



MI-CURE NEWS

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MI-CURE, PO BOX 2736, KALAMAZOO, MI 49003-2736
(269) 383-0028 WWW.MI-CURE.COM

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PRISON PROGRAMMING

Once again, we highlight unique programs in prisons throughout the country.

Utilizing a Degree While Incarcerated

It is not rare to find incarcerated people with college degrees. What is rare is for them to be able to put those degrees to good use while incarcerated. As college programming grows with the expansion of Pell Grants, we will see more people unable to use their degrees productively.

Now, some prisons systems are beginning to explore solutions to this problem by providing internships and employment opportunities for these individuals. For example, five incarcerated individuals recently completed a paralegal course at North Hennepin Community College in Minnesota. They had to complete an externship as part of the course. They focused on expungements and sealing records of real clients. "Many of (the) paralegal students have successfully won cases and gotten expungements for justice-impacted individuals."

Incarcerated JD students at the Minnesota's Mitchell Hamline School of Law participated in unpaid externships. While still enrolled in classes, they used their internet and tech access to achieve academic credit.

Fifteen people incarcerated in the Maine Department of Corrections are working remotely with six different organizations in positions ranging from fellowships and internships to full-time employment. They are able to work and study virtually using supervised Internet access. Their pay is subject to the same standard deductions as any other worker and they also pay 10% of their income toward room and board.

An incarcerated graduate of Adams State University's MBA program has been hired to teach in their undergraduate program in the Colorado Department of Corrections, being paid the same wage as other adjunct professors at the university. David Carillo went to prison at the age of 19, more than 30 years ago. During his first semester of teaching, he co-taught Introduction to Business. Now he is teaching two sections of macroeconomics on his own. The university recently received a \$150,000 grant from the Mellon Foundation to fund more graduate teachers in a program they are calling "Turning Graduates into Instructors". By the end of the year, the university plans to have an incarcerated woman with a law degree teaching business law at the Denver

Women's Correctional Facility. They are also working to train peer teachers with associate, bachelor, or master degree to help individuals studying for high school equivalency exams. These efforts will help to address the current shortage of teachers in the system.

At least one other state is experimenting with incarcerated faculty. Colby College in Maine has hired an incarcerated individual who will use Zoom to teach an anthropology course on mass incarceration to outside undergraduates.

One Corner of a Missouri Prison

A new program called "Dynamo" is operating in a small corner of Missouri's Northeast Correctional Center. There, 14 longtimers in their 50s, 60s, and 70s, who were handpicked by staff, operate a program modeled after the Norwegian prison system. All were convicted of serious crimes but have demonstrated good behavior for years, even decades. Now they are allowed to run that corner of the prison. There are no correctional officers in the unit.

Each resident has keys to the housing unit and yard. They have the freedom to go to food service, jobs, library, recreation, and the canteen as they wish. They have access to a day room with a television, washer and dryer, refrigerator, ice machine, plants, and an aquarium. Each has his own cell that he can paint the color of his choice and is responsible for keeping clean. Residents are responsible for cutting the grass, keeping the facility clean, and managing their own medical appointments. Cell doors are not locked. One resident reported, "We are trying to make it a community where you can trust everybody. It's one of the criteria."

Warden Clay Stanton explains, "We took them out of a structured environment and put them in a responsible environment. They are now responsible for all aspects of upkeep of the place." He describes the results so far as "amazing." There have been no fights, no drugs, no overdoses, and no violations in the unit. Despite the fact that a small number of individuals are involved, the positive vibes have lowered the intensity of the entire prison, making the entire facility safer.

Free Tablets, Free Content

In May 2023, San Francisco County jails began providing incarcerated individuals with free tablets that include free access to ebooks, audiobooks, movies, TV shows and music. More than 63,500 book titles are available. People with vision

problems can read material in large print and others with limited literacy can access audiobooks. In 2020, the county was the first in the country to provide free jail phone calls.

