



**Washtenaw Equity Partnership:  
Executive Summary & Recommendations to  
Address Racial Disparities in the  
Washtenaw County Juvenile & Adult  
Criminal Legal Systems**

**March 2023**

# Washtenaw Equity Partnership

Working collaboratively to develop a transparent, coordinated, evidence-based Community Plan for identifying and addressing racial disparities across all components of the Washtenaw County juvenile and adult criminal legal systems and assuring the Plan's implementation.

## Founding Partners

The Washtenaw Equity Partnership seeks broad collaboration across the Criminal Legal System and with Community Organizations. Our founding partners include the following Washtenaw County Offices:

- Public Defender
- Trial Court
- Prosecutor
- Board of Commissioners
- Citizens for Racial Equity in Washtenaw (CREW)

The Partnership engaged the Vera Institute of Justice to help facilitate the process.

# Guiding Principles

The **Washtenaw Equity Partnership** will work toward meaningful change and outcomes that reflect these core principles. These principles are ideals we want to achieve in Washtenaw County. The WEP Working Group and all subcommittees should analyze how their work contributes to affecting these principles.

## Equitable Outcomes

Fairness and equity for people who have been justice-impacted must be at the center of the juvenile and adult criminal legal systems, which must focus on outcomes to eliminate and prevent racial disparities, eliminate structural racism, and improve the human condition of residents of Washtenaw County.

## Evidence-based Action

Quantitative and qualitative data must inform the development, use, and evaluation of policies and practices that eliminate racial disparities, improve outcomes for justice-impacted persons, and avoid unintended, harmful consequences. In addition to data from legal institutions, information should come from people who have been affected by the juvenile and adult criminal legal systems. Evidence-based action must be dynamic and ongoing, such that short-, medium- and long-term policy and practice improvements can be identified and implemented.

## Accountability

Accountability and transparency must guide collection, analysis, and sharing of data and information across the system so institutions and the public can take evidence-based actions and easily measure progress toward reduced disparities and improved outcomes for people who have been justice-impacted.

## Collaboration

Collaboration, coordination, and partnerships among legal institutions, non-governmental organizations, and the public must be sustained to promote shared learning and decision-making, and integrated solutions. Respect for each person's expertise and lived experience will be a cornerstone of collaboration. Members of the partnership will contribute their expertise and hold each other accountable for making progress toward a shared vision of racial equity.

## Innovation

Creative thinking, open-mindedness, and non-traditional approaches are encouraged in reimagining how Washtenaw County can eliminate racial disparities across the juvenile and adult criminal legal system and improve outcomes for people who have been affected by these systems.

## Resources

The allocation of resources should reflect each of these principles and target the reinvestment of funds away from the criminal legal system, whenever possible, and towards services that address structural disadvantages, promote healthier outcomes, and reduce and prevent system involvement.

# 5 Strategies to Address Racial Disparities in the Washtenaw County Juvenile & Adult Criminal Legal Systems

1

## **Invest in Community, Prevention, and Infrastructure.**

Prevent and reduce contact with the criminal legal system through early interventions and services that improve peoples' stability in terms of housing, employment, health (especially mental health and substance use), and managing situations of conflict or crisis without police contact.

2

## **Reduce Initial System Contact, Restructure Custody and Court Process.**

Reduce pretrial contact with the court system, including through limiting the use of money bail and wealth-based detention, and expanding the use of alternatives to incarceration, especially for more serious cases.

3

## **Restructure In-Custody Programming, Release, Reentry, and Community Support.**

Mitigate the harms of incarceration and ensure that people can achieve stability after their release, both by improving conditions of confinement and strengthening reentry supports.

4

## **Support Youth Development.**

Reduce juveniles' contact with the justice system, as much as possible, because system contact leads to worse outcomes.

5

## **Use Data to Ensure Equity, Measure Outcomes, and Achieve Accountability.**

Improve the consistency, comprehensiveness, use, and transparency of data across the criminal legal system, notably through the establishment of a county data warehouse.

