parole failure, and new charges.

Inconsistent use and definitions of data benchmarks makes it difficult to create consistency in data measurement. For example, data on the “success” of a mental health court is generally easily found, but the measurement of success varies from county to county, e.g. length of time between follow-ups, type of offenses recorded, collaboration levels between courts and community mental health, etc. The wide variation in the data collection proves troublesome when attempting to accurately determine which interventions work best and which need improvements.

OWNERSHIP AND CONTROL OF DATA ARE NOT GENERALLY SHARED: Those responsible for the multiple repositories of criminal justice data may be reluctant to share or provide access, and sometimes statutory or internal policy barriers exist preventing cooperation. There are now technological means to simultaneously secure confidential information yet share identifiable data needed to match individuals across the continuum of the criminal justice system. However, the necessary data use agreements to undertake this task cannot be executed without considerable effort.

MODERNIZING OR IMPLEMENTING NEW DATA SYSTEMS IS COSTLY: Available systems exist on many different and antiquated infrastructure platforms, and public sector systems tend to lag several cycles behind private sector information technology advances. Re-engineering and integrating these systems is daunting, especially when normal agency budgets are already stressed. Additionally, staff positions to assist with data system input have long vanished from most agencies and organizations, leaving the remaining, overly-burdened, employees unable to both manage large caseloads and keep up with accurate and thorough data entry. Thus, data collection, understandably, becomes the lowest priority when overwhelmed with other duties.

WHAT'S UNDERWAY:

CRIMINAL JUSTICE POLICY COMMISSION (CJPC): The Criminal Justice Policy Commission was created in the Michigan Legislative Council by Public Act 465 of 2014. The CJPC is comprised of seventeen members and is charged to do all of the following: Collect, prepare, analyze, and disseminate information regarding state and local sentencing and proposed release policies and practices for felonies and the use of prisons and jails, collect and analyze information concerning how misdemeanor sentences and the detention of defendants pending trial affect local jails, conduct ongoing research regarding the effectiveness of the sentencing guidelines, and in cooperation with the Department of Corrections, collect, analyze, and compile data and make projections regarding the populations and capacities of state and local correctional facilities, the impact of the sentencing guidelines and other laws, rules, and policies on those populations and capacities, and the effectiveness of efforts to reduce recidivism.

RENEWAL OF EXECUTIVE ORDER CREATING THE MICHIGAN STATISTICAL ANALYSIS CENTER: Originally issued in 1993 as part of a federal requirement, Governor Snyder renewed this executive order creating the Statistical Analysis Center (SAC) at the Michigan State University School of Criminal Justice. The SAC serves as an information center and repository for criminal and juvenile justice data, statistical reports and documents.

JUDICIAL DATA WAREHOUSE (JDW): Operated by the State Court Administrative Office, the JDW is the state’s central electronic repository for court records in civil and criminal cases. Courts contribute records and access those of other courts, making it easier for judges, law enforcement, prosecutors, and state agencies to access the most current and complete information about offenders charged in more than one court and related civil cases filed anywhere in the state. Almost all 254 court locations contribute to the warehouse and 81 of 83 counties provide data from at least one court in the county.

MICHIGAN DEPARTMENT OF CORRECTIONS (MDOC) ENTERPRISE DATA SYSTEMS (MDOC OFFENDER LEVEL DATA): The MDOC operates two large-scale databases, the searchable Offender Tracking Information System (OTIS) and the Offender Management Network Information (OMNI). The OTIS provides information about individuals currently under the jurisdiction or supervision of the MDOC and those released within three years. The OMNI database is more comprehensive and contains historical information on all individuals currently and previously under MDOC jurisdiction as well as probationers supervised by MDOC staff.

POTENTIAL ACTION ITEMS:

- **FOCUS EXPLICIT ATTENTION AND FUNDING ON DATA COLLECTION AND REPORTING CHALLENGES** to yield improvements sufficient to drive implementation of validated evidence-based practices.
- **ENGAGE IN PRIVATE-PUBLIC PARTNERSHIPS AND NATIONAL DATA REFORM EFFORTS**, especially with high-tech innovators and universities, to leverage more resources and technological innovation toward accelerated improvements in information systems infrastructure, integration, and data collection and reporting.
- **SUPPORT THE UNIFICATION OF COUNTY JAIL DATA.** This could be done in one of two ways: 1) build and own this interface within the state in a more efficient and dynamic manner and environment than MDOC’s current JPIS system (similar to the SCAO’s Judicial Data Warehouse); or 2) utilize an existing structure and state contract mechanism with private vendors that currently have interfaces with jails, (i.e APRISS, the data and analytics platform currently used for some law enforcement and victim notification systems).

- **MAKE DATA ENTRY AND VERIFICATION PROCESSES ACCESSIBLE TO MORE STAKEHOLDERS** to distribute the burden of data collection and reporting among able partners and reduce duplication of effort (such as enabling community service providers to enter and view current and past program information directly in shared access data systems through secure portals).
- **ESTABLISH AND MAINTAIN TIMELY SHARING OF USEFUL AND RELIABLE DATA WITH STAKEHOLDERS IN ADVANCE OF KEY DECISION POINTS** to eliminate duplication of effort and ensure best practices, including data points such as general background, assessment results, treatment/services already delivered or completed, etc.
- **IDENTIFY AN INDEPENDENT LEADING AGENCY OR GROUP OF DIVERSE STAKEHOLDERS TO OVERSEE THE COMMON GOALS OF REFORMING DATA COLLECTION POLICY AND PRACTICE.**
- **ENSURE STATE AND LOCAL AGENCIES, INCLUDING THE MICHIGAN DEPARTMENT OF CORRECTIONS, COLLECT DATA ON RACE AND ETHNICITY TO ENSURE ACCURATE DEMOGRAPHIC INFORMATION IS CAPTURED.**

FOR MORE INFORMATION:

Michigan Criminal Justice Policy Commission, Approved Recommendations:

<http://council.legislature.mi.gov/CouncilAdministrator/cjpc>

COUNCIL FOR STATE GOVERNMENTS, APPLYING A JUSTICE REINVESTMENT APPROACH IN MICHIGAN:

Michigan Report Technical Appendix:

<https://csgjusticecenter.org/jr/michigan/publications/michigan-report-technical-appendix>

Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System:

<https://csgjusticecenter.org/jr/michigan/publications/applying-a-justice-reinvestment-approach-to-improve-michigans-sentencing-system>

ENDNOTES:

¹Bureau of Justice Statistics, Office of Justice Programs, Data Quality Guidelines (2018).

COMMUNITY POLICING

THE ISSUE:

Community policing begins with a commitment to building trust and mutual respect between law enforcement agencies and the communities they serve. Community policing is an operational philosophy that can enhance social connectivity, increase resilience to crime, and address underlying issues contributing to violence through working collaboratively with neighborhood residents and deploying proactive problem-solving techniques.

The U.S. Department of Justice Office of Community Oriented Policing has identified three main components of effective community policing: 1) community partnerships, 2) organizational transformation, and 3) problem solving.¹ Collaborative partnerships between a law enforcement agency and the individuals and organizations they serve are key to the co-production of public safety. Organizational transformation speaks to the work needed to support a culture of community oriented policing through organizational management, structure, personnel, and information systems. Lastly, problem solving speaks to engaging in the proactive and systematic examination of the underlying conditions contributing to public safety problems, (rather than simply reacting to an offense), and developing and evaluating effective law enforcement responses.

Use of community policing is on the rise. About 88% of all police departments currently use some type of community policing component.² More than half actively engage their patrol officers in problem-solving initiatives and a majority of the departments serving 10,000 or more residents trained all new recruits for at least 8 hours in community policing skills, such as problem-solving and developing community partnerships.³

Community policing at its most impactful is not simply the operation of community-outreach programs, but rather an operational philosophy that is infused in all aspects of the law enforcement agency's culture and organizational structure. Practices common to departments working to implement such an operational philosophy include: using recruitment, hiring, evaluation, and promotion practices that develop a workforce with the character traits and social skills that enable effective policing and

positive community relationships; building community capital by initiating positive nonenforcement activities to engage communities; wherever appropriate, involving the community in the process of developing and evaluating policies and procedures; increasing transparency of data, policies, and procedures to build public trust and legitimacy; and ensuring accountability by tracking, disciplining or removing bad actors, and tracking the level of trust in police by their communities just as crime changes are tracked and measured.⁴

CHALLENGES:

RELATIONSHIPS BETWEEN LAW ENFORCEMENT AND UNDERSERVED POPULATIONS CAN BE STRAINED, PARTICULARLY WITH RESPECT TO COMMUNITIES OF COLOR:

Disconnects between law enforcement and underserved populations and communities of color have garnered significant national attention and continue to pose critical challenges in communities around the country. Many national and local listening sessions and stakeholder narratives point to a general divide between communities of color perceiving law enforcement as an occupying force, and officers considering community members as unappreciative and/or “not doing enough” to increase safety in their neighborhoods.⁵ Bridges can be built between these conflicting narratives, but not without significant engagement from all stakeholders.

