

## Decarceration Nation Episode 71 “Jails Task Force”

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Joshua Hoe

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Hello and welcome to Episode 71 of the decarceration nation podcast, a podcast about radically reimagining America's criminal justice system. I'm Josh Hoe, among other things, I'm formerly incarcerated a freelance writer, a criminal justice reform advocate and the author of the book “Writing Your Own Best Story: Addiction and Living Hope.” We'll get to my interview with lieutenant governor Gilchrist Chief Justice McCormick and state senator Santana, about the Michigan Task Force on jail and pretrial incarceration in just a second, but first the news. Yes, I know I promised we were done for the year. Fortunately, I received an email from a very nice assistant to lieutenant governor Gilchrist that Mr. Gilchrist would like to do an interview about the task force. during a break in the task force meeting a few weeks ago, I was led to a room where I was supposed to do the interview. And about 15 minutes later I was told we were moving the interview to Senator Santana's office. Next thing I know I was informed that the Chief Justice of our Supreme Court would also be joining the interview. So after finishing the interview with these three luminaries, I thought about it and decided it would be a nice Christmas surprised at another episode here at the beginning of December.

I call this episode jails Task Force. For simplicity sake. The technical name of the task force is actually Michigan Joint Task Force on jail and pretrial incarceration, which is a bit expensive to make for a good tagline. Anyway, I'm really happy I got do this interview and I hope you don't mind me adding an extra episode this season.

I want to take a second to thank our supporters on Patreon Tom Decker of Chicago green insulation, Jim sweeten, Gary Petrovich Olsen, Lauren gross. And the registry matters podcast which some of you might know is our sound engineer Andy's podcasts and well worth a listen if you're not already a fan.

I do want to take this opportunity to wish everyone who is listening and all of the people who listen to the decarceration nation podcast The happiest of holiday seasons. Now let's get to my interview with the Lieutenant Governor of Michigan, the Chief Justice of our supreme court, and one of our great state senators.

Hello, I'm here with Senator Sylvia Santana, Lieutenant Governor garland Gilchrist and the Chief Justice of the Michigan Supreme Court. Mary Bridget Merrimack Mary McCormick. We're here to talk about the jail's Task Force. I always ask the same first question, which is how did you all get from where you started to where you're working on criminal justice issues?

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Chief Justice Bridget McCormack 2:39

The test first actually, came about as a pretty unique bipartisan state county partnership between the governor, the leadership in the legislature, myself, the sheriffs and the counties to partner with the Pew Charitable Trust to see if we can finally call some data to figure out why our jail populations have grown as much as they have, even though crime is at an all time low.

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Lieutenant Governor Garlin Gilchrist II

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I mean, the executive order was signed in April to create the task force. And I think everyone who's a part of the task force all 21 members who are representing both parties representing law enforcement, representing attorneys representing victims of crime, people were formerly incarcerated. Everyone has a personal story. But I think what's important, and we've seen this through the taskforce process where we've had, you know, we'll have three more hours of public testimony here in Lansing. We've had hours of public testimony in Grand Rapids and in Traverse City and other parts of the state is that this the urgency of fixing our county jail system, the urgency of how we can reduce the incarceration rate at that level, trying to do the same way that we've done at the state level with them. Voc I think is really critical and really important so people can get better service and we can enhance public safety in a different way other than locking people up.

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State Senator Sylvia Santana

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At this, I think, from a community standpoint, you have a lot of people who interact with the jails, and you know, bond is always an issue for a lot of people who are already in poverty. And so I think as a collectively, as a group of individuals in a bipartisan, all three branches of government process, we want to make sure that Michigan is not criminalizing people for things that may be minor. misdemeanors are civil felony. So we want to make sure that people are actually being made whole and not being in a situation where they're in a revolving cycle of being in front of the justice system for things that may be minor in nature. And I think that ultimately, our goal as a task force is to make sure that we are looking at our criminal justice system from a pre trial standpoint, and making sure that that system makes sense. Collectively, you have so many people waiting in jail beds for for a trial and that is something that is costing the system a lot of money.

