

Western District of Michigan

Smart on Crime Action Plan 2014 - 2016

I. Introduction

United States Attorney General Eric Holder announced the Department of Justice (DOJ) “Smart on Crime” Initiative in August 2013. Smart on Crime focuses on Prevention, Enforcement, and Prisoner Re-entry into communities. The United States Attorney’s Office for the Western District of Michigan (USAO-WDMI) adopted and implemented the following five key Smart on Crime principles as part of its annual strategic planning process:

- Prioritize prosecutions to focus on the most serious cases that implicate clear, substantial federal interests;
- Address unfair sentencing disparities and overburdened prisons;
- Pursue alternatives to incarceration for low-level, non-violent crimes;
- Improve re-entry to curb repeat offenses and re-victimizations; and
- Increase resources and efforts to prevent violence and protect the most vulnerable populations.

II. Organizational Background

This three year Smart on Crime Action Plan is consistent with the Attorney General’s goals and fits into the USAO’s annual Strategic Plan and structure.

In late 2012, U.S. Attorney Patrick Miles organized the Office’s Criminal Division into the following four Sections: Financial Crimes, Organized Drug Crimes, National Security, and Violent Crimes. Each Section has Task Forces and Units and each Assistant U.S. Attorney (AUSA) is assigned primarily to one Task Force or Unit (and some AUSAs are cross-designated to another Task Force or Unit on an as-needed basis). Task Forces develop and prosecute cases proactively in conjunction with law enforcement and Units prosecute reactive cases. Each Task Force or Unit is led by an AUSA (called a “Principal”) who is the point of contact or primary “go-to” person in a Unit or Task Force. The Principal also submits the group’s annual Strategic Plan for management’s approval, sets the group’s agenda, helps improve the Unit/Task Force members’ skills and knowledge, shares information within the Unit or Task Force about best practices and case strategies, maintains positive agency relations, and ensures the Unit/Task Force adheres to and accomplishes its Strategic Plan.

Beginning in calendar year 2013, each Task Force and Unit as well as the Criminal Division formulates and implements an annual Strategic Plan with specific goals, strategies, and timeframes. The relevant Task Forces/Units with responsibility to address the three Smart on Crime initiatives of Prevention, Enforcement, and Re-entry are Major Narcotics Unit & Organized Crime and Drug Enforcement Task Force, Diversion Task Force, Violent Crimes Unit & Project Safe Neighborhood Task Force, Project Safe Childhood Task Force, Indian Country Unit, Criminal Civil Rights Violations Task Force, and Civil Rights Task Force (Civil Division).

In 2013, U.S. Attorney Miles appointed an AUSA to serve as the Office's Prisoner Re-entry Coordinator who also develops and implements an annual Strategic Plan. By 2014, the USAO had fully implemented the Attorney General's Smart on Crime initiative. This document describes the elements of the USAO's Smart on Crime Action Plan in the USAO's Strategic Plan.

III. Prevention

A. School Programs and Mentoring.

U.S. Attorney Miles believes in the power of education, knowledge, and mentoring. He wants young people to understand the American criminal justice system – how it works overall and how the various pieces fit together. Consequently, he supports USAO programs that educate students, encourages active attorney-student participation, and always accepts invitations to speak to students (elementary, middle school, high school, undergraduate, and law school) about the USAO's work, law careers, keys to success, effective leadership, and/or service.

1. Proposed Student Criminal Justice Program.

In 2014, at U.S. Attorney Miles' direction, the USAO-WDMI designed a program that introduces 7th grade students in urban schools to American criminal law and procedure – from an investigation and arrest through trial and an appeal. The program includes professional presenters such as law enforcement officers, prosecutors, criminal defense attorneys, judges, and parole or probation officers. Such speakers will address the educational and other requirements for their career and provide students with exposure to various law careers.

The program involves a one hour session with a group of 10 to 30 7th grade students each month during the school year. The USAO is willing to coordinate the presenters and substance of the program at a location designated by the applicable urban school district monthly on dates selected by such school district. An AUSA is the primary contact and organizer. Each school district also chooses the participating students – who could be from a government class, or those with interest at a single school or from various schools. If the school district desires students from multiple schools, the school district must arrange appropriate transportation for the students to and from the classroom.