LAW ENFORCEMENT AGENCIES ACROSS THE STATE FACE SIGNIFICANT RECRUITMENT AND RETENTION CHALLENGES:

Many agencies have long appreciated the critical importance of hiring officers who reflect the communities they serve. Achieving race, gender, life experience, and cultural background diversity at all levels of the force is important. However, recruiting and retaining officers of any background is difficult in the face of constrained budgets (leading to uncompetitive salary and benefits), unique occupational stressors of policing, and application requirements that screen out or deter potential applicants.

FUNDING IS NOT READILY AVAILABLE FOR INNOVATIVE PROGRAMMING AND TRAINING:

While many police departments are ready to engage in or expand their efforts in community policing, there are still limited funds to support innovative programming, and agencies have differential access to crisis intervention, use of force, implicit bias and procedural justice training.

ORGANIZATIONAL POLICY IS NOT ALWAYS ALIGNED WITH ORGANIZATIONAL CULTURE:

Law enforcement agencies can implement policies and procedures that support community policing, but for those policies and procedures to be institutionalized they must not be

in conflict with organizational culture. Research has shown that when an law enforcement agency creates an environment where organizational values are clearly articulated and the organization’s decision-making processes are perceived to be fair, transparent and impartial (otherwise known as “procedural justice”), that internal environment encourages its officers to demonstrate procedural justice externally when interacting with community members.⁶ As noted by the President’s Task Force on 21st Century Policing, “Adopting procedural justice as the guiding principle for internal and external policies and practices can be the underpinning of a change in culture and should contribute to building trust and confidence in the community.”⁷

WHAT’S UNDERWAY:

ALPACT (ADVOCATES & LEADERS FOR POLICE AND COMMUNITY TRUST) is a twenty-year old, voluntary group with regional chapters consisting of local, state and federal law enforcement, community members, advocates and civil rights leaders dedicated to the mission of ALPACT which is to examine issues affecting police and community relations, and to explore strategies to increase opportunities for community partnering and to build a stronger foundation for higher levels of community trust of law enforcement.

CRISIS INTERVENTION TEAMS, VARIOUS LOCATIONS ACROSS MICHIGAN (OAK-LAND COUNTY, CALHOUN COUNTY AND KALAMAZOO COUNTY FOR EXAMPLE):

Crisis intervention training (CIT) is a tool used by officers to de-escalate encounters in which a person is in crisis, connect persons to mental health services, and foster pre-booking diversion of individuals with mental illness from the criminal justice system and into community treatment services. The model can be a vehicle for collaboration with community stakeholders who can help provide the appropriate resources for the situation and in turn foster sustainable change.

OPERATION CEASEFIRE: Ceasefire, a nationally renowned violence prevention program, works with gangs to pressure their own members to stop violence. Coordinated community meetings known as “Call-Ins” are held regularly in which agreements are formed between gangs, law enforcement, and the community. The agreement establishes harsh consequences from law enforcement for the next group to shoot or kill someone. Community members, faith-based leaders and wrap-around services providers, deliver a message focused on resources and support for pursuing constructive alternatives. Ceasefire is an integral component of the Detroit Police Department’s broader strategy to curb violent crime in Detroit’s neighborhoods.

DLIVE: DLIVE, currently based out of Detroit Medical Center – Sinai Grace Hospital with the Wayne State University Department of Emergency Medicine, is a hospital-based violence intervention initiative that exists to holistically work with youth/young adults who have sustained acute intentional violent trauma to achieve very specific goals.

- Eradicate the future morbidity and mortality predicted by the initial injury
- Prevent retaliatory violence
- Prevent the future incarceration often associated with individuals who have been victims of traumatic violence
- Actively facilitate a pathway towards success and prosperity
- Active community engagement
- Reduce the community toxic stress associated with community violence

GRAND RAPIDS' SENTIMENT METER: Starting April 2018, the GRPD is using survey technology in collaboration with a private sector partner, Elucd, to measure and analyze public opinion of their police department and whether or not people feel safe, as an ongoing effort to gain and build community relations across the city.

DETROIT POLICE DEPARTMENT'S NEIGHBORHOOD POLICE OFFICER PROGRAM (NPO): A lead NPO is assigned for each of the city's 12 districts to develop ties with the community and business sector and create a different form of police presence for non-emergency and recurring quality of life issues.

FLINT'S NEIGHBORHOOD SERVICE CENTER: Part of the North End Community Crime Strategy, a three-year partnership between Flint police, the Flint Police Foundation and the Ruth Mott Foundation, the neighborhood service officers will handle basic civic and public safety services – such as providing crime prevention information, documenting blight complaints, or filing police reports – to free up sworn police officers for community policing efforts and law enforcement duties. Residents can come to the center to talk to a police officer, a non-sworn neighborhood service officer, or file a complaint on the center's computer.

POTENTIAL ACTION ITEMS:

- **DEVELOP A POSITIVE AND ENGAGING CULTURE** by implementing non-enforcement community activities and meetings hosted by law enforcement agencies, especially after tragic events occur.
- Wherever appropriate, **INVOLVE THE COMMUNITY IN THE PROCESS OF CREATING AND EVALUATING LAW ENFORCEMENT POLICIES AND PROCEDURES.**
- **SUPPORT OPPORTUNITIES AND FUNDING FOR ONGOING OFFICER TRAINING** including in areas such as crisis intervention, use of force, implicit bias and procedural justice.
- **USE RECRUITMENT, HIRING, EVALUATION, AND PROMOTION PRACTICES THAT ARE RESPONSIVE TO THE COMMUNITY THE DEPARTMENT SERVES,** focusing on the character traits and social skills that enable effective policing and positive community relationships.
- **CREATE MINIMUM REQUIRED OFFICER TRAINING HOURS** to increase standardized practices across the state.
- **CREATE A STANDARDIZED DATABASE OF INCIDENTS AND POLICING DATA.**
- **PROVIDE TRANSPARENCY OF POLICING INFORMATION TO COMMUNITIES,** complete with definitions, policies and procedures of how the information is tracked to build public trust and legitimacy.
- **ENSURE ACCOUNTABILITY FROM LAW ENFORCEMENT LEADERSHIP BY DISCIPLINING OR REMOVING OFFICERS WHO HAVE ENGAGED IN SERIOUS MISCONDUCT.** Track these disciplinary measures as well as the level of trust in police by their communities just as crime changes are measured.
- **PROTECT OFFICER WELLBEING** by monitoring officers to ensure capabilities, judgment, and behavior are not adversely affected by poor psychological or physical health, and by providing mental health and other supports to address unique occupational stressors of policing.
- **INCREASE USE AND FUNDING OF EVIDENCE-BASED PROGRAMMING** to reduce youth and community violence and gang involvement.
- **PROVIDE SUSTAINABLE FUNDING TO SUPPORT INNOVATION** to experiment, develop, and implement best-practices for improving community relations.

FOR MORE INFORMATION:

The President's Task Force on 21st Century Policing, Final Report of the President's Task Force on 21st Century Policing, Office of Community Oriented Policing Services, U.S. Dept. of Justice (2015): <http://elearning-courses.net/iacp/html/webinarResources/170926/FinalReport21stCenturyPolicing.pdf>

U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office) awards grants to hire community policing professionals, develop and test innovative policing strategies, and provide training and technical assistance to community members, local government leaders, and all levels of law enforcement. Since 1994, the COPS Office has invested more than \$14 billion to help advance community policing: cops. usdoj.gov

The International Association of Chiefs of Police, Institute for Community Police Relations:
<http://www.theiacp.org/icpr>

ENDNOTES:

¹Office of Community Oriented Policing Services, U.S. Dept. of Justice, *Community Policing Defined* (2014).

²Reaves, B, *Local Police Departments, 2013: Personnel, Policies, and Practices*, Bureau of Justice Statistics, Office of Justice Programs, U.S. Dept. of Justice (2015).

³*Id.*

⁴The President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, Office of Community Oriented Policing Services, U.S. Dept. of Justice (2015).

⁵Office of Community Oriented Policing Services, U.S. Dept. of Justice, *Strengthening the Relationships between Law Enforcement and Communities of Color: Developing an Agenda for Action* (2014).

⁶Tyler, T. *Procedural Justice, Legitimacy, and the Effective Rule of Law*, 30 CRIME AND JUSTICE 283-357 (2003).

⁷*Final Report of the President's Task Force on 21st Century Policing*, at 12.



POVERTY & CONFINEMENT

THE ISSUE:

As the U.S. Supreme Court has stated, it is unconstitutional for criminal justice systems to be “punishing a person for his poverty.” The Court has held that prison sentences cannot be extended for failure to pay court costs or fines; a sentence of a fine cannot be converted into imprisonment; and a state may not revoke probation for failure to pay a fine or restitution if that person is truly unable to pay. Additionally, federal law banned debtors’ prisons long ago and throughout the world jailing someone for failing to pay their debts is considered a civil rights violation.

Despite these long-standing ideals and principles, it remains common practice to impose fines and fees upon those in the criminal justice system and punish those who cannot pay. Such financial obligations can lead to unnecessary incarceration, trap people in a cycle of poverty, and undermine the faith in the justice system that is so critical to public safety.

