Potential Action Items for Kalamazoo Equal Justice

May 12, 2015

Following is a list of potential action items compiled by the Walker Institute that were identified during the Unequal Justice Series of Community forums on Race, Class and the Criminal Justice System. The list draws from suggestions of forum participants, speakers and those involved in the planning of the forums. Potential action items also were drawn from the research literature and on-line resources related to the goal of reducing racialized mass incarceration.

I. General Criminal Justice Issues

- A fundamental shift in the philosophy that underlies the criminal justice system, as described by James Forman Jr. during his March 30 address at the Fetzer Center:
  
  From Fear and Vengeance to Mercy and Forgiveness
  
  And
  
  From Punishment and Dehumanization of Offenders to Treating them as if They Are Family or Neighbors

- Reform the indigent defense system. The American Bar Association ranks Michigan 44th out of 50 states

- Treat people with mental illnesses rather than incarcerate them. Various studies have found that high percentages of prisoners are mentally ill.

- Reduce the cost of phone service for prisoners. In 2013, the Federal Communications Commission ordered that charges for interstate calls made from jails and prisons be reduced. So far, there has been no reduction for within state calls.

- Reduce the number of persons from Kalamazoo County who are in Michigan state prisons. According to Kay Perry of Michigan CURE, approximately 1,100 people sentenced from Kalamazoo courts are currently in state prisons. An unknown number are in federal prison – (Walker Institute estimate is between 100 and 105). In addition between 300 and 400 people are housed in the County Jail at any one time. In sum, between 1,500 and 1,600 people from Kalamazoo are incarcerated at any given time.
• Reduce the racial disparity in incarceration rates. The race/ethnicity of incarcerated residents is unknown. However, among the various law enforcement agencies in Kalamazoo County, African Americans were from 3.5 to 8.3 times as likely to be arrested as whites. (Data are from 2012: http://www.gannett-cdn.com/experiments/usatoday/2014/11/arrests-interactive/) Also, if Kalamazoo follows national trends, it has been documented that African Americans are even more likely to be incarcerated than would be expected from their representation among those who are arrested and convicted.

• Concentrate prevention efforts among those at highest risk of incarceration. African American men – especially those who have not completed high school -- are especially at risk. Based on a Walker Institute analysis of Kalamazoo County arrest data, combined with national studies of risk of arrest by race, gender and educational level, it is estimated that approximately 10 percent of African American men from the County are currently incarcerated, as are approximately 45 percent of African American men who did not complete high school.

• Inmates often have trouble accessing educational and counseling services while in prison. Completion of educational and counseling programs generally is expected as a condition for parole. Avoidable delays in accessing these services prevent inmates from being released as early as they might otherwise be.

• Prosecutors should cut back on the charges that arrestees face. Research conducted by John Pfaff of Fordham Law School found that the behavior of prosecutors is responsible for much of the increase in incarceration rates that has occurred in recent decades. Milwaukee County District Attorney John Chisholm is deliberately working to reduce incarceration rates in that county by drawing a sharper distinction in prosecutorial strategy between “those who threaten us and those who merely annoy us.” (The New Yorker, May 11, 2015, by Jeffrey Toobin)

• Abolish predatory fees charged to prisoners, including those related to telephone services, and “lodging” in county jails.

• Abolish fees charged to parolees for monitoring devices as well as other charges - given that prisoners generally were poor when they went to prison and have even fewer financial resources upon their release.

• Kalamazoo residents should advocate to their elected officials for their fellow citizens who are incarcerated, as well as those who have returned to the community or about to return. Greater awareness and advocacy from citizens on criminal justice issues is essential to reduce the current crisis in racialized mass incarceration.
II. Prevention

