

VISION: We are creating a county that is grounded in love and communal healing and that embodies collective accountability for all humanity.



We are making sure that the 2020 Washtenaw county prosecutor election debate:

- Recognizes the urgent need to **SHIFT FUNDS** from the Prosecutor's Office to community-led programming
- Tells the **TRUE STORY** of the Criminal Punishment System
- Centers **LOVE** and community needs
- Dismantles and shifts the narrative of **SAFETY** toward **ISSUES** that we care about
- Encompasses full, accurate and historical education on the **ROLE & POWER** of prosecutors
- Offers a **VISION** for a different world including alternatives to the Criminal Punishment System

WHO WE ARE: We are a group of multi-racial, multi-generational, and queer Washtenaw County residents who are committed to wellness, joy, and liberation for everyone in our County.

OUR APPROACH: We believe that communities have the power and wisdom to create collective forms of abundance, care, and accountability grounded in human dignity and liberation. We believe the Criminal Punishment System needs to be radically and systemically transformed, and that conflict and harm should be handled through well-funded community-based resources, independent from the carceral state. Our community demands seek to name and move toward transformative goals while putting forth immediate steps for the Prosecutor's Office that align with those transformative goals. In these demands, we use the word 'diversion' to refer to community-led services and resources that are disconnected from systemic punishment and state control. We understand that electing a new prosecutor, even as part of a larger strategy, will not end the violence of criminalization. We also understand that changes in the Prosecutor's Office policies and practices can result in valuable outcomes in decriminalization, decarceration, and shifting the resources and power of the Prosecutor Office to community.

CONNECT WITH US:

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1. STOP TARGETING BLACK, BROWN, INDIGENOUS & IMMIGRANT COMMUNITIES

CONTEXT: Black, Brown, Indigenous, and Immigrant communities are surveilled, arrested, detained, charged, and face criminal penalties at disproportionate rates in the United States.

These current outcomes are not a recent abnormality rather they are deeply rooted in a history of white supremacist policies that have always involved disproportionate policing and punishment of these communities. Washtenaw County is no exception to this trend. Neither the Prosecutor's Office nor the Sheriff's Office release reliable data on racial disparities, which is extremely problematic in fostering internal and external accountability. Available data from the ACLU, however, indicates that although only 12% of county residents are Black, 59% of people booked into jail pretrial are Black. Black residents are also almost 9 times more likely to be incarcerated because they are unable to pay bail than white people relative to the population of Washtenaw County. This rate of disparity is higher than the rates of disparity in the nearby counties of Oakland, Kent, and Wayne.

Nationally, immigrant communities experience additional threats at every level of interaction with police and prosecutors, such as the threat of deportation or family separation. The current Prosecutor has continued to pursue prosecutions of immigrant community members even after being made aware that deportations would result.

DEMANDS

The Prosecutor must:

- **Reject technology-based interventions that reinforce racism**, such as risk assessment algorithm tools, "race-blind" prosecution, or other "color-blind" technological solutions.
- Partner with an independent and external evaluator to assess all cases for **racial profiling and inequity**, and subsequently drop charges and repair the harm.
- Gather data by race to inform racially equitable **internal policies, practices and procedures**.

- Create a detailed plan outlining how the Prosecutor Office will achieve at least a 50% consistent **reduction in charging against aggressively policed** communities of color.
- Provide independent **language translation and interpretation** in people's preferred languages in all interactions with the Washtenaw County system that does not require a relationship with ICE or Border Patrol.
- Never charge a person with the mandatory felony firearm two-year flat sentence.
- Actively **instruct trial attorneys to not share information** with deportation authorities about individuals who are present in the courts or held in jail.
- Implement an office-wide policy requiring all prosecutors to **recognize the risk of deportation** for undocumented residents, among other collateral consequences for all in charging, plea, and sentencing decisions.
- Decline to prosecute undocumented community members who do not have **licenses**.

