



1212 New York Ave. NW,
Suite 900
Washington, DC 20005
202.525.5717

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Testimony from:

Jesse Kelley, Government Affairs Manager, Criminal Justice & Civil Liberties, R Street Institute
Lars Trautman, Senior Fellow, Criminal Justice & Civil Liberties, R Street Institute

In SUPPORT of SB 1046 and SB 1047

December 16, 2020

House Judiciary Committee

My name is Jesse Kelley, and I am the Government Affairs Manager for Criminal Justice and Civil Liberties policy at the R Street Institute, which is a nonprofit, nonpartisan, public policy research organization. I am writing alongside my colleague, Lars Trautman, a Senior Fellow at R Street. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, specifically including reforms that propose alternatives to arrest, which is why these bills are of particular interest to us.

We agree with the Jails Task Force's recommendation that—when safe and feasible to do so—individuals should be given a citation and allowed the opportunity to voluntarily appear in court to answer certain criminal charges rather than being arrested and booked into jail. Therefore, we support both SB 1046 and SB 1047.

An arrest is a disruptive and often costly event. The law enforcement officer involved must devote valuable time to the encounter; the arrestee loses their liberty and faces potential collateral consequences; and the rest of the community bears the financial burden and other strains associated with detention. In some situations, such as those with significant risks to public safety, these costs may be worth it. But for others—in which the community is not threatened and the risk of flight is minimal—an arrest is entirely unnecessary and potentially counterproductive. Thankfully, it is not the only response possible. Citations provide an excellent alternative to arrests in many circumstances, allowing law enforcement officers to start the criminal justice process without the costs and consequences of an arrest.

However, law enforcement officers can only do so successfully if they are adequately supported at the state level. The proposed legislation is necessary to grant and define the authority to issue citations. To ensure law enforcement officers are able to issue citations in as many appropriate situations as possible,

legislation should create broad eligibility for citations, establish presumptions in favor of citations for lower-level offenses, and ensure that any exceptions are narrow and subject to the discretion of law enforcement officers. We believe these two bills accomplish those goals.

At the same time, legislators also have the ability to strengthen citation programs by supporting robust data collection and analysis on the use of citations and arrests. This will make it easier to eliminate any racial and ethnic disparities; identify any unintended effects on failure to appear or crime rates; and prevent time-saving citations from simply increasing the number of individuals involved in the criminal justice system.

In Michigan and throughout the United States, citations are already helping to improve criminal justice outcomes. But this represents only a fraction of their potential. This legislation would help move Michigan one step closer toward a more fair, limited and efficient criminal justice system.

Thank you for your consideration,

Jesse Kelley
Government Affairs Manager
Criminal Justice & Civil Liberties
R Street Institute

Lars Trautman
Senior Fellow
Criminal Justice & Civil Liberties
R Street Institute