

Draft Minutes

Michigan Joint Task Force on Jail and Pretrial Incarceration – Meeting #6

Thursday, January 9, 2020, 9:30 a.m. – 11:00 a.m.

Boji Tower, Lansing, MI

Members Present:

Lt. Gov. Garlin Gilchrist II, Michigan Lieutenant Governor, Co-chair
Hon. Bridget McCormack, Chief Justice, Michigan Supreme Court, Co-chair
Dr. Amanda Alexander, Detroit Justice Center
Hon. Thomas Boyd, 55th District Court
Sheriff Jerry Clayton, Washtenaw County Sheriff's Office
Mr. Craig DeRoche, Prison Fellowship
Mr. D.J. Hilson, Muskegon County Prosecutor's Office
Ms. Monica Jahner, Northwest Initiative
Dr. Sheryl Kubiak, Wayne State University Department of Social Work
Lt. Jim Miller, Allegan County Sheriff's Department
Ms. Dana Nessel, Michigan Attorney General
Mr. Takura Nyamfukudza, Chartier & Nyamfukudza, P.L.C.
Mr. Bill Peterson, Alpena County Board of Commissioners
Sen. Sylvia Santana, 3rd Senate District
Mr. James Talen, Kent County Board of Commissioners
Mr. Robert VerHeulen, Kent County Road Commission
Rep. Tenisha Yancey, 1st House District
Hon. Prentis Edwards, Jr., 3rd Circuit Court
Rep. Mike Mueller, 51st House District

Members Excused:

Sen. Jim Runestad, 15th Senate District; Ms. Linda Hyaduck attended as his proxy.
Mr. William Gutzwiller, Sr., Michigan Association of Chiefs of Police

I. Convening of Meeting

Co-chair Garlin Gilchrist II called the meeting to order at 9:38 a.m. Co-chair Gilchrist thanked everyone in attendance, the task force members, and the Pew Charitable Trusts for their support. He explained the Task Force work does not end with the vote today and that their goal is to make sure people are treated with dignity, humanity, and respect. People must have services to be their best selves in Michigan and when people make mistakes, they are held accountable but also put on a path to atone for those choices. Co-chair Gilchrist said the Task Force will remain an entity through September of 2020.

Co-chair McCormack also thanked the Task Force and the public who showed up to share their experiences to help improve the criminal justice system. She appreciated the Task Force's

ability to collaborate, reflect, and come together in ways that will allow Michigan to become a national leader in safety and justice.

II. Roll Call

Co-chair Bridget McCormack took the roll. A quorum was present. One member was represented by a proxy for the day and one member was absent.

III. Motion to Approve Minutes

Co-chair McCormack introduced the minutes from the fifth Task Force meeting on November 19, 2019. A motion was made to approve the minutes and seconded. Motion passed.

IV. Comments From Task Force Members Regarding Final Report

Each Task Force member was given an opportunity to comment on the final report before a roll call vote.

- **Mr. Nyamfukudza:** Mr. Nyamfukudza was grateful the Task Force was assembled and noted there is still more work to be done. He is excited to see what will become of the report.
- **Mr. Mueller:** Mr. Mueller thanked the co-chairs and said he appreciated the opportunity to bring his experience as a law enforcement officer into the discussions. He believes the Task Force came together to address jail overcrowding and the burden on taxpayers, while also keeping the community safe. He noted the recommendations will not tie the hands of law enforcement and believes it is a good consensus and a needed change.
- **Mr. Gutzwiller:** Mr. Gutzwiller was absent due to an illness but asked Lt. Miller to deliver his prepared remarks. Mr. Gutzwiller said the Task Force was a learning experience and honor.
- **Ms. Jahner:** Ms. Jahner expressed humility with the Task Force experience and the ability to have this opportunity. She advised she is not done and is ready for the next stage in this process.
- **Rep. Yancey:** Rep. Yancey said it was an honor and privilege to serve on the Task Force. She found it enlightening to work across the aisle to accomplish their common goals of keeping families and communities safe. She knows the Task Force has a lot more work to do but is looking forward to it.
- **Judge Edwards:** Judge Edwards echoed the sentiments of those before him and thanked everyone on the Task Force. He advised the Task Force covered a lot of information and made difficult decisions in a relatively short period of time. He believes the recommendations will give the Legislature a good groundwork for reform.

