



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

## EXECUTIVE ORDER

No. 2021-6

### Task Force on Juvenile Justice Reform

#### Executive Office of the Governor

Michigan is a national leader in criminal justice reform. We have demonstrated our commitment to bipartisan, data-driven reform through our collaborative success expanding access to expungement and reforming our jail and pretrial incarceration systems. Launched in 2019, the Jails and Pretrial Incarceration Task Force found significant growth in county jail populations, costing taxpayers nearly half a billion dollars annually. The Task Force recommended extensive state policy changes related to traffic violations, arrests, behavioral health diversion, pretrial release and detention, speedy trials, sentencing, probation and parole, financial barriers for system-involved individuals, victim services, and data collection. The Michigan Legislature passed many of the Task Force recommendations with bipartisan support in December of 2020, which were signed into law on January 4, 2021.

In the last several years, Michigan has also made many improvements to its juvenile justice system that can serve as a foundation for continued reform. These changes include the adoption of “state pays first” legislation, state legislative action to “raise the age” of automatic adult adjudication, as well as the many efforts happening at the county level to improve outcomes for young people in the juvenile justice system. However, even with these improvements, Michigan still detains youth at one of the highest rates in the nation and is nearly unparalleled in our practice of detaining youth for non-criminal behavior.

A growing body of research has also enabled policy leaders to better understand which practices best deter delinquency and rehabilitate young people. Jurisdictions across the country have generated innovative models for juvenile justice reform that could inform policy discussions or be adapted to improve system outcomes in Michigan.

The elected leaders of this state are committed to good government, transparency, responsible stewardship of taxpayer resources, and to the constitutional guarantees of liberty, due process, and equal protection of the laws.

The Task Force on Juvenile Justice Reform is necessary to lead a data-driven analysis of our juvenile justice system and recommend proven practices and strategies for reform grounded in data, research, and fundamental constitutional principles. This task force will

exist as a partnership between county and state leaders, as well as other leaders involved in the juvenile justice system.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 4 of article 5 of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

**1. Creating the Task Force on Juvenile Justice Reform**

- (a) The Task Force on Juvenile Justice Reform (“Task Force”) is created as a temporary advisory body within the Department of Health and Human Services (“Department”).
- (b) The Task Force must include the following representatives of the executive branch of state government.
  - (1) The lieutenant governor.
  - (2) The attorney general or the attorney general’s designated representative from within the Department of Attorney General.
  - (3) The superintendent or the superintendent’s designated representative from within the Michigan Department of Education.
  - (4) The director of the Department, or the director’s designated representative from within the Department.
  - (5) A representative from the Michigan Commission on Juvenile Justice.
- (c) The following officers of the judicial branch of state government may participate as members of the Task Force:
  - (1) The chief justice of the Michigan Supreme Court, or her designee.
  - (2) A probate court judge designated by the chief justice, in consultation with the Michigan Probate Judges Association.
  - (3) A circuit court judge designated by the chief justice, in consultation with the Michigan Judges Association.
  - (4) A family court administrator designated by the chief justice, in consultation with the Michigan Association for Family Court Administration.

- (d) The following officers of the legislative branch of state government may participate as members of the Task Force:
- (1) A member of the Michigan Senate designated by the senate majority leader.