

## Scoring Methodology

Candidate scores are based on an in-depth analysis of survey answers and comments, published platforms and website materials, and verbal statements at public forums. On some issues, survey responses contradicted information provided in survey comments, online platforms, and public commentary. Sometimes this was due to deep complexity in the issues being discussed. In other instances, the contradiction seemed to result from a lack of clarity in candidates' positions and actionable commitments. As a result, the scores reflect a combination of candidates' stated intentions as well as their plans to take action on these issues.

Any questions about these scores and/or scoring methodology can be directed to [liberatewashco@gmail.com](mailto:liberatewashco@gmail.com).

### 1. Stop Targeting Black, Brown, Indigenous & Immigrant Communities

**Mack:** I answered "Yes" to question one as my office will be very sensitive to identified forms of institutionalized racism and take those factors into assessing any disparate analysis of "risk assessment". Addressing question 2, my office is concerned with addressing equitable law enforcement within county borders, I have no interest in adding to the plight of any citizen by enhanced scrutiny of another branch of government. Concerning question 3, as the chief law enforcement officer of the County, I will address all violations of the law. However, certain "crimes" can be addressed without a formalized "prosecution". Cases can be held in abeyance, warn and release, delayed sentencing and deferred sentencing are all venues to address, within the statutory limitations of the office, laws which have a disparate and intended consequence on the under served members of county society. I answered "no" to question 4 for sundry reasons. A. The sheer volume of cases (thousands per year) makes it logistically impossible to evaluate same with outside consultation. B. Such outside group would not be accountable to the citizens of Washtenaw County as they would not be elected. C. The constitutional/statutory rights of defendants would be greatly hindered by the time and additional staffing necessary to coordinate such outside review. D. Leadership starts at the top, as an African-American male, I fully commit to making our criminal justice system fair and workable for all. Concerning question "5", I answered no because with percentages you sacrifice quality of assessment. There may be varied reasons for cases proceeding or being dismissed. The true means of making the law fair for everyone is to realize that certain communities are over-policed. My campaign commitment is that no community will be "Under protected or disrespected". I intent to have a summit with all county police agencies to compare charging practices on a county wide level. Please remember, it is the police, not prosecutor that has initial contact with the citizenry, my job is to ensure that those contacts are not based on race or other historically biased motives. I answered "Yes" to question 6 with qualification, the Court's, not Prosecutor ensure that a Defendant fully understands to proceedings against them, further, there may be post conviction hearings that do not involve the Prosecutor's office. Finally, staffing linguists in over 100 languages is something that would have to be approved by the County Commissioners or voters. I will encourage the Courts to fully comply with the Michigan Court Rules in this matter.

**Savit:** I strongly support all of the commitments outlined in this section. In addition, I wish to highlight another part of my platform related to justice for members of our immigrant community.

Non-citizens, even permanent residents, often face onerous immigration consequences as a result of even minor criminal convictions. In my view, that is unjust and inequitable. Non-citizens should not face the civic death penalty—and, in cases where they would be deported back to a dangerous country, the real death penalty—as a result of conduct that would not carry anything close those consequences for a citizen. That is why I will require all prosecutors to consider the immigration consequences of any charge. Where appropriate, my office will always opt to file only charges which don't carry immigration consequences.

**Slay:** It is my goal to reduce the over-policing of communities of color, and other minority communities in the county. As an assistant prosecutor, and now as a city attorney, I regularly stood up and refused to prosecute individuals who I believed were targeted for their identity, often as the only person of color in the room.

It is my belief that we must work on detailed plans to lessen these charges and convictions, and develop new risk assessment tools that are not racially biased due to an over-reliance on technology, recognizing that much of this work will depend on funding from the State or County, funding which I plan to fight for.

Specifically in relation to the question of partnering with an independent evaluator, I am required to check "no" because as it currently stands, the state law prohibits the release of LEIN (Law Enforcement Information Network) data to outside parties. This network is where we receive demographic information such as race. I would, however, be supportive of changes to state laws in Lansing allowing for these partnerships to occur, at which point I would answer "yes" to this question.