The Prosecutor must advocate for:

- Ending Immigration Customs Enforcement (**ICE**) **agents making arrests** at courthouses, medical facilities, and residential facilities (such as homeless shelters).
- Local communities to **file suits against ICE** for previous and current arrests.
- Government officials to accept a range of **photo identification** not just driver's licenses.
- Ending all existing government county level **contracts with ICE**.
- End the enhancement tool for the mandatory felony firearm two-year flat sentence.



2. ENSURE TRANSPARENCY & ACCOUNTABILITY

CONTEXT: In the United States, prosecutors and police operate with near impunity (free from punishment), and have increasingly gained, not lost, legal protections to allow them to act without oversight. As in much of the country, in Michigan, Police and Fire unions have the right to argue their case in arbitration, meaning police contracts make officers nearly immune to departmental discipline, censure, and removal. Additionally, there is no regularly updated

publicly available data in Washtenaw County detailing the full scope of the surveillance, arrest, detainment, prosecution, and criminal penalties of community members. The lack of data makes it difficult for community members to organize less harmful interventions, and to seek accountability for the systemic and individual forms of harm caused by police and prosecutors. The Prosecutor's Office needs to commit to the collection, release, and analysis of comprehensive data that facilitate internal and external accountability.

DEMANDS

The Prosecutor must:

- **Hold police accountable** for killing, injuring, and profiling Washtenaw County residents.
- **Hold prosecuting attorneys** accountable for overcharging and wrongful convictions.
- Create and maintain a mechanism of **community feedback and oversight**.
- Expose incidents of malpractice or a culture of harm from within the Prosecutor's Office to the public
- **Reduce harms of prior prosecutions** through conviction review, sentencing reductions, and the development of legal resources for wrongfully convicted individuals.
- Refuse to perpetuate a **false narrative of "public safety"** that justifies the role of the prosecutor.
- Provide **open and early access** to all information necessary for a case's defense (discovery).
- Commit to transparency by creating and maintaining a **publicly accessible interactive data dashboard** for adult and juvenile systems. The dashboard should showcase both prosecutor behavior (e.g. bail requests, plea offers, sentencing recommendations) and case outcomes (e.g. bail imposed, case resolution, sentence imposed), and have the option to disaggregate by race, gender, income, geography, and ethnic background as well as by case type.

The Prosecutor must advocate for:

- Public education about inconsistent and discriminatory ways in which evidence from **body cameras** can be used.



3. DECRIMINALIZE MENTAL HEALTH & POVERTY

CONTEXT: Houselessness and housing insecurity, unemployment, inadequate access to public transportation, lack of mental health and drug treatment resources, and an ongoing assault on federal, state, and local services for the poor and people with mental illness are the national and local crises we need to face. It is gravely unjust to police and penalize folks for “crimes” that are

nothing more than outgrowths of these systemic failures.

People with mental illness are disproportionately represented in the Criminal Punishment System nationally and specifically in Michigan. Recent screenings of jail admission samples in several Michigan counties estimated that 23% of those entering jails had a serious mental illness. Policies such as cash bail create a vicious cycle between poverty and involvement in the criminal punishment system, as people with less access to financial resources are more likely to be incarcerated pretrial and thus experience fallout related to employment, residential stability, and family, in addition to an increased likelihood of being incarcerated. By criminalizing and enforcing the most minor citations, police and prosecutors in Washtenaw County participate in magnifying and entrenching, not reducing, the impacts of poverty and mental illness. Failing to appear in court and pay fines and fees also come with devastating consequences that can spiral for system-involved individuals.

DEMANDS

The Prosecutor must:

- Prevent social workers from becoming an arm and accomplice to law enforcement by demanding **firewalls between prosecuting offices and social service agencies**, as well as the police, other law enforcement agencies, hospitals, Department of Children/Family Services, public housing, and any other state investigative agency.
- In place of prosecution, provide options and resources on a **consent-basis** for people with self-identified or suspected mental illness.
- **End cash bail.**
- Do not prosecute for **homelessness, vagrancy, and loitering** and instead divert community members to resources and services.