Nationally, over 80% of individuals charged with offenses are eligible for a public defender due to their indigent status. Among the states with the highest prison populations, including Michigan, all impose fees that attach upon conviction, charge for parole, probation or other supervision fees, and authorize fees for jail or prison stays. Within the country’s most populated counties, about two-thirds of charged individuals serve time in jail prior to trial, with 75% staying up to one week and paying a median bail amount of \$6,000. For those who remained detained, who are primarily individuals charged with non-violent and drug offenses, the median bail was set at \$25,000 and 90% were unable to meet the financial conditions required to secure release.

Specifically in Michigan, fees for jail entrances, probation supervision, and general assessment for convictions are all required to be collected. Michigan trial courts can add charges to any conviction to reimburse for “expenses incurred in relation to that incident” such as direct expenses, salaries and wages of emergency response, law enforcement, and prosecution personnel. Public defense costs are frequently charged back to clients, causing some defendants to waive their right to counsel.

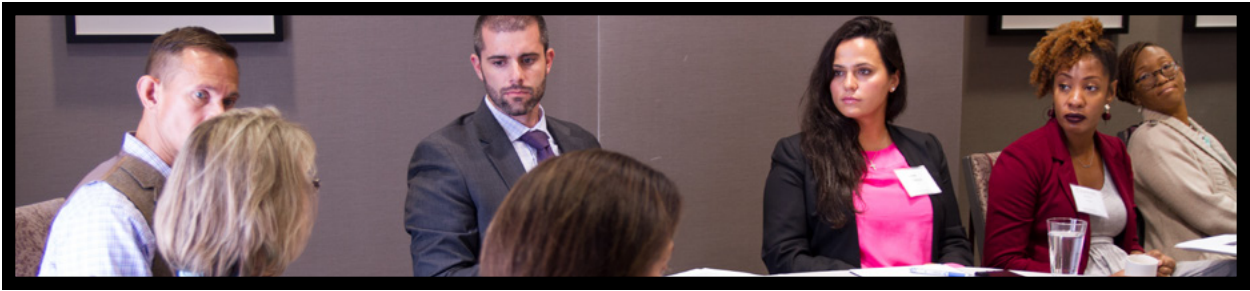
CHALLENGES:

FEES VARY DRAMATICALLY AMONG THE STATE’S JURISDICTIONS: While there are a few statutorily set fees, most trial courts and local jurisdictions are able to set their own standards when it comes to imposing various charges. For example, the method to determine “indigence” is not uniform among the courts. Most impose reimbursement costs for defense, prosecution and law enforcement services, even if indigence is determined. Courts can also order open-ended costs that change from region to region, such as those “incurred in compelling the defendant’s appearance” and “any cost reasonably related to the actual costs incurred by the trial court.” Payments for jail stays vary in each county, with some charging up to \$60 per night. Bail amounts for the same offenses frequently differ from county to county.

PREDETERMINED BOND AMOUNTS FAIL TO ACCOUNT FOR AN INDIVIDUAL’S ABILITY TO PAY TO AVOID INCARCERATION: Recent changes to Michigan’s court rules require a judge to assess an individual’s ability to pay court fines or costs prior to sentencing incarceration or revocation of probation. However, state law does not require a hearing prior to determining whether a bond can be set to release someone from jail, how much it would cost, nor if an individual can afford this payment. Instead, interim bond schedules, or predetermined bail amounts for certain crimes, are often used. For misdemeanors, law enforcement officials can also collect bail amounts at the point of arrest rather than detain the individual prior to arraignment. These bail policies can lead to unequal outcomes between those who can or cannot afford to pay to avoid jail time. Those unable to pay risk a host of collateral consequences while awaiting arraignment, including loss of employment, loss of housing and loss of child custody.

LEGAL FINANCIAL OBLIGATIONS CAN LAST WELL BEYOND TIME SERVED: Even after a person has served time or completed their sentence, remaining financial obligations often become a burden for those trying to leave the justice system behind them. This can include fees associated with jail and prison stays, as well as costs charged by therapeutic courts, probation surveillance services or even parole board fees after a person has completed their sentence. If not paid, all fines, fees and costs associated with entering the criminal justice system, can be, and often are, reported to credit bureaus and sometimes wages can be garnished.

MICHIGAN TRIAL COURT FUNDING RELIES ON REIMBURSEMENTS AND FEES FROM CRIMINAL DEFENDANTS TO MAINTAIN THEIR BUDGETS. In 2014, the Michigan Supreme Court ruled in *People v. Cunningham*²¹ that courts only have authority to impose costs on defendants that the state legislature has separately authorized by statute. After this ruling, the state legislature amended MCL 769.1k to allow Michigan courts to charge defendants with general “court costs” like operating expenses, personnel, and court maintenance. It is estimated that more than \$31 million is recouped from defendants under these costs to fund Michigan courts each year.²²



WHAT'S UNDERWAY:

MICHIGAN INDIGENT DEFENSE COMMISSION (MIDC) AND STATEWIDE INDIGENT DEFENSE STANDARDS: Created in 2013, the MIDC develops and oversees the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure that indigent criminal defense services are constitutional. The MIDC identifies and encourages best practices for delivering effective assistance of counsel to indigent defendants, collects data on these practices, and administers grants to achieve these goals.

The MIDC has approved and is in the process of aiding local systems to implement four initial standards, 1) training and education of counsel, 2) confidential and timely initial client interviews 3) increased use of investigation and experts, and 4) mandatory counsel at first court appearance and other critical stages.

Due to recent amendments of the MIDC Act, the Commission will be creating standards for determining indigency in every jurisdiction. Additionally, the MIDC has approved four additional standards, which will become required at the local level likely by 2020. These address the need for independence from the judiciary, defender workload limitations, qualification and review of attorneys accepting assignments in adult criminal cases, and economic disincentives and incentives to taking indigent criminal cases.

MICHIGAN TRIAL COURT FUNDING COMMISSION: To help determine how to fill the gap of court funding once MCL 769.1k sunsets on charging for court costs, the state legislature created the Michigan Trial Court Funding Commission, a 14-person commission charged with examining the current funding structure and recommending needed changes.

THE MICHIGAN STATE PLANNING BODY FOR THE DELIVERY OF LEGAL SERVICES TO THE POOR: MSPB is an unincorporated association of thirty-five individuals from the legal services community, judiciary, private bar, and community organizations providing services to

low-income persons, that acts as a forum for planning and coordination of the state’s efforts to deliver civil and criminal legal services to the poor, including efforts to provide access to the judicial system through pro se and pro bono programs.

LEGISLATIVE EFFORTS:

- **Civil forfeiture:** Civil asset forfeiture laws permit law enforcement to take property from someone who has not been convicted of, or even charged with a crime. Pending legislation, HB 4158, would require a criminal conviction, for most cases, before the government takes ownership of a person’s property.
- **End of driver responsibility fees:** Currently Michigan drivers are assessed “Driver Responsibility Fees” after accumulating a certain number of points on their licenses or committing certain specific offenses. These fees are in addition to the standard penalties for committing the offenses. Gov. Snyder recently signed new legislation to end these fees and forgive any outstanding debts beginning on Oct. 1, 2018.

IMPACT LITIGATION:

- **Suspension of Driver’s Licenses as Penalties - Fowler v. Johnson No. 4:2017cv1144, Doc 35 (E.D. Mich. 2018):** Michigan, like many other states, suspends the driver’s license of any person who fails to pay any court-ordered fine, fee, cost, or restitution (including minor traffic tickets) regardless of the reason for nonpayment. Led by the national group, Equal Justice Under Law, a federal class action lawsuit is underway against Michigan arguing that the practice is unconstitutional.
- **Allowing Court Imposed Costs on Defendants - People v. Cameron 501 Mich 986; 907 NW2d 604 (2018):** Following People v. Cunningham, Cameron is a case recently argued in front of the Michigan Supreme Court that questions whether the amendments in MCL 769.1k allowing court costs to be imposed on defendants is really a tax and not a fee.

DETROIT JUSTICE CENTER’S (DJC) FIRST BAIL OUT: In partnership with the national team from The Bail Project, DJC is working with local partners to identify people in need of bail assistance, post their bail, provide them with support throughout the legal process and make connections to housing, employment, and other social services when needed. DJC’s Legal Services Practice will also provide clients with support by resolving any legal barriers to housing and employment. Once clients make it back for their court date, the bail funds are returned for DJC to provide future bailouts for others.

