

A RESOLUTION AUTHORIZING THE CREATION OF AN ASSISTANT PROSECUTING  
ATTORNEY POSITION IN THE PROSECUTOR'S OFFICE TO FACILITATE A PERMANENT  
CONVICTION INTEGRITY AND EXPUNGEMENT UNIT

WASHTENAW COUNTY BOARD OF COMMISSIONERS

November 3, 2021

*Prepared by Eli Savit, Prosecuting Attorney*

WHEREAS, research indicates that as many as one in 10 people serving time in state prisons are actually innocent of the crime for which they were convicted; and

WHEREAS, only the Prosecutor's Office is likely to have complete and unredacted access to files that can prove (or disprove) a convicted person's claim of actual innocence; and

WHEREAS, procedural rules in the criminal legal system make it nearly impossible to overturn a conviction—even if there is compelling evidence of actual innocence—unless the Prosecutor seeks to overturn that conviction; and

WHEREAS, recognizing the injustice of wrongful convictions—and prosecutors' unique ability to rectify that injustice—nearly 100 prosecutor's offices across the nation have created conviction integrity units; and

WHEREAS, conviction integrity units can not only investigate and remedy past wrongful convictions, but can provide training and guidance to prosecutors that prevent future wrongful convictions from occurring; and

WHEREAS, a criminal record, even for a crime committed years or decades in the past, can hold a person back from employment, housing, and educational opportunities; and

WHEREAS, Michigan recently passed "Clean Slate Laws" that will give up to 1 million Michiganders a chance to expunge old criminal records; and

WHEREAS, the expungement application process can be cumbersome, difficult to navigate, and private attorneys often charge thousands of dollars for expungements; and

WHEREAS, the Prosecutor's Office is uniquely situated to assist with expungements free of charge, as (1) the Prosecutor's Office has access to criminal-record databases, so it can perform the background checks free of charge to any resident; (2) *only* the Prosecutor's Office can clear up misinformation on a person's criminal record that can render them ineligible for expungement; (3) because the Prosecutor's Office has a relationship with the courts, it is able to obtain certified copies of court records at no charge to the applicant; and (4) the Prosecutor's Office has no income-based eligibility criteria on the people it can assist with expungements; and

WHEREAS, the County previously approved the creation of an interim Conviction Integrity and Expungement Unit to investigate and remedy wrongful convictions, and to affirmatively assist County residents with expungements. That interim Unit has made promising progress

both on the conviction-integrity and expungement fronts; and

WHEREAS, people of color are disproportionately impacted by the criminal legal system. They are disproportionately wrongfully convicted, and are disproportionately likely to have criminal records that can hold them back from opportunity; and

WHEREAS, expunging a person’s old criminal records has significant positive impacts on lifetime earning potential, and can facilitate the ability to secure jobs, housing, and educational opportunities, all of which have a positive impact on reducing recidivism; and

WHEREAS, beyond the incalculable human cost, wrongfully imprisoning someone for a crime they did not commit costs the State close to \$40,000 per year; and

WHEREAS, the Washtenaw County Prosecutor’s Office, under the leadership of Prosecuting Attorney Eli Savit, is requesting that the Board of Commissioners make permanent the temporary Assistant Prosecuting Attorney position that the County previously authorized to start a Conviction Integrity and Expungement Unit; and

WHEREAS, Prosecuting Attorney Eli Savit has committed to funding the Unit’s investigative function out of the Prosecutor’s existing budget, such that the only impact on the County budget will be to make permanent the single temporary Assistant Prosecuting Attorney position that already exists; and

WHEREAS, this matter has been reviewed by the Administrator’s Office, Corporation Counsel, Human Resources, Finance, the Racial Equity Office and the Ways & Means Committee; and

NOW THEREFORE BE IT RESOLVED this action will increase General Fund support to the Prosecutor’s Office to fund the creation of a new APA position beginning January 1, 2022, the total cost for the position (salary and fringes) is projected to be \$139,531 and is included in the 2022-2025 Recommended General Fund Budget.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes the creation of 1.0 FTE Assistant Prosecuting Attorney position in the Prosecutor’s Office, to create a Conviction Integrity and Expungement Unit as follows:

*Effective January 1, 2022:*

<b>POSITION CONTROL NO.</b>	<b>POSITION TITLE</b>	<b>EMPLOYEE GROUP</b>	<b>GRADE</b>	<b>CREATE</b>
28080022	Assistant Prosecuting Attorney I II III	6000	28/30/32	1.0