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Joshua Hoe

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So one of the I think one of the really unique features of The task force is that it's really in a time where we don't have a lot of bipartisanship a pretty bipartisan and there's just an incredible amount of stakeholders How was how are you able to get so many people to come to the table together,

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Lieutenant Governor Garlin Gilchrist

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I think is representative of the urgency of the issue. We are in a unique moment in time where criminal justice reform is something that hold parties at the state level as well as the national level. And so I think this coming together, shows that this is a community and statewide challenge that needs to be resolved that this rises beyond partisanship, to issues of justice and issues of how we can really protect and promote public safety. And I'm proud of the work that everyone on the task force is doing and we have the legislature, leaders from the legislature recommended not just great current servants like Senator Santana, but also some of the past legislators as well who are participating in the effort representing a wide range of ideologies. But one thing we can agree on is that we need to fix the system so that it can be more effective in terms of public safety that it can better serve both victims. And the people who may have committed offenses, and that also we can just repair more people to be successful in the best light here in Michigan. Anything?

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Chief Justice Bridget McCormack

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Yeah, I guess I would say that there's been a pretty dramatically differing public opinion on a lot of these issues. I mean, I think the public we've heard from in communities all across the state, really different kinds of communities has been loud and clear and pretty effective in telling us that that people around the state from different points of view with different backgrounds believe that the system can do better that it can make our community safer, and it can treat people with respect and, and healed up and that's changed kind of nationally. I mean, I've seen that and I'm sure you all have as well. In other parts of my public life. I was recently at the meltwater lunch and Grand Rapids and Bryan Stevenson was the speaker and it was in Grand Rapids and the vault the JW bar room was packed and they were on their feet the entire time. And his message was one of you know, we can be proximate to to the people in our criminal justice system and we can we can heal them. So there is a public sort of, I think the public view has changed on many of these topics, and they're demanding it of their of their public officials, whether whether we were going to come to the party or not, but we're glad we're here

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State Senator Sylvia Santana

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I think one of the other things I would say is that it's been the studies have shown that people who are spending time in jail unnecessarily are being impacted economically. Also, I think you see individuals awaiting trial and or can't make bail, who are ultimately being put in a cycle of poverty, because they're losing their jobs. They're not able to be there for their families when it comes to making sure that they have that head of the household that supporting the family

financially. And so I think that ultimately we need we are we're looking at that, and we've heard that consensus across the board when it comes to the people who have come from a task force to discuss ways that they have been impacted by the system and also how we can better it. So those are some of the things that I think really have come out of some of the hearings that we've heard, and just ways that the system can be better overall.

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Joshua Hoe

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So the partner on this has been the Pew Charitable Trusts. Can you talk a little bit about what they what their role has been, and what they've done so far,

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Lieutenant Governor Garilin Gilchrist II

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Pew has been an amazing partner. And they've stepped up in some key ways. First of all, with a million dollars in funding to support this effort. The second with I would think it's like seven or eight full time staff people who are working and doing the hard work. So when we're talking about this is the deepest dive into the date from a data perspective in the county jail system, really in the history of the state of Michigan. We couldn't answer with a straight face and be accurate in terms of how many people are in jail, why for how long what the cause for that work, but pushed done the work to work with, you know, our 81 county jail system for a three counties and the going meet with people and taking real representative state To do the data analysis has led to the really rich data that they presented to the task force is going to inform our policy choices. Pew is internationally renowned for the quality of the professionals that they are able to deploy for these kinds of questions. They've helped to do this work in other states. And we're proud that they've, you know, chosen to partner with the state of Michigan and do it, it's really been invaluable, and it's helped make this task force productive. And I think we're going to make very well informed choices about our recommendation because of it.

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Chief Justice Bridget McCormack

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Same WiFi was the gold standard. And so we were, you know, really, I think, felt incredibly fortunate when we were selected because we just did not have the data I mean, at three counties in Michigan have their own sheriff in their own jails, and they keep their own data, not quite at three jails, but jails keep their own data differently. We never before had statewide data pqs been able to take the jail data together with the state police data and the data from the state court administrative office and be able to tell a rich story from which we can make sound recommendations for how to move the state forward in this in this question of Our jail populations. In addition to that, they've been able to gather for us the best research the best examples from around the country. So anytime any one of the task force says, gosh, does any state do x? This seems like it might work. And they'll be like, yeah, they're eight or nine to do will

bring you all that information. It's like having the most incredible support team that I have ever worked with.