*\*Note from Scorecard committee: Given that Mr. Savit answered that he was committed to partnering with an independent and external evaluator to assess all cases for any form of racial profiling and immediately drop all charges stemming from such incidents; and Ms. Slay said she could not commit to this action because of state law prohibiting the release of LEIN data to outside parties, we reached out to both candidates to seek more clarity about what was actually prohibited and what was possible:*

*1) We asked Mr. Savit to explain further how he will be transparent with your data and how he would partner with independent evaluators, given Ms. Slay's comments about LEIN.*

*2) We relayed to Ms. Slay that Mr. Savit was committed to external evaluations and did not see LEIN as a barrier and asked if she would commit to such an approach as well.*

Their answers to this question and others that needed further clarification can be seen at the end of this document in the "Follow-up Questions and Answers Section."

## 2. Ensure Transparency & Accountability

**Mack:** Concerning question 1, all "discovery" will be in full comport to legal mandates. Concerning question 2, I am committed to transparency within the confines of my budget, given the financial resource by the County Commissioners, I have no objection to creating such a data base with instruction to citizenry use of the trial courts existing data bases. Concerning question 3, I have repeatedly stated that I will bring "Restorative Justice" to Washtenaw County and be a "Minister of Justice" with office hours. Leadership and accountability start at the top, ALL community members will be vigorously encouraged to bring any and all concerns to me directly. I will be a people's prosecutor, I want personal relations with the community I have sworn to protect and serve. Concerning question 4, One reason I am not getting any support/endorsement from county law enforcement is because I have made it abundantly clear that I will hold law enforcement to the same legal standards as anyone else. Concerning question 5, prosecutors will charge according to my direction and intent of achieving "Restorative Justice" by charging the minimum offense necessary to make the victim whole. A "wrongful conviction" is determined by judicial review, if I find that a prosecutor has violated my office principles, the law or ethics of our profession, they will be dealt with accordingly. Concerning question 6, A hallmark of my campaign, even if I have to pay for it out of my own salary is a "Conviction Integrity Unit". I must be assured that no actually innocent person is incarcerated.

**Savit:** My answers to these questions all key portions of my campaign platform (see <https://eli2020.com/issues>). In particular, I have committed to building a data dashboard of exactly the type outlined in this section, much like Larry Krasner has done in Philadelphia and Kim Foxx has done in Cook County, Illinois.

I am also committed to creating a wrongful-conviction unit. Beyond that, I am committed to creating a sentencing-review unit that will review—and rectify—sentences imposed by past prosecutions that were unnecessarily harsh.

On the police accountability question: I am fully committed to holding police accountable. With respect to cases of police violence, I believe that the best way to hold police accountable is to have an independent prosecutor appointed by the Attorney General--to avoid any actual or perceived bias by the Prosecutor's Office in favor of police. The failure to seek an independent prosecutor was, in my view, an inexcusable error by Brian Mackie in the Aura Rosser case.

With respect to racial profiling, one specific policy I am committed to is replicating the policy recently enacted by Chesa Boudin in San Francisco—under which the office declines to prosecute cases that originated in “pretext stops” (i.e., racial profiling).

**Slay:** As it relates to the concepts in these second question of this section, I would be willing to release this data in accordance with the Crime Victims' Rights Act, and attorney-client privilege regulations.

### 3. Decriminalize Mental Health & Poverty

**Mack:** Concerning question 1, as a "Restorative Justice" prosecutor, my goal is to make all parties whole and if necessary accountable. I support the expansion of "Mental Health" courts to the Circuit Court level. Mental illness and poverty are root causes of crime, we should treat the mentally ill while holding them accountable for wrongs committed. I would rather treat a mentally ill defendant than lock them up, however, violations of law will be addressed fairly and uniformly regardless of mental or economic status. Concerning question 2, "yes", depending on past criminality and offering of such programs in the past. Concerning question 3, as with community corrections and mental health, I will support any viable alternative to incarceration. Concerning question 4, I answered "No" because I will not make blanket promises when every situation is different, I will say that my office's resources will not be marshaled to prosecute citizens because they have no place to live and have not broken any other laws. Concerning question 5, for the reasons I stated in answer 4, I will not make blanket promises when every situation is different, I will say that my office's resources will not be marshaled unless a law has been broken and prosecution (such as necessitating drug intervention for a person prostituting to support a drug habit) is necessary for the individuals and societal good. Concerning question 6, I answered "No" because every case is different, a person with a warrant must show up to court and answer for their absence, the court enforces warrants, not prosecutors. Further, a person who has never bothered to obtain a license and prove their ability to obey traffic laws and drive responsibly and not pose a harm to other pedestrians and motorists, must obtain a valid license as a matter of public safety. Question 7, I answered this question "No" because to answer "Yes" is a deception on the legal capabilities of the office. An opponent of mine is running on the platform of eliminating cash bail, a task impossible from the prosecuting attorney's office. Prosecutors recommend bail but have no power to enforce it, only the Judge can set any bail. It is a deceptive campaign for any candidate for prosecutor to claim they can eliminate cash bail. I believe in a hybrid cash bail-risk assessment template where the focus is much more on risk assessment than cash. People who can't post bail, disproportionately black/brown people, are taken from families and employment without having been convicted of anything yet. As in Kentucky, only the legislature can "eliminate" cash bail.