When planning the program, the county received bids from the two major prison telecoms – Securus and ViaPath. A new public benefit corporation, Nucleos, also submitted a bid. The county chose Nucleos as its provider.

This recent change is consistent with an ordinance passed in 2020 by the San Francisco board of supervisors that prohibits the city from profiting off of goods and services purchased by prisoners. That ordinance led to the free phone calls and a ban on markups for commissary items.

Source: "Takeaways from the National Conference for Higher Education in Prison," by Charlotte West, Open Campus, November 14, 2023; "Colorado becomes one of the first to employ an incarcerated professor," by Jason Gonzales and Charlotte West, Chalkbeat, January 4, 2024; "Norwegian Prison Model Comes to a Missouri Prison. What Does the Warden Think about That? St. Louis Dispatch, November 29, 2023; "San Francisco Expands Free Jail Communications by Adding Tablet Services," by Kalena Thomhave, January 8, 2024, BOLTS

SEX OFFENDER REGISTRY

The following is an update from the attorneys challenging Michigan's Sex Offender Registry laws. The update was imbedded in an email dated January 14, 2024.

We hope this message finds you well in the new year.

We are reaching out to share a brief update in the case. As of December 29, 2023, we have filed our briefs for summary judgment, including our response to the state's motion for summary judgment. These documents are now available on the Does III Website. This briefing phase of the case is expected to conclude by the end of January. Currently, we are awaiting information on whether and when the Court might hold a hearing in the matter. We will keep you informed of any continued developments.

As always, for those interested in the details or wishing to access relevant court documents, we encourage you to visit the [Does III Website](#)....

Thank you all again for your patience. We have made significant strides and will continue to keep you all updated on further progress.

PRISON TELEPHONES

In December, Los Angeles County, California, joined the ranks of systems that no longer charge individuals for telephone calls. The system houses more than 12,000 individuals in seven jails. The calls will be paid for by the

Inmate Welfare Fund (IWF). Prior to the change, telephone revenues went into the IWF, along with revenues from the commissary. Under the new contract, the county will be billed a maximum of 4.2 cents when monthly call volume is less than 9.5 million minutes and a minimum of 2.8 cents per minute when the call volumes are over 22.9 million minutes per month.

Bianca Tylek is the Executive Director of Worth Rises, a group that has been promoting free phone calls for the incarcerated. While she was thrilled by the free calls, she expressed concerns about the per-minute cost to the county. A 15-minute call in Los Angeles will cost between 42 and 63 cents. A 15-minute call in Mississippi costs 60 cents, in Maryland 45 cents, and in Illinois just 14 cents. Tylek was quoted, "It's one of the worst free phone call contracts that we've seen. There's no reason for them to be paying this much at all.... It's only expensive if you poorly negotiate your contract."

Source: "Los Angeles County makes inmate phone calls free starting Dec. 1," by Keri Blakinger, Los Angeles Times, November 24, 2023

MORE THAN AN OUNCE OF PREVENTION

Detroit

In December, the Detroit Wayne Integrated Health Network began providing services to address mental health needs. Four mobile response teams, each consisting of one peer support specialist and one master's degree-level trained clinician, seek people in crisis and offer assistance to avoid hospitalizations. It is described as a "no-wrong-door" approach to mental health crisis care — one set out in 2020 federal guidelines... The idea is to have specialists identify and offer treatment to people in distress before they end up in hospital emergency rooms.

The program is just getting started and currently serves only adults. By spring, the group hopes to serve all ages round-the-clock. At that time, they are also hoping to open a new 32-bed short-stay facility that is currently under construction. These settings can provide the privacy and follow-up care that is not available in emergency rooms.

Kalamazoo

Integrated Services of Kalamazoo is operating its new Behavioral Health Urgent Care and Access Center. In its first month of service, local police departments identified 346 calls involving behavioral health issues. Just two weeks after opening, the center expanded its hours from 8 a.m. to 8 p.m. weekdays, to 24 hours a day, seven days a week. The organization deals with a variety of issues, including seeking a counselor, needing medication, feeling suicidal, or dealing with substance abuse issues.

