



# MI-CURE NEWS

A QUARTERLY PUBLICATION OF  
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August 2023

## PRISON PROGRAMMING

Once again, we are highlighting unique programs introduced in prisons throughout the country.

### Visits

Once a month, the “Reunification Ride” takes a bus load of kids and caregivers on a 3-hour ride from Chicago to the Logan Correctional Facility to visit women incarcerated there. The children are given snacks, games, water, and coloring supplies to entertain them on the ride. When they arrive at Logan, they spend time in the gym that has been decorated by the incarcerated women. The gym provides a more welcoming atmosphere than the typical visiting room.

The program was initially supported with public funding. That ended during a state budget impasse in 2015. It is now operated by nonprofit organizations that rely on crowdsourcing and volunteers. Each trip costs between \$3,000 and \$3,500.

### Reducing Separation

Four states and the federal prison system have implemented policies to require that parents be detained within a specified distance of their kids so that children have easier access to their caregivers. Eight states have passed laws to require that a convicted person’s status as a caregiver be considered a mitigating factor in their sentencing or that the parent be given priority access to diversion or an alternative to incarceration. Three other states are considering caregiver laws. The laws vary significantly.

### Dancing

The dance classes at California State Prison began when two incarcerated men wrote a proposal to use dance for rehabilitation. They taught the class, focusing on routines to hip-hop and R&B tracks. The two men were involved in other arts classes as well – one led by an English professor at California State University. They asked the professor if he could find a teacher for their dance class.

The professor knew they were looking for a hip-hop person, but felt that would have reinforced all of the stereotypes they were trying to leave behind. So, instead, he brought in Dimitri Chamblas, a dancer and choreographer trained in ballet. Early in his career, Chamblas had partnered with another dancer to

choreograph routines that broke the rules he’d been taught about concealing weight, fatigue, and the sounds of effort.

He began immediately to engage the men in movement exercises, sharing weight with their eyes closed, and trying to dance big in a small room. After the session, the men spontaneously started telling their stories to Chamblas. He continued to push the men with prompts like stay physically connected to one another without using hands or let vibrations inside the body expand outward. They used prison experiences to guide their work, like freezing on the floor when an alarm sounds, periodic roll calls, or barbed phrases.

The men shared the following observations regarding the impact. “Totally out of our comfort zone.” “We were hardcore gang members. But I’ve been able to find myself, and I like myself better now.” “If you can make it in this class, you have no fear of what anybody else thinks of you. That’s proof of rehabilitation right there.”

The class was interrupted by the pandemic. When it restarted, only one original member remained at the institution. The new members benefitted as well. “It teaches you to have empathy for yourself, as well as others.” “I still get angry, where... a year ago (I) would’ve put hands on somebody, and now I walk away.”

The group recently performed for a group of approximately 40 guests. One observer noted, “Every time the men touched one another or carried one another, they seemed to defy the environment where such expressions of trust and tenderness are rare, even dangerous. This had a brave beauty.”

### Theatre

Richard Loya went to prison when he was 16 years old. To avoid showing he was scared, he pretended to be angry. Over the years in prison, he took dozens of classes; none resulted in significant changes. Eventually, he participated in a 7-day intensive class with the Actors’ Gang Prison Project where he put on costumes, played games, and did exercises. He was allowed to be vulnerable. By the third day, he had cried at least twice and began feeling the change. A year later, he received a parole and now he is going back into the system to co-direct a play.

### Turning Prisons into Schools

In a recent TEDx talk at the Monroe Correctional Complex, John L. argued that we should be turning prisons into schools. He began with the argument that crime is a symptom, rather

than the problem. The heart of the problem of crime and recidivism, he believes, is lack of education.

His vision is that we should dedicate a small number of prisons for assessment, placement, and behavior management. All other prisons should be converted to high schools, vocational and trade schools, technical institutions, and colleges.