**Savit:** Again, these are all cornerstones of my candidacy. I am strongly and unequivocally committed to my answers in this section.

**Slay:** For all of the above questions, it is important to note that the County Prosecutor does not, and cannot change individuals for jaywalking, loitering, etc, as there are no state laws related to these crimes. Instead, they may be prosecuted by city attorneys depending on local ordinances, and I would oppose these prosecutions.

Furthermore, I am supportive of diversion and the elimination of cash bail, except in the case of an individual or individuals posing a severe and demonstrated threat to our community (ie: murder suspects with significant evidence against in favor of conviction).

#### 4. Treat Kids With Dignity & Compassion

**Mack:** Concerning question 1, I answered "Yes" in theory that diversion will, absent strong reason to the contrary, be the policy of my office. However, only the courts can order a person into diversion. Question 2, "No" because every case is different and all cases will be prosecuted under law, including rules of evidence that allow impeaching witnesses with prior bad acts. Further, it is unethical for my office to go outside the law. Question 3, "No", the sixth am. guarantees assistance of counsel to everyone, as prosecutor it is my responsibility to ensure a fair charge, trial and sentencing; not provide legal representation to a defendant. Question 4, I answered "No" because every case is different, stereo types can not be tolerated or enforced. Because of a person's age, they should not be held to a higher or lesser standard than anyone else. The courts have ruled that juveniles must be given consideration in sentencing, my office will take the law and apply it fairly regardless of age. Question 5, I answered "No" because they are written by the legislature, I will not ignore any law; however, if my office feels a departure from the sentencing guidelines is appropriate, I will recommend a departure. Question 6, I answered "No" because schools have become "soft targets" for those bent on harming our youth. None of the mentioned facilitators has the legal authority to arrest or detain anyone. It is not a one size fits all, all the above should work together to ensure the safety of our youth. Question 7, "No" because these remedies are necessary in certain situations, just because you have the legal authority to do something doesn't mean it is appropriate in all situations. There is nothing wrong with having a full tool box as long as long as they are used for their intended purposes. Question 8, "YES", absolutely, the seminal heart of my campaign is "Restorative Justice", that includes youth with a criminal justice background!

**Savit:** I generally oppose prosecuting young people for misdemeanors, and categorically oppose prosecuting young people for school-based offenses such as truancy.

I can, however, conceive of situations in which misdemeanor charges are appropriate for a young person—particularly cases in which an identifiable person's well-being may be in danger. Those include, for example, intimate-partner violence or stalking. For that reason, I am unable to categorically commit to "always" declining to prosecute young people for misdemeanors.

**Slay:** It is my opinion that if there is a youth who poses a threat to the community, we should aim to provide wrap-around services and rehabilitate this child, but should not decline prosecution if the law does not recommend this declination. Furthermore, I would be in favor of limiting the use of police officers in schools, unless necessary due to significant threats to that school community.

For the "no" answer as it relates to the foster care to prison pipeline, I may be misunderstanding the questions but it is my belief that children who have been forced to engage in "survival sex" by their foster parents are victims of assault and should be afforded the rights of any other victim and see their assailant prosecuted.