POTENTIAL ACTION ITEMS:

- **SUPPORT THE EXPANSION OF TRAINING, STANDARDS AND FUNDING FOR PUBLIC DEFENDERS ACROSS THE STATE.** This could include creating regional public defenders offices, standardized training curriculums for criminal defense attorneys, and a stable annual source of funding for the MIDC fund.
- **PRIORITIZE JUVENILE INDIGENT DEFENSE** to aid in reducing future adult offending by including it in the MIDC Act and supporting a statewide survey of the current state of juvenile defense.
- **SUPPORT COURT FUNDING MECHANISMS THAT DO NOT INCLUDE FORCED RE-IMBURSEMENTS, FINES, OR FEES FROM INDIGENT DEFENDANTS.**
- **SUPPORT CAPPING PUNITIVE COSTS FOR INDIGENT DEFENDANTS**, such as allowing payment of a percentage of the fine or specific dollar amount due to income or assets.
- **IMPLEMENT TRANSPARENCY POLICIES SURROUNDING COST ASSESSMENTS.** The collection and allocation of the assessed costs should be reported and made available so that the public has access to the data in order to 1) guard against abuse by either overcharging defendants or charging for unrelated expenses, and 2) make data available that can be used to help determine real and relevant costs of running the court and to have a comparison of such costs across the state.
- **INCREASE THE USE OF RESTORATIVE JUSTICE PRACTICES IN THE STATE’S CRIMINAL JUSTICE SYSTEM**, specifically in the courts and among law enforcement officials. This includes training opportunities about best-practices, standardized implementation of restorative justice policies and procedures, and creation of a restorative justice specialty court.
- **CREATE LEARNING COMMUNITIES AMONG DIVERSE AND UNLIKELY STAKE-HOLDERS**, including impacted individuals, to lead action and policy change towards common goals of combating the drivers of poverty before, during, and after involvement in the criminal justice system.
- **INCREASE OPPORTUNITIES FOR INDIVIDUALS IN PRISON TO EARN HIGHER WAGES AND DECREASE COSTS OF SERVICES LIKE PHONE CALLS AND COM-MISSARY ITEMS.**

- **SUPPORT TRAININGS AND OPPORTUNITIES TO INCORPORATE TRAUMA-INFORMED AND CULTURALLY COMPETENT PRACTICES INTO THE COURTROOM AND AMONG LAW ENFORCEMENT OFFICIALS.**
- **REFORM THE BAIL PROCESS** by creating policies and practices focusing on an alternative to the current cash bail system and releasing those who do not risk the safety of the community or pose a flight risk regardless of ability to pay.

FOR MORE INFORMATION:

MICHIGAN SPECIFIC:

Michigan State Court Administrative Office:

- Ability to Pay Workgroup, Tools and Guidance for Determining and Addressing an Obligor’s Ability to Pay:
<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Reports/AbilityToPay.pdf>
- Trial Court Collections: <http://courts.mi.gov/administration/admin/op/tcc/pages/default.aspx>

Michigan Indigent Defense Commission: michiganidc.gov

Detroit Justice Center: www.detroitjustice.org

ACLU of Michigan and National:

- Fight to end debtors’ prisons in Michigan:
<http://www.aclumich.org/article/court-orders-end-debtors%E2%80%99-prisons-eastpointe>
- “In for a Penny: The Rise of America’s New Debtors’ Prisons”, ACLU (2010)
https://www.aclu.org/files/assets/InForAPenny_web.pdf (focuses on Michigan)

Mackinac Center on Public Policy, Criminal Justice Initiative

NATIONAL RESOURCES:

National Task Force on Bail Practices:

<https://www.ncsc.org/Topics/Financial/Fines-Costs-and-Fees/Fines-and-Fees-Resource-Guide.aspx>

The Bail Project: bailproject.org

Fines and Fees Justice Project: finesandfeesjusticecenter.org

The Brennan Center for Justice, New York University School of Law, Criminal Justice Debt Project:
brennancenter.org/criminal-justice-debt

National Criminal Justice Debt Initiative of the Criminal Justice Policy Program at Harvard Law School: cjdebtreform.org

ENDNOTES:

¹*Bearden v. Georgia*, 461 U.S. 660 at 671 (1983).

²*Williams v. Illinois*, 399 U.S. 235 (1970) (holding that a state may not subject a certain class of convicted defendants to a period of imprisonment beyond the maximum sentence solely by reason of their indigency).

³*Tate v. Short*, 401 U.S. 395 (1971).

⁴*Bearden v. Georgia*, 461 U.S. 660 at 671 (1983).

⁵28 U.S. Code § 2007.

⁶International Covenant on Civil and Political Rights. Dec. 16, 1966, 2200A U.N.T.S 43 (entered into force Mar. 23, 1976).

⁷See generally, Bannon, A. et al., *The Hidden Costs of Criminal Justice Debt*, Brennan Center for Justice at New York University School of Law (2010); see also, Former Deputy Attorney General Sally Q. Yates, *Poverty is not a Crime*, Office of the Dep. Atty. Gen. (2017).

⁸Office of Justice Programs, Fact Sheet: Indigent Defense (2011).

⁹*The Hidden Costs of Criminal Justice Debt* (2010).

¹⁰Reaves, B., *Felony Defendants in Large Urban Counties, 2009 Statistical Tables*, Bureau of Justice Statistics (2011).

¹¹*Id.*

¹²MCL 801.4b (jail stays are \$12, paid to the local sheriff's department); MCL 771.3c (probation supervision fees, up to \$135 per month); MCL 780.905(1)(assessment fees, \$130 for felonies and \$75 for misdemeanors).

¹³MCL 769.1f.

¹⁴Nat'l Legal Aid and Defender Assn, *A Race to the Bottom: Speed & Savings Over Due Process, A Constitutional Crisis*, 32-33 (2008).

¹⁵This change is underway due to recent amendments to the Michigan Indigent Defense Act. MCL 780.991(3)(e)-(f).

¹⁶Nat'l Legal Aid and Defender Assn, *A Race to the Bottom: Speed & Savings Over Due Process, A Constitutional Crisis* (2008).

¹⁷MCL 769.1k(1)-(2).

¹⁸Mackinac Center for Public Policy, *Neither Inmates Nor Counties Get Out of Jail Free* (June 15, 2018).

¹⁹MCR 6.425

²⁰MCL 780.581(2).

²¹*People v. Cunningham*, 496 Mich 145 (2014).

²²Justin A. Hinkley, Lansing State Journal, *Who should pay for local courts? How much should it cost?* (May 30, 2017)

²³Mich. P.A. 65 of 2017.

ALTERNATIVES TO INCARCERATION

THE ISSUE:

On any given day, about 2.3 million people are incarcerated in thousands of prisons, jails and detention facilities across the nation, giving the U.S. the highest incarceration rate in the world.¹ In the past four decades, the country's prison rate increased by 500%, a result in large part to states shifting towards "tough on crime" policies rather than increases in crime.² Nationally, jails admit 20 times more people every year than prisons, up to 10.6 million entrances each year.³ Jail populations are frequently made up of people who are legally innocent and awaiting trial, in addition to those serving sentences. And each year, America spends well over \$50 billion on correction budgets.⁴

Michigan has a population of about 40,000 people in its 31 prisons.⁵ While jail data is difficult to track across the state, the most recently reported state numbers show over 219,000 people entering a Michigan jail cell each year.⁶ It has the 10th largest prison population in the country, spending over \$1.5 billion dollars annually to operate, with 41% of those funds spent on salaries and overtime of personnel.⁷

Incarceration has been shown to place strains on families and neighborhoods;⁸ overload mental and physical health systems;⁹ exacerbate significant individual needs due to underlying diagnoses or experienced trauma;¹⁰ and lead to overall losses to the general workforce and community.¹¹ Studies have shown little to no relationship between incarceration and declining crime rates.¹² For individual offenders, incarceration has been shown to lead to more serious offenses and to promote new types of criminal behavior, especially for individuals that committed property and drug-related offenses, post-release, as well as leading to lasting negative effects on economic self-sufficiency.¹³

Because over reliance on incarceration has been shown to be counterproductive to public safety goals, decision makers across the country are starting to eschew "tough on crime" policies for data driven decision-making. As a result, the increase in prison and jail populations has begun to slow among most states.¹⁴ Some of the credit for these improvements is due to innovative reinvestment strategies in community-based programs, which lower correction budgets and improve public

health by keeping individuals out of costly prison or jail, while still holding them accountable and ensuring the safety of our communities. The use of restorative justice and mediation in lieu of more traditional punitive measures is also on the rise. Thirty-five states now have legislation encouraging the use of restorative justice practices.¹⁵

Michigan is among the states experiencing a decline in incarceration as prisoner populations are dropping since a peak in the mid 2000s, and several prisons are closing across the state.¹⁶ Proven programs like Swift and Sure Probation Sanctions, Problem-Solving Courts, and sobriety-related services, are increasing public safety while ensuring that justice-involved adults get the help they need outside of prisons and jails. That said, Michigan has the 18th highest incarceration rate in the country.¹⁷

CHALLENGES:

OVERREPRESENTATION OF UNDERSERVED POPULATIONS REMAINS A SIGNIFICANT ISSUE IN MICHIGAN'S PRISONS: All stages of the criminal justice system are over-represented by people of color, but prisons are especially troublesome. Today, people of color comprise 37% of the U.S. population but 67% of the prison population. Black men are six times as likely to be incarcerated as white men, and Hispanic men are more than twice as likely to be incarcerated as non-Hispanic white men.¹⁸ Additionally, prisons and jails are overcrowded with people with mental health needs. Nationally, it is estimated that 64% of jail populations and 54% of prison populations report mental health concerns and about one-quarter have serious mental illnesses, such as major affective disorders or schizophrenia.¹⁹

Specifically among Michigan's prison population:

- 56% are people of color, compared to the general population of 20% Michiganders of color;²⁰
- Nearly two-thirds have a history of substance abuse;²¹
- One-fifth have been diagnosed with mental illness;²²
- Approximately one-third will eventually be released to Wayne County, with the majority returning to the city of Detroit where over one-fifth of families live in poverty.²³

THERE ARE LIMITED INCENTIVES AND INFRASTRUCTURE TO SUPPORT CONSISTENT ACCESS TO COMMUNITY-BASED ALTERNATIVES: While there are positive efforts underway to support community-based programming, such as problem-solving courts and mental health diversion services, embracing new or enhancing existing options can be costly and difficult to implement correctly without collaborative stakeholder support. Starting new services, evaluating those that currently exist, or even training new staff, can be costly investments. Unless a person is under the jurisdiction of the MDOC, Michigan’s decentralized jail and local community corrections systems allow counties to have complete autonomy to pick and choose any type of community-based program, regardless of that program’s record of success. In fact, there is no requirement to even use community-based alternatives at sentencing, nor do counties or the MDOC have to provide these options. And, for those existing programs, budget shortfalls or changes in local or state priorities often threaten these “extra” corrections services. Thus, individuals often face inequitable access to community-based programming depending on where they live, what jurisdiction they are under, or what their county can afford or is willing to offer.