Recognizing that individuals cannot be coerced or forced to learn, the approach would be to direct incarcerated individuals who possess talent or interest into settings where they can practice those skills and pursue those interests. He would replace security screening teams with community conferences, opening the institutions to the public so they will understand the rehabilitative efforts taking place. John L. envisions replacing custody levels with grade levels. Progress made by individuals would lead to more access to training and education. In the end, an individual would graduate into society.

He stresses that he is not advocating simply bringing education into the prisons. We need to change the institutions into school and change the environment that is currently destructive and counterproductive. In his view, everyone would gain: staff, the incarcerated, and society.

### Value of Educational Programming

Two professors at Middle Tennessee State University recently completed a meta-analysis of 148 results from 78 of the highest-quality research papers and studies of prison education and workforce programs. The study by Steven Sprick Schuster and Ben Stickle showed that these programs reduced the likelihood of recidivism by 14.8%, increased the likelihood of employment by 6.0%, and increased quarterly wages by \$131. While the return on investment was positive for all programs, participants benefitted most from college programs and taxpayers benefitted most from vocational programming.

The authors made three policy recommendations:

- Create educational and training programs and expand existing programs in prisons
- Keep educational programs free to prisoners.
- All four forms of education (ABE, secondary, vocational, and college) are beneficial and should be offered to incarcerated individuals

### Pell Grants

In 1994, Congress passed a law that made incarcerated individuals ineligible for Pell Grants to fund college programming. In 2015, the Obama administration initiated a pilot program to offer the program in 141 correctional facilities. Beginning July 1 of this year, most incarcerated people became eligible to receive Pell Grant student aid.

“The Associated Press reports that the change will give an additional 30,000 students behind bars access to some \$130

million in financial aid per year. In all, 760,000 incarcerated people could be newly eligible for aid according to the Department of Education, though many prisons don’t yet have capacity or higher education partners.”

### Aquaponics

The nonprofit organization 100 Gardens is teaching aquaponics to individuals incarcerated at the Cabarrus County Correctional Facility in South Carolina. Aquaponics combines fish farming (in this case tilapia) with plants. The fish produce natural fertilizer for the plants, while the plants help to purify the water for the fish. The facility currently uses the technique to grow its own food.

*Sources: “This rare, underfunded program is a crucial lifeline for incarcerated moms and their kids,” by Claire Savage, AP News, June 5, 2023; “How 12 states are addressing family separation by incarceration – and why they can and should do more,” by Emma Williams, Prison Policy Initiative, February 27, 2023; “Can a Dance Class Free Men’s Bodies in a Place Meant to Contain Them?” by Brian Seibert, New York Times, June 7, 2023; “Bringing Down the (Big) House,” by Richard Loya, AARP the Magazine, June/July 2023; “Turning Prisons into Schools,” by John L., TEDx Talk at Monroe Correctional Complex, June 23, 2023; “Research Finds Prison Education Programs Reduce Recidivism,” by Holly Wetzel, Mackinac Center for Public Policy, January 26, 2023; “Students Behind Bars Regain Access to College Financial Aid,” The Marshall Project, July 8, 2023; “Nonprofit teaches prisoners how to grow food with aquaponics behind bars,” by Jordan Kudisch, Spectrum News 1, July 26, 2023*

### FOOD SERVICE

According to the Michigan Agricultural Council, Michigan is one of the most agriculturally diverse states in the country.

The organization cites the following statistics:

- There are more than 46,000 farms in Michigan averaging 211 acres.
- 99% of farms in Michigan are family-owned.
- Michigan farmers produce more than 300 agricultural products.
- Michigan food and agriculture contributes more than \$104.7 billion to the state’s economy.
- Farmers and producers employ 22% of Michigan’s workforce.

Nationally, Michigan ranks high in the production of many products, including the following:

- First in the production of asparagus, tart cherries, cucumbers for pickling, dry black beans, cranberry beans and small red beans, chestnuts, winter squash & turnips.
- Second in the production of celery, fresh market cucumbers, all dry beans, & squash
- Third in the production of apples, blueberries, fresh market pumpkins, & summer squash

- Fourth in the production of carrots, hops, sweet cherries, sugarbeets, & fresh sweet corn
- Fifth in the production of all fruits and nuts, mint, bell peppers, tomatoes for processing

If the state of Maine can locally source much of the food for its incarcerated men and women, surely Michigan farmers and producers can provide for those incarcerated in Michigan.