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State Senator Sylvia Santana

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I think also as we meet and convey what our subgroups were able to, they're able to provide data and also best practices that help us to drive our decision making. And we you seen that today, as we met in the committee, you know, all of the subgroup, actually reported out some of the recommendations that they have as subgroups. But in addition to that, we've also heard where other subgroups have provided counsel and things that they felt we could change per our recommendations. And so, pew trust will also help provide that data to go back and look at those recommendations and be able to disseminate that information to us. subgroups so that we can continue to move the progress forward.

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Joshua Hoe

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So now we're kind of at the point where you've seen the data. You all have started to meet and working group and we started to get reports back from the working groups today. What's anything anything in particular stands out to you or anything that you started to notice from what people were reporting back? You're cheering us on?

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State Senator Sylvia Santana

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I think. So for I think one of the things that we really have begun to determine is that a lot of people are interacting with the system, the justice system or with the jails, because of driving on suspended license and other nine driving factors that are requiring them to, you know, be under go to court because of those issues. And so I think that's something that I personally feel that our sub group has looked at, we also looked at, how can we reclassified misdemeanors to civil infractions, if there's misdemeanors that should not be Sleep be considered for jail time, then that's something that we should look up, look at collectively to reduce jail populations. And so that's something that I think has been a benefit to the conversations overall.

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Joshua Hoe

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I know someone who testified on that very subject. That was me.

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Chief Justice Bridget McCromack

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I would I think one of the we divided into three sub groups because um, they're they're sort of like three discrete parts of the jail populations that might have different recommendations. So there's First there's, you know, what can we do at arrest or even you know, before someone is arrested to deflect or divert people, what happens to the folks who are in jail pre trial waiting for trial, and then the third group which senator Santana chairs, the probe violations, probation violations, people who have already been sentenced and are back in jail, but what's interesting is how overlapping so many of the questions are so senator Santander's group was focused a little bit on how many people end up back violating probation or parole and back in jail for it driving with a suspended license. Well, that's also a concern of the first group and the second group, you know, so so many of the issues that we're considering our span all three of the subgroups. So a lot of our recommendations we find are veering into other lanes. But I think that all with this awesome stuff from Pew will work itself out into some some tremendous recommendations at the end, some ambitious ones.

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Lieutenant Governor Garlin Gilchrist

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Yeah, the only thing I would add is that, as now, to your point, we have heard a lot of data information presentations from experts public testimony, which we'll hear more of today. For me, this is really called back to us remembering why we're here now that we're getting into the actual process of developing recommendations and building consensus, remembering, you know, what are the values that we want this system to? espouse, you know, what is criminal justice mean in Michigan, are we, you know, trying to move towards care, we're trying to move towards rehabilitation. We're trying to move toward positioning people for success. We're trying to move towards are eliminating people's contact with the system unnecessarily. And those values I think are going to be really reflected in the recommendations that are coming on all these subgroups. And that's very exciting because that's really an elemental conversation that we need to always be willing to challenge what

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Joshua Hoe

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our assumptions have been about criminal justice in the past and what they can be what the system can do for society going forward. I think one of the really amazing things along that vein is that this has been a process that encouraged the public to be part of the process throughout and in every single instance except the very first one. The public has had room for public testimony. In fact, we're about to get downstairs and hear some more public testimony has anything Have you? If you have any memories from all this that or anything that's resonated with you, particularly from all the public testimony?

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Lieutenant Governor Garlin Gilchrist II

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I'm, I'm only gonna say one second time, I guess, but I've been struck by that a number. I think at every meeting, we've had at least one family come up where you've seen Parent and at least one child come and testify to their experience with the system either as people who have survived crimes or people who another member of the family has been incarcerated. And I've talked about the adverse effects that that's had on their family life. And it just so that shows me the gravity and the urgency of why we need to get this right. Because the children who were there testify like this is impacting their present in their future, we need to fix this for them, because we don't get another chance to get that right. And so I've been struck by people who've been so courageous and willing to step up and these kids and when we're talking kids that are 810 12 years old, telling these very visceral stories about what their experiences have been and for me that that says we need to get this done. Right, maybe do that now.