- **Dr. Kubiak:** Dr. Kubiak appreciated the thoughtful discussions the Task Force had with victims and victim service advocates and explained she defines victims as those who have experienced crime but also those who have been victimized by the criminal legal system. She thanked those in the crime victim community for being part of the discussions and forums and said she hopes the Task Force has done a great justice to those voices with their recommendations and believes they have.
- **Lt. Miller:** Lt. Miller said he thought at the first meeting it would be impossible to come up with a set of recommendations everyone agreed upon. However, he believes this bipartisan group came up with a work product that corrects issues law enforcement has been complaining about since the beginning of his career. There is still work to do, but this report addresses everything from dispatch to case disposition, with the intent of keeping people out of jail who don't need to be in jail and getting them the real help they need.
- **Judge Boyd:** Judge Boyd thanked the co-chairs and members of the Task Force. He noted the report encompassed the following three key elements for successful criminal justice reform: (1) a broad-based group with a willingness to dive into the data, learn from every day practices and experiences, and a dedication to evidence-based solutions; (2) bipartisan support and; (3) trial court judges that are willing to change. This is true even when change means more work and less authority, which the recommendations encompass. Judge Boyd said trial court judges oppose changes that cause unnecessary delay, create unmanageable systems, or risk public safety. Judge Boyd believes the report is consistent with these principles. He might not agree with every aspect of the report's findings or every detail of the recommendations, but that is not how reform happens. He said some judges might even be unhappy about the recommendations, but that *is* how reform happens. Judge Boyd believes the report is a very good product, with solid policy recommendations based on data and input from all relevant stakeholders. He enthusiastically supports forwarding the report to the Legislature.
- **Sen. Santana:** Sen. Santana said it was an honor to serve on the Task Force and thanked the co-chairs. She said there is a diversity of perspectives on the Task Force that helped shape conversations and come up with a work product the Legislature will be able to address in a bipartisan fashion. Sen. Santana acknowledged we need criminal justice reform to ensure sure people are treated fairly regardless of their income or resources. She believes the Task Force came up with great recommendations and thanked everyone who testified and discussed their own experiences. Hearing from constituents means a lot to their work. She looks forward to continuing to work with the Task Force and criminal justice reform.
- **Bill Peterson:** Mr. Peterson noted the Task Force completed a lot of work and feels he was able to convey his input and perspective as a northern-Michigan county commissioner. Mr. Peterson said he learned a lot during the process and hopes to continue improving and advancing the report.

- **D.J. Hilson:** Mr. Hilson thanked the Governor and members of the Task Force. He noted the Task Force recommendations make clear that each subgroup worked extremely hard to develop the report. Mr. Hilson said he is in full support of his subcommittee's pretrial recommendations; however, he feels it might have been beneficial to be a part of other subcommittee discussions as well. Due to understandable time constraints, his feedback was limited to broad concerns without the benefit of detailed discussions. Mr. Hilson believes in the spirit of what the Task Force is trying to accomplish and applauds their efforts in the tight time frame. Because of his belief in the spirit of what they are trying to accomplishing, Mr. Hilson will vote "yes" to the report with the condition that, as it relates to the subcommittees he was not fully apart of, he and any member of his association reserves the right to maintain their ability to continue engaging in conversations with stakeholders and legislative staff regarding specific language on any piece of legislation.
- **Sheriff Clayton:** Sheriff Clayton said he was honored to participate in the Task Force and inspired by the Governor's call to action around criminal/social justice reform. He believes there is a tremendous opportunity for them to ignite transformative processes regarding criminal and social justice reforms and that the Task Force recommendations are just the beginning of what will be a long process. Sheriff Clayton appreciated the inclusiveness of the process, the diversity of perspectives, the motivation of his Task Force colleagues, and all the people who testified. He hopes they are mindful that dramatic and impactful reform occurs incrementally and requires them to stay focused and determined. Moving forward, Sheriff Clayton notes public safety does not come at the expense of social equity. Social equity and justice are the cornerstones of public safety. It is not an either-or proposition – we can and will do both. Sheriff Clayton noted some people will think they went too far, some will argue they didn't go far enough, and some may be correct. He is proud they developed the Task Force recommendations without letting the fear of saying no tomorrow get in the way of saying yes today. He is looking forward to continuing the work.
- **Ms. Hyaduck for Sen. Runestad:** Sen. Runestad was impressed by the experience, knowledge, and diversity of the Task Force and is grateful for the opportunity to have served. He feels the accomplishments are remarkable given the wide range of viewpoints and thanked the public for coming forward at meetings to share their difficult and life changing experiences. Sen. Runestad looks forward to the great things that will occur as a result of the education he received as a member of the Task Force.
- **Attorney General Nessel:** Attorney General Nessel thanked the co-chairs and Task Force members for their commitment to this important work. She acknowledged the Task Force made great strides in recognizing the need for reform, particularly by recognizing that our current criminal justice system often criminalizes poverty, that our jails and prisons should not be mental health facilities, that those charged with a crime should not bear the costs of justice the Constitution entitles them to, and that prison and jail

cannot be the only solution. However, Attorney General Nessel noted her position requires her to look at criminal justice reform with a 360 degree view and strike an appropriate balance between the impact of incarceration on offenders, the effect of reforms on victims, and the costs of those reforms to communities. She said there are several areas in the report that, in her view, have yet to achieve that crucial balance. She noted they can never lose sight of victims and, while they must strive for bold reforms, those reforms cannot be at the expense of individuals the system was designed to protect. Attorney General Nessel also noted they must appreciate the limitations of the criminal justice system in addressing complex social challenges. She believes the State needs a robust mental health infrastructure to work in tandem with the criminal justice system. Because of these concerns, Attorney General Nessel said she is unable to affirmatively vote to adopt the report in its current form. However, she noted her reluctance is not a lack of commitment and that she has a vision for a system that is thoughtful and reduces over-criminalization. Because of their common goals, Attorney General Nessel will vote to abstain, which is not voting, in the hopes her abstention will allow the conversation to continue in the Legislature.