- Realign political priorities to promote strong, economically secure families
- Increase access to well-paying jobs
- Do more to ensure the healthy growth, development and learning of young people so that outcomes do not vary so dramatically and consistently according to the economic circumstances, race and neighborhood of the child.
- Consciously and deliberately work to restore equality of opportunity to children, regardless of where they come from.
  - Monitor outcomes and hold all service providers and stakeholders accountable for outcomes
- Break down the “silos” among providers of services to children and families. Despite a wealth of resources and services, outcomes for disadvantaged children and families in this and other communities are not commensurate with the expenditures and efforts of providers who do not collaborate to achieve a collective impact that truly enhances the well-being of recipients.
- Greatly expand access to high quality mental health treatment
- Greatly expand resources for high quality alcohol and drug treatment prevention and treatment
- Engage and empower residents of low income neighborhoods as true stakeholders in a change process that will lead young people on a pathway to prosperity rather than prison.
III. Juvenile Justice

**Administrative Reforms:** Develop and adhere to a set of guiding principles in how youth and families are worked with when referred to the court or found within the formal jurisdiction of the court. These must be exhibited judicially, administratively, managerially and by all who are charged with providing supervision and services. They should focus on positive, strength building interventions and accountability.

Implement a system of continuous programmatic review. Measuring the effectiveness of court programs should be a priority when developing and implementing intervention strategies.

**Cultural Changes:** There needs to be a culture of treatment for the youth and families involved with the court. Strictly punitive interventions and an expectation of blind obedience with written orders are not effective. Youth and families should be accountable through positive, relational interventions and realistic expectations.

**Prevention:** In most instances the court can only be responsible for secondary prevention. An act must have occurred before the court can provide any intervention yet delinquent behavior can be fairly predictable. The one area the court can intervene early is in cases of school non-attendance. The court needs to work with the public schools, the state child welfare system and prosecutor’s office to develop effective systems to address cases of educational neglect. Other prevention efforts are more the responsibility of community agencies and service providers based on early identification of at risk youth.

**Enhanced Support:** No youth should be confined, post adjudication, without well stated reasons for the confinement, the goals to be accomplished during confinement and what services/supports are needed upon release. These services and supports should be arranged and accessible for the youth and family as soon as practicable upon the youth’s release from placement/confinement. These could be services provided by the court or other community service providers.

- The state of Michigan must change the maximum age at which persons are treated as juveniles rather than adults from one’s 17th birthday to the 18th birthday.
• Ensure the privacy of juvenile court records. Compared to most other states, Michigan has relatively few restrictions on making juvenile arrest and conviction records available to the public, including potential employers.

• Change Financial aid such as Pell grants are denied to persons who committed certain offenses as juveniles, including those for domestic violence, drug offenses and sex offenses

• Either prohibit charging juveniles as adults altogether, or at least change Michigan law back to a minimum age of 16, as it used to be. It is currently 14.

• Fully implement the Michigan Youth Re-entry Model of the Michigan Council on Crime and Delinquency, or a similar best practice model.

• Examine school suspension and expulsion policies

• Provide sufficient resources to enforce truancy laws, including by addressing the needs of struggling families and youth, as needed

• Increase coordination among community based organizations that serve youth, schools, churches, and the juvenile justice system, as needed. Increase resources for preventative serves commensurate with need.
Services for Ex-Offenders Returning to the Community

- Reverse cuts made by the Governor Snyder for prisoner re-entry services.
- Ex-offenders who served out their sentences and were not paroled receive no services to help them return to community.
- Former presidential advisor Paul Begala is famously quoted as saying that budgets are moral documents. Michigan’s budget priorities are seriously misaligned.
  - Michigan is one of only eight states that spends more on corrections than it does on higher education.
  - The most recent budget allocation to run Michigan prisons is $1.5 billion.
    - The budget for re-entry services is $30 million. The portion allocated to local service providers is only $13.8 million. (2014)
    - The budget for educational services for prisoners is $35.9 million (Michigan Council on Crime and Delinquency)
- Re-examine and eliminate as many prohibitions upon categories of employment for ex-offenders.
- Remove ban on eligibility for social services (eg., bridge cards, housing assistance) for ex-offenders
- “Ban the box” – eliminate questions about criminal records from employment applications, per the guidance of the Civil Rights Division of the US Department of Justice.
- Have a good re-entry plan in place three to six months prior to release from prison.
- Care. Whether as an employer, landlord, service provider or neighbor or family member, consider getting to personally know and help an ex-offender get back on his or her feet.