### COMMISSARIES

In an effort to determine how inflation has impacted incarcerated people, the Marshall Project recently requested commissary prices from the department of corrections in all 50 states. Twenty-six departments responded. Not surprisingly, the lists and prices varied from state to state and there were a variety of suppliers. As might be expected, incarcerated people are spending more for staple items than they were a year ago.

This is, of course, particularly problematic for the incarcerated. As the Marshall Project pointed out, “Prison wages are notoriously low.” “Inedible or mysterious food, small portions, and hunger are common in prison.” If meals were healthy and sufficient, people wouldn’t need to supplement their diets from the commissary. If wages were reasonable, purchasing from the commissary would be affordable.

Regulation of commissaries varies from state to state. In some cases, the contract is negotiated at the facility level. In other cases, there is a state-wide contract. In some cases, the state regulates how often price increases can occur and how much the increase can be. In other cases, there is no regulation.

The Marshall Project reports that prison suppliers have had record profits. Aramark reported \$16 billion in revenue in 2022, 35% increase from 2021 and the highest income ever recorded by the company. Keefe is a billion-dollar, privately-held company, which does not publicly report its revenue.

There has been some push back on commissary pricing. Nevada eliminated markups on hygiene products that had led advocates to testify before the legislature. Advocates in California and Virginia are pressing to eliminate and regulate markups.

In **Texas**, the price of bottled water in prison commissaries increased 50% in June. “About two-thirds of Texas prisons lack air conditioning, and 271 deaths between 2001-2019 may have been caused by extreme heat days...” The prison system is blaming the state comptroller for the recent price hike; the comptroller claims the change was made in concert with the prison system. It is worth noting that incarcerated people in Texas are not paid for the work they do.

*Sources: “Why Inflation Price Hikes Are Even Worse Behind Bars,” The Marshall Project, May 2, 2023; “Texas charges prisoners 50% more for water as heat wave continues,” by Paul Flahive, Texas Public Radio, July 20, 2023*

### PRISON TELEPHONE SYSTEMS

#### Free Phone Calls

On May 3, the Colorado Senate voted 23-12 to pass a house-initiated bill to make prison phone calls free. On May 19, Minnesota Governor signed a budget bill to make prison phone calls free in that state. The two states join Connecticut and California in providing free phone calls in state prisons. Among the cities that offer free calls are New York, San Francisco, San Diego, Miami, and Louisville.

Beginning in October, incarcerated people in Florida will be eligible for one free 15-minute phone call if they have not received a disciplinary report in three months. A recent budget bill will enable the state’s Department of Corrections to allocate \$1 million to the pilot program.

#### Michigan

Michigan will not join other states in providing free phone calls this year. Funding has been provided in the budget bill to transition Michigan’s current telephone security system from the ViaPath Technologies (the phone service provider) to the MDOC. That could lead to a reduction of 16 to 30% in the per-minute cost of phone calls.

*Sources: Worth Rises Email, May 4, 2023; “People in Florida prisons will get free calls for good behavior in new program,” by Amanda Rabines, Tampa Bay Times, June 27, 2023; “Cheaper phone calls to Michigan prisons would help families stay connected, advocates say,” by Alyssa Burr, MLive, June 1, 2023*

### COALITION FORMED TO END THE TRIAL PENALTY

“Twenty-four criminal justice organizations, impacted people, think tanks, academics, activists, and reform leaders from across the ideological spectrum (and across the country) have united to end the trial penalty – the substantial and coercive difference between the sentence in a plea offer prior to trial versus the much greater sentence a defendant often receives after the trial.”

People who go to trial and are convicted face sentences that are, on average, three times the plea offer. Today, more than 97% of cases that end in convictions never went to trial.