CULTURE CHANGE IS NEEDED TO ENSURE A SUSTAINED REDUCTION OF INCARCERATION: The “tough on crime” framework of the 1980s and 90s continues to influence the state’s current criminal justice policies and practices despite research showing that the public safety benefits do not outweigh the costs of mass incarceration. While incremental policy changes have led to declines in the incarceration rate, a fundamental culture change is needed to move away from harsh, ineffective practices and in turn sustain more substantial reductions in incarceration. Similarly, those most impacted by criminal justice policies—the formerly incarcerated—are perhaps the best positioned to inform systemic changes. These voices are increasingly helping to shape a path forward, but their perspectives frequently remain missing from important stakeholder conversations.²⁴

EDUCATION AND AWARENESS OF COMMUNITY-BASED PROGRAMMING IS SCARCE: Some communities have prioritized community-based programs over incarceration and seen positive outcomes like lower recidivism and lower caseloads. But, limited data collection, poor stakeholder education and siloed reform efforts can threaten even the most successful programs. Starting new services, evaluating those that currently exist, or even training new staff, can be costly upfront investments and difficult to support without comprehensive data or buy-in from stakeholders. Increasing education and awareness on the use and best-practices of community-based programming can offset concerns and help protect the services; however, there are few collaborative training or educational opportunities available, information about existing programming is not frequently collected or evaluated, and existing direct-service community-based programs are often unable to focus scarce resources on promotion or effective practices or partnership with other organizations.



COST SAVINGS FROM FACILITY CLOSURES ARE NOT NECESSARILY REINVESTED:

Michigan has recently closed two prisons and is considering a third, but its Michigan Department of Corrections (MDOC) budget for community-based options is not increasing. For example, In 2017 and 2018 the Michigan Department of Corrections (MDOC) allocated only 3% of their \$2 billion budget toward community corrections programming and 13% toward probation and parole supervision. In fact, the estimated millions saved from prison closures goes directly back into the state’s general fund where there is no ability to track nor require those dollars to be reinvested back into community-based programming or services to continue reduction of state incarceration levels.²⁵

WHAT’S UNDERWAY:

MICHIGAN’S SPECIALTY COURTS: Providing services to 97% of the state, Michigan hosts 185 problem-solving courts, including Drug Court, Mental Health Court and Veterans Court. Due to new legislative changes, statewide certification of these courts is underway to ensure that all counties are operating evidence-based models with fidelity.

MICHIGAN’S MENTAL HEALTH DIVERSION COUNCIL: Formed by executive order in 2013, the MHDC is charged with “reducing the number of people with mental illness or intellectual or developmental disabilities (including comorbid substance addiction) from entering the corrections system, while maintaining public safety.” It supports using the proven Sequential Intercept Model in 11 pilot sites in local systems to divert individuals with mental health issues or trauma needs away from the justice systems.

SWIFT AND SURE SANCTIONS PROBATION: (SSSPP) is an intensive probation supervision program that targets high-risk felony offenders with a history of probation violations or failures. Governed by MCL 771A.1 et seq., SSSPP is modeled on Hawaii’s Opportunity Probation with Enforcement (HOPE) program, which studies have shown to be very successful in improving the rate of successful completion of probation among high-risk probationers.

MICHIGAN DEPARTMENT OF CORRECTIONS SPECIAL ALTERNATIVE INCARCERATION (SAI) PROGRAM: The SAI program seeks to keep lower-risk probationers from going to prison and taking qualified prisoners out to a more cost-effective setting in three phases: (1) 90-day highly disciplined exercise regimen, meaningful work assignments, and other programming; (2) intensive community supervision; and (3) supervision similar to probationers.

COMMUNITY-BASED ALTERNATIVE SENTENCING PROJECTS: Community organizations across the state also provide innovative alternatives to incarceration. A few examples include:

- Southwest Detroit Community Justice Center, Community Court: Neighborhood-based case management and restitution opportunities for misdemeanor offenses as an alternative to jail time.
- KPEP: Operates residential and non-residential programs for adult offenders instead of prison.
- Street Outreach Courts - Washtenaw and Detroit: Works with homeless individuals to resolve certain civil infractions and misdemeanors.
- Families Against Narcotics’ Hope Not Handcuffs: People struggling with drug addiction can request help at participating police stations.

THE MICHIGAN COLLABORATIVE TO END MASS INCARCERATION is a broad-based, statewide, non-partisan alliance representing non-profit, faith-based, advocacy, grassroots, and service organizations that seek to create and restore healthy communities through the elimination of mass incarceration in Michigan. MI-CEMI believes incarceration must be regarded as a measure of last resort for all offenders, with the objectives of achieving a major reduction in the number of persons entering jail and prison, reducing the length of stay when persons are imprisoned, ensuring conditions of confinement that are conducive to genuine rehabilitation and training, and increasing the number of persons who are safely released from jail and prison facilities as well as their preparation and support when returning to their communities.

POTENTIAL ACTION ITEMS:

- **INCREASE INCENTIVES AND OPPORTUNITIES FOR LOCAL JURISDICTIONS TO IMPLEMENT COMMUNITY-BASED PROGRAMMING** like community corrections programming, restorative justice services, or therapeutic courts. Opportunities should especially focus on cross-system partnerships with traditional and non-traditional justice institutions, i.e. police, courts, corrections, community mental health, universities and colleges, public health agencies, business communities, etc.
- **SUPPORT CONTINUED RESEARCH, ANALYSIS, AND DATA COLLECTION FOR NEW OR ENHANCED EXISTING COMMUNITY-BASED PROGRAMMING**, including evaluating services, and measuring reported outcomes and successes to ensure services both protect public safety and rehabilitate.
- **ADJUST SENTENCING GUIDELINES SCORES TO MOVE PEOPLE FROM “STRADDLE CELLS” TO “INTERMEDIATE SANCTION” CELLS.** Specifically, this could target individuals with sentences of two years or less, including crimes as driving under the influence (3rd offense), delivering marijuana or small quantities of narcotics, and retail fraud.
- **REDUCE THE NUMBER OF TECHNICAL PROBATION AND PAROLE VIOLATORS WHO ENTER PRISON BY:**
 - Ensuring that the length, conditions and quality of supervision are appropriate to individuals’ needs and risk of reoffending;
 - Increasing the availability of cost-effective community-based reentry support for parolees; and
 - Standardizing permissible sanctions for technical violations of probation and parole supervision so that revocation and admission to prison occurs only for the most serious or persistent violators.
- **SUPPORT EDUCATIONAL OPPORTUNITIES THAT FOCUS ON BEST-PRACTICES OF COMMUNITY-BASED SERVICES, ANTI-BIAS TRAININGS, AND USE OF RESTORATIVE JUSTICE TECHNIQUES** and programs in the courtroom and among law enforcement and corrections staff.
- **REINVEST AND MONITOR SAVINGS FROM CLOSED PRISON FACILITIES INTO COMMUNITY-BASED ALTERNATIVES TO INCARCERATION.**

FOR MORE INFORMATION:

ACLU, Blueprint for Smart Justice – Michigan

<http://www.aclumich.org/sites/default/files/Smart%20Justice%20Michigan%20Blueprint%20to%20Reduce%20Prison%20Population.pdf>

Michigan Mental Health Diversion Council:

<https://www.michigan.gov/mentalhealth/0,4617,7-201-64984---,00.html>

Michigan Problem-Solving Courts and Swift and Sure Sanctions Probation:

<http://courts.mi.gov/administration/admin/op/problem-solving-courts>

VERA INSTITUTE OF JUSTICE:

Ending Mass Incarceration www.vera.org/ending-mass-incarceration

Human Toll of Jail <http://humantolloffail.vera.org>

Accounting for Violence: How to Increase Safety and Break Our Failed Reliance on Mass Incarceration <https://www.vera.org/publications/accounting-for-violence>.

The White House Council of Economic Advisors. (2016). Economic Perspectives on Incarceration and the Criminal Justice System. Washington, D.C.: Executive Office of the White House of the United States.

Council of State Governments, Justice Reinvestment www.justicereinvestment.org

Urban Institute, State Prison Population Forecaster

<https://apps.urban.org/features/prison-population-forecaster/>

ENDNOTES:

¹Wagner, P. & Sawyer, W, *Mass Incarceration: The Whole Pie*, Prison Policy Initiative (2018).