## 5. Stop the Machine

**Mack:** Question 1, "yes" with qualifications, with over 40 years criminal justice involvement, I have learned that not all cases should be reduced to the lowest possible charge (e.g. a person with a history of assault beating their partner causing a broken nose, in such case a simple "assault" charge would be inappropriate). Question 2, "no", justice demands that every case be viewed on its merits, some cases will require at least the minimum sentence. Further, the question is mis-written, there is no such thing as a "mandatory minimum charge" but I think I answered the gist of the questions intent. Question 3, I answered "No" because the prosecutor has no control over the statutory timeline between arrest and arraignment, the legislature and court dictate these dates. Question 4. "No" as all these are possible aids in insuring the safety and protection of the victim and defendant. This is not to say that I am adverse to alternatives which provide the same protections to all. Question 5, "No", every case will be evaluated on its merits, to say "yes" would be condoning a mass murder not spending the rest of their life in prison. Note: In Michigan, even those convicted of 1st degree murder are subject to commutation by the Governor. Question 6., "No" as the function of Prosecutor is enforcement of law, if a charge has been eliminated by the court or legislature after the commission of the "crime" and the elimination has not been made retroactive, the burden must be on the Defendant to bring this to the Court's attention. NOTE: If a law is stricken down or re-written with a "retro-active" mandate, my office will dismiss the charge. Question 7., "No", the Prosecutor has no authority to "clear records", only a court of competent jurisdiction can expunge a record. The legislature has the authority to enact laws that automatically "expunge" certain crimes after a finite period of time. Question 8., "No" as these devices are used by the Court's to monitor Defendant's and by Probation for the same purposes. The Prosecutor has absolutely no authority to order anyone being placed on tether or being placed under surveillance. This does not mean that police can not place someone under "surveillance" in any public place without a warrant.

**Savit:** A few clarifying points:

(1) I am committed to always seeking the lowest appropriate charge. There may be cases, however, in which a lower charge is theoretically available but is not appropriate. For example, a homicide might theoretically be charged as a misdemeanor battery—but such a charge would not be appropriate in the circumstances. Since I assume that is consistent with the spirit of the question, I answered "yes."

(2) I do not believe in categorically eliminating probation, but I do think that probation terms are both too long and too onerous. I am committed to seeking no more than a year of probation (absent exceptional circumstances) and to working to eliminate the trip-wires that hold people back from successfully completing probation—e.g., requirements that people check in with multiple probation officers; onerous drug-testing regimes that fail to take stock of the lack of availability of transportation.

(3) As a general matter, I do not believe in imposing sentences of longer than 20 years. I can, however, conceive of truly exceptional situations (such as terrorism, or somebody that has killed multiple people on different occasions) in which such a sentence would be warranted.

I fully support dropping charges and releasing people from jail/supervision for charges that are no longer being prosecuted. In addition, I am committed to assisting people who are eligible to have their records expunged—both for charges that are no longer being prosecuted and for other charges. Much as we do in my current job at the City of Detroit, I am committed to having members of my staff proactively assist people who are eligible for expungement, and helping them clear their records.

**Slay:** I understand that some of my answers to these questions may be disappointing, but I want to take this opportunity to address them. As a prosecutor, I have two major responsibilities: to keep our community safe, and to ensure that everyone in our criminal justice system is given their fair shake.

Many of these questions are unfortunately ideas that I support, but relate to parts of the process which are outside of my control as a county prosecutor.

At the end of the day I commit to do all I can, within the confines of the law, to ensure everyone is given a fair shake, and to push others to do the same, but I cannot in good faith answer "yes" to some of these questions as they would not be campaign promises I am able to uphold in the current system or legal structure.

## **6. Divest from the Machine & Invest in Communities**

**Mack:** I believe in "Restorative Justice", specifically Defendants - No overcharging, no railroading, full constitutional rights, fair sentencing (with the least restrictive sentence which makes the victim whole). Specifically, Victims - Full involvement in the system from the very beginning, their needs for wholeness are of most import. Communities of color, specifically, No Community Under Protected Or Disrespected. Police - No good cop will be crucified and no bad cop lionized. Police and Prosecutors are partners for public safety, not friends. Police will be held accountable under law like anyone else. Hate Crimes Will Not Be Tolerated!