Clark Neily, Senior Vice President for Legal Studies at the Cato Institute explained, “It’s no accident that more than half the Bill of Rights is devoted to the subject of criminal jury trials. The Founders’ decision to put citizen participation at the very heart of the administration of criminal justice is unmistakable, and our decision to replace that process with one of plea-driven mass adjudication has led to countless false convictions, swept untold amounts of police and prosecutorial misconduct under the rug, and thoroughly undermined the moral and political legitimacy of America’s criminal justice

system.”

Martin Sabelli, immediate past president of the National Association of Criminal Defense Lawyers stated, “This Coalition – which spans the ideological, political, and professional spectrum – will breathe life into the criminal legal system by identifying and dismantling the laws, policies, and practices that have undermined the vision of the Framers. Forty years of coercive plea bargaining is enough. It is time to restore the balance that protects liberty and freedom.”

The coalition envisions the necessary changes coming about through a variety of mechanisms including legislation, policy changes, data tracking, training, incentives, court rules, actions of involved agencies, executive action, and public education and advocacy. The following is a summary of the reforms they hope to see enacted.

**Mandatory Minimum Sentences:** Judges should be able to issue sentences based upon the facts and circumstances of each case. Prosecutors should have good cause for charging a crime that has a mandatory minimum and should make that decision prior to offering a plea. Prosecutors should not add charges that carry mandatory sentences simply because someone refuses a plea agreement. Supervisory approval should be required to add such charges later to discourage their use as punishment in plea offers.

**Discovery Practices:** All evidence, including exculpatory, in the government’s possession should be shared with the accused before the individual is required to respond to a plea offer. Evidence should be shared on an ongoing basis. No plea should be accepted without a certification from the prosecution that all relevant information has been provided.

**Charging Policies:** Prosecutors should bring charges that are proportional to the gravity of the offense and only if they believe (at the time the charge is brought) they can actually prove them at trial. Charges should never be brought to strengthen plea negotiations.

**Waivers:** As part of a plea agreement, defendants should never be asked or required to waive rights such as “ineffective assistance of counsel, *Brady* compliance, innocence claims, Freedom of Information Act claims, compassionate release, the right to challenge sentencing errors, challenges to the constitutionality of the statute of conviction, and the right to appeal or seek post-conviction review related to the above.”

**Plea Process:** The plea process should be more transparent (e.g. written plea offers) and more thoroughly documented, and system actors should collect data on plea practices.”

**Pre-trial Detention:** Pre-trial detention should be used only in extraordinary circumstances and never used to coerce a plea. “(P)eople (should) have multiple opportunities throughout the life of a case to request that someone be released on their own recognizance, that bail be reduced, or that an alternative form of bail be set.”

**Data Collection:** Since it is difficult, if not impossible, to address what can’t be measured the coalition has produced a lengthy list of data they believe court systems, sentencing commissions, and prosecutor offices should collect about the plea process and each plea.

The following reforms address the problems of individuals serving excessive sentences because they exercised their right to a trial or because of coercive and abusive practices within criminal justice systems.

**Second Looks:** There should be legal mechanisms to review and reduce excessive sentences.

**Prosecutor-initiated Resentencing:** Prosecutors should be able to review prior sentences and recommend reductions, even in cases involving mandatory minimums.

**Executive Clemency:** The President and state governors should be encouraged to grant executive clemency to people serving excessive sentences.

**Post-conviction Justice:** People serving unjust sentences should be able to seek relief in courts, regardless of whether they pleaded guilty or went to trial. Judges should be able to grant compassionate release in a broad range of circumstances. Public defenders should have the resources to represent people seeking post-conviction release.

**Conviction Integrity Units:** We need conviction integrity units in more prosecutors’ offices. Those units should be independent, shielded from political influence, and led by a person with significant defense experience.

**Accountability:** We must be able to hold prosecutors accountable for misconduct. The Inspector General Access Act, if enacted, would empower the Department of Justice’s (DOJ) Inspector General to investigate allegations of prosecutorial misconduct against DOJ lawyers. Independent commissions on prosecutor conduct could be developed to promote accountability and transparency.