²The Sentencing Project, *Trends in U.S. Corrections: Fact Sheet* (2018); The White House Council of Economic Advisors, *Economic Perspectives on Incarceration and the Criminal Justice System*, Executive Office of the White House of the United States (2016).

³*Mass Incarceration: The Whole Pie* (2018).

⁴The Pew Center on the States, Public Safety Performance Project, *Time Served: The High Cost and Low Return of Longer Prison Terms* (2012).

⁵*Mass Incarceration: The Whole Pie* (2018).

⁶Mich. Dept. of Corrections, Office of Community Corrections, *Jail Population Information System (JPIS) Report* (2010) available at https://www.michigan.gov/documents/corrections/IPIS_-_CY_2010_344047_7.pdf.

⁷Vera Institute of Justice, *The Price of Prisons State Survey Data, Examining State Spending Trends 2010-2015* (2017), available at <https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends>.

⁸See, e.g., Haskins, AR., *Paternal Incarceration and Child-reported Behavioral Functioning at Age 9*, 52 SOC SCI RES. 18 (2015); Geller, A., *Paternal Incarceration and Support for Children in Fragile Families* 48 DEMOGRAPHY 25 (2011).

⁹See Medicaid and CHIP Learning Collaboratives, Centers for Medicare and Medicaid Services, Presentation, *Medicaid and Justice-Involved Populations: Strategies to Increase Coverage and Care Coordination*. August 2017, available at <https://www.medicaid.gov/state-resource-center/downloads/mac-learning-collaboratives/justice-involved-populations.pdf>.

¹⁰See e.g., DeVeaux, M., *The Trauma of the Incarceration Experience*, 48 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 257 (2013); Wallace, B.C., et. al., *Integrated Trauma Treatment in Correctional Health Care and Community-Based Treatment upon Reentry*, 17 J. OF CORRECTIONAL HEALTH CARE 329 (2011); Kubiak, S. P., *The Effects of PTSD on Treatment Adherence, Drug Relapse, and Criminal Recidivism in Sample of Incarcerated Men and Women*, 14 RES. ON SOC. WORK PRAC. 424, 424 (2004).

¹¹The Pew Charitable Trust, *Collateral Costs: Incarceration's Effect on Economic Mobility* (2010).

¹²Roeder, O., et al., *What Caused the Crime Decline?*, Brennan Center for Justice (2015) (finding a 0-1% relationship between use of incarceration and declining crime rates); Lofstrom, M. & Raphael, S., *Incarceration and Crime: Evidence from California's Public Safety Realignment Reform*, 664 THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE 196 (2016) (finding that the release of a significant number of California prisoners in 2011 had no impact on violent crime and a minimal effect on property crime).

¹³Mueller-Smith, M., *The Criminal and Labor Market Impacts of Incarceration* (Univ. of Mich. Dept. of Economics, Working Paper, 2015) (finding that each additional year spent in prison increased the odds that a prisoner would reoffend by 5.6 percent each quarter).

¹⁴Vera Institute of Justice, *Price of Prisons State Survey Data* (2017).

¹⁵Beitsch, Rebecca, "States consider restorative justice as alternative to mass incarceration," PBS Newshour, Jul. 20, 2016.

¹⁶Vera Institute of Justice, *Price of Prisons State Survey Data* (2017); Paul Egan, "Why Michigan is closing Ojibway Correctional Facility in the U.P.," Detroit Free Press, Aug. 14, 2018.

¹⁷The Sentencing Project, *State by State Data*, available at <https://www.sentencingproject.org/the-facts/#rankings?dataset-option=SIR>

¹⁸The Sentencing Project, Fact Sheet: *Facts about Prisons and People in Prisons* (2017), available at <https://www.sentencingproject.org/wp-content/uploads/2016/02/Facts-About-Prisons.pdf>

¹⁹Collier, L., American Psychological Association, *Incarceration Nation* 45 MONITOR ON PSYCH. 56 (2014).

²⁰Levine, B., *10,000 Fewer Michigan Prisoners: Strategies to Reach the Goal*, Citizens Alliance on Prisons and Public Spending (2015).

²¹*Id.*

²²*Id.*

²³Solomon, A. et al., *Prisoner Reentry in Michigan*, Urban Institute (2004).

²⁴See e.g. Just Leadership USA and Michigan's Nation Outside

²⁵See Goldman, M., *As Michigan's prisoner population falls, another state prison could close its doors*, Michigan Radio, June 5, 2018.

REDUCING LENGTH OF PRISON STAYS

THE ISSUE:

In the past decade, many states have begun reconsidering the value of a “tough on crime” stance and are slowly adjusting criminal justice policies to shorten prison stays, motivated by overcrowded prisons, tight budgets, and data-driven decision-making.

Many of these changes are due to research showing that the benefits of incarceration to society often do not outweigh the costs.¹ Evidence suggests that longer sentence lengths have little deterrent impact on offenders. For example, one notable study found that a 10 percent increase in average sentence length corresponds to a zero to 0.5 percent decrease in arrest rates.² Longer stays of incarceration may also actually do more harm than good. Various studies focus on the added external costs of incarceration, such as the adverse effects on the families of people in prison, the increased chances for victimization while behind bars, and the long-term harms of employment prospects, mental health and overall well-being for those who have returned to the community.³

Nonetheless, millions still remain in prisons across the country each day. And, while the numbers of individuals receiving prison sentences has begun to decline, those who enter are receiving longer sentences than ever before. Nationally, 1 out of 7 people currently in prison have a life or virtual life sentence⁴ and the average time served has risen by five years in the past decade.⁵

In Michigan, the average length of stay for the prison population as a whole has risen by two years since 1998;⁶ for the most serious crimes, the length has risen by 16 years.⁷ People in Michigan prisons serve an average of 127% more than their minimum sentence and stay an average of 50% longer than the national rate.⁸ This includes many who have a low risk of reoffending.⁹ Today, about 10% of the state prison population is serving life without the possibility of parole, and about 1 in 4 are serving either life terms or 25 or more years as minimum sentences.¹⁰

Length of stay in Michigan has also increased if measured by the average sentence for people sent to prison in a given year. For example, individuals in prison will currently serve on average at least 2.7 months longer than compared to the 2008 average.¹¹

CHALLENGES:

LINGERING “TOUGH ON CRIME” POLICY CHANGES CONTINUE TO DRIVE LENGTH OF STAY: Sentence length in Michigan has risen steadily since a wave of “tough on crime” policies implemented in the 1980s and 90s. Twenty years ago, the state legislature passed strict sentencing guidelines and “truth in sentencing” policies which mandated that minimum sentences be given and fully served. Since that time, state policymakers have also created many new crimes and increased penalties on existing ones. The overall impact of these sentencing changes has not been systematically studied and data is generally insufficient to examine such things as racial or geographic bias, or the impact of habitual offender and felony firearm laws.

SENTENCING GUIDELINE CHANGES ARE POSITIVE, BUT INCONSISTENT: In 2015 the Michigan Supreme Court held the sentencing guidelines were advisory rather than mandatory. Judges must now consider the recommended range at sentencing, but they have greater discretion to depart from the range so long as they articulate reasons for doing so on the record.¹² Although the number of sentences departing from the sentencing guidelines is greater than in the past, in practice many judges continue to follow the recommended range.

“TRUTH IN SENTENCING” INCREASES LENGTH OF STAY AND ELIMINATES KEY INCENTIVES FOR GOOD BEHAVIOR IN PRISON: Michigan’s unique “truth in sentencing” law requires all prisoners to serve 100% of their minimum sentence in prison. Most other states have some sort of “good time” or “earned credits” giving incentives for those in prison to stay out of trouble and invest in their own rehabilitation. Michigan does not. This results in longer time-served and eliminates any opportunity for the use of behavioral incentives.

PEOPLE IN MICHIGAN’S PRISONS ARE GETTING OLDER AND NEED INCREASED MEDICAL CARE: Michigan spends over \$300 million annually on prisoner health care, among the highest amounts of spending on prison health care in the country.¹³ This is largely due to Michigan’s disproportionately old and aging prison population. The state has the highest average age of prisoners in the country, 39 years old, and nearly one-quarter of Michigan prisoners are over 50.¹⁴ Medically frail inmates are typically 3-5 times more expensive to care for than other inmates. Research shows that despite the fact that these prisoners are typically serving long sentences for violent crimes, their risk of reoffending is dramatically reduced because of their age and fragility.¹⁵

EVIDENCE OF WHAT WORKS IS NOT ALWAYS COMMUNICATED TO DECISION-MAKERS: Elected officials are often unaware of the research demonstrating the negative impacts of prolonged sentences, and can feel politically vulnerable if advancing what may be perceived as a “soft on crime” approach, particularly during election cycles. Uninformed rhetoric in the political sphere can wedge barriers between victims and offenders, preventing harms from being resolved and extending unnecessarily harsh sentences.

WHAT’S UNDERWAY:

- Policy amendments to permit medically frail prisoners to receive care outside of prison.
- New policy changes to establish that objective, evidence-based factors be used as the primary criteria for parole decisions.
- **THE “GOOD TIME” BILLS:** In legislative session 2017-18 House Bills 5665, 5666, and 5667 have been introduced to restore “good time” credits in Michigan’s prison system.
- **PEOPLE V. LOCKRIDGE, 498 MICH 358 (2015):** The Michigan Supreme Court found that the state’s sentencing guidelines are advisory and struck down the requirement that a sentencing court provide a substantial and compelling reason to depart from the guidelines range.