# **Washtenaw Equity Partnership**

## **Executive Summary**

**Recommendations to Address  
Racial Disparities in the  
Washtenaw County Juvenile & Adult  
Criminal Legal Systems**

**March 2023**

# Introduction

The [Washtenaw Equity Partnership](#) (WEP) formed in 2021 to address racial inequity in the criminal legal system in Washtenaw County, Michigan. The WEP is a coalition of over 100 people in the county, including people who work for government and nonprofit organizations, people with direct experience with the criminal legal system, and other members of the public. The WEP’s goal is “to develop a successful, transparent, coordinated community plan for identifying and addressing racial disparities across all components of Washtenaw County’s juvenile/adult criminal legal systems and assure a framework for its implementation, oversight, and evaluation.” It builds on previous efforts in the state and county on these issues, including the Washtenaw County Board of Commissioners’ general [racial equity](#) policy, the statewide Joint Task Force on Jail and Pretrial Incarceration and Task Force on Juvenile Justice Reform, the 2020 Citizens for Racial Equity in Washtenaw (CREW) report revealing patterns of racial disparities in charging and sentencing in Washtenaw County, and other Washtenaw-specific reports on mapping behavioral health and youth services.<sup>1</sup> The WEP, through six thematic subcommittees and with technical and research support from the Vera Institute of Justice (Vera), identified key questions and issues, conducted quantitative and qualitative research with local county data and residents, and reviewed existing research and best practices to generate the recommendations for action contained in this report.<sup>2</sup>

The WEP members adopted a broad view of what it meant to identify and address racial disparities “across all components” of Washtenaw’s criminal legal system, including looking upstream to community health issues and unmet needs that might exacerbate inequities across the legal system. The WEP’s [Guiding Principles](#) (equitable outcomes, evidence-based action, accountability, collaboration, innovation, and resources) and research themes reflected a focus on shifting Washtenaw’s approach and resources, where possible, to emphasize safe and healthy communities, minimize legal system contact, and reduce the burden on the legal system to be the social safety net for unmet needs. This report describes these findings and presents 65 recommendations to improve Washtenaw County’s criminal legal system, organized into five strategies:

1. Invest in community, prevention, and infrastructure.
2. Reduce initial system contact and restructure custody and court process.
3. Restructure in-custody programming, release, reentry, and community support.
4. Support youth development.
5. Use data to ensure equity, measure outcomes, and achieve accountability.

To develop this report, the WEP used several sources of information. The central quantitative analysis in the report is of outcomes and disparities in sentencing from Washtenaw Trial Court data (2014–2022). The report also includes data on the demographics and number of people involved in various stages of the criminal legal system and/or in alternatives to incarceration programs, sourced from public records and from reports provided by some program officials. It is, however, important to note that the WEP was unable to access detailed data from several key agencies—the county jail, the district courts, and the Michigan Department of Corrections (which covers state prisons, parole, and probation)—due to constraints in the design of their databases and, in the case of MDOC, a lack of response to a request for data.



The qualitative research involved interviews and focus groups with Washtenaw County residents who have faced charges and/or who were parents of juveniles facing charges; some of these people have experience with substance use and mental health challenges. The research also includes findings from an online survey of staff who work in behavioral health service provider organizations about access to and quality of services.

Every section of the report draws on publicly available information from government and nonprofit agencies, policy reports, and news media. This report highlights key resources, challenges, and approaches across a range of topics; it does not provide an in-depth analysis of any single component of the system. More information on the WEP process and research methods are available in Appendices 1 and 2. Additional background information is in the supplemental report and on the [WEP website](#).

As this report details, Washtenaw County offers its justice-involved residents an array of services and supports—but racial disparities throughout the system persist, especially at the initial stages of system contact, with police and prosecution. These disparities can lead to arrests, charges, and convictions that have compounding consequences for people’s trajectories inside and outside the criminal legal system, including through restrictions on access to social services and alternatives to incarceration and risk assessment scores and sentencing decisions that give weight to criminal history.

The overarching message in this report’s findings and recommendations is that, to tackle racial disparities, Washtenaw County must reduce the scope and punitiveness of the formal criminal legal system and strengthen support services in local government and communities. The recommendations are organized into five overarching strategies, outlined above. It is important to note that these include some short-term actions, some that require no funding, and some that should cut costs, while others name important social supports and services that do need long-term investment in programs and staff capacity.