*Source: “Broad Coalition Launches to Restore the Constitutional Right to Trial,” News Release, May 3, 2023; Policy Overview: End the Trial Penalty Coalition*

## PROSECUTORS’ VIEWS ON MICHIGAN’S EFFORTS TO END THE TRIAL PENALTY

From 2019 to 2023, the State of Michigan nearly doubled its funding for indigent defense from \$87 million to \$172 million. The state’s budget for 2024 will add more than \$72 million in additional funding. These increases are a result of the creation of the Michigan Indigent Defense Commission, its new standards for indigent defense, and the commitment of the state to fund the plans necessary to implement them – all necessary to meet requirements of the U.S. Constitution.

Before the commission was created, only 1,000 accused people were represented in one year at their Michigan court

arraignments. In 2022, more than 229,000 accused people were represented at their arraignments.

And now, prosecutors are complaining. Prosecutors are funded by the county and receive no funding directly from the state. Jeffrey Getting, president-elect of the Prosecuting Attorneys Association of Michigan said, "There's a great imbalance right now. Indigent defense is funded at a far, far greater rate than prosecutor's offices are." Kent County Prosecuting Attorney Chris Becker agrees and adds that they are also being slammed by the need to review large volumes of criminal expungement record requests due to recent changes in the state laws.

They argue that public defenders are filing more motions and their clients are less willing to accept plea offers, but Getting admits there is not supporting data for those claims in part because criminal case data were skewed by the pandemic.

Defense attorney John Shea suggests that prosecutors who are underfunded should seek more funding, rather than suggest indigent defendants should get less.

State Representative Phil Skagg who chairs the appropriations subcommittee that handles indigent defense funding was quoted, "I would just say it's imperative in Michigan that everyone has access to justice. Real justice costs money and the state will continue to make sure that those who are indigent, defense attorneys, prosecutors, judges, and law enforcement officers have the tools they need."

Getting noted that his office does not proceed with thousands of recommended felony charges each year. "My office is clearing far more people every month than any defender's office gets off in a year."

*Editor's questions of prosecutors:* Where were you when (for so many years) it was obvious that the defense system was vastly underfunded in comparison to prosecutors? Why weren't you arguing for equity, when your job is to deliver justice? Does the fact that prosecutors are dismissing cases without merit mean that charged defendants don't deserve a robust defense?

*Source: "Michigan prosecutors push back as state allocates millions for indigent defense," by Paul Egan, Detroit Free Press, July 5, 2023*

### PRISON POLICY INITIATIVE LOOKS AT CARVEOUTS

The Prison Policy Initiative (PPI) recently released a paper addressing its concerns about the use of carveouts incorporated into legislative reforms of the criminal justice system. They define carveouts as "any policy that excludes people from criminal legal system reforms based on what they are charged with or convicted of."

Examples of carveouts include the following: Excluding individuals convicted of violent crimes or sex-related offenses

from earning credits that would reduce the length of probation; excluding individuals with specific offenses from participating in specialty courts; or excluding fentanyl possession from efforts to decriminalize drug possession.

PPI's argument is that we simply cannot achieve the needed reductions in the country's prison population only by releasing people with drug, public order, and property convictions. We need to release large numbers of people who have been convicted of violent crimes.

The paper highlights four prevalent arguments for carveouts and presents counterarguments to challenge them.

*Argument #1: "We have to start reforms with nonviolent charges, and we'll 'come back' for more serious charges later."*

Our society has strong biases against people who have been charged and convicted of crimes. Carveouts undermine the political courage and forceful responses needed to challenge misinformation and fear mongering. They reinforce the notion that anyone deserves or needs to be locked up.

Later reforms become more difficult because, at that point, you are dealing with people with more serious charges – people subjected to more societal bias.

*Argument #2: "Victims of crime want people with violent charges excluded from reform."*

Surveys of crime victims show that many are interested in alternatives to incarceration, more treatment, and incentives for rehabilitation.

Many convicted individuals have been victims of crime, as well.

Crime victims are a diverse group of people with many different opinions.