Program Schedule and Presenters

Session One: September – Introduction to American Criminal Justice (AUSA)

Session Two: October – Arrest and Detention (Law Enforcement Officer or Agent)

Session Three: November – The Government's Case at Trial (Prosecutor)

Session Four: December – Defendant on Trial (Criminal Defense Attorney)

Session Five: January – The Judge and Jury (Judge)

Session Six: February – Prison (Deputy U.S. Marshal or Sheriff)

Session Seven: March – Parole (Parole/Probation Officer)

Session Eight: April – Mock Trial Teams (AUSAs)

Session Nine: May – Mock Trial Part II, Participation Certificates, and Closing (AUSAs and U.S. Attorney)

Each participating student receives a certificate from the USAO upon successful completion of the program.

2. Respect for the Rule of Law and U.S. Constitution.

U.S. Attorney Miles and AUSAs frequently speak to students in the WDMI as part of programs or assemblies about American law. Such sessions improve students' understanding of and respect for the rule of law and the U.S. Constitution, provide mentorship to students, offer practical career counseling to focus students on their potential beyond high school, and improve the "pipeline" of diverse students flowing into legal careers in the region. Some of these students have had firsthand interaction with law enforcement and the criminal justice system (e.g., family members who are or have been in prison). USAO participation in these programs also helps give the students a balanced perspective of the system and facilitates a productive dialogue with the community.

3. Mock Trial Programs.

The USAO supports AUSA involvement with high school student mock trial programs. AUSAs coach or observe student performance in mock trials and offer critiques and suggestions based on their experiences.

B. Violence Prevention Outreach.

1. Neighborhood Group Violence Intervention.

The WDMI has eight major cities with relatively high incidents of violent crime and homicides: Benton Harbor, Battle Creek, Grand Rapids, Holland, Kalamazoo, Lansing, Muskegon, and Muskegon Heights. Beginning in early 2014, U.S. Attorney Miles initiated discussions within the USAO and certain communities about introducing an interactive evidence-based approach for group violence prevention and interdiction in each of these cities. Called "Project Ceasefire" in many other districts, this approach involves periodic community group "call ins" in which members of groups who cause and suffer from most of the community's homicides are told by community members, leaders, activists, and parents that the killing must stop. Law enforcement and prosecutors warn such group members of the serious consequences if it does not.

2. Child Exploitation and Human Trafficking.

The USAO prioritizes human trafficking and civil rights prosecutions through several coordinated efforts with federal, state, and local law enforcement and community organizations. For example, the USAO participates in the Michigan Human Trafficking Task Force (MHTTF) led by the Michigan State University School of Criminal Justice. The MHTTF is statewide and

emphasizes prevention, promotes awareness, provides victim assistance, and makes referrals to law enforcement. The USAO also supports the West Michigan Based Child Exploitation Task Force (WEBCHEX) composed of FBI agents, local police officers and detectives. WEBCHEX works collaboratively on child exploitation investigations, including sex trafficking and child pornography cases. Criminal Division AUSAs assist WEBCHEX in obtaining subpoenas or search warrants and screen matters for potential federal prosecution.

The USAO also maintains regular contact with local juvenile justice centers and shelters for young sex trafficking survivors. These contacts and connections assist in prevention as well as possible prosecutions.

C. Hate Crime Awareness.

U.S. Attorney Miles is a co-chair of the Michigan Alliance Against Hate Crimes (MIAAHC). MIAAHC's mission "is to reduce the occurrence and ameliorate the consequences of hate crimes and bias incidents committed in the State of Michigan. In doing so, MIAAHC will provide or assist with education, training, coordination, data collection, and support to federal, state, local, and community-based entities whose functions include preventing, investigating, prosecuting, or otherwise responding to hate crimes and bias incidents." USAO Executive Counsel Don Daniels also serves on MIAAHC's Steering Committee and is Principal of the USAO's Criminal Civil Rights Violations Task Force.