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Chief Justice Bridget McCormick

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I think that I mean, on the one hand, not surprising, but the ways in the personal stories about how ill equipped our jails and our Sheriff center deputy sheriff's are for dealing with people who are mentally ill is heartbreaking time after time after time and you know, that you wouldn't drop somebody off at a jail with a broken leg and say it's your problem, Sheriff. But regularly people get dropped off at our jails who have serious mental illness and our and we and we don't have the ability to help them. And that story we've heard in every community from Detroit to Traverse City to Grand Rapids. And it's it's been personally heartbreaking to me.

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State Senator Sylvia Santana

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I think overall, I think the stories that we've heard via the testimony are very important and crucial to the conversation. But I also feel that we've heard some best practices from other states that I think might be beneficial, especially to our sub group. We discussed the around Florida what they have this probation reentry center, if you will, where they're helping to support those individuals who are coming out of incarceration and on probation and parole, to make sure that they are able to pay their restitution that they are, they're able to Get a job that you're able to have housing. And I think that's something that we need to look at collectively, when we're talking about sentencing and parole, violations of probation violations, making sure that individuals who are coming out of the system but perhaps might be re encountered with the system due to their violations of probation, parole, making sure that they have those supports. And I think if we front load that investment into their successes, they will not reoffend and they will not end up in a situation where they're back in front of a judge. So I think that's important.

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Joshua Hoe

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So we're kind of heading toward the last several meetings, but the end of public testimony today, what can people expect from the task force going forward?

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Chief Justice Bridget McCormack

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Well, here's our schedule. We have that we will have public testimony this afternoon. We then have continued meetings in our subgroups which are which is where we're developing the policy recommendations throughout this month, and then we'll we will be putting together a final report which will be Ready on January 10. So we, we we are, we don't have a lot of time left, it gets me a little bit nervous but, but see how hard all of my colleagues on this task force are working on? I'm confident we're gonna we're going to get there. We can continue to take public testimony on the website at any time. And we welcome people can submit written testimony.

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Lieutenant Governor Garlin Gilchrist II

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Anytime. Yeah, absolutely. And please, I would encourage people to continue to do that. It's really important and all that input matters to make sure that we are informing them are shaping the best policy possible. And then beyond January 10, all the members of the task force will once we all come together, we will ask the chief just like say we will speak with one voice in terms of making our recommendations the legislature we will deliver those recommendations legislature and then as a task force we will then work together on ensuring that our recommendations can be reflected in law can be reflected in practice and that they can be implemented effectively. And so the task force as it was written, an executive order will be in place with Putin. Report through September of 2020. And so we'll be working on at least through that date. Everything.

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State Senator Sylvia Santana

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Yeah. And just to piggyback off of those policy recommendations going to the legislature, I think that's where the real work will come into play for TAs members who are part of the House and the Senate, making sure that collectively we can have those conversations with our colleagues, to the importance of making sure that these changes are made for the state of Michigan and also for local jails. It will help hopefully to reduce costs and also have meaningful impact for the constituency who actually have to, you know, have conversations with the justice system and making sure that now that some of those recommendations that they have made or realize also,

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Joshua Hoe



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so I always ask the same last question, which is, were there any questions I should ask but didn't Was there anything else you would just like to say?

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Chief Justice Brigdet McCormack

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I guess I would, I would just say Thank you for the interest and for talking about this topic. It's, as I said, you know, in an answer to one of your earlier questions, the public really cares about this. And Michigan is really uniquely poised to be a national leader in given all the people we have at the table, and all of the diverse viewpoints that have an interest in getting some big things done. So thank you for giving us this opportunity. And we hope you'll stay interested as we work to make sure that as senator Santana says the hard work gets done after January 10.