*Argument #3: "Including people charged with violent crimes in reforms will harm public safety."*

Re-arrest rates are lowest among people convicted of violent crimes. Even among those small numbers, many of those arrests do not result in convictions.

Individuals age out of crime. Those with convictions for serious crimes are likely to have served enough time that they are no longer a risk.

*Argument #4: "People convicted of serious offenses do not deserve mercy or reform."*

There is no universal definition of serious offenses. In some states, crimes such as manufacturing methamphetamines, purse snatching, and embezzlement are considered violent.

This argument dismisses the fact that people grow and change. As people age, they are less likely to commit crimes.

*Source: "Contending with Carveouts: How and Why to Resist Charge-Based Exclusions in Reforms," Prison Policy Initiative*

## LEGISLATION

### Michigan Legislation

**House Bills 4556-4560 and Senate Bills 321-325**, have now been introduced to implement second look sentencing. As noted in our May newsletter, the legislation would enable an attorney or prosecutor to petition the court for the release of someone who has served at least 10 years in prison. Based upon a number of factors, the judge could reduce the sentence or deny the petition.

**House Bill 4878** (Fair Chance Housing) would limit the use of criminal history in housing rental transactions.

**Senate Bills 376 -7 and House Bills 4173 & 4384** would create the Michigan Sentencing Commission, which would analyze sentencing and release policies and make recommendations to modify sentencing guidelines based upon the analyses. The bills have been passed by each chamber and are awaiting reconciliation.

**House Bills 4655-4662** would reform bail procedures.

**The 2023-4 Budget Bills** passed by the legislature contain funding for several programs of interest.

\$7 million for body cameras for correctional officers.

\$11.2 million for medication assisted treatment for substance abuse, which will provide treatment for 1,200 incarcerated individuals.

Over \$4 million for four programs to provide reentry services.

\$2.03 million to create and support a Juvenile Justice Services Division within the State Court Administrative Office

\$550,000 to expand the role of the State Appellate Defender's Office to include appellate defense for juvenile cases.

\$1.5 million for the State Appellate Devfender's Office to support the resentencing of outh serving life sentences.

### State Ballot Initiative

**Good Time Credits:** The Michigan Board of State Canvassers has approved a petition to initiate a good time credit system for people incarcerated in Michigan. That means that Michigan Justice Advocacy can now begin gathering signatures to have the proposal placed on the ballot. The group will have 180 days to collect at least 356,958 valid signatures – an effort they expect to begin August 1.

The proposed change would subtract 30 days from an incarcerated individual's sentence for every 30 days s/he does not commit a serious misconduct. All incarcerated individuals, except those serving life sentences, would be eligible and the change would apply retroactively. The

reductions would not result in automatic releases, but would mean that someone would see the parole board sooner.

According to Prison Fellowship, at least 35 states and the federal government have some form of good time credits or earned time program.

Michigan Justice Advocacy is also supporting the legislative effort to initiate good time.

*Source: "Michigan group eyes ballot measure to bring back prisoner 'good time' credits," by Lauren Gibbons, Bridge Michigan, July 17, 2023*

### Federal Legislation

The recently introduced **Smart Sentencing Act** would offer planning and implementation grants to states to make more just and cost-effective decisions about who should be incarcerated and for how long. States that reduced their prison populations by 20% over three years would receive additional money.

The **End Solitary Confinement Act** would ban solitary confinement in federal prisons with the following exceptions: at night to sleep (for a maximum of eight hours a day, for medical quarantine (with access to phone, email, and facility programs), and to deescalate a emergency situation (for a maximum of four hours a day and 12 hours a week). While the restrictions would apply only to federally incarcerated people, the bill would decrease federal funds to state prisons and jails that don't implement their own restrictions.