- Do not prosecute **sex workers**.
- Do not prosecute **trespass violations**.
- Decline to prosecute any criminal charges that arise from **traffic related offenses** (jaywalking, not having a license, driving with suspended license or warrants, or failure to appear or pay fines and court costs.)
- Divert those with **substance use** challenges to treatment programs.
- Commit to partnering with **harm reduction** organizers, experts, and practitioners to create harm reduction community-led treatment and use models (safe injection sites, naloxone and other opioid antagonist interventions, access to community-led medication assisted treatments).

The Prosecutor must advocate for:

- **Ending the use of arrests and use of force** by police against people who are experiencing mental health crises.



4. TREAT KIDS WITH DIGNITY & COMPASSION

CONTEXT: Growing adolescent development research shows that part of normal development for teens is to take risk, act impulsively, and succumb to peer pressure - characteristics often associated with delinquency. Additionally, arresting and prosecuting youth greatly harms children, their families, and their communities. Both arrest and detention

can be traumatizing for youth, and for youth who have already experienced trauma, can trigger a post-trauma stress response. Incarcerated youth are at risk of physical, emotional and sexual abuse while detained. Arrest and detention frequently hinder access to education and employment, which, in turn, can lead to worse health outcomes. Cascading evidence points to an increase in school officials coordinating in-school interrogations of young people with police, the combined impact by age AND race in contributing to the over-policing of people of color, and the overall evidence that all young people need extra protections at all times. In 2017 and 2018, 924 individual youth were charged with 1,140 offenses in Washtenaw County.

DEMANDS

The Prosecutor must:

- Divert youth to existing **developmentally appropriate, rehabilitative wrap-around community-based alternatives**, making any interaction with the court system unnecessary.
- Require **public reporting** on youth in the adult system.
- Require **judicial review of all transfer cases**. Use discretion with transfer laws for youth up to ages 14-18.
- Provide **effective legal representation** to youth.
- Restrict the **use of segregation** in jail, due to its traumatic impact on adolescent development and on transgender youth.
- End the option of **blended sentencing** (sentencing that pushes youth as adult sentences towards 'most of natural life').
- Always decline to prosecute youth for **misdemeanors and school-based arrests, including truancy**.
- **Disregard mandatory minimum sentences**.

- Interrupt the **Foster Care to Prison Pipeline** by not charging children in foster care for curfew violations, running away, homelessness, survival sex, and violation of court-imposed conditions.
- End the practice that **disallows youth with criminal background records** to participate in restorative justice programming.
- Develop community based restorative justice programs that are not entrenched with law enforcement.
- Refuse to incriminate youth due to **past criminal record or association and proximity** to “crime”.

The Prosecutor must advocate for:

- **Eliminating the presence of law enforcement officers** at Washtenaw County schools and transit stops, and **replace them** with restorative justice facilitators, peer-to-peer models, and other evidence-based program models.



5. STOP THE MACHINE

CONTEXT: Prosecutors are a primary driver of mass incarceration in Michigan and across the United States, by pushing plea deals and supporting mandatory minimum sentencing. Even when they are innocent, defendants often take these deals. Many want the process to end, to

be released from jail, and fear higher sentences post-trial from a system they know is already stacked against them. The Washtenaw County Prosecutor's Office has historically used plea deals to increase its conviction rate, a fact that was praised during political campaigns. It is time to end the vicious cycle of the most powerful government officials leveraging the convictions of community members for political capital. Jails and prisons are not mechanisms that support true accountability and healing from harm. Success should be measured through just outcomes, declining prison populations, and reduction of harms in our communities. We recognize that achieving these goals will require comprehensive system transformation and also believe that the prosecutor can take immediate and critical steps at each stage of prosecution to reduce charges, dismiss cases, divert individuals who are arrested out of the system and bolster defense representation, and end reliance on community surveillance practices.

DEMANDS

Ultimate demand: within 4 years, create a foundation to implement community-based transformative justice practices in 100% of cases.

Until all cases are diverted the Prosecutor must:

In charging:

- Always **seek the lowest charge.**
- Always **decline to apply mandatory minimum charges.**
- Provide **open and early access** to all information necessary for a case's defense (discovery).