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State Senator Sylvia Santana

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I would just like to say, definitely, it's been an eye opening, just to hear some of the data that Putra has collected across all of our counties. And I think that ultimately that lends itself to other conversations, how can we make the structure of our system work more, not in a streamlined manner, but also making sure that day is share throughout the counties. I think that's something that will ultimately result in a reduction in costs and also some savings throughout the state of Michigan as well. So that will be important to,

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Lieutenant Governor Garlin Gilchirst II

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we have an opportunity to change lives through changing the system. And so we believe we can do that for the better. And this is an amazing team that has stepped up and with it, a team has not done before in the history of the state. And so we want to make sure we leave a great mark on it. So I'm very excited about that.

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Joshua Hoe

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Thanks so much for taking the time to talk with me and really appreciate it and let's get back to work.

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Now, my take

First, this task force is important. Prior to the Pew Charitable Trust getting involved, nobody knew precisely what was driving Michigan's pretrial incarceration across our state. I suspect it in

almost every state across the country just like they do here in Michigan counties run jails, and rarely share information or when they do share information. They rarely use a uniform reporting system. Here in Michigan, we have 83 counties and almost all of them with a county jail. Until this task force was created, we had very little idea what was driving jail populations and arrests across the counties. Hopefully this taskforce can serve as a model for what could happen in other states. As everyone who listens to this podcast regularly already knows we arrest and incarcerate far too many people across this country. As I've shared many times before, many of the worst things I saw during my own incarceration happened in county jails is not surprising. The bad things happen in county jails. Jails are largely funded at the county level where the least amount of money resides. Resources are minimal and demand for services in jail is very high. Dramatically reducing the amount of people incarcerated in county jails could make a dramatic difference to people's lives all over our states and across our country. We still have a lot of work to do to turn the task force recommendations here in Michigan into law. But I believe every state needs to look under the hood of what has been driving our country's pretrial incarceration boom. We need to stop arresting and incarcerating so many people for misdemeanors, we need to stop treating collection of criminal legal fines and fees as an excuse to incarcerate people, or as an excuse to suspend driver's license which leads to the incarceration of people. And we need to look at pre trial detention and make it the exception instead of the rule.

Second, this interview was symbolically important for me as a movement. We've come a long way in a short time. Even after two years of interviews. I'm always surprised when people agree to be on this podcast. This is not just false modesty. Just a year before I started doing the show, some people refusing to public publish articles I had written and when I first got back from incarceration, I couldn't even get a job bussing tables. Now in just the last few years I've had candidates for governor, candidates for prosecutor, the district attorney of Boston, Massachusetts, and now lieutenant governor and a Chief Justice a state senator, all be guests on the podcast. Times are changing. And people are starting to notice that the one silver lining of mass incarceration is that its mass incarceration that so many people have been impacted by this, that almost everybody has a family member or a friend who has been impacted.

I should also mention that during the interview, Senator Santana accidentally claimed that the chair Pew Charitable Trust \$1 million into this effort, which is incorrect and a correction she asked me to make right after the interview.

I want to thank all of my guests over the last year and thank all of the people standing up and recognition that things have changed in this country that people will not be defined by their worst moments, and that we have to embrace people returning home after incarceration. We have to find ways to value their talents and create ways for them to become successful if we want to see better results.

We will be returning for season three of the decarceration nation podcast on Reverend Dr. Martin Luther King, Jr. Day in 2020. I'm already recording new interviews and can't wait to connect with you again, including just about two months.

As always, you can find the show notes or leave us a comment at [decarceration Nation com](http://decarcerationNation.com) if you want to support the podcast directly, you can do so from [patreon.com slash decarceration Nation](https://patreon.com/decarcerationNation). You can also support us by leaving a five star review from iTunes or like us on [Stitcher](#) [Spotify](#). Special thanks to Andrew Stein who does the editing and post production for me to Robert Alvarez who helps with the website Kate summers who's helping us with our [Instagram](#) and [Facebook](#) page. So make sure and add us on [Twitter](#), [Instagram](#) or [Facebook](#). Thanks so much for listening to decarceration Nation podcast. See you next time.