- Recommendations that call for changes in local policy or practice—such as to expand eligibility criteria for housing, jobs, and treatment programs; end using police as the default response to drug use, mental health crises, and traffic violations; end or limit wealth-based detention and fines and fees; change responses to probation violations; and end most formal charges against minors—can have quick impacts without requiring funding or new programs.
- Recommendations that call for reduced use of certain agencies should lead to reduced expenditures. These include limiting the use of police, court-supervised programs, and jail for many situations that do not pose an imminent or serious danger—especially those related to traffic, behavioral health, and minors.
- Recommendations that call for increased investment in a public health approach and support services—like civilian crisis response teams, affordable housing, and services for mental health and substance use needs—will help prevent and reduce initial or repeat contact with law enforcement for people affected by poverty and structural racism.
- Recommendations that call for improved data collection, analysis, and transparency practices—like a countywide data warehouse—will enable tracking and evaluation of outcomes, including racial disparities, to guide allocation of future resources.

## Strategy 1: Invest in Community, Prevention, and Infrastructure

**Strategy 1 focuses on ways to prevent and reduce contact with the criminal legal system, through early interventions and services that improve people’s stability in terms of housing, employment, health (especially related to mental health and substance use) and managing situations of conflict or crisis without police contact.**

Washtenaw County has a strong network of services, provided by government and community organizations. While many of these services seem to be more available, welcoming, and evidence-based than in other areas of Michigan, there are clear opportunities to improve the scope and quality of services as well as ensuring equitable access. Research with service providers and clients for this report shows that the impact of social services is hampered by residents’ struggle to understand what services are available and how to access them, as well as by restrictions on eligibility for programs. On top of this, behavioral health organizations in the county are facing staffing constraints that are hindering their ability to meet needs for substance use and mental health services. Finally, policing of public housing complexes and communities of color are contributing to increased system contact and other harms for residents of color. There is a broad desire to expand unarmed, civilian-led responses to mental health and other crises, as well as for violence prevention generally.

The recommendations in this section aim to expand access to housing, employment, and mental health and substance use treatment for people with justice system involvement, to minimize unnecessary contact with law enforcement, and to strengthen community involvement and oversight in these efforts, including by:

- reducing restrictions and exclusions for public housing and employment based on people’s arrest or conviction history or conditions related to substance use;
- expanding harm reduction work—which means reducing the harms of both drug use and of policies that criminalize drug use, in non-stigmatizing, non-punitive, non-coercive ways—generally and in the jail and establishing an overdose prevention center;
- strengthening the behavioral health workforce, including by recruiting and retaining service provider staff who have direct lived experience of the criminal legal system and/or of substance use and/or of mental health conditions; and
- creating unarmed, non-police response teams for situations in which people call 911 and there is no imminent threat or danger to others, including mental health or substance use crises, as well as for minor traffic violations.



## Strategy 2: Reduce Initial System Contact, Restructure Custody and Court Process

**Strategy 2 focuses on ways to reduce pretrial contact with the court system, including through limiting the use of money bail and wealth-based detention, and expanding the use of alternatives to incarceration, especially for more serious cases. It also looks at trial court data to analyze disparate sentencing outcomes and examines access to programs and services in jail and prison.**

The data that the WEP and Vera were able to access and analyze, which comes from the Washtenaw Trial Court (2014–2022), shows racial disparities in charging and case dispositions. On sentencing outcomes, there were not significant disparities overall but there were racial disparities in the length of jail/prison sentences for certain charges, notably resisting an officer and carrying a concealed weapon (for which Black defendants had longer mean jail/prison sentences) and drug possession (for which white defendants had longer mean jail/prison sentences). Although gaps in the data—especially on criminal history for each case—mean that this analysis cannot attribute these differences in outcomes solely to implicit or explicit racial bias, the disproportionalities are cause for concern.

