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Chairman Filler, House Judiciary
Anderson House Office Building
N-1197
Lansing, MI 48933

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Dear Chairman Filler and Judiciary members,

This letter is to serve as an explanation of the Wayne County Prosecutor's Office's (WCPO's) opposition to HB 5473 as written. It's WCPO's position that the changes to the one-man grand jury process dictated by the recent Michigan Supreme Court decision is sufficient and that repealing the process entirely goes too far. It would eliminate a process that has proven to be critically important to the successful prosecution of certain violent offenders.

The Wayne County Prosecutor's Office prosecutes more violent felony cases than any other jurisdiction in the State. Part of the culture of violence that we work so hard to change is a "no snitch" posture; a pervasive posture that challenges all of our efforts to promote public safety. Another common issue prosecutor's face is severe reluctance of witnesses to participate; this reluctance is not borne out of the "no snitch" culture but a very real and justifiable fear of retaliation. One of the most effective tools we have available to overcome these challenges, yet use with great discretion, is the one-man grand jury.

Several years ago, we developed a pilot project with the Detroit Police Department that centered on the use of a one-man grand jury and non-fatal shootings in Detroit Police Department's 10th Precinct. When the pilot project began the 10th Precinct had one of the worst closure rates for non-fatal shootings at 18%. At the end of project, it had the highest at close to 40%. The 10th Pct also experienced a 22% reduction in violent part one crimes. Homicides in the 10th Precinct decreased from 34 in 2014 to 19 in 2015 (a 44% reduction). At the same time frame, there were 34 less non-fatal shootings. The pilot project was eventually brought to the 9th Precinct. In the first year alone, we had an 80% conviction rate of all indictments and a decline in the rate of non-fatal shootings.

The success WCPO has had protecting the community with the judicial use of the one-man grand jury on certain violent felony cases lies in the very uniqueness of the process. The ability to

subpoena reluctant witnesses to a formal process where a judge can compel testimony while at same time not opening up witnesses to the risk of retaliation is invaluable.¹ A complete repeal of an effective process now that the Supreme Court has resolved due process concerns is, in our opinion, untenable. For the reasons stated above, we respectfully submit our opposition to the HB 5473 as written.

Sincerely,

Emily Corwin

APA Emily Corwin

Director of Grants & Legislation

Wayne County Prosecutor's Office

¹ The cost of empaneling a citizens grand jury severely limits its viability.

