



THE BAIL PROJECT



April 12, 2021

Michigan Legislature
P.O. Box 30014
Lansing, MI 48909-7514

Re: Let's Finish the Job: Pass Pretrial and Bail Reform Legislation

Dear Lawmakers,

In 2020, the Michigan Legislature passed a multi-bill package introducing sweeping reforms that go a long way in transforming Michigan's pretrial system.

But we're not there yet. There's more to do and we urge the Michigan Legislature to pass pretrial and bail reform legislation this year. Michigan's pretrial system is badly broken. On any given day over 16,000 people - about half of the jail population - are locked behind bars because they can't afford to pay for their freedom.

Black and Brown people in our state, and our poorest residents, bear the brunt of this crisis as they are more often arrested for minor and innocuous offenses, ensnaring them in a legal system that is unjust. Pretrial incarceration is especially devastating to communities of color. According to the Michigan Joint Task Force on Jail and Pretrial Incarceration report, Black men make up 29% of jail admissions even though they are only 6% of Michigan's population. Although the Michigan constitution prohibits excessive bail, prosecutors routinely demand and courts routinely set cash bail amounts that are unaffordable, forcing people with no means to sit behind bars while those with money are free to go home. People detained for even a few days risk losing their jobs, their homes, custody of their children, and educational opportunities, trapping them in a cycle of poverty, recidivism, and incarceration. This cycle devastates our communities for generations.

Our communities are safest when we invest in a support system that enables people to contribute rather than restraining them with overbearing bail restrictions that do more harm than good. The money it costs to operate our current system could be redirected to more effective alternatives, such as mental health services, rehabilitation programs, and poverty alleviation. When we tackle the root problem, we set people up for success.

This legislature has made tremendous strides to reform our criminal legal system. But there is more to accomplish. This year, we must work together to pass the remaining policy recommendations aimed squarely at our broken pretrial system to:

- Promote fairness and equality by establishing consistent statewide guidelines when determining the conditions of pretrial release.
- Promote a standard to keep people in their communities by presuming release on personal recognizance without conditions rather than routinely setting cash bail.
- Prioritize support over punishment by offering proven alternatives to incarceration, such as rehabilitative programs for people struggling with mental health issues or substance use disorder.
- End systemic racism in Michigan's legal system by exposing and eliminating policies, practices, and barriers in the pretrial system that disproportionately impact people of color.
- Require courts to regularly share data on their pretrial release decisions as a tool for the public to evaluate the effectiveness of reform policies.

This work is urgent. Every day, thousands of Michiganders are trapped in jail because they cannot pay bail—and their lives are devastated in the process.

The cost is too great, and we can't wait any longer to pass comprehensive pretrial and bail reform legislation.

Sincerely,

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ACLU of Michigan

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