*Source: "This Bill Aims To Reduce Mass Incarceration by Encouraging States to Cut Their Prison Populations," by Jacob Sullum, Reason, April 28, 2023; "House Democrats Introduce Bill Aimed At Ending Solitary Confinement, A Form of Torture," by Jessica Schulberg, HuffPost, July 27, 2023*

## VOTING RIGHTS

In July 2020, the Washington, DC city council passed a bill to allow incarcerated citizens to vote. In doing so, D.C. joined Maine and Vermont in allowing people to vote while incarcerated. This year, three states – California, Massachusetts, and New York – have introduced bills to end the disenfranchisement of incarcerated individuals.

In Massachusetts, the Joint Committee on Election Laws has voted the bill out of committee, but the House and Senate have not yet considered it. Until 2000, incarcerated people in Massachusetts could vote. In that year, the governor initiated a ballot question to rescind the right to vote in retaliation against incarcerated citizens who organized a voter registration drive and political action committee. Polls show that Massachusetts residents now support the right of incarcerated people to vote. "That support extends across all racial groups, gender, income levels, and nearly all categories of educational attainment."

Efforts to extend the vote to incarcerated individuals have recently failed in Oregon, Illinois, Hawaii, New Mexico, and Virginia.

In Minnesota, Kentucky, Missouri, Nebraska, Texas, and Virginia, bills have been introduced to ease restrictions on the voting rights of non-incarcerated individuals with felony convictions. Michigan does allow non-incarcerated individuals with felony convictions to vote.

*Sources: "Could California be the latest state to restore voting rights to people with felony convictions?" by Kira Lerner, theguardian.com, February 17, 2023; "It's time to restore felon voting rights," By Kristina Mensik and Adam Eichen, CommonWealth, May 9, 2023*

### ENDING MASS INCARCERATION

The U.S. prison population reached its peak in 2009. By year-end 2021, that population had declined 25%. Early reforms reduced the number of people incarcerated for drug offenses and property offenses by 46%.

At the current rate of decarceration (2.3% per year on average), it will take 75 years to reach the 1972 prison population. That is because the majority of the prison population (56%) is incarcerated for violent crimes, and a key factor in driving mass incarceration has been the length of sentences. Nationwide, the number of people serving life sentences in 2020 exceeded the total 1970 prison population.

Since its peak year (2006), Michigan's prison population has shrunk 38%, tying it for 11<sup>th</sup> place in population reduction.

*Source: "Can We Wait 75 Years to End Mass Incarceration?" by Nazgol Ghandnoosh, The Champion, July 2023*

### SHORTS

**New Auto Expungement Resource:** Since Michigan's Clean Slate's Automatic Expungement law took effect in April, more than 1 million criminal records have been erased from public view. Since the laws that comprise Clean Slate and Automatic Expungement are complex, it is often difficult to understand whether your personal criminal record qualifies for automatic relief or not. Safe & Just Michigan is currently advocating for the development of an online tool to help people look up their record and determine whether they might qualify.

In the meantime, Safe & Just Michigan has put together an Automatic Expungement FAQ sheet that will answer many of the most common questions. In particular, the FAQ tries to answer questions about why an old criminal record might not have been automatically expunged, how to obtain a copy of your criminal record and where to go for help if you feel there's been an error.

You can find the Clean Slate Automatic Expungement FAQ at [https://www.safeandjustmi.org/wp-](https://www.safeandjustmi.org/wp-content/uploads/2023/07/Auto-Expungement-FAQ-07262023.pdf)

[content/uploads/2023/07/Auto-Expungement-FAQ-07262023.pdf](https://www.safeandjustmi.org/wp-content/uploads/2023/07/Auto-Expungement-FAQ-07262023.pdf).

**Bail Reforms:** In September, **Illinois** will become the first state in the nation to eliminate cash bail. The change was originally scheduled to begin in January, but was delayed by legal challenges. A recent ruling by the state's Supreme Court paves the way for its implementation.

Beginning October 1, **Los Angeles County** will end all cash bail for defendants accused of misdemeanors and nonviolent felonies. Judges will be available 24 hours a day, seven days a week to make case decisions. Bail will still be required in the case of felonies and misdemeanor cases such as domestic battery, violation of a protection order, and stalking. LA County Judge Samantha Jessner said, "A low-risk arrestee should not be held in jail simply because they cannot post the necessary funds to be released pending arraignment."