The program includes a full-time mental health clinician who rides with police officers every day to check on any situation

the officer believes may involve mental health issues. The Kalamazoo Public Safety Department also employs a social services coordinator who can respond to calls and offer follow-up referral services.

The group is now making plans for a new Crisis Stabilization Center to divert people from psychiatric hospitals. The new center would be able to house individuals up to 72 hours to stabilize them. They hope to open that facility within a year.

Michigan

Beginning in January, Michigan expanded its Medicaid coverage to reimburse community health workers. These are people who are “trained to connect patients to housing, transportation, technology, services, and even health information they can understand.” In the past, these services have been funded by grants and by small community organizations working with very small budgets. The Michigan Community Health Worker Alliance was chosen by the state to develop training and a certification process for these workers.

In 2021, University of Michigan researchers reviewed the experiences of 284 Detroit-area patients who had been contacted by community health workers after multiple trips to the hospital. Even with limited contact by community health workers, the group reduced its emergency hospital visits. On average, they had 2.8 visits, compared to 3.1 visits for those who had no contact with a worker.

Julie Aronica, director of Plan Initiatives for Blue Cross Complete was quoted, “That’s really what we want: more preventive care, more preventative screens, more being compliant with your treatment plan, like getting your labs... rather than people waiting until their illness advances to the point that they have to be admitted to a hospital or go to an emergency room.”

Chicago

Redeploy hubs have been developed by judges, state’s attorneys, public defenders, juvenile prevention personnel community agencies, and parents in the Chicago area to serve youth in need of treatment. “Rather than being placed on long wait lists when their treatment needs to be prioritized, they receive immediate, coordinated care that makes a difference in their mental health and the trajectory of their involvement in the justice system.”

To keep these youngsters from being incarcerated, staffers drive them to Redeploy hubs where they participate in programming such as:

- Trauma-informed, evidence-based mental and behavioral health therapies.
- Structured, information-packed tours of such places as the DuSable Black History Museum and Education Center and Art Institute of Chicago; and academic

and vocational classrooms and workshops at Chicago State University and the city Colleges of Chicago.

- Mentoring by staff members at those hubs, located in partner agencies such as Youth Outreach Services and the National Youth Advocate Program.

Each youngster has a personalized treatment plan supported by a strength-based philosophy and wrap-around services. Mark Werner credits the program with a 65% reduction in youth incarceration between 2005 and 2021 and the closing of two youth prisons.

Sources: “Detroit agency launches mobile mental health unit. Can it slow a revolving door?” by Robin Erb, Bridge Michigan, January 5, 2024; “A new kind of urgent care,” by Zinta Alstars, Kalamazoo Gazette, December 3, 2023; “Michigan Medicaid expanded to cover health workers you may not have heard of,” by Robin Erb, Bridge Michigan, January 8, 2024; “Opinion: Trauma-informed ‘hubs’ reduce Chicago youth incarceration,” by Mark Werner, Juvenile Justice Information Exchange, January 1, 2024

RETHINKING WHAT HAPPENS IN A COURTROOM

James M. Doyle is a defense attorney in Boston. He is among those who have expressed concern over the fact that so many criminal cases are resolved by plea bargain, rather than with a trial. In fact, he has proposed that federal funding for courts should be withheld from courts that do not resolve at least 15 per cent of their cases by jury trial.

In a recent article, he argues that the adversarial nature of our criminal justice system has obscured the fact that prosecutors and defense attorneys “are required to seek the result that is ‘least intrusive’ consistent with the legitimate purpose of public safety.” He further argues that “prosecutors can’t possible reach the goal of identifying the least intrusive remedy without collaborating with a properly resourced and equipped counterpart” i.e. defender adversaries. He goes on to cite two recent studies.

