

RESOLUTION
THE MICHIGAN COLLABORATIVE TO END MASS INCARCERATION

The Michigan Collaborative to End Mass Incarceration is a broad-based, statewide, non-partisan collaboration representing non-profit, faith-based, advocacy, grassroots, and service organizations united to end mass incarceration in Michigan. **The Collaborative seeks to create and restore healthy communities.**

To that end incarceration must be regarded as a measure of last resort for all offenders, with the objectives of achieving a major reduction in the number of persons entering jail and prison, reducing the length of stay when persons are imprisoned, ensuring conditions of confinement that are conducive to genuine rehabilitation and training, and increasing the number of persons who are safely released from jail and prison facilities as well as their preparation and support when returning to their communities.

To facilitate achievement of these objectives, we urge: expanded use of restorative justice and other alternative and diversionary programs; increased mental health and substance abuse services; reform of the indigent defense system; a greater focus on addressing social problems that are at the root of many crimes; reform of sentencing guidelines; elimination of racial profiling, racially-targeted enforcement and other police practices that cause racial and economic disproportionality in prison populations, as well as additional reforms outlined in this document.

WHEREAS, the number of persons confined to prison is growing at an alarming rate that cannot be sustained:

- The United States accounts for 25% of the world's prison population but just 5% of the world's total population,¹ with approximately 2.2 million people incarcerated in prisons and jails.² A study of 40 states found that prison costs rose to approximately \$39 billion for these states alone.³
- Michigan's prison population grew at 29 times the rate of the state's total population between 1980 and 2010,⁴ and correction's expenditures increased exponentially over the past 25 years, rising from 3% of Michigan's General Fund in 1980 to over 20% today,⁵ with approximately \$2 billion in yearly corrections appropriations.⁶

WHEREAS, persons are confined to jails at an even more staggering rate, and money is now the most important factor in determining whether someone is held in jail while their case is pending:

- Nationally, the number of annual admissions to jails has nearly doubled over a thirty year period, reaching 11.7 million in 2013.⁷ On a yearly basis, jails receive nearly 19 times more admissions than our already overcrowded prisons.⁸ A study of New York City jails found that 54% of jail inmates held until their cases were completed had remained in jail merely because they could not afford bail of \$2,500 or less.⁹
- In Michigan, the jail populations in many counties meet or exceed the jails' operating capacities.¹⁰

WHEREAS, mass incarceration takes a significant toll on the families of those who are confined to prison or jail:

- In the United States, 54% of incarcerated adults are parents of children under the age of 18,¹¹ affecting over one million children in terms of their family structures, financial and emotional support systems, and living arrangements.¹²

- In Michigan, past analyses conducted by the Michigan Department of Corrections have consistently shown that 54% of adult prisoners have dependents (an average of 2) at the time of incarceration, based on pre-sentence investigations by field agents.¹³

WHEREAS, mass incarceration disproportionately affects African Americans and Hispanics:

- African American and Hispanics comprise over half of all U.S. prisoners despite making up approximately one quarter of the U.S. population, and African Americans are incarcerated at nearly six times the rate of Caucasians.¹⁴ Similarly, African Americans are jailed at four times the rate of Caucasians.¹⁵
- In Michigan, African Americans make up only 14% of the total population,¹⁶ but MDOC reports that 56% of all prisoners were “nonwhite,” though MDOC often reports Hispanics as “white” for reporting purposes.¹⁷

WHEREAS, the criminalization of youth behavior and the school-to-prison pipeline¹⁸ continue to feed juveniles into the criminal justice system:

- A study of 22 economically developed countries found that America’s youth custody rate far surpasses the rate of its peers and is nearly 5 times higher than the rate of the next highest country.¹⁹
- Michigan can send a youth of any age into prison as one of only nine states automatically prosecuting 17-year-olds as adults, and in the last decade sent 20,291 youth who were convicted of committing an offense before turning 18 into its prison system or adult probation program.²⁰ Further, Michigan continues to incarcerate individuals serving life sentences and who are ineligible for parole because of crimes they committed as juveniles²¹—a sentence the U.S. Supreme Court has ruled to be cruel and unusual punishment in violation of the Eighth Amendment.²²

WHEREAS, the rate of mental illness is disproportionately high among the incarcerated:

- Within the United States, researchers document rates of serious mental illness in prison to be in excess of three to six times those found in the general population,²³ and the prevalence of severe mental disorders and chronic infectious diseases among the prison population is far greater than among the general population.²⁴
- In Michigan, approximately 20% of the prison population was under treatment for mental illness in 2013.²⁵