POTENTIAL ACTION ITEMS:

- **SUPPORT THE CREATION AND FUNDING OF AN INDEPENDENT SENTENCING COMMISSION** to comprehensively study and recommend reforms to Michigan’s sentencing policies, sentencing guidelines, and the impacts from the lengths of stay among the state’s prison population.
- **RESTORE “GOOD TIME” OR A FORM OF EARNED CREDITS FOR ALL PRISONERS**, but particularly those serving long sentences in prison. In 2015, this reform was estimated to save 1,255 prison beds - enough to close an entire prison - and save the Michigan Department of Corrections (MDOC) \$20-\$30 million annually.¹⁶
- **ESTABLISH ANTI-BIAS AND OTHER BEST-PRACTICE TRAININGS AND EDUCATIONAL OPPORTUNITIES FOR PROSECUTORS AND JUDGES.**



- **ENCOURAGE PROSECUTORS TO SHIFT FOCUS TOWARDS THE CHARGING ON LOWER END OF THE SENTENCING GUIDELINES AND LIMIT CHARGING ON LOWER-LEVEL OFFENSES.**¹⁷
- **PERMIT PAROLE OF MEDICALLY FRAIL PRISONERS** to allow them to be moved from the most expensive location, prison, to outside nursing facilities where their medical care can be paid for by Medicaid instead of the MDOC.
- **RELEASE LOW-RISK PRISONERS ON PAROLE WHEN FIRST ELIGIBLE** unless there is objective evidence the prisoner would pose a threat to public safety if released.
- **REVIEW SENTENCING POLICIES OVERALL**, especially eliminating or limiting the use of mandatory minimums for certain offenses, including:
 - 1st Degree Murder, which mandates a sentence of life without possibility of parole (MCL 750.316). This accounts for roughly 10% of the prison population today.
 - Felony firearm (MCL 750.227b), which mandates a 2-, 5- or 10-year mandatory consecutive sentence for possessing a gun while you commit a felony. This would reduce the sentence of about 1000 people currently in prison.
 - 4th degree violent habitual offender (MCL 769.12), which mandates a 25-year minimum sentence.
- **INCREASE THE SIZE AND TRANSPARENCY OF THE MICHIGAN PAROLE BOARD.**
- **SUPPORT INCREASED APPELLATE REVIEW OF SENTENCES**, including funding for training and resources for the State Appellate Defender Office.

FOR MORE INFORMATION:

Safe & Just Michigan, Reforming Sentencing Policies:

https://www.safeandjustmi.org/our-work/reforming_sentencing_policies

CAPPS (2015). 10,000 fewer Michigan prisoners: Strategies to reach the goal:

https://www.safeandjustmi.org/wp-content/uploads/2017/10/10000_fewer_Michigan_prisoners.pdf

Anne Yantus, Sentence Creep: Increasing Penalties in Michigan and the Need for Sentencing Reform, 47 U. Mich. J. L. Reform 645 (2014). Available at:

<https://repository.law.umich.edu/mjlr/vol47/iss3/3>

Michigan State Appellate Defender Office, Sentencing Guidelines:

<http://www.sado.org/Page/37/Sentencing-Guidelines>

Urban Institute, 2017, A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons: <http://apps.urban.org/features/long-prison-terms>

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<https://www.sentencingproject.org/publications/still-life-americas-increasing-use-life-long-term-sentences>

The Council of State Governments Justice Center (2013). Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System:

<http://csgjusticecenter.org/jr/michigan/publications/applying-a-justice-reinvestment-approach-to-improve-michigans-sentencing-system>

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⁶Compare Michigan Dept. of Corrections, *2016 Statistical Report* (2017) to Michigan Dept. of Corrections, *1998 Statistical Report* (1999).

⁷*A Matter of Time* (2017).

⁸The Pew Center on the States, *Time Served: The High Cost, Low Return of Longer Prison Terms* (2012); House Fiscal Agency, *Legislative Analysis of H.B. 4138* (2015) at 6, available at <http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-4138-F5883670.pdf>.

⁹Levine, B., *10,000 Fewer Michigan Prisoners: Strategies to Reach the Goal*. Lansing, MI: Citizens Alliance on Prisons and Public Spending (2015).

¹⁰Michigan Dept. of Corrections, *2016 Statistical Report* (2017).

¹¹*10,000 Fewer Michigan Prisoners* at 33.

¹²*People v Lockridge*, 498 Mich 358, (2015).

¹³The Pew Charitable Trusts, *Prison Health Care: Costs and Quality How and Why States Strive for High-performing Systems* (2017).

¹⁴Michigan Dept. of Corrections. *2016 Statistical Report* (2017).

¹⁵See e.g., Center for Justice, Columbia University, *Aging in Prison: Reducing Elder Incarceration and Promoting Public Safety* (2015).

¹⁶*10,000 Fewer Michigan Prisoners* at 78.

¹⁷See e.g., Equal Justice Initiative, *Philadelphia District Attorney Advances Criminal Justice Reforms* (Mar. 19, 2018) available at <https://eji.org/news/philadelphia-district-attorney-advances-criminal-justice-reforms>.

REMOVING POST-INCARCERATION BARRIERS

THE ISSUE:

Over 95% of the 40,000 people incarcerated in Michigan prisons are expected to return to their communities. Unfortunately, individuals leaving prison or long-term jail stays have historically encountered significant obstacles transitioning home. Like many who enter the criminal justice system, people returning to the community typically have educational and employment deficits, mental health and substance use problems, and unstable households and family relationships that have been strained by extended time in prison. Nationally, people recently released from prison are nearly 12 times more likely to be homeless than the general population.¹ Further, these individuals face a mortality rate 13 times greater than their counterparts, especially in the first few months after release, due to significant threats of drug overdose, homicide or suicide.²

Formerly incarcerated people face lifelong stigma that can impact their ability to obtain meaningful employment, adequate housing, and positive social supports, which are important predictors of recidivism.^{3,4} For example, the unemployment rate for the formerly incarcerated is 27% - nearly five times higher than the general population and higher than the highest unemployment rate during the Great Depression.⁵

Strong reentry and aftercare services are paramount to ensuring that a person does not return to the justice system. This is especially true for those who score medium or high risk for violence or reoffending on a validated risk assessment tool. It is critical that people in prison receive evidence-based services and support linked to their identified risks and criminogenic needs (e.g. housing, employment, physical and behavioral healthcare) from the time of their intake into prison, throughout their incarceration, and during their transition and term of parole supervision, to ensure successful reintegration.⁶

In Michigan, efforts that began in 2005 with the launch of the Michigan Prisoner Reentry Initiative have contributed to dramatically reducing recidivism from a high of 45.7% to the current low of 28.1%.⁷ And while that is an achievement of which the Department of Corrections and many

community stakeholders can be proud, it means that nearly 1 in 3 people released from Michigan prisons are still returning to prison within three years of release.⁸

One of the cornerstones of effective reentry is coordination between community stakeholders to assist with individual case planning, as well as broader strategic planning in the community to ensure that services are available and accessible to returning citizens. Several core practices of the National Institute of Correction's research-based Transition to Prison Model include:

- Mobilizing interdisciplinary, collaborative leadership teams to guide reentry efforts at state and local levels.
- Engaging in a coordinated planning process to carefully define goals, develop a clear understanding of the reentering person's strengths and needs, review existing policies, procedures, and resources for reentry with close communication and collaboration among prison officials, releasing authorities, post-prison supervision staff, and non-correctional community agencies.
- Assuring that transitioning individuals are provided basic survival resources such as identification documents, housing, appropriate medications, linkages to community services and informal networks of support before, during, and after they are released from prison.
- Implementing valid assessments and measuring change at various stages of the returned citizen's movement through the system to track success towards specific outcomes.
- Targeting effective interventions, based on good research to address the offenders' risks and criminogenic needs identified by assessments.⁹



CHALLENGES:

LIMITATIONS ON EMPLOYMENT, HOUSING, PUBLIC BENEFITS, MEDICAL CARE AND FAMILY CONNECTEDNESS CAN SIGNIFICANTLY PREVENT SUCCESS FOR RETURNING CITIZENS:

Having stable housing, community support, earning opportunities and accessible healthcare (including mental health and substance use disorders treatment) all increase the likelihood of success for people returning from prison. But many state laws prevent access to these basic needs. For example, Michigan categorically bans employment of the formerly incarcerated in many high-employing industries, like healthcare. While the state and local government can restrict access to employment through occupational licensing, it conversely has no ability, in light of recent legislation, to limit questions private employers can ask candidates on hiring applications related to criminal history.¹⁰ Public benefits like subsidized housing, food assistance, and state disability pay can be reduced or removed for certain categories of offenders. Parental rights can be terminated and chances for reunification are low, especially if the children were forced to enter foster care due to the person's incarceration.¹¹

PEOPLE RETURNING FROM PRISON OR JAIL OFTEN FACE HEAVY STIGMA FROM THEIR COMMUNITY, COMPOUNDING ALREADY LIMITING REENTRY POLICIES:

The stigma or label of being a “criminal” does not simply disappear after leaving the criminal justice system. Aside from the multitude of laws restricting a person's ability to return to a “normal” life, many employers, landlords, professional associations, private financial institutions, etc. can simply refuse to associate with a person who has a felony conviction, despite their qualifications. This often leads to returning citizens seeking housing in high risk, underserved neighborhoods. The negative effects of having a criminal record have been shown to be exacerbated for African Americans, who may already experience racial discrimination in the labor, housing and credit markets. A study from Northwestern University that tested the effect of race and criminal history on the number of “call-backs” received for entry-level employment positions found that the negative impact of having a criminal record on African-American applicants was greater than it was for whites and that whites with criminal records were still more likely to receive a call-back than African-American applicants without criminal records.¹²

FINES AND FEES CONTINUE AFTER REENTERING THE COMMUNITY FROM INCARCERATION:

Even after a person has served time or completed their sentence, remaining financial obligations often become a burden for those trying to leave the justice system behind them. This includes fees associated with jail and prison stays, as well as costs charged by therapeutic courts, probation surveillance services or even parole board fees after a person has completed their sentence. If not paid, all fines, fees and costs associated with entering the criminal justice system, can be,

and often are, reported to credit bureaus and/or wages can be garnished. Additionally, many of the financial challenges associated with poverty, such as child support arrears and outstanding driving fines and fees are exacerbated following a period of incarceration.