Through the participation of U.S. Attorney Miles and AUSA Daniels as well as support staff, the USAO helps organize the MIAAHC's state-wide Annual Conference. U.S. Attorney Miles gives remarks, either opening or luncheon, at such conferences.

D. Advocates & Leaders for Police & Community Trust.

U.S. Attorney Miles co-chairs the Grand Rapids Advocates & Leaders for Police & Community Trust (ALPACT) meetings and an AUSA attends the Southwest Michigan (Benton Harbor) ALPACT meetings. The ALPACT coalition was launched in 1998 by the Michigan Roundtable for Diversity and Inclusion to create a platform for dialogue, honest discussion, and relationship building among law enforcement officers, government officials, and community leaders. With the support of the Michigan Department of Civil Rights, several Michigan cities have ALPACT groups. The Grand Rapids ALPACT began meeting in 2012 and Southwest Michigan ALPACT began meeting in 2014.

IV. Enforcement

A. Violent Crime Reduction Task Forces.

Shortly after assuming office in July 2012, U.S. Attorney Miles instructed USAO Violent Crimes Section AUSAs to cease taking simple felon in possession 922(g) cases referred from local police departments without demonstrating a clear federal interest. Along these lines of shifting USAO prosecutions from quantity to quality, in 2013, U.S. Attorney Miles created Violent Crime Reduction Task Forces with participation from the County Prosecutor's Office, County Sheriff's Department, Police Department, Michigan State Police, and FBI or ATF in the respective cities of Benton Harbor, Battle Creek, Grand Rapids, Kalamazoo, Lansing, and Muskegon/Muskegon Heights. He designated an AUSA from the USAO's Violent Crime Task

Force to lead each City's Violent Crime Reduction Task Force. Each Violent Crime Reduction Task Force develops a locally-tailored plan to address such community's violent crime, meets regularly, and coordinates investigations, arrests and prosecutions.

B. Charging Decisions.

The USAO's Major Narcotics Unit & Organized Crime and Drug Enforcement Task Force (OCDETF) narrowed its focus to large-scale, interstate and international narcotics distribution organizations. Deemphasizing the volume of prosecutions enables the USAO to concentrate resources on cases involving a substantial federal interest. In addition, the USAO is actively implementing the Attorney General's policy of tailoring charges to reflect the individual responsibility of each participant in a drug offense.

C. Retroactive Sentence Reduction.

The USAO's Criminal Division Chief participates in a WDMI Working Group convened by the Chief District Court Judge to develop and adopt procedures for the Court's consideration of motions by defendants for sentence modifications arising from Amendment 782 of the United States Sentencing Guidelines. In addition, the USAO dedicates an experienced Criminal Division AUSA to the Working Group. This AUSA not only participates in Working Group activities, but serves and will continue to serve as the centralized reviewer of modification motion responses for the USAO and tracks and advises USAO attorneys on updates in the law and procedure governing Amendment 782 motions.

D. Clemency Initiative.

Shortly after the April 2014 announcement of the Department of Justice's Executive Clemency Initiative, U.S. Attorney Miles directed the USAO to review, to the extent possible, all drug convictions prior to the year 2004 for potential defendants who might be suitable under the DOJ's criteria for executive clemency. The Criminal Division Chief had all available records reviewed, identified potential candidates, personally evaluated over 50 files and forwarded eligible candidates to the U.S. Attorney.

V. Re-Entry

A. Accelerated Community Entry.

In 2005 the Federal District Court in WDMI, with the assistance of the U.S. Probation Department, USAO, and Federal Defenders' Office, implemented one of the first federal re-entry programs in the United States: a Court-ordered supervised release program called "Accelerated Community Entry" (ACE) to improve re-entry for those ex-offenders with the highest risk of recidivism. The ACE program is managed by the U.S. Probation Department. Ex-offenders participate in ACE for two years. Participants can receive "rewards" by meeting certain goals established by Probation Officers and a third party contract service provider which engages participants in "Moral Reconciliation Therapy" sessions. Likewise, participants can receive a sanction each month from the Court, such as community service, reporting requirements, assignments, curfew, travel restrictions, or being placed in custody (e.g., in a half-way house for weekends).