The Rand Corporation and the University of Pennsylvania Law School recently completed a ten-year study comparing the results for defendants who were represented by traditional public defenders and defendants who were represented using a holistic model. (The holistic model uses an interdisciplinary team that, in addition to defense attorneys, includes civil, family and immigration lawyers as well as social workers and non-lawyer advocates.) “In all cases the defenders interfaced with the same Bronx County District Attorney’s staff. In virtually every case, the disposition was by a negotiated (although not necessarily ‘agreed’) plea. The difference in results was remarkable.

“When the holistic information about collateral legal consequences of criminal justice involvement (such as loss of employment, public housing, custody of one’s children, and immigration status) and the underlying life circumstances (such as addiction and mental health issues) was on the table, there were one million fewer days of incarceration, and an

estimated \$160 million in inmate housing costs were saved.” Despite lower sentences, the recidivism rate for holistic clients was not higher.

In a second study, Paul Heaton of the Quattrone Center for the Fair Administration of Justice and the University of Pennsylvania Carey School of Law looked at the impact of 100,000 Philadelphia cases to determine the impact of “Bail Advocates” at the first court appearance. Bail advocates did not, on average, reduce detention rates. However, they did reduce bail violations by 64 percent, future arrests by 26 percent, and racial disparities in pretrial detention.

Doyle notes that the criminal justice system is a complex system. His proposal: “The place to look for safety in a complex system is not solely within its separate components, but in the interactions between and among them.”

Source: “The Collaborative Courtroom: A Proposal,” by James M. Doyle, The Crime Report, October 11, 2021

REENTRY PROGRAMS WORTH NOTING

An Experiment

In 2020, the nonprofit Center for Employment Opportunities (CEO) began distributing checks of up to \$2,750 to more than 10,000 people who were leaving prisons in six states. The group found that those receiving the Returning Citizen Stimulus were more likely to obtain and keep employment, more likely obtain and keep housing, and were less likely to return to prison. Now the organization is urging states to offer similar support.

Colorado

Four state senators in Colorado have introduced SB 12 that would provide up to \$3,000 for one year to people leaving prison. The program would be experimental and the details are not settled at this point. It is not clear how many people would be eligible. Budget writers would have to fund it. The program would be administered by a nonprofit. The money would be distributed as reentry milestones are met. Noting the high cost of the program, one supporter pointed out that returning someone to prison for a year costs \$47,000.

California

A new program in California will provide direct cash payments along with counseling, job search assistance and other support to some individuals leaving prison. Individuals will receive up to \$2,400 in a series of payments after meeting milestones such as demonstrating progress in finding housing and work. The goal is to help them meet essential needs such as food and bus fare. The program will be run by the Center for Employment Opportunities.

Editor’s Note: While Stimulus funds are certainly better than a \$50 or \$100 gate check, an even better idea may be to pay

incarcerated people a living wage for the work they do so they can save for their release.

Five years ago, the Homecoming Project in Oakland, California, began paying a monthly stipend to individuals who were willing to offer a spare room to an individual returning home from prison. Those coming home receive one-to-one guidance from a community navigator who works with them at every state of reentry. “To date, every participant has finished the six-month program and moved on to stable housing of their own, 95% graduate from the program with a job or enrolled in a job training or education program, and none have returned to prison. But perhaps the most unexpected outcome is the relationship forged between the hosts and participants — often going from strangers to family.” The program has now expanded to Contra Costa and Los Angeles counties and has recently celebrated its 100th participant.

Throughout the Country

A key program of the Biden administration is to rebuild the country’s infrastructure. That includes things like expanding broadband and 5G internet access, replacing aging bridges, improving airports, replacing lead pipes, and repairing roads. To complete this work this country will need more welders, electricians, construction workers, and broadband technicians. The Association of Builders and Contractors estimated there would be 500,000 unfilled construction jobs in 2023. The group expects that “most of the hiring related to the infrastructure law to start (in 2024) and ramp up throughout 2025 and 2026. To address broadband needs, 23,000 to 35,000 more workers will be needed.

