



A Partnership for Community Relations and Jewish Advocacy

## **Criminal Justice Reform in Michigan Policy Adopted April 18, 2022**

(based largely on JCPA's 2019 Toolkit for Addressing Criminal Justice at the Local Level)

Adopted: April 18, 2022

Our criminal justice system is not meeting the expectations of many Americans.\* The United States has the highest incarceration rate in the world, yet crime rates also remain unacceptably high in numerous localities. Smart criminal justice reform must target under-policing as well as over-policing; prevention as well as sentencing; and rehabilitation as well as incarceration. Smart criminal justice reform will require innovative legislation to enact effective measures. It requires judges who carefully evaluate each criminal case before them and prosecutors who use their discretion wisely in selecting defendants and charges they will pursue.

Numerous aspects of our criminal justice system are in need of reform—the treatment of juveniles; policing and law enforcement; court proceedings; prison conditions and programs; and re-entry after incarceration. In setting out our goals, we are ever mindful of the direction we are given by our tradition: “You shall commit no injustice in judgment; you shall not favor a poor person or defer to a great man; you shall judge your fellow with righteousness” (Leviticus 19:15).

### **JCRC/AJC supports the following:**

**Treatment of Juveniles:** School policies that focus on suspension or expulsion of students from public schools for minor offenses lead students into the criminal justice system. Alternative methods of dealing with minor student offenses such as dress code violations, cell phone violations, profanity, and insubordination should be explored so that students are able to remain in the educational system. At the same time, more effective methods of identifying and removing students who pose real threats of violence need to be developed.

The remote learning models which have been necessitated by the COVID pandemic have led more students to abandon their formal schooling. Special attention must be given to these students in order to keep them out of the “school-to-prison” pipeline.

**Policing and Law Enforcement:** Tensions between communities of color and law enforcement have created a crisis situation in a number of cities. High profile police shootings have captured the attention of the public. Both over-policing and under-policing have created intolerable situations. More effective policing in areas of high violent crime needs to be developed in cooperation with the community. At the same time, the use of routine traffic stops for minor violations should be curtailed since these are often the precursors to confrontations with police.

Social workers and/or mental health specialists should be added to police teams that respond to mental health and domestic violence calls in order to most effectively defuse situations that have the potential to

rapidly escalate. We applaud those communities in Michigan that have already implemented this type of reform. Other Michigan communities should look carefully at the experience of these police forces in fashioning their own programs.

\*From the [Vera Institute of Justice](#)

Police militarization—particularly the use of SWAT teams for no-knock drug raids—has created the image of a police force at war with the community, especially in communities of color. These sorts of raids should be severely limited.

**Court Proceedings:** Significant increases in funding are needed for Public Defender offices so that public defenders have the time and resources to provide adequate representation to defendants.

Cash bail requirements imposed on indigents have led to lengthy unnecessary incarceration in many instances. Innocent defendants end up serving lengthy jail sentences awaiting trial because they cannot afford bond. Alternative methods of assuring appearance for trial must be developed. Cash bail should be reserved for those who are true flight risks.

The United States has an unacceptably high rate of incarceration, often for non-violent drug offenses. Mandatory minimum sentences should be abandoned so that judges can tailor the punishment to the offense and the offender. Offenders should be placed in prison facilities near their homes so that families can visit and maintain connections which will be crucial to offenders' adjustment after release. This is particularly an issue for women prisoners because of fewer women's prisons.

**Prison Conditions and Programs:** Prisons have often lost their mission of rehabilitation of convicts who will eventually be released. Prisons should focus on rehabilitation and should offer realistic educational opportunities to those who are incarcerated. Jails and prisons should also accommodate the sincere religious beliefs of those who are incarcerated.

Prisons have become de facto mental health facilities. Mental health care and counseling must be integrated into the criminal justice system. Solitary confinement—whether for disciplinary or protective purposes—adds to the mental health toll. Therefore, alternatives to solitary confinement should be made available using funds earmarked for alternative programs and housing. This way, prisoners with disciplinary problems and/or mental health issues, and those who need protection, receive needed services, instead of being placed in solitary confinement, which will likely exacerbate their situation.

**Re-entry after incarceration:** Society has a large stake in successful re-entry of formerly incarcerated persons into society. A number of current policies make successful re-entry difficult: lack of preparation for re-entry; disqualification from access to numerous government food, housing and other safety net programs; licensure restriction that limit occupational alternatives for ex-felons; and overly-strict parole conditions and enforcement that lead to re-incarceration. Also, many incarcerated people leave prison owing large court-imposed fees and fines that they are unable to pay. These impediments to re-entry must be re-examined in order to permit ex-felons who have served their sentences to lead productive post-incarceration lives. We are optimistic that the “Clean Slate” laws enacted in Michigan in 2020 which provide for expungement of certain convictions will improve the prospects for successful re-entry.