

Michigan Joint Task Force on Jail and Pretrial Incarceration

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Check out PAGE 3 for What Michigan Legislators are saying!

Bills Introduced Based on Task Force Recommendations

This newsletter finds Michiganders in a drastically different situation than when the Jails Task Force last met in January of this year. COVID-19 has touched nearly every facet of our lives and has only reinforced the need to quickly, yet safely, reduce jail populations throughout our state. The Task Force remains committed to their [18 policy recommendations](#) issued earlier this year and has been working diligently with legislators to obtain long-term, meaningful criminal justice reform.



Sen. Sylvia Santana speaking at a press conference on July 22, 2020.

Thanks to a strong bipartisan, county-state partnership in the Michigan Legislature, the Michigan House of Representatives took the first step toward achieving this goal by introducing a comprehensive 13-bill package on June 11, 2020. The Michigan Senate quickly followed suit, hosting a [press conference](#) on July 22 to coincide with the introduction of a six-bill package. Throughout the press conference, speakers praised the bipartisan composition of the bill sponsors, the data and extensive research behind the policies, and the urgency to pass reform this year. Summaries of these bills are included throughout this newsletter.

License Suspensions

Thousands of driver's licenses are suspended each year for reasons *unrelated to safe driving*, including failing to appear in court or pay a fine. The impact of these policies is now clear – driving with a suspended license is the third most common charge resulting in a jail admission. The Task Force believes suspending and revoking driver's license should only occur as a result of unsafe driving.

In 2018, nearly 358,000 licenses were suspended for failing to appear in court and failing to pay fines and fees.

Bill Numbers		Impact
HB 5846 (Kahle)	HB 5847 (Meerman)	Eliminates license suspensions for violations of the law unrelated to dangerous driving.
HB 5848 (Lasinski)	HB 5849 (Mueller)	
HB 5850 (Warren)	HB 5851 (Yancey)	
HB 5852 (Stone)		

Mandatory Sentencing Minimums

Every criminal offense carries a maximum possible jail sentence; however, many offenses also require a judge to impose a mandatory *minimum* jail sentence. Minimum sentencing requirements restrict judicial discretion and require jail sentences, regardless of any mitigating factors or circumstances of the crime.

At least 59 misdemeanor offenses carry mandatory minimum sentences.

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Bill Numbers	Impact
HB 5854 (Sneller) HB 5856 (Johnson) HB 5844 (Bellino)	HB 5855 (Brann) HB 5857 (O'Malley)
Eliminates mandatory minimum jail sentences in the Motor Vehicle Code, School Code, Natural Resources and Environmental Protection Act, Railroad Code, and Public Health Code	

Case Initiation



Criminal cases in Michigan are generally initiated in one of two ways: (1) arresting the person and transporting them to jail or (2) issuing an "appearance ticket" or summons to the person, allowing them to voluntarily appear in court at a later date. The Task Force believes that, when safe and feasible to do so, individuals should be afforded the opportunity to voluntarily appear in court to answer certain criminal charges rather than being arrested and booked into jail. Appearance citations and summonses honor the presumption of innocence; save police time and resources; reduce the risk of police/community confrontations; and increase the likelihood that defendants will maintain employment throughout the pendency of their case.

Bill Numbers	Impact
SB 1046 (Victory)	Expands law enforcement discretion to issue appearance citations for most misdemeanor offenses and presumes a citation in lieu of arrest for the lowest-level misdemeanors.
SB 1047 (Irwin)	Establishes a presumption for criminal summonses instead of arrest warrants for certain offenses.

Sentencing & Probation



Non-Jail Alternatives: Sentencing is a critical moment when an individual might receive jail, probation, community service, fines/costs, and/or other sanctions resulting from a criminal conviction. Most jail admissions are for misdemeanor offenses and, despite relatively short jail stays, expend law enforcement resources and impact those individuals detained. The Task Force explored ways to reserve jail sentences for more serious criminal behavior and ultimately recommended a non-jail, non-probation presumptive sentence for individuals convicted of certain non-violent misdemeanor offenses. This approach ensures jail and criminal justice resources are properly reserved for more serious offenders who pose greater threats to public safety.

HYTA Eligibility: Recent neurological studies suggest the human brain is not fully developed until the age of 25, yet the criminal justice system often holds young adults to the same level of legal culpability as their older counterparts. To mitigate this disparity, defendants charged with certain offenses can currently obtain youthful trainee status under the Holmes Youthful Trainee Act (HYTA) if they are 23 years old or younger. If an individual successfully completes a probationary period under HYTA, the court will discharge the individual and dismiss the case. The Task Force recommends expanding the age of HYTA eligibility from 23 to 25 so it aligns with current neurological research.

Probation: Probation is an invaluable opportunity for individuals to pursue rehabilitative objectives in lieu of incarceration. Yet, under certain circumstances, probation conditions can become overly burdensome and expensive, and establish pitfalls leading to eventual incarceration. Michigan has one of the highest rates of community supervision in the country and probation/parole violations are among the top ten offenses admitted to jail. Michigan law currently authorizes probation terms up to five years for most felonies and up to two years for most misdemeanors. The Task Force believes probation should be tailored to address specific risks and needs while incentivizing compliance through early discharge.