Washtenaw County has made important investments in specialty courts (drug court, mental health court, veterans court) that aim to provide treatment in lieu of punishment for people whose charges relate to substance use or mental health challenges. However, it appears that there are racial disproportionalities in both participation in and completion of these specialty court programs. Though very few cases make it into these courts to begin with, white defendants are overrepresented in drug court, compared to all eligible defendants. Disparities in referrals, admissions, and completion may be due in part to eligibility criteria that limit people with more serious charges and/or past “failures” on supervision programs. Best practice indicates that more minor cases that may be eligible for specialty courts should instead be diverted entirely away from the criminal legal system to voluntary treatment services, and that specialty courts focus on more serious cases.<sup>3</sup> Qualitative research with Washtenaw residents, in line with national findings, suggests that overly onerous rules in some “alternatives to incarceration” like sobriety court and probation make success in these programs very difficult—to the point that some opt for jail time instead.<sup>4</sup>

At the point of sentencing, the presentence investigation (PSI) reports are a crucial influence on decisions, but the WEP did not have detailed local data on these. Research from elsewhere shows that PSI reports can increase sentences and can rely too much on extralegal factors shaped by racial inequity—like education, socioeconomic status, and perceptions of demeanor—and on risk scores that give weight to past arrests. The WEP and Vera were unable to access case-level data from local and state agencies on some issues, including bail/bond conditions (especially after the 2021 local county prosecutor’s policy that limited the use of money bail), charge types that drive jail bookings, defendants’ prior criminal case histories, and probation and parole violations and penalties. Therefore, more research is needed on how these factors may shape racial disparities.

The recommendations in this section include actions to expand the use of restorative justice initiatives and specialty courts for serious cases, improve transparency and context of PSI report content, and change court processes to reduce disparities in charging, sentencing, and probation violation responses, including:

- expanding and improving the eligibility criteria for restorative justice initiatives and specialty courts, enabling people with assaultive convictions history, those facing more serious charges, and those who did not complete prior supervision or recovery programs to participate;
- increasing community input for specialty courts and addressing barriers to participation and completion, especially for people of color;
- encouraging prosecutors and judges not to use past convictions for charges that often reflect disparate enforcement (such as drug possession and resisting arrest) as major factors in diversion, charging, and sentencing decisions; and
- developing a county-specific guide to respond to probation violations with the goal of reducing the use of detention as a penalty.

### **Strategy 3: Restructure In-Custody Programming, Release, Reentry, and Community Support**

**Strategy 3 focuses on mitigating the harms of incarceration and ensuring that people can achieve stability after their release, both by improving conditions of confinement and strengthening reentry supports.**

Although this report was not able to analyze reasons for Washtenaw County charges or convictions that lead to detention in county jail and/or a state prison sentence, it finds that Black people are disproportionately represented among both types of incarceration. While people are incarcerated, programs and connections to family outside are crucial, as these reduce the harm of detention and improve prospects for reentry success. But these supports are limited due to risk score-based eligibility criteria and costs charged to detained people and their families, as well as pandemic-related operational constraints. When people are released from the local jail or state prison back to Washtenaw County, they have very few resources and struggle to meet community supervision conditions. Residents identified housing as the most difficult challenge upon release, due to lack of money and housing program restrictions. As with Strategy 2, a lack of data hindered our full understanding of pathways into and out of local jail and state prison, including probation and parole, as well as details on programs and services during confinement and reentry.

The recommendations in this section focus on increasing access to programs and supports inside jail and prison and in the community during reentry. They include:

- ensuring voluntary referrals to jail and reentry services, including through MDOC's Offender Success program, to anyone who wants them, not just those who qualify based on a risk assessment;
- reducing barriers to communication with loved ones while in jail or prison;
- providing economic subsidies for Washtenaw residents returning from incarceration, including for housing and transportation needs; and
- increasing the number of lawyers available to help with criminal record expungement and sealing applications, so that people with records can more easily access housing and employment.

## Strategy 4: Support Youth Development

**Strategy 4 focuses on ways to reduce juveniles' contact with the justice system as much as possible, because system contact leads to worse outcomes. It encourages early interventions based in community organizations rather than in detention settings, to support youth in ways that are developmentally appropriate (because youth's cognitive and social needs are different than adults'). It also addresses ways to reduce the use of disciplinary actions in schools that can lead to system contact and to provide coherent, comprehensive supports for dual ward youth.**

Though Michigan has already made progress in some juvenile justice reforms, statewide data suggests stark racial disparities amongst Washtenaw youth at every stage of the juvenile justice system.<sup>5</sup> Compared to white youth, Black youth in Washtenaw are more likely to face charges, especially felony charges, than to have a dismissal or diversion option. When looking more closely at case trajectories in Washtenaw, there is a notable disparity among girls: according to analysis of juvenile justice cases (2018-2021) by the University of Michigan Child and Adolescent Data Lab, Black girls are 34 percent more likely to have petitions authorized (that is, charges filed) on their cases than white girls are, even when controlling for charge and past contact with the justice system. Further, according to the same analysis, among young people with juvenile justice case referrals, over 72 percent of Black youth and 63 percent of white youth had prior contact with Children's Protective Services.