WHEREAS, the average length of stay in both prisons and jails has increased markedly over time and resulted in significant costs:

- Nationally, prisoners released in 2009 served an average of nine additional months in custody, or 36% longer, than offenders released in 1990.²⁶ This additional nine months cost approximately \$23,300 per prisoner.²⁷ Similarly, the average length of stay in jail increased from 14 days to 23 days from 1983 to 2013.
- Michigan sentence lengths have steadily increased by various means over the last few decades,²⁸ with the result that Michigan had the longest average length of stay of the 35 states examined by the Pew Center on the States in 2009.²⁹ Research on Michigan prisoners has shown that increasing length of stay

does not correlate with improved re-arrest rates, and Michigan spends \$61 million annually holding prisoners longer in spite of low re-arrest rates.³⁰

WHEREAS, an objective and transparent parole process will ensure that prisoners eligible for release receive a fair opportunity to reenter the community:

- Across the country, individuals have stayed in prison longer than necessary due to administrative delays and backlogs, a lack of access to in-prison programming and opportunities to earn “good time” credits, and parole systems that do not consider releasing individuals who are deemed low risk due to serious illness.³¹
- Over 16% of Michigan prisoners are past their first parole eligibility date due to parole board discretion, which allows prisoners who have served their judicially imposed minimum sentences and are eligible for release to remain in prison,³² including those who have favorable scores on the Michigan Department of Corrections’ parole guidelines and other risk assessment instruments.

WHEREAS, substance abuse is prevalent among the incarcerated and prison-based drug treatment has shown success in reducing drug use and criminal activity, especially when coupled with aftercare treatment in the community:³³

- Across the United States, almost two-thirds of the individuals in prison meet medical criteria for an alcohol or other drug-use disorder.³⁴ Approximately the same percentage of individuals in jail have a history of alcohol or drug abuse.³⁵
- In Michigan, two-thirds of all prisoners have a history of substance abuse.³⁶

WHEREAS, employers report that job applicants who have been arrested, jailed, imprisoned, or paroled have the lowest chances of being hired:³⁷

- Over 95% of individuals in state prisons across the U.S. are expected to return to their communities,³⁸ and a multi-state study found that less than half of recently released individuals were employed 8 months after release.³⁹ Many concerned individuals and organizations are pursuing legislation that will limit employers’ ability to inquire about applicants’ criminal histories, and the disproportionate adverse impact of the criminal justice system on communities of color led the Equal Employment Opportunity Commission to conclude that in some cases, the denial of employment to a person of color on the basis of criminal history may violate Title VII of the Civil Rights Act.⁴⁰
- In Michigan, despite a strong focus on prisoner reentry upon release from prison and improving recidivism rates, parolee post-incarceration employment stands at only about 26% and has only rebounded slightly since the Great Recession following a long, fairly steady decline over several years.⁴¹

WHEREAS, access to educational programming and productive activities will improve reentry outcomes:

- One nationwide study found that inmates who participated in correctional education programs—including remedial, vocational, and postsecondary education—were 43% percent less likely to return to prison within 3 years.⁴² Other studies have consistently found that educational programs addressing fundamental abilities and skills directly applicable to the job market have been shown to contribute to successful reintegration of offenders into society.⁴³

- In August 2014, the Michigan Office of the Auditor General found that the MDOC “had not implemented all the components of a comprehensive process to evaluate the effectiveness and efficiency of its prisoner education programs,” failed to “identify and investigate correctional facilities that did not maintain prisoner classroom enrollments at the recommended capacity,” “did not request . . . federal funding for all eligible prisoners,” and “did not ensure that it enrolled otherwise eligible prisoners in the required hours of educational instruction in order to obtain additional Title I federal funding.”⁴⁴

WHEREAS, reentry outcomes will be improved if returning individuals have access to adequate housing:

- Nationally, research has found that released prisoners who lack stable housing are more likely to return to prison, and the immediate challenge of securing housing is often complicated by the scarcity of available, affordable housing, legal barriers and regulations, racial and other prejudices that restrict tenancy, and strict eligibility requirements for federally subsidized housing.⁴⁵
- In Michigan, the MDOC reported that 23% of all parolees experienced medium- or high-risk housing instability upon release.⁴⁶

WHEREAS, in-prison visitation and communication with family and friends helps to build a network of support for the incarcerated:

- Research from a number of states shows a significant correlation between in-prison visitation and lower recidivism rates, suggesting that visitor-friendly policies may help offenders establish a continuum of support from prison to the community and yield public safety benefits.⁴⁷ Despite this compelling data, it is often difficult and expensive for prisoners to communicate with family and friends. For example, prisons across the country charged such exorbitant fees for telephone communications that the Federal Communications Commission instituted rate caps.⁴⁸
- Michigan is one of a minority of states that does not have a floor for the minimum number of days or hours that visitation must be made available and does not promote or encourage visitation within its policy directive.⁴⁹ The incarcerated also bear unreasonable expenses in communicating with family and friends, as a 15-minute phone call costs nearly \$15 in some Michigan jails.⁵⁰

WHEREAS, recidivism rates can be reduced by investing in research-driven, evidence-based programs and implementing effective community engagement and supervision policies and practices:

- Nationally, two-thirds of the individuals released from state prisons are arrested within 3 years of release,⁵¹ and this cycle involves large numbers of adults increasingly concentrated in communities already deprived of resources and ill-equipped to meet the challenges this population presents.⁵²
- Due to the Michigan Prisoner Reentry Initiative (MPRI), Michigan witnessed the largest drop in recidivism of former prisoners in the United States with an overall 18% reduction in returns to prison between 2005 and 2007.⁵³ As a result of this and other factors such as reduced prison commitments under the Michigan Community Corrections Act, Michigan’s prison population declined 12% in just three years⁵⁴—without an increase in the crime rate⁵⁵—and contributed to the closing of 21 prison facilities.⁵⁶ For cohorts of targeted MPRI parolees through 2011, the reduction in recidivism was 38%.⁵⁷ Despite the overwhelming success of the MPRI, Michigan has cut the program’s budget by 40%.⁵⁸

THEREFORE, BE IT RESOLVED, that the Collaborative to End Mass Incarceration in Michigan adopts the following goals and objectives to be effective by the year 2020:

- A 50% reduction in admissions to prison and jail through the increased use of diversionary programs that meet the goals of sentencing;
- 75% of the population in each prison facility shall be engaged in productive activities at least 30 hours per week;
- A 50% reduction in the average length of stay of persons admitted to prison through the implementation of sentencing and parole reforms;
- A 50% reduction in the return-to-prison rate for persons released from State prison, through a rededication to the Michigan Prisoner Reentry Initiative Model, which includes full community engagement and community funding control, codified in law.

In order to support the goals and objectives of the Collaborative, attention to public education and reinvestment is required:

THEREFORE, BE IT FURTHER RESOLVED, that:

- In order to correct prevailing misconceptions about incarceration and its detrimental effect on children, families and communities, while promoting a theory of justice founded in restoration, rehabilitation and redemption, and an understanding that the child welfare and juvenile justice systems contribute greatly to adult incarceration, **the Collaborative is dedicated to public education that promotes a safe, fair, and cost-effective justice system.**
- In order to spur investment in neighborhoods most affected by crime and imprisonment, increase the capacity for children and families in those neighborhoods to thrive, and to provide enhanced and expanded services that have a proven impact on crime and recidivism, **the Collaborative will promote fiscal policies that reinvest savings resulting from improvements in the justice system into those communities and neighborhoods most affected by crime and imprisonment, particularly low- income and communities of color.**

SIGNATURE PAGE

I support the work of MI-CEMI, as outlined in the Resolution to End Mass Incarceration in Michigan and want to become a member* of the organization:

Signature

Date

Print Name

Email or phone (please print legibly)

MDOC# (if applicable)

PLEASE CHECK ALL THAT APPLY:

- I'm representing myself
- I'm representing an organization/group: _____
- Please send me information/updates about MI-CEMI meetings and activities.

Occasionally, we may use the names of individuals and organizations that support the Resolution:

- Please include my name in public acknowledgements of MI-CEMI members.
- Please include my organization's name in public acknowledgements of MI-CEMI members.
- Although I support the Resolution, I am not ready to be acknowledged as a MI—CEMI member.

AREAS OF INTEREST/QUESTIONS/COMMENTS:

What are the main reasons you are interested in supporting MI-CEMI? Any questions or comments?