FUNDING CUTS HAVE DIMINISHED THE USE OF EFFECTIVE COMMUNITY-BASED REENTRY SERVICE MODELS: In 2006, Michigan embarked on a unique collaborative prisoner reentry effort, the Michigan Prison ReEntry Initiative (MPRI). The MPRI model centered around providing moderate and high-risk prisoners with a seamless plan of services and supervision starting at the time of entry into prison through transition, reintegration and aftercare in the community. A hallmark of the program was the robust partnership between state and local agencies, and the private and non-profit sector. By 2010, the MPRI included every Michigan county and every state department that provides services to returning citizens. As a result Michigan witnessed:

- An overall 18% reduction in returns to prison between 2005 and 2007 and a 28% reduction in returns to prison between 2000 and 2008;¹³
- A recidivism improvement of 38% for returning citizens;¹⁴
- The steepest reduction of a prison population in the shortest time frame of any state in the nation: Michigan's prison population declined over 12% in three years and 17% in five years.¹⁵

Despite its success, funding for prisoner reentry services has been reduced by nearly 60% since its peak in 2010, and as a result, communities have lost critical support for building collaborative partnerships around prisoner reentry services. While MDOC reentry dollars have supported new in-prison reentry innovations, like the Vocational Villages, these programs must be matched with real-world services and supports in the community. Both are critical for continued success and rehabilitation of returning citizens.

LACK OF DATA TO SUPPORT EFFECTIVE PLANNING: Since 2012, there has been no systemized way of knowing who is being released, their risk and need levels, their need for services, nor their individual strengths. Thus, case planning, coordination, and implementation of Michigan's reentry programming is more difficult and less effective.

WHAT'S UNDERWAY:

MDOC'S VOCATIONAL VILLAGE: In addition to the existing vocational training programs at various prison facilities such as Hydroponics and Food Technology, a robust skilled trades training program is now available at two Michigan prisons, Richard A. Handlon Correctional Facility in Ionia and the Parnall Correctional Facility in Jackson, with plans to expand to the Huron Valley Women's Facility.

IN-PRISON PROGRAMMING AT MDOC'S DETROIT REENTRY CENTER: Options include Thinking for a Change, substance abuse and domestic violence reduction programming, vocational training, and employment readiness services with the Detroit Employment Solutions Corporation.

GOODWILL INDUSTRIES, FLIP THE SCRIPT: A self-empowerment program designed to put Wayne County's at-risk men and women to work by breaking down employment barriers. In 2016, 1,306 individuals were enrolled in Flip the Script and 125 entered GED preparations. Of the individuals in the program, 28 obtained an occupational license, 27 earned an industry-recognized certification and 431 were placed in competitive employment.

CENTER FOR EMPLOYMENT OPPORTUNITIES: The nationally recognized Center for Employment Opportunities has opened a Detroit office to offer immediate and comprehensive employment services to men and women with recent criminal convictions.

DETROIT JUSTICE CENTER: DJC helps to remove legal barriers for returning citizens such as criminal record expungements, suspended driver's licenses, outstanding warrants, or clearing criminal justice debt and assist clients in remaining out of jail, holding onto employment, and keeping families intact.

RECENT POLICY CHANGES OR LEGISLATIVE REFORM EFFORTS:

- State departments, including the MDOC, are now allowed to hire people with felony records and no longer inquire about past felony convictions on job applications.
- Public Act 339 of 2018 sets clear, objective parole guidelines for determining whether a low-risk incarcerated person is eligible to leave prison at their earliest release date. In situations where a high probability of parole exists, the state Parole Board may only deny parole under a codified list of substantial and compelling reasons.

- Proposed legislation HB 4798, 4790 and 4835 of 2018 would expand access to expungement for people that receive multiple convictions for the same act.
- Proposed legislation HB 5450-52 of 2018 would reduce or eliminate many restrictions on the ability of healthcare facilities to hire people with criminal records.
- Proposed legislation HB 6110-13 of 2018 would reform licensing laws to permit licensure if a person's criminal history is not relevant to the job.

POTENTIAL ACTION ITEMS:

- **REPEAL LAWS AND REGULATIONS THAT PREVENT EMPLOYERS FROM HIRING INDIVIDUALS WITH A CRIMINAL RECORD.**
- **EDUCATE EMPLOYERS AND THE BUSINESS COMMUNITY ON THE OPPORTUNITIES TO WORKING WITH THOSE WHO WERE FORMERLY INCARCERATED.** This could include creating employer toolkits on how to best work with people with a criminal record.
- **ENGAGE WITH PRIVATE LANDLORDS, HOTELS, AND RENTAL COMPANIES TO CREATE SOLUTIONS TO HOUSING LIMITATIONS FOR PEOPLE RETURNING TO THE COMMUNITY.**
- **EXPAND ELIGIBILITY OF EXPUNGEMENT AND ALLOW FOR AUTOMATIC EXPUNGEMENT OF ELIGIBLE CRIMES FOR REHABILITATED INDIVIDUALS.**
- **REQUIRE STATE AGENCIES TO PREFER OR INCENTIVIZE PRIVATE CONTRACTORS OR COMPANIES THAT HIRE FORMERLY INCARCERATED PEOPLE.**
- **ENGAGE FORMERLY INCARCERATED INDIVIDUALS IN PUBLIC EDUCATION AND POLICY STRATEGIES** to reduce stigmas against people with criminal records and change corrections and law enforcement culture towards rehabilitative practices.
- **EXPAND THE COLLECTION AND ANALYSIS OF COMPREHENSIVE DATA ON EXISTING REENTRY SERVICES.** This could include a program audit from the State Auditor General to evaluate the substantive and financial impact of current reentry services used by the MDOC and county-level programming.

- **RESTORE FUNDING TO ENSURE SUFFICIENT SUPPORT FOR COMMUNITY-LED PLANNING AND SEAMLESS SERVICE DELIVERY FOR EVERY RETURNING CITIZEN WITH MODERATE TO HIGH RISK OF RE-OFFENDING** so that they have access to housing, employment, trauma-informed behavioral health services, transportation, mentoring and family support services.
- **CODIFY AND FULLY FUND THE EVIDENCE-BASED MICHIGAN PRISONER REENTRY (MPRI) MODEL** including policies on community engagement and ownership and community-based services which begin prior to release and extend throughout parole supervision.
- **LIMIT THE USE OF FINES AND FEES ON PEOPLE CONVICTED WITH CRIMES AND EXAMINE WAYS TO REDUCE THE IMPOSITION OF COSTS THAT CREATE ADDITIONAL BARRIERS TO REENTRY.**

FOR MORE INFORMATION:

Michigan Council on Crime and Delinquency, Center for Justice Innovation:

<https://www.miccd.org/centerforjusticeinnovation>

Safe & Just Michigan, Second Chances: https://www.safeandjustmi.org/our-work/second_chances/

Michigan State Appellate Defender Office, Civil Consequences:

<http://www.sado.org/Page/38/Collections-Civil-Consequences>

COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER:

National Reentry Resource Center: <https://csgjusticecenter.org/nrrc>

Clean Slate Clearinghouse: <https://cleanslateclearinghouse.org/>

PRISON POLICY INITIATIVE, 2018 REENTRY-RELATED REPORTS:

Nowhere to Go: Homelessness among Formerly Incarcerated People.

<https://www.prisonpolicy.org/reports/housing.html>

Out of Prison & Out of Work: Unemployment among Formerly Incarcerated People.

<https://www.prisonpolicy.org/reports/outofwork.html>

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³Nally et al., *Post-Release Recidivism and Employment among Different Types of Released Offenders*, *International Journal of Criminal Justice Sciences*, Vol 9 Issue 1 (2014).

⁴Berg and Huebner, *Reentry and the Ties that Bind: An Examination of Social Ties, Employment, and Recidivism*, *Justice Quarterly* Volume 28-2 (2011).

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¹⁵Michigan Dept. of Corrections, *2016 Statistical Report* (2017).