**Savit:** A few clarifying points on the "divestment" section:

(1) I am a supporter of problem-solving courts, but to the extent those courts "criminalize behavior"—i.e., mechanically mete out punishment if someone has a setback in their treatment plan—I oppose that model.

(2) I do not believe that police are in the best position to serve as formal conflict mediators, as there is an inherent element of coercion whenever an officer is present. I do, however, support allowing (and training) police officers to informally deescalate at the scene in lieu of arrest.

My other answers are unequivocal.

## Follow-up Questions & Answers (via email)

### Mack:

\*Note from Scorecard Committee: Mack completed the survey a month after Savit and Slay did, thus we did not have the time to send him follow-up questions about his answers as we were already in the process of grading and putting together the scorecard.

### Savit:

1. *Mr. Savit, you answered that you are committed to partnering with an independent and external evaluator to assess all cases for any form of racial profiling and immediately drop all charges stemming from such incidents. Ms. Slay, however, said she could not commit to this action because of state law prohibiting the release of LEIN data to outside parties. Could you explain further how you will be transparent with your data and how you will partner with independent evaluators?*

Yes, I'd be happy to. I'm a bit puzzled by Ms. Slay's response. It's something of a red herring. LEIN is a statewide, computerized criminal-justice information system that, *cross-jurisdictionally*, tracks a person's arrest and criminal-conviction history. Thus, for example, criminal-justice agencies can use LEIN to see if someone arrested in Washtenaw County was recently arrested in Oakland County.

But importantly, the underlying data that's entered into the system comes from individual law-enforcement agencies. And those agencies do not release their ownership or rights to that information merely by entering it into the LEIN system. That's not just my view: that's squarely outlined in the rules governing LEIN access. Mich Admin. Code. 28.5208 provides:

R 28.5208: (1) Criminal justice agencies who create, store, or maintain criminal justice information are considered the owners of those records and maintain all the rights and responsibilities of ownership of those records.

See

[https://dtmb.state.mi.us/ARS\\_Public/AdminCode/DownloadAdminCodeFile?FileName=1734\\_2017-058SP\\_AdminCode.pdf](https://dtmb.state.mi.us/ARS_Public/AdminCode/DownloadAdminCodeFile?FileName=1734_2017-058SP_AdminCode.pdf).

The act of putting something into LEIN, then, does not prevent the underlying information (police reports, etc) from being shared with external evaluators. That information is owned by the prosecutor's office--and, indeed, most of it is public record. The same is true for any court filings, charging decisions by the prosecutor's office, and so forth. And that Washtenaw County-specific



data *the prosecutor's office owns* is exactly what we'd need to identify instances of racial profiling and racial disparities in Washtenaw County. We don't need LEIN for that.

Beyond that, I'll just note that, if LEIN access is really needed, there are creative ways around the restrictions. One is to have an evaluator appointed to a position in the prosecutor's office, where they can then be permitted to access LEIN. I know this is true because I've done this work. At the City of Detroit--as part of my work leading criminal-justice reform efforts--I oversee an externally funded statistician who has LEIN access, and has used that data to aggregate cross-jurisdictional data that we've used in our legislative push to broaden eligibility to expunge criminal records. He testified, for example, in front of the Michigan House of Representatives as to how many Detroiters would be eligible for expungement if the restrictions were relaxed.

I'll further note that a centerpiece of my campaign is undertaking a systemic effort to identify and root out racial inequities in the justice system. As noted, this is entirely feasible using the data the prosecutor's office already has (and indeed, that it creates through its charging decisions).

This is work that has been done across the country, notably through partnerships with the Vera Institute in (among other jurisdictions) Milwaukee, Mecklenburg County (NC), and San Diego County. You can read more about these partnerships here: <https://www.vera.org/unlocking-the-black-box-of-prosecution/for-prosecutors>, and here [https://www.vera.org/downloads/Publications/prosecution-and-racial-justice-using-data-to-advance-fairness-in-criminal-prosecution.pdf](https://www.vera.org/downloads/Publications/prosecution-and-racial-justice-using-data-to-advance-fairness-in-criminal-prosecution/legacy_downloads/Using-data-to-advance-fairness-in-criminal-prosecution.pdf). These data-driven partnerships identified tremendous racial disparities in, among other things, the charging rates for drug crimes--and allowed the prosecutor's offices to take action to fix them (including declining to bring such charges).