“Biden administration officials said the increases in wages and competition among workers aren’t necessarily a bad thing. They hope the jobs created by the new infrastructure law come with good pay, benefits and worker protections.”

Ohio is now training some incarcerated people to install and repair broadband equipment. Once their training is complete, they will start working as salaried employees several months before they are released from prison.

Ben Brubeck, the vice president of regulatory, labor and state affairs for the Associated Builders and Contractors (a national trade group), was quoted, “We’re in this situation where we’ve already got this skilled labor shortage, and now we’ve got all this money that’s coming in. It’s sort of a perfect storm of things happening right now.”

Incarcerated people with necessary skills or willing to learn those skills may find willing employers upon release.

Source: “A New Plan to Lower Recidivism: Stimulus Payments to Formerly Incarcerated People,” by Alex Burness, BOLTS, January 12, 2024; “Some Californians released from prison will receive \$2,400 under new state re-entry program,” by Christopher Weber, apnews, December 8, 2023; “Homecoming Project matches people returning from prison

to temporary homes with hosts,” *The Oaklandside*, November 29, 2023; “Biden’s infrastructure building boom is missing one thing: Workers,” by Shannon Pattypiece, *NBC News*, August 20, 2023

EFFORTS TO END SOLITARY CONFINEMENT

On December 20, the New York City Council voted, with a veto-proof majority to ban solitary confinement in city jails. The bill would limit segregation to a four-hour period following an incident. In addition, all detainees would spend at least 14 hours outside their cell. If the mayor vetoes the bill, the council would consider an override in early 2024. On January 19, Mayor Eric Adams vetoed the measure. As we go to print, the Council has not yet acted on the veto.

A number of states have taken action to reduce or eliminate solitary confinement as well. In a recent article, Chandra Bozelko argued that successfully eliminating solitary confinement requires a culture change within the facility. She presents a number of policy changes suggested by others that could support those efforts. Those include the following:

- Massachusetts and Washington, DC have established a right to be represented in disciplinary hearings.
- Michael Fahy has suggested a Model Institutional Record Expungement Act (MIREA) that would expunge minor misconducts after a year and more serious misconducts after three years. The expungements would make it harder to justify isolation in many cases and would make it easier for individuals to qualify for programming and potential release.
- Another approach would be to require the Director of Corrections to approve every placement in solitary and to sign off every day that solitary confinement is necessary.
- Some argue that the system of solitary confinement should be eliminated completely. Canadian researchers are using a therapeutic community that focuses on “diffusing heated situations.” The program has reduced staff absenteeism, reduced assaults on staff, reduced serious injuries, and increased concern for the incarcerated.

Sources: “Mayor Eric Adams and New York lawmakers face showdown over solitary confinement ban,” by Joe Anuta, Politico, December 20, 2023; “Ending solitary confinement requires cultural shifts,” by Chandra Bozelko, WitnessLA, December 31, 2023

USE OF ARTIFICIAL INTELLIGENCE IN CRIMINAL JUSTICE

New Jersey Ruling

In the case of *New Jersey v. Arteaga*, an appellate court, on June 6, ruled that the state must provide the defense information about how a face recognition search identifying the defendant as a suspect was conducted. In the ruling, the court stated that the “defendant through his expert, and the

secondary sources cited by defense counsel and amici, provide us convincing evidence of FRT’s (face recognition technology’s) novelty, the human agency involved in generating images, and the fact FRT’s veracity has not been tested or found reliable on an evidential basis by any New Jersey court.”

Detroit Law Suit

A Black mother (Porcha Woodruff) is suing the City of Detroit and a Detroit Police Department detective for a false arrest related to a crime involving a carjacking and robbery. Woodruff was 8 months pregnant at the time the crime was committed. The carjacking victim’s cell phone was later returned to a BP gas station. The video from the gas station was submitted for facial recognition and identified Woodruff. The victim later identified her from a photo lineup that included an eight-year-old photo of Woodruff. There was no mention of the carjacker being pregnant. Charges have since been dropped.