In pre-trial detention:

- **End cash bail.**

- **Shorten the time** people spend in jail between arrest and arraignment.
- Prevent the use of **restrictive pretrial release conditions** such as drug testing, electronic monitoring, in-person reporting and participation in program and counseling.
- Disallow the use of **pretrial risk assessment tools**.

In sentencing:

- Always **decline to seek life sentences** without the possibility of parole or virtual life sentences (50 to 100 years).
- Implement **racial impact statements** as part of the presentence investigation report.
- Implement **community cost benefit analysis statements** as part of the presentence investigation report.

In post sentencing:

- Drop charges and **release people currently being held** in jail or monitored for offenses that are no longer being prosecuted.
- **Clear records** of individuals who have convictions for offenses that are no longer being prosecuted.

In use of technology:

- Refuse to utilize **surveillance technology** and practices (i.e. probation, tether).

The Prosecutor must advocate for:

- Public acknowledgement of the **injustice of profiting off of people who are incarcerated**.
- Public support for those who are incarcerated to be paid a **living wage** and eliminate charges for basic necessities (food, phone calls, toiletries, menstrual products, etc.).
- Public support for ensuring everyone in prison gets the **chance to go before the parole board**.
- State legislation to **reduce sentence lengths** and eliminate mandatory minimum sentences and habitual “offender” laws.
- Support state legislation and administrative policies that seek to **liberate the longest serving people**: people serving natural life, long indeterminate sentences, and parolable life sentences.



6. DIVEST FROM THE MACHINE & INVEST IN COMMUNITIES

CONTEXT: No amount of institutional transformation within the Washtenaw County Prosecutor's Office will be sufficient to heal the wounds caused by policing and incarceration, nor can (or should) the Prosecutor's Office provide the social programs our community members need to thrive. Police and prosecutors are grossly overfunded, which reflects the misguided value we place on funding institutions of social control over institutions that support our community members. It is time to divest from the criminal justice institutions and invest in our community. The Prosecutor's Office had

a total budget of over \$6.5 million in 2019, not to mention the additional \$70 million dollars spent each year to surveil, arrest, detain, and incarcerate community members in Washtenaw County. Our County should make the choice to support and lift up its residents by using these funds to create community-led organizations and alternative responses to conflict and harm.

DEMANDS

Washtenaw County local and county government and institutions must:

DIVEST FROM

- Youth and adult detention facilities.
- Arrests and creation of criminal records.
- Treatment Courts (i.e. mental health & drug) that criminalize behavior
- School Resource Officers
- Police as conflict mediators.
- Social workers as part of the Criminal Punishment System.
- Hoarding money within County services.
- Making policy and practice decisions that do not acknowledge existing, long-standing structural and systemic racism and are not led by people directly impacted.

INVEST IN

- **Building alternative responses** to conflict and harm.
- **Diversion programs** that are trauma-informed, anti-racist and developmentally appropriate that also meet basic needs (housing, mental health and addiction treatment, or employment options).
- **Re-entry infrastructure** for those exiting jail, specifically housing for youth aging out of foster care and sex offenders.
- Meeting **immediate needs** by supporting bail funds and funds to provide legal services to people targeted for criminalization and deportation.
- **Community organizations** currently working to challenge criminalization; advocacy for reproductive, gender, sexual and disability justice; support children of incarcerated parents; and are led by people of color directly targeted by criminalization
- **Special education advocates** to support Individualized Education Plans, to ensure that students with disabilities get the support they deserve.

The Prosecutor must advocate for:

- The reallocation of **funds from the prosecutor's office to community-based programs** that support housing, mental and physical healthcare, education, and job training to address some root causes.
- The **reallocation of funds from the prosecutor's office to restorative and transformative justice** programs that exist outside of the Criminal Punishment System and provide solutions for accountability, safety, and healing that involve both those who were harmed and those who did the harm.
- An ordinance requiring **discriminatory landlords** to have to lease at least 15% to those with felony convictions.
- **Communications and accountability** from national organizations and policy advocacy groups to local grassroots groups led by people directly impacted by criminalization.