There is no reason similar programs can't be built in Washtenaw County. The only thing holding us back is a lack of will, and a lack of desire to squarely confront racial inequity in our system.

Finally, as to transparency, I plan to build an online, transparent data system where de-identified information on charging, sentences, pre-trial detention, diversion, and racial disparities is available to citizens, researchers, and the media. The Philadelphia District Attorney's Office has a good model: <https://data.philadao.com/>. Again, this doesn't require going into LEIN. This is data the Prosecutor's Office already has, and is already public record.

- 2. You are supportive of many of our questions regarding charging, sentencing, and the use of technology. Ms. Slay, however, said that while she supports these actions, she could not answer "yes" because these jurisdictions are out of her control. Could you explain further how you would be able to commit to your "yes" answers regarding charging, sentencing, and the use of technology.*

Candidly, I'm even more puzzled by these responses by Ms. Slay. These things are at the core of a prosecutor's jurisdiction. In order:

(1) Charging: Charging decisions are squarely within the prosecutor's jurisdiction. It's what prosecutors *do*. Prosecutors always have the discretion whether to charge, or not, and with what to charge. So when I say, for example, that I'm committed to not bringing charging consensual sex work, the answer as to "how" is very simple: I just won't do it.

(2) Sentencing: It's true that sentences are technically imposed by a judge. But in a system in which 97% of cases are disposed of via plea bargain, the prosecutor effectively serves as the prosecutor, judge, and jury. Prosecutors have tremendous discretion as to what sentences will be imposed in these 97% of cases. They can decide what charges to bring, what charges to drop, and what sentence to recommend to the judge as part of the plea bargain. The judge, in those cases, basically serves as a rubber-stamp. And if judges *do* reject a plea deal because it's "too lenient", prosecutors have the ultimate trump card: they can just drop the case.

With respect to the 3% of cases that ultimately go to trial (and where a sentence is imposed by a judge post-conviction), prosecutors still have tremendous discretion. Here, though it's true that judges ultimately impose the sentence, the prosecutor's advocacy for a particular sentence carries tremendous weight. To be sure, a judge is free to disregard it, and to impose a harsher sentence than the prosecutor recommends. But that rarely happens.

But there is a way to prevent even the *possibility* of an unduly harsh sentence being handed down by a judge. That's to do the work at the charging phase. Again, prosecutors decide whether to charge someone with a crime in the first place, and with what to charge them. So, for example, if a case involves a mandatory minimum sentence (which I oppose, as referenced in my questionnaire), you can avoid the possibility that a mandatory minimum sentence will be imposed *simply by not charging that particular offense*. And if you think that a lengthy sentence may be imposed because a particular charge carries a harsh high-end sentence, you can opt for a lower charge and eliminate that possibility. That's what I'll do, as my question in response to "seeking the lowest charge" indicates.

(3) Use of technology: If I recall correctly, there were two questions relating to use of technology: one with respect to risk assessment tools and the other relating to probation and technology such as ankle bracelets. With respect to risk-assessment tools (which often reinforce racial disparities in policing), the question was whether the prosecutor's office would use them in making decisions. The answer is no, under my office. Again, the way to not use racially biased algorithmic systems is simple: You just don't use them. There's nothing that requires prosecutors to do so.

With respect to monitoring, here, too, the prosecutor has tremendous say as to what ultimately happens. Prosecutors can (and do) advocate for pre-trial restrictions, and I'd advocate for the least restrictive restrictions that are possible. As to probation and post-conviction monitoring: again, 97% of these cases are disposed of via plea bargain. So it is effectively the *prosecutor* who imposing sentences of probation, monitoring, and so forth. Again, I favor the least restrictive feasible alternative, and I explained in my questionnaire response.

3. *On your platform, you write that you are committed to working with schools and community groups to ensure that young people are able to stay out of the criminal justice system. Beyond generally opposing prosecuting young people for misdemeanors, prioritizing rehabilitation for young people, and revisiting juvenile life sentences without possibility for parole, what other concrete steps will you take to ensure that young people are protected and stay out of the criminal justice system?*

I don't want young people in the criminal-justice system to begin with. Most juvenile issues are better dealt with in school or in the community, not in the criminal-justice system. Towards that end, I want to partner with schools and school districts to ensure that issues involving their students are dealt with in school, using restorative justice and other conflict-resolution techniques. I am also intrigued by the community court model, like the one that currently exists in Southwest Detroit, in which community groups are empowered to solve problems outside the criminal-justice system.