- **Dr. Alexander:** Dr. Alexander thanked the hundreds of people who provided written and verbal testimony. She noted when people turn personal pain into collective courage, they can change the course of history. Dr. Alexander noted the Task Force recommendations don't go nearly far enough, but if passed into law, they would reduce a lot of harm. She said the recommendation to stop suspending driver's license for failing to appear and failing to pay will make a tremendous difference. It will help end the cycle that so many people are trapped in – of being poor, not being able to pay fines, having a suspended license, not being able to drive to work, and going to jail on warrants. Dr. Alexander noted that while the recommendations will help stop that painful cycle, there are many areas where they must go farther. She said they need to consider wholesale decriminalization and noted it's not enough to turn misdemeanors into civil fractions because, even though you can't be jailed directly, you might still be subject to unaffordable fines and ultimately jail time. Responding to a civil summons still requires time off work, school, etc. Dr. Alexander said other states have created task forces to examine their criminal laws and Michigan should do the same. Dr. Alexander also said arrests have fallen for every group in Michigan except black women. She requested more information about this so it can be addressed. Finally, Dr. Alexander said we need clear policy strategies for justice reinvestment, noting it is not enough to only reduce jail populations. She said we need to shift away from funding police, courts, and jails and toward things like mental health and substance abuse treatment. These are challenges that other systems are far better equipped to address. Dr. Alexander noted transformative change occurs when people feeling the pain of the system force those in power to change it.
- **Mr. Talen:** Mr. Talen said he has served as a county commissioner for 19 years and is currently working to address criminal justice issues within his community, particularly as they intersect with mental health. He said it has been a privilege to be a part of this

process and that he has learned a lot. Mr. Talen said he was very pleased when he read the first draft of recommendations a few days ago. He is very appreciative of the report and the huge effort involved in its preparation. He looks forward to continuing the work and implementation efforts.

- **Mr. VerHeulen:** Mr. VerHeulen said it has been a privilege to participate in this nonpartisan process. He said they have a unique opportunity to impact the criminal justice system in Michigan and wants to thank everyone who participated. Mr. VerHeulen also thanked the Pew Charitable Trusts and the co-chairs. He reminded everyone that supporting a report is only the first step – they now need to assist the executive and legislative branches in making it a reality.
- **Mr. DeRoche:** Mr. DeRoche said he has had the privilege of previously serving on city council and in the Legislature. He noted he has also spent a few nights in jail and went through a recovery process. Mr. DeRoche noted these experiences allow him to use it for the benefit of other people and effect change in states throughout the country. Mr. DeRoche noted the Task Force process has been different from other states. In other states, people have viewed criminal justice reform as an affront rather than an opportunity. This makes it difficult for transparent, honest discussions. Mr. DeRoche said this is absent in Michigan and that people took it as an opportunity for change. He noted this process is about shared values. As a faith leader, Mr. DeRoche believes God has never made a throw-away person. With each life comes inherent dignity and worth, including the victims of crime, the person who has caused the harm, and the community. The Task Force discussions have been about values. He is very hopeful and looks forward to remaining committed.

V. Roll Call Vote to Deliver Task Force Report to the Legislature

Yeas – 20

Hon. Bridget McCormack	Dr. Sheryl Kubiak
Lt. Gov. Garlin Gilchrist	Lt. Jim Miller
Dr. Amanda Alexander	Rep. Mike Mueller
Hon. Thomas Boyd	Mr. Takura Nyamfukudza
Sheriff Jerry Clayton	Mr. Bill Peterson
Mr. Craig DeRoche	Sen. Jim Runestad
Hon. Prentis Edwards, Jr.	Sen. Sylvia Santana
Mr. William Gutzwiller, Sr.	Mr. James Talen
Prosecutor D.J. Hilson	Mr. Robert VerHeulen
Ms. Monica Jahner	Rep. Tenisha Yancey

Nays – 0

Abstention – 1

Attorney General Dana Nessel

Roll call vote passed. Co-chair McCormack explained the report would be delivered to the Legislature leadership tomorrow and released to the public at an event on Tuesday, January 14, 2020.

VI. Adjournment

The co-chairs adjourned the meeting at 10:25 a.m.