*Sources: "Illinois set to be first state to end cash bail after state Supreme Court ruling," by Matthew Hendrickson and Andy Grimm, Chicago Sun Times, July 18, 2023; "LA County Unveils New Limited Cash Bail Policy," by Evan Symon, California Globe, July 19, 2023*

**Failure to Provide Services for Mentally Ill:** U.S. District Judge Marsha Pechman recently ordered the State of Washington to pay more than \$100 million for its failure to provide services to mentally ill people charged with crimes. The individuals are being held in jails awaiting competency evaluations. The state entered into a settlement agreement to address wait times in 2018; since then, the wait times have grown longer due to a lack of funding, personnel, and beds in mental health facilities. During this time, the state actually closed wards in psychiatric hospitals. The judge attributed the problem to a "lack of foresight, creativity, planning and timely response to a crisis of its own making."

*Source: "Judge holds Washington state in contempt for not providing services to mentally ill people in jails," by Martha Bellisle, Associated Press, July 8, 2023*

**Wayne County Job Court:** Wayne County recently launched a new specialty court. Successful participants in the year-long program will have their charges dismissed and will likely avoid any jail or prison time. In addition to a job, participants will receive wraparound services that will include things like mental health treatment, housing assistance and other aid.

*Source: "State launches 'game changer' program in Wayne County to connect defendants to jobs," Dana's Dispatch, July 3, 2023*

**Challenging Solitary Confinement:** The United Nations has declared that subjecting someone to solitary confinement for more than 15 days is torture. Yet, "20% of individuals held in jails and prisons in this country spend some time in solitary confinement and, of those, 80% spend months or years there..." There are an increasing number of stakeholders calling for its abolition. They cite a number of reasons for ending the practice. 1. It increases violence, rather than deterring violence. 2. It causes permanent damage. 3. It is

expensive. 4. It leads to higher rates of recidivism. 5. It increases health care costs.

*Source: "Torture on Our Watch: A Call to Conscience," by Jacqueline Goodman, The Champion, July 2023*

**Making It Easier to Get State IDs:** The Secretary of State's Office is now partnering with local jails to provide state IDs and driver's licenses to people incarcerated in local jails. Secretary of State staff have been visiting jails in Ingham, Genesee, and Kent counties. They are working to partner with additional counties in Mid-Michigan, West Michigan, and Southeast Michigan. Mobile offices will soon open in the Great Lakes Bay area, Northern Michigan and the U.P., which will provide other opportunities. Including documents for people in state prisons, more than 12,000 returning citizens have secured state IDs or driver's licenses since September 2020.

*Source: "Benson brings state ID services to Ingham County's returning citizens," Press Release, Secretary of State's Office, June 28, 2023*

**Making Reentry Easier:** California has become the first state permitted to provide Medicaid benefits to some incarcerated individuals. Individuals who are pregnant or have mental illnesses, substance use disorders, chronic physical conditions or disabilities, and anyone in a juvenile facility will be eligible for Medicaid benefits starting 90 days before their discharge.

Beginning this year, anyone entering a California jail, prison, or juvenile facility must be screened and enrolled in Medicaid if eligible. The insurance is suspended while they are incarcerated, but can be reinstated after their release – or earlier if they meet eligibility requirements.

Funding is included to assist correctional facilities, county behavioral health agencies, and community-based providers to plan and develop infrastructure to support individuals as they leave the system. It will likely take several years to fully develop the program. Its success will depend upon whether participants take advantage of the services available.

About a dozen other states are proposing similar changes, among them are Arizona, Montana, Utah, Kentucky, and Vermont.

*Source: "Leaving prison for many means homelessness and overdose. California hopes to change that," by Lila Seidman, Los Angeles Times, February, 13, 2023*

#### WITH SYMPATHY

Since publication of our last newsletter, we have learned of the deaths of MI-CURE members and supporters Richard Crowell, Arlene Hankins, and Blanche Teasley.