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Bill Numbers	Impact
SB 1048 (Santana)	Creates a non-jail presumptive sentence for most misdemeanors and certain felonies.
SB 1049 (Chang)	Expands eligibility for deferred judgments of guilt from age 24 to age 25 under the Holmes Youthful Trainee Act (HYTA).
SB 1050 (MacDonald)	Reduces maximum probation terms, tailors probation conditions to address risk and needs, and caps jail for technical probation violations.
SB 1051 (McBroom)	Tailors parole conditions to address risks and needs.

What are Michigan Legislators Saying?



*"The problems with our justice system are not limited to one corner of Michigan. **They're statewide and require legislative solutions.** I'm incredibly proud of our work on the Jails Task Force and heartened to join this bipartisan group of bill sponsors."*

- Senator Sylvia Santana

*"The Jails Task Force has opened up a closed world with data. They've given lawmakers the information we need to **retool a justice system that sets too many people up for failure rather than success.**"*

-Senate Majority Leader Mike Shirkey



*"Fixing our broken criminal justice system is a **top priority** for the Michigan House. Each year, hundreds of thousands of people sit inside of a jail, often when they pose no danger to the public. **We can create more just and effective laws while ensuring public safety,** and this reform puts us on that path."*

-Speaker of the House Lee Chatfield

*"Far too many people are landing in our jails **with serious mental illnesses.** We've got to do a better job of **keeping people out who should never be arrested** and training officers in jails to recognize mental illness when they see it."*

- Senator Pete Lucido



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*"We can build safe and healthy communities by ensuring people, especially younger adults, who have made a mistake **have a chance to make things better and thrive. Sending people to jail isn't always the best option.** I am proud to be part of this bill package that improves our justice system in a smart way, holds people accountable, and makes good fiscal sense."*

-Senator Stephanie Chang

*"A trip to jail is very disruptive to people and their families and it's **expensive to the taxpayers,** yet we still arrest people regularly for warrants on petty offenses. This bipartisan legislation will **keep more people who don't need to be in jail, out of the system.**"*

- Senator Jeff Irwin



*"The best way out of a life of crime is a job. If we structure probation in a way that sets people up to succeed instead of feeding people back into jail, **we can jumpstart the economy and reduce reoffending.**"*

-Senator Michael MacDonald

*"Growing jail populations are **not just a problem in Michigan's biggest cities.** We've seen the most significant jail growth in rural parts of the state, where there are fewer resources for addiction and mental health. This bill package helps us **build a justice system that works for all of us.**"*

-Senator Ed McBroom



*"When people are calling for systemic change in police accountability and law enforcement practices, understand that these bills **constitute huge progress toward that systemic change.** Decriminalizing minor infractions, eliminating mandatory minimum jail times and stopping driver's license suspensions for hundreds of thousands of safe drivers every year will **significantly reduce how many people interact with the police and get arrested.**"*

-Representative Tenisha Yancey

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*"We need to expand the number of crimes for which an officer can give someone a citation instead of making a custodial arrest. There are hundreds of misdemeanors now that officers have no choice but to arrest for, when **a citation would improve the overall process for both the police and the defendants.**"*

-Senator Roger Victory

In The News



[Penalized for Being Poor: Michigan Drivers Could Get Break On License Suspensions](#)

- Kamal Lukata Anderson experienced more than two decades of repeated arrests and stints in jail for driving with a suspended license. It all started in 1993, with a ticket he couldn't afford.
- Anderson said he thinks the proposed reform is a start to "helping everyday, average individuals be able to live normal lives without being in fear because they can't afford to stay out of jail."



['Purpose of Jail Has Gotten Muddled': Michigan Lawmakers Propose Changes to Justice System](#)

- Senate Majority Leader Mike Shirkey, R-Clarklake, and House Speaker Lee Chatfield, R-Levering, joined their Democratic counterparts in championing the measures, signaling strong chances for passage in both chambers later this year.

Bridge

[Coronavirus Emptied Michigan's Jails Without Crime Surge. Time For Reform?](#)

- And while statewide crime figures aren't yet available, court and law enforcement officials who spoke to Bridge said they're not seeing those released from jail re-committing crimes and returning in droves. "I'd say we're pretty close to proof of theory," said State Court Administrator Tom Boyd, who served on the state's Joint Task Force on Jail and Pretrial Incarceration that last year worked with the Pew Charitable Trusts on jail reform.
- "This is a textbook example of how we can identify a problem and work to specify what the problem is and what the options are so we can make progress," said Senate Majority Leader Mike Shirkey, R-Clarklake. "This task force put forward recommendations that I'm looking forward to putting some shoulder into, improving upon them, and prioritizing them for this fall."



[Bipartisan Criminal Justice Reform Push Continues; More Plans Introduced in Lansing](#)

- The Jail and Pretrial Task Force put forward a slew of sweeping recommendations to the state legislature to improve the criminal justice system.
- "We said from day one when we convened as a legislature that fixing our broken criminal justice system was a top priority for us," House Speaker Chatfield added. "The fact is, it was a priority before COVID came into our lives and it remains a priority even as we deal with COVID-19 for the remainder of this year."