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TO: THE HONORABLE DETROIT CITY COUNCIL

FROM: David Whitaker, Director
Legislative Policy Division Staff



DATE: June 19, 2020

RE: **RESOLUTION IN SUPPORT OF CRIMINAL JUSTICE REFORM**

Council President Jones and Council Member Ayers requested that the Legislative Policy Division (LPD) draft a resolution addressing issues involving the impact of incarceration -- including support for the findings of a study of the Wayne County Jail by the Vera Institute of Justice, as well as the effort by Wayne County Executive Warren Evans and Sheriff Benny Napoleon to secure a Michigan identification upon release for returning citizens.

Attached is a draft of the aforementioned resolution for your review and consideration.

BY COUNCIL PRESIDENT BRENDA JONES

RESOLUTION IN SUPPORT OF CRIMINAL JUSTICE REFORM

WHEREAS, Building productive relationships between the police and the communities they serve is often mismanaged, neglected, or even hostile. More attention has been given to incarceration as opposed to rehabilitation, often resulting in abuse rather than understanding. In too many instances, poorly regulated authority on law enforcement has become an antagonist to the welfare of a community, instead of being the protector of it. As the world continues to cope with the health and economic crisis caused by the Coronavirus, an equally malignant crisis of how our society achieves Justice has been exposed; and

WHEREAS, A May 2020 study, entitled *Wayne County Jail – Report and Recommendations*, was conducted by the New York-based Vera Institute of Justice and funded by the Hudson-Webber Foundation from 2014 to 2019. The Institute investigated dozens of jails across the country, while the report focused on the Wayne County jail. Wayne Circuit Court Chief Judge Timothy Kenny chaired a working group alongside the study, with officials from the prosecutor’s office, law enforcement, criminal justice organizations, and defense attorneys to investigate traditional procedures for incarceration and possible methods to reduce the number of people incarcerated in Wayne County; and

WHEREAS, Wayne County jail administrators began implementing changes to the jail system during the course of the study, achieving a 25% decrease in the jail population from July 2018 to June 2019, in comparison to the same time period in 2014 to 2015; and

WHEREAS, Since March 2020, concerns regarding the spread of the COVID-19 virus in local jails accelerated efforts to reduce the number of prisoners in the Wayne County system, leading to a decrease in the jail population by 40% since the onset of the pandemic. County officials’ enhanced response to public health demands demonstrates not only the potential to reform the current system but the non-essential nature of continued mass incarceration at the local level; and

WHEREAS, Justice reform aims to implement new operational practices to continue to reduce jail populations after coronavirus concerns have subsided and develop strategies to prevent a return to pre-pandemic incarceration rates; and

WHEREAS, The Vera Institute study described five main categories of recommendations for justice reform:

1. ***Provide criminal justice oversight by creating a standing Criminal Justice Coordinating Council (CJCC), improving system transparency and public accountability.*** A CJCC would consist of members of local government, law enforcement, criminal-justice agencies, and community-organizers to collaborate, collect, analyze, and share criminal justice data from multiple agencies via online databases, public meetings, and published reports. Benefits of a CJCC is increased cooperation and transparency between agencies, local government, and the community by developing

well-defined objectives and improving the quality of criminal justice programs and personnel.

2. ***Reduce pretrial incarceration by reducing custodial arrests, increasing pretrial release, reducing the criminalization of civil issues, and expanding pre-trial diversion.*** Many people spend more time in jail before their trial, then after sentencing, which means the alleged offense was not significant enough to be sentenced to a lengthy incarceration stay. Needless, overuse of custodial arrests, even for a short time, can cost an inmate their job, diminish future employability, and exacerbate family or financial difficulties. Oftentimes, these arrests were avoidable and counterproductive in promoting public safety. Minimizing the amount of time a person is incarcerated for minor crimes, such as driving with a suspended license, lack of insurance, and civil issues like non-payment of child support will substantially reduce incarceration rates. It will also permit valuable resources to be diverted to other programs that are more beneficial for the accused offender and society.

3. ***Reevaluate approaches to the community supervision by reducing use of pretrial electronic monitoring, improving its administration and reducing incarceration for probation.*** 71% of the tether population hasn't had a trial. Excessive use of tethering before a trial has been held, has become a method of continuous surveillance without having established that the accused has committed a crime. There needs to be a restriction on the type of offenses that require a tether, expedite release from jail to tether, and a reduction in the amount of time someone has to remain tethered. Strict guidelines also need to be established for the length of probation, incentives for early discharges, and limiting penalties for technical violations. 89% of probation violations did not result in a new charge within the first 12 months of being arrested. This indicates people are going to jail for minor violations, which leads to more economic and mental health issues, than it solves. Probation and tethering are alternatives to incarceration, not an opportunity to find a reason to readmit people into jail.

4. ***Reduce the overrepresentation of black people in the system by establishing a framework for action on racial equity.*** Racial disparities are driven by the number of arrests. During the 5 years of the Vera Institute study, 18,289 black people and 5,724 white people were arrested in Wayne County, despite the population being 39% black and 50% white. The disparities are even greater for courts outside of Detroit. In other words, black people are being arrested more than any other racial group.

2014-2019 Data on Racial Disparities in Wayne County found below:

| <i>Wayne County is:</i> | <i>Arrested:</i> | <i>Sentenced:</i> | <i>On tether:</i> |
|-------------------------|------------------|-------------------|-------------------|
| 5% Other | 0% Other | 1% Other | 2% Other |
| 6% Latino | 5% Latino | 4% Latino | 3% Latino |
| 39% Black | 71% Black | 70% Black | 58% Black |
| 50% White | 24% White | 25% White, | 37% White |

5. ***Partner with community organizations to address violence and other harm*** by expanding mental health, rehabilitation, intervention, and jail alternative programs. Incarceration should be the final step, after all other remedies have failed. However, the Justice-System must provide and employ those remedies with the intention of

encouraging accountability, collaboration, and transparency between the police and the community they serve; and

WHEREAS, True justice reform must continue after inmates are released from jail. Wayne County Executive Warren Evans is working with Secretary of State Jocelyn Benson to improve inmates' prospects of employment and limit the possibility of future confrontational interactions with police by issuing a Michigan State ID to all inmates upon release from jail; and

WHEREAS, The Detroit City Council is dedicated to promoting development of a justice system that is fair, unbiased, and reasonable to all citizens regardless of race, gender, nationality, or ethnicity by expanding and investing in programs and procedures that will preserve the life and prosperity of all Detroit residents. **NOW THEREFORE, BE IT**

RESOLVED, Efforts to improve and restructure an excessive, outdated, and biased justice system is a long overdue undertaking that the Detroit City Council recognizes as a crucial component to developing a more equitable society. Therefore, the Detroit City Council vehemently supports the State of Michigan issuing IDs for all inmates released from jail and Wayne County implementing the recommendations devised in the Vera Institute of Justice May 2020 study of the Wayne County Jail. **BE IT FURTHER**

RESOLVED, the City Clerk's office is directed to send a copy of this resolution to Governor Gretchen Whitmer, Secretary of State Jocelyn Benson, Mayor Mike Duggan, Wayne County Chief Judge Timothy Kenny, Wayne County Prosecutor Kym Worthy, Wayne County Executive Warren Evans, and Wayne County Sheriff Benny Napoleon.