Woodruff is seeking punitive and other damages. The suit alleges that the police engaged “in a pattern of racial discrimination of (Woodruff) and other Black citizens by using facial recognition technology practices proven to misidentify Black citizens at a higher rate than others in violation of the equal protection guaranteed by” Michigan’s civil rights act. Studies have shown that facial recognition algorithms are far more likely to misidentify racial minorities than White people.

NACDL Position

The National Association of Criminal Defense Lawyers recently adopted a resolution on the use of facial recognition technology. NACDL opposes the use of facial recognition technology as a police investigative tool, and believes that facial recognition should never be used for remote biometric surveillance including but not limited to in conjunction with body camera devices. Because facial recognition is already in use, it calls on agencies using the technology to implement absolute protections against the harms perpetuated by the use of the technology, including but not limited to... Guarantees that facial recognition programs do not produce demographically-based disparate impacts or results;

- Externally validated studies to determine error rates of both the machine and human components of a facial recognition search;
- The elimination of task irrelevant information and cognitive biases from the facial recognition search process;
- The elimination of the use of PhotoShop or other editing tools in the facial recognition search process; and
- Scientifically validated training and routine, transparent, externally-administered performance evaluations for analysts responsible for conducting facial recognition searches.

In addition, the resolution calls on...

- Agencies to implement an absolute prohibition on the use of facial recognition technology as the sole piece of identification evidence prior to an adverse action taken against an accused;
- Government to disclose comprehensive details on the facial recognition technology search process in every case in which it is used, irrespective of any additional investigative steps taken to verify or refute the results of the facial recognition search process;
- Government only to contract with or otherwise use the products of facial recognition algorithm providers that make their algorithm source code, training data, and system parameters available for external validation and disclosure to the defense, and do not otherwise assert or claim the “trade secret privilege”;
- Government to refrain from introducing facial recognition as evidence in court unless and until the foundational validity of the method as it is used in investigations, including both the human and machine components of a search, has been established to a degree that comports with the Frye and Daubert evidentiary standards.

Finally, the resolution states that nothing in it should be construed or used as principles for implementing facial recognition technologies. Rather, they are mitigation efforts intended to ensure the most transparency and equity for people ensnared by these technologies, and to give defense attorneys the notice and transparency they need to defend their clients.

The Innocence Project Weighs in Regarding Artificial Intelligence

In October, the Biden administration issued an executive order calling for more oversight and regulation of artificial intelligence (AI) in all areas of American life. The Innocence Project supports that effort. In the past 31 years, the Innocence Project has freed or exonerated more than 245 innocent people. “(Those) cases have demonstrated that unreliable and inaccurate forensic technology is a leading cause of wrongful conviction.” While the organization recognizes the potential for AI to be an asset, they argue that the technology must be thoroughly validated, tested, and regulated. They recommend the following:

- Preventing the use of facial recognition technology or predictive policing algorithms in the criminal legal system until there is sufficient research establishing their reliability and validity; allowing impacted communities the opportunity to weigh in on their scope and implementation; and mitigating algorithmic, racial, or societal bias.
- Pushing for more transparency around “black box” technologies whose inner workings are hidden from users.
- Mandating the disclosure of law enforcement use of AI technology in a criminal case to the defense so it can be subjected to adversarial testing in the courtroom.

- Making explicit the ways in which investigative technologies will be regulated to protect personal data.