Participants make monthly court appearances in their first year of supervised release to address their progress and receive an award or sanction. The District's Chief Judge and a Magistrate Judge preside at such appearances. An AUSA (i.e., the USAO's Re-entry Coordinator) and a Federal Defender prepare for and attend both the monthly ACE meetings to discuss each current participant as well as the monthly court appearances by participants. The ACE program also focuses on family support, employment, and community mentors.

B. Facing Choices.

In 2014, U.S. Attorney Miles implemented a new ex-offender outreach effort in the WDMI to reduce recidivism and, in particular, reduce gun violence. The "Facing Choices" sessions are organized by the USAO with the assistance of the Michigan Department of Corrections and occur throughout the year in the Cities of Kalamazoo, Grand Rapids, and Muskegon with recent state parolees. Speakers include representatives from the USAO (typically, U.S. Attorney Miles), County Prosecutor's Office (typically, the County Prosecutor), local Police Department (typically, the Chief), ATF, and Michigan Department of Corrections as well as successful ex-offenders. The messages are of support, encouragement, warnings, and incentives for the parolees to make positive, law abiding decisions and to take advantage of the resources available to them during their parole or face serious consequences.

C. Pretrial Diversion.

Several years ago the USAO entered into a Memorandum of Understanding (MOU) with the U.S. Probation and Pretrial Services Office for the operation of a WDMI pretrial diversion program. The pretrial diversion program is under the auspices of the USAO and provides an alternative to criminal prosecution for selected persons. It places them in a program of supervision administered by the U.S. Probation and Pretrial Services Office. Pursuant to the MOU, the U.S. Attorney may divert any individual against whom a prosecutable case exists and who is not (a) accused of an offense which, under existing DOJ guidelines, should be diverted to the State for prosecution, (b) a person with two or more prior felony convictions, (c) a public official or former public official accused of an offense arising out of an alleged violation of public trust, or (d) accused of an offense related to national security or foreign affairs.

D. West Michigan Re-Entry Coordinating Councils.

Service providers and government agencies established the Greater Grand Rapids area established The Re-Entry Clearinghouse (f/k/a Grand Rapids Community Re-Entry Coordinating Council) in 2008 as a network of faith-based and community-based service providers, as well as state corrections, federal probation, and parole personnel, who meet periodically to discuss the coordination of re-entry efforts in Grand Rapids from a multi-disciplinary perspective. U.S. Attorney Miles and the USAO Re-entry Coordinator spoke at one of the group's 2014 meetings. The USAO's Re-entry Coordinator is now invited to attend the group's meetings.

E. Indian Country Re-Entry.

The WDMI has 11 Federally-recognized Native American Tribes, the most of any district east of the Mississippi River. In 2015, with the USAO's full support, one of the Tribes in the WDMI applied to participate in one of the three regional Intergovernmental Re-entry Workshops

hosted by DOJ, Office of Justice Programs, Bureau of Justice Assistance (BJA), in partnership with the Executive Office for U.S. Attorney's National Indian Country Training Initiative. The workshops are called: *From Federal, State, and Tribal Correctional Facilities to Communities in Indian Country*. The workshop will provide participant teams with a set of guidelines, principles, and tools to assist in the development of re-entry strategies for tribal members returning to their communities after a period of secure confinement in federal, state, or tribal facilities. The Tribe's workshop re-entry planning team includes a representative from the Tribe's Council, Court/Judiciary, Behavioral Health/Health Services/Indian Health Services, Victims' Services, Probation Office, Prosecution Office, Detention/Corrections, Law Enforcement, and Budget/Finance Department.

F. Effective Re-Entry Summit.

The USAO, in conjunction with the USAO-EDMI, asked Michigan law enforcement professionals, service providers, corrections and probation officers, as well as judges from every part of the state to gather and network at a prisoner re-entry summit at Cooley Law School in Lansing on May 6, 2014. Summit participants shared ideas and best practices in state and federal courts Michigan and also connected with service providers. Future collaborations and meetings are expected as a result.