In qualitative interviews, young Black men in Washtenaw said that, as teenagers and as young adults, they felt targeted by and fearful of police. People with juvenile justice system experience in the county (as minors or as parents) reported feeling confused about their options for diversion, and that some "alternatives" involved menial tasks rather than meaningful program content. The WEP was unable to access detailed data on disciplinary tactics in schools, but best practice indicates that schools should invest in behavioral health specialists rather than relying on suspensions/expulsions or school resource officers (police).<sup>6</sup>

The recommendations in this section include actions to reduce or eliminate youth contact with the formal justice system, reduce the use of probation and detention, and expand meaningful, developmentally appropriate programs and services in the community, in schools, and in diversion and probation settings. For example:

- implementing diversion (with no formal charge) as much as possible, including through the Michigan Task Force on Juvenile Justice recommendations, expanded partnerships, and an oversight mechanism;
- replacing "community service" work with meaningful, evidence-informed programs for system-involved youth;
- strengthening community- and school-based substance use, harm reduction, and mental health treatment programs tailored for youth;
- eliminating or reducing school suspensions and expulsions (which can lead to police contact) and improving due process for long term removals; and
- conducting further analysis on the needs of youth with prior child welfare contact and the situation of girls facing felony charges.

## Strategy 5: Use Data to Ensure Equity, Measure Outcomes, and Achieve Accountability

**Strategy 5 focuses on ways to improve the consistency, comprehensiveness, use, and transparency of data across the criminal legal system, notably through the establishment of a county data warehouse.**

This will enable better planning and evaluation of current and new policies and programs. The overarching theme of this report is the substantial lack of publicly available, usable data at nearly every point in the criminal justice system. Some agencies were willing to provide non-public access but were unable to generate data in a format usable for analysis. The WEP is recommending a data warehouse, similar to those built by Allegheny County, Pennsylvania, and Multnomah County, Oregon. These warehouses serve as a repository for criminal legal system information and allow queries, tracking of cases, and analysis of trends and outcomes. Key elements of success include buy-in across agencies, an external oversight entity, linking juvenile and adult systems, having specialized technical and data analysis staff for the warehouse, and using thoughtful approaches to maximize data transparency while respecting confidentiality. This report identifies key data fields needed to enable analysis across a range of topics.

The recommendations include actions to establish an integrated, countywide data warehouse, with internal and external functions, to improve data collection and analysis processes, and to conduct research and analysis on specific issues for which the WEP was unable to obtain data, specifically:

- developing a cross-system criminal legal data warehouse and public dashboard for the county, following the WEP's adaptation of the federal BJA checklist, setting up a public dashboard, and ensuring staff capacity for technical and evaluation work;
- updating the 2017 Sequential Intercept Model (SIM) Mapping Report and the 2019 Critical Intervention Map (focused on youth); and
- obtaining data and/or improving data collection and conducting further analysis of trends and racial disparities on numerous topics, including: community services; community violence intervention (CVI) programs; police arrests and traffic stops; 911 calls; bail issuance and conditions; specialty courts and restorative justice initiatives; criminal history and probation violations; jail population trends; drug possession charges; MDOC custody, parole, and probation data; PSI reports; jail/prison conditions; reentry services; juvenile justice and diversion; dual ward youth (those with child welfare and juvenile justice involvement); and school disciplinary incidents and responses.