In addition, I'd like to partner with community organizations (like My Brother's Keeper or the Neutral Zone) to divert young people into programs with mentorship and creative opportunities. Often, the best way to keep young people out of trouble is to provide strong mentorship and positive outlets. (I have already had preliminary conversations with some of those groups). Finally, I favor restorative justice, and will seek to divert more cases into community-led restorative-justice programs.

All of this, of course, takes resources. That's why I've committed that the first non-lawyer I hire in the prosecutor's office is going to be a grantwriter. But the grantwriter won't be charged with getting more money into the prosecutor's office, or the criminal-justice system. I agree with *Liberate Don't Incarcerate* that the criminal-justice system does not need more money. Towards that end, our grantwriter will be charged with partnering with outside organizations, and getting money for *them*, to build up the capacity to resolve cases--particularly cases involving youth--without the justice system being involved.

We will, of course, co-apply for those grants that are reserved for government agencies--e.g., state or federal grants earmarked for the justice system. But the money will go to our community partners, not us.

4. *You have taken a stance against coercive plea bargaining and in your platform state that you will ensure that plea bargaining in the Prosecutor's Office is conducted fairly. What actions will you take to ensure this is the case?*

There are several aspects to this. *First*, my office will never threaten to bring charges that we cannot prove up at trial. Such charges are often threatened as part of the plea-bargaining process, as a coercive way to convince someone to plea to lesser charges. We will end that practice.

*Second*, prosecutors often "stack" charges as a means to gain leverage during plea bargaining negotiations. A single incident might result in several--or a dozen--charges being brought or threatened. Again, stacking is often done so that people will plead guilty to "only" some of the charges, in exchange for the remainder being dropped.

That's unjust, and unfair. That's particularly true because multiple charges can render someone subject to Michigan's habitual offender law (and the harsh sentences that come with it); multiple charges can also render someone ineligible for expungement. As prosecutor, I will not stack charges. I believe that a single incident generally should result in a single charge (there are exceptions, of course, but that's the general principle).

One key way the prosecutor's office stacks charges is to add on "resisting and obstructing an officer charges," because, e.g., someone struggled with an officer while being arrested. We won't do that.

*Third*, as part of a plea deal, prosecutors often require a defendant to waive their right to contest issues on appeal. Not only is that unjust (as it takes away due process rights), it also sweeps constitutional violations under the rug. If, for example, a person has a colorable claim that the police stop leading to their arrest was unconstitutional (a violation of the 4th Amendment, say, or a result of racial profiling) they should be able to litigate that argument on appeal. Forbidding them from doing so is unfair, violative of rights, and effectively covers up police and prosecutorial misconduct. As prosecutor, I will not require these "appellate waivers" as part of the plea bargaining process.

#### **Slay:**

1. *Ms. Slay, you answered that you could not commit to partnering with an independent and external evaluator to assess all cases for any form of racial profiling and immediately drop all charges stemming from such incidents, because of state law prohibiting the release of LEIN data to outside parties. Mr. Savit, however, answered that he is committed to doing so and will take action to ensure this commitment. Do you commit to this approach as well?*

I certainly agree that being able to collaborate with independent agencies would provide the transparency, and that an independent assessment of the prosecutor's office should be afforded to our residents. If elected, I will commit to publicly support the change in legislation to provide research access for such groups. As it stands, Michigan law does not afford access to the LEIN system for non-law enforcement entities, except by statutory exception. Some of those exceptions are for probation officers, Community Corrections agents, the Courts and local prosecutor's offices. I will not ignore my ethical and sworn obligations to uphold the laws of the state of Michigan and the Constitution. Another source of possible statistical data would be to upgrade the internal case tracking system that has the capabilities to search and query information that would be needed to analyze patterns

relating to charging and disposition of cases. The current systems of choice used in the State of Michigan are called ACT (Adult Criminal Tracking) and JCT (Juvenile Criminal Tracking). These systems communicate with the courts and develop case tracking numbers (AKA, the CTN) that allow the courts identify cases and report case dispositions. This system is very dated and limited in its capabilities, and only accomplishes it the purpose of direct correspondence with other agencies. Queries relating to race, gender or ethnicity are not built into available searches. If elected, I will also work with PAAM (Prosecutor's Association of Michigan) to upgrade our system so that proper tracking and transparency can be accomplished. Please see the below statement from the Michigan State Police regarding the use of LEIN:

[https://www.michigan.gov/msp/0,4643,7-123-3493\\_72291---,00.html](https://www.michigan.gov/msp/0,4643,7-123-3493_72291---,00.html)

The Michigan Law Enforcement Information Network (LEIN) is a statewide computerized information system, which was established July 1, 1967, as a service to Michigan's criminal justice agencies. The goal of LEIN is to assist the criminal justice community in the performance of its duties by providing and maintaining a computerized filing system of accurate and timely documented criminal justice information readily available to all criminal justice agencies. **Access to LEIN is restricted to criminal justice agencies or those agencies statutorily granted authorization.** (Emphasis was added by website for Michigan State Police)

The definition of a criminal justice agency can be found in the following Administrative Rule: R 28.5101 Definitions. Rule 101. As used in these rules: (f) "Criminal justice agency" means a court or other governmental agency, or any sub unit thereof, that engages in the administration of criminal justice pursuant to a statute or executive order and that allocates a substantial part of its annual budget for the administration of criminal justice.

2. *Mr. Savit has a COVID-19 Public Health & Safety Platform on his website. Do you have a platform in response to COVID-19 and the criminal justice system?*

I have a website relaunch planned for later this week, same address but updated content. A section about COVID response has been created to assist viewers in gaining in information and much needed resources. As my site has been under construction, I have been taking to social media to share information my on my campaign and personal pages. In addition, I have joined the Community of Color Task-force of Washtenaw County to aid in assessing the effects COVID has had on our community and help plan for the gaps in service, health care and economic resources especially for people of color, undocumented individuals and those who are suffering from the economic effects of the pandemic. For people of color the social and economic inequities have always been apparent in Washtenaw County. For others, the COVID pandemic has highlighted what has always been a part of our community, inequity. I joined the task force and will be steadfast in my commitment to make sure our area will not have a fading institutional memory as time passes. Furthermore, I will continue to be a voice that attests to the disparate effects of this pandemic my community, especially in 48197

and 98. While professionally, I can assist with this mission, this undertaking also personal. If I have stated this once, I have stated a thousand times, how we treat each other matters.

- 3. You support clearing the records of individuals with past convictions that are not currently being prosecuted. To what extent are you willing to expunge records?*

I have always supported the opportunity for expungements. Furthermore, I do support legislation expanding the guidelines and opportunities in this area. Currently there are several types of crimes that are not eligible for expungement in Michigan. For example, the misdemeanor of Driving While License Suspended, often referred to as DWLS. Such convictions do not have bearing on public safety and only further impose unforgiving financial penalties on our residents. These crimes can affect the ability to obtain car insurance and limit the scope of job opportunities for those saddled with a conviction.

I have been supportive of expungement fairs during my career, including adding an expungement table at the City of Ann Arbor's 1<sup>st</sup> Warrant Resolution Day this past winter. A day I designed to help those with open misdemeanor warrants walk in without the fear of incarceration. Along with 15 other social service agencies present to help visitors that day, there was also a station to receive free advice and applications from a criminal defense attorney about expunging their crimes. At my request, there was also a prosecutor representative present that provided the necessary information to evaluate the process, like case numbers, dates and final dispositions. Going forward, I will commit to continue providing this essential information to those who would inquire for their expungement for FREE. In many jurisdictions, you have to pay for such records under the Freedom of Information Act. I will not allow ability to pay be a factor in getting this critical information needed to apply for expungement. I will also support our local criminal defense bar by providing free training for those interested in how the application process works, statutory updated and local procedures for assisting in an expungement. The county can also count on seeing the assistant prosecutors at expungement fairs to help provide that needed information, just as they did this past winter in Ann Arbor.