Sources: Email from NACDL Fourth Amendment Center, June 21, 2023; “Black mom sues city of Detroit claiming she was falsely arrested while 8 months pregnant by officers using facial recognition technology,” by Jennifer Henderson, CNN, August 8, 2023; “Resolution on Facial Recognition Technology,” National Association of Criminal Defense Attorneys, October 23, 2023; “Innocence Project Statement in Response to the Biden Administration’s Initiatives to Address Risks and Opportunities Posed by Artificial Intelligence, Innocence Staff, November 1, 2023

TRAUMA AND VIOLENCE

Adverse Childhood Experiences (ACEs) can lead to toxic stress and result in health, academic, and social problems as the child reaches adulthood. Impact Justice researchers recently conducted a 12-month survey of men sentenced to lengthy prison terms for violent offenses. They discovered a high rate of ACEs among the formerly incarcerated men. Below is their summary of findings:

- Half of the men reported at least nine of the 16 ACEs identified by the U.S. Centers for Disease Control and Prevention.
- Some reported experiencing all 16 ACEs.
- Nearly 2 of every 3 men surveyed (62%) experienced between 5 and 9 different ACEs just at home.
- The survey documents rates of sexual abuse that are 4 times the rate nationally.
- Nearly half of men surveyed (48%) recall seeing or hearing someone beaten up, stabbed, or shot many times.
- 75% of these men were bullied in school, including more than a third (37%) who recall routinely experiencing intimidation and abuse at school.
- The presence of a loving, supportive adult, so essential to resilience in childhood, was inconsistent at best for more than half (57%) of the men surveyed.
- Deeply wounded and disconnected from adults in their lives, half of them (49%) relied on drugs to numb painful emotions; more than half (62%) experienced bouts of depression; and nearly a third (30%) attempted suicide before age 18, a rate roughly 3 times the national average.

Antoinette Davis, who spearheaded the study was quoted, “This study shows that violence by boys and men, along with other signs of distress, should prompt... searching questions, not just as a matter of fairness but also as a necessary step to ending cycles of harm. The men who generously participated in this research remind us that people who lash out are often deeply wounded themselves. That’s not an excuse for their harmful actions, but it tells us a lot about how to prevent harm.”

Source: “Study connects life trauma with violence later in life,” *Impact Justice*, August 24, 2023

LEGISLATION

Michigan Legislation

On October 25, the House Higher Education Committee heard testimony regarding **HB 5175 – 5177** that would expand access to college tuition assistance for people who are incarcerated. There was considerable support for the bills. They have not passed through the legislature yet, but will hopefully see action this year.

On November 9, the legislature passed bills to improve the state’s juvenile justice system. The bills will do the following:

- Increase the state’s share of funding for community-based services.
- Increase youth diversion options and require risk and mental health screening to inform diversion decisions.
- Expand the State Appellate Defender Office to provide appellate services for juveniles, including post-dispositional services.
- Eliminate a majority of juvenile court fines and fees.

A final bill in this package (that would create indigent defense standards for juveniles) has not yet passed through the legislature.

Citizens for Prison Reform (CPR) celebrated a victory with the unanimous Senate passage of SB 493, a bill expanding the Legislative Corrections Ombudsman's office to improve accessibility and transparency. They are hoping for a swift hearing and vote in the House this year.

CPR continues tackling solitary confinement through the Open MI Door campaign and collaborating on crucial legislation. They remain dedicated to addressing visitation concerns and urge impacted families to share their experiences with visitation and video call restrictions. Their monthly virtual FPP family meetings, conducted on zoom on the third Wednesday at 6:30 p.m., are designed to support, empower, and inform families impacted by incarceration in Michigan. To join, your loved ones can register at bit.ly/FPPrsvp

They urge incarcerated individuals to complete CHJ-121 Standard Medical Release Form annually to ensure that a loved one is authorized to advocate on your behalf in the event of a medical or mental health emergency. For more information about CPR visit their website at micpr.org or contact our Family Program Director at twalker@micpr.org

Budget Considerations: Organizational members of the Michigan Collaborative to End Mass Incarceration (MI-CEMI) have called upon Governor Whitmer, Lieutenant Governor Garlin Gilchrist, and State Budget Director Chris Harkins to include a number of items in their 2024-2025 budget recommendations. Below is a summary of those recommendations:

- Develop and maintain an accessible, centralized resource where individuals can go to check if their criminal records have been sealed.
- Provide additional funding for the State Appellate Defender Office (SADO) so they can represent more people appealing criminal convictions after trial and people who appeal guilty and no contest pleas. The additional funding would also mean that SADO attorneys’ workloads would be in line with current workload standards.
- Dedicate funding to the MI Safe Communities Fund to provide sustainable funding for community-based violence intervention.
- Eliminate medical copays for incarcerated patients.
- Expand educational access for incarcerated students by supporting Pell Grant expansion to additional facilities and meeting emerging needs as more schools come online.
- Continue funding the Attorney General’s Conviction Integrity Unit and establish a fund support the expansion of county-level conviction integrity units.
- Mandate more comprehensive data reporting regarding individuals held in segregation (including race, disability status and other demographic information) and regarding individuals who are being denied visits (to include the reason for denial).

SHORTS

Felony Murder Reporting Project: The Felony Murder Reporting Project describes itself as follows:

“For the last year, the Yale Investigative Reporting Lab has been working to investigate the scope and human toll of the felony-murder rule, collaborating with law school clinics, data analysts, and digital storytellers at Zealous.

“We worked closely with a team of academic collaborators — at Howard Law School’s Thurgood Marshall Civil Rights Center Movement Lawyering Clinic; Caitlin Glass and researchers at Boston University; the University of Connecticut Law School; and Measures for Justice, a non-profit focused on assessing criminal justice policies by the numbers — to unearth and analyze original data, state by state, examining race, gender, age, and other variables within felony-murder convictions....”

So far, the group has analyzed more than 10,000 cases. Their website offers assistance and/or invites assistance from journalists, data analysts, and academic institutions. Members of the public who want to learn more about the organizations working on different cases and reporting out stories, can contact them by email at contact@felonymurderreporting.org. Source: felonymurderreporting.org

Michigan Is First State to Register Released Individuals to Vote: A new Michigan law requires the Secretary of State and the Department of Corrections to ensure that people who are being released from prison are automatically registered to

vote. Released individuals will receive a letter in the mail with a return form to be used if they want to reject the voter registration. This makes Michigan the first U.S. state to automatically register people to vote when they are released from prison.

Nicole D. Porter of the Sentencing Project reports that research shows that taking away voting rights impedes formerly incarcerated people from reintegrating into the community. She also notes that restricting voting rights of the formerly incarcerated people disproportionately affects people of color.

Source: "State pioneers registering ex-convicts to vote," by Ben Orner, mlive.com, December 2, 2023

Expungement Update: Safe & Just Michigan (SJM) reports that since April 11, 2023, 896,554 Michiganders have had at least one conviction removed from their record by automatic expungement. In that same period, 279,210 Michiganders (2.8% of the state's population) have had their records completely cleared by automatic expungement. Since some offenses are not eligible for automatic expungement, SJM continues to offer expungement fairs throughout the state. They have provided help for more than 4,500 people. The organization is working with partners and the state government to create an online portal that will enable

individuals to check their expungement status free of charge.
Source: Safe & Just Michigan Update, December 28, 2023

NIJ Cites Michigan for Progress in Providing Indigent Defense: In 1963, the U.S. Supreme Court ruled in *Gideon v. Wainwright* that individuals charged with a criminal offense who cannot afford an attorney should be provided an attorney at government expense. In recognition of the 60th anniversary of that ruling, the National Institute of Justice recently released a report on "contemporary public defense models." The report notes that at least 12 states have made notable improvements in their systems within the past 15 years. "States like Michigan and New York show how transformational, standards-based reform can be achieved."
Source: "Gideon at 60: Summarizing A Snapshot of State Public Defense Systems and Paths to System Reform," by Marea Beeman, J.D. and Claire Buetow, National Institute of Justice, November 15, 2023

WITH SYMPATHY

Since publication of our last newsletter, we have learned of the deaths of MI-CURE members and supporters Mary Scott Johnson and Mary Beth Walen.