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<sup>1</sup> Daniel Abreu and Debra A. Pinals, *Sequential Intercept Model Mapping Report for Washtenaw County, MI*, A Report (Delmar, NY, Policy Research Associates, March 2017) 19. [Washtenaw Co MI Sequential Intercept Mapping Report - Final.pdf - Google Drive](#); Citizens for Racial Equity in Washtenaw (CREW), *Race to Justice: Report on Racial Disparities in the Washtenaw County Criminal Legal System*, (Washtenaw, MI: CREW, August 2020). [CREW's Report | Citizens for Racial Equity In Washtenaw \(citizensforracialequitywashtenaw.org\)](#)

<sup>2</sup> This report uses “residents” to denote residents of Washtenaw County, as well as people arrested in and who have criminal cases in the county when describing the data findings. These individuals are likely residents of the county, but we do not have comprehensive residential data corresponding to each dataset.

<sup>3</sup> Fair and Just Prosecution, *Reconciling Drug Courts, Decarceration, and Harm Reduction*, Issue Brief (New York, NY: Fair and Just Prosecution, 2021). <https://www.fairandjustprosecution.org/staging/wp-content/uploads/2021/02/FJP-Drug-Courts-Issue-Brief.pdf>; Cynthia Hujar Orr et al., *America’s Problem-Solving Courts: The Criminal Costs of Treatment and the Case for Reform*, Report (Washington, DC: National Association of Criminal Defense Lawyers, Open Society Institute, Ford Foundation, September 2009), 42. <https://www.nacdl.org/getattachment/d15251f8-6dfe-4dd1-9f36-065e3224be4f/americas-problem-solving-courts-the-criminal-costs-of-treatment-and-the-case-for-reform.pdf>; Joel Gross, “The effects of net-widening on minority and indigent drug offenders: A critique of drug courts.” *U. Md. LJ Race, Religion, Gender & Class* 10 (2010): 162-163.

<sup>4</sup> Wodahl, E. J., Alarid, L. F., & Bowman IV, J. H. (2022). ‘Would You Prefer Jail or Probation?’ Differences in Sanctioning Preferences among White, Black, and Latinx Adults. *The Prison Journal*, 102(4), 395-416.

<sup>5</sup> Racial and Ethnic Disparities Data, Michigan Committee on Juvenile Justice, Michigan Department of Health and Human Services, <https://data.michigancommitteeonjuvenilejustice.com/>; see forthcoming report by the University of Michigan Child and Adolescent Data Lab, <https://ssw-datalab.org/>.

<sup>6</sup> Vera Institute of Justice, *Investing in Evidence-Based Alternatives to Policing: Creating Supportive School Environments* (New York: Vera Institute of Justice, August 2021) <https://www.vera.org/downloads/publications/alternatives-to-policing-school-safety-fact-sheet.pdf>

**For more information, please see the full report:  
"Washtenaw Equity Partnership: Findings & Recommendations  
on Washtenaw County’s Criminal Legal System"**

# Authorship and Acknowledgements

The Washtenaw Equity Partnership (WEP) led the development of this report with support from the Vera Institute of Justice (Vera). Vera’s primary role was to facilitate WEP meetings, provide technical research and data analysis, and draft the initial findings, under the guidance of the WEP Working Group (the steering and oversight body).

The WEP would like to acknowledge the working group and subcommittee co-chairs for their leadership as well as the 100 people from justice institutions and the community who served on subcommittees. Without the dedication, time, and expertise of these WEP members, this report and its recommendations would not have been possible. The WEP thanks the Vera team for their work in leading the research included in this report and facilitating the process for the WEP to generate recommendations. The WEP and Vera thank the Washtenaw County residents who shared their experiences and insights in qualitative interviews and focus groups and through informal stakeholder conversations. The WEP and the Vera team also thank the Michigan Justice Fund for awarding a grant to support this process and for their commitment to community and other efforts to improve equity.

Washtenaw County is lucky to have many people and organizations deeply committed to improving its criminal legal systems. The WEP included members who are involved with other current projects, such as the Washtenaw County Prosecutor’s Office’s [Prosecutor Transparency Project](#), the [Washtenaw Justice Project](#), and the [Coalition for Re-Envisioning Our Safety](#), as well as nonprofit leaders and justice-impacted families, among others. The WEP benefitted from the work of these other projects, and we hope that our work will support their efforts.

## Washtenaw Equity Partnership Working Group Members

Alma Wheeler Smith	WEP Chair Former State Legislator; Citizens for Racial Equity in Washtenaw
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