PLEASE SEND SIGNATURE PAGE TO:

Michigan Collaborative to End Mass Incarceration (MI CEMI)
Michigan League for Public Policy; 1223 Turner Street, Suite G1
Lansing, MI 489006-4369; Fax 517.371.4546 (www.mlpp.org)

*MI-CEMI members can be criminal justice advocacy 501(c)3 non-profit/educational organizations, associations, and grassroots groups, or individuals who are interested in criminal justice reform, and who agree to sign and/or support the Resolution to End Mass Incarceration in Michigan. Member opportunities include:

- Attend, or send a representative to attend Collaborative meetings as often as possible.
- Review documents generated by the Collaborative, in order to stay informed about our work together.
- Participate in a Work Group as time allows.
- Share information about your individual or organization's areas of expertise, goals, and capacity.
- Contribute time and other resources, based on opportunity, timing, and availability.
- Communicate important information and knowledge, based on your or your organization's area of expertise, which is pertinent to ending mass incarceration.
- Encourage individuals/organizations to sign/support the Resolution to End Mass Incarceration in Michigan.
- Seek support from the Collaborative, whenever practical and desired, for your related work.
- Participate in consensus decision-making, and actively engage in problem solving.
- Help develop and promote a shared vision of priorities and messaging.
- Provide requested input/support, when possible, for other members' work.

(See MI-CEMI Operating Guidelines)

ENDNOTES AND CITATIONS

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- ² Bureau of Justice Statistics, *Correctional Populations in the United States* (Dec. 2013).
- ³ Vera Institute of Justice, *The Price of Prisons: What Incarceration Costs Taxpayers* (2012) (available at <http://www.vera.org/sites/default/files/resources/downloads/price-of-prisons-updated-version-021914.pdf>).
- ⁴ Citizens Alliance on Prison and Public Spending (CAPPS), *Basic facts about Michigan's prison system* (2013) (available at <http://www.capps-mi.org/wp-content/uploads/2013/03/Basic-facts-6.2013.pdf>).
- ⁵ Michigan Radio, *Michigan's corrections budget is at an all-time high* (Aug. 6, 2014) (available at <http://michiganradio.org/post/michigans-corrections-budget-all-time-high#>).
- ⁶ CAPPS, *Basic facts about Michigan's prison system*.
- ⁷ Vera Institute of Justice, *Incarceration's Front Door: The Misuse of Jails in America* (2015).
- ⁸ *Id.*
- ⁹ See New York Criminal Justice Agency, New York Criminal Justice Agency Annual Report (2013).
- ¹⁰ See e.g., Jail Prison Information System report for 2010 (available at http://www.michigan.gov/documents/corrections/JPIS_-_CY_2010_344047_7.pdf reporting that Berrien County was operating at 103.5% of capacity, Dickinson County at 124.4%, Genesee at 109.4%, Gratiot at 101.3%, Ingham at 97.1%, Iosco at 120.8%, Isabella at 118.9%, Oakland at 115.2%, Otsego at 143.2%, Presque Isle at 111.7%, St. Joseph at 124.9%, Tuscola at 142.5%).
- ¹¹ The Pew Charitable Trusts: Pew Center on the States, *Collateral Costs: Incarceration Effects on Economic Mobility*, (2010).
- ¹² Travis, et al, The Urban Institute, *Families Left Behind: The Hidden Costs of Incarceration and Reentry* (2003).
- ¹³ Michigan Department of Corrections Office of Research & Planning.
- ¹⁴ NAACP, *Criminal Justice Fact Sheet* (available at <http://www.naacp.org/pages/criminal-justice-fact-sheet>).
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- ¹⁶ Prison Policy Initiative, 50 State incarceration Profiles (2010) (available at <http://www.prisonpolicy.org/profiles/MI.html>).
- ¹⁷ The MDOC reported 19,147 white prisoners and 24,205 "nonwhite" prisoners in 2013. See MDOC 2013 Statistical Report, PP C 72 & C 74 (available at http://www.michigan.gov/documents/corrections/2014-04-04_-_MDOC_2013_Statistical_Report_-_Vers_1_0_452815_7.pdf).
- ¹⁸ See American Civil Liberties Union, *Locating the School to Prison Pipeline* (2008) (available at https://www.aclu.org/files/images/asset_upload_file966_35553.pdf).
- ¹⁹ Hazel, Neal, *Cross-National Comparison of Youth Justice* (2008).
- ²⁰ Weemhoff & Staley, Michigan Council on Crime and Delinquency, *Youth Behind Bars: Examining the Impact of Prosecuting and Incarcerating Kids in Michigan's Criminal Justice System* (2014).

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²² See *Miller v. Alabama*, 567 U.S. ___, 132 S. Ct. 2455 (2012).

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³¹ See Justice Policy Institute, *How to safely reduce prison populations and support people returning to their communities* (June 2010).

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³³ Gaes, et al, "Adult Correctional Treatment," in *Prisons* (1999); Harrison, "The Challenge of Reintegrating Drug Offenders in the Community" in 47 *Crime and Delinquency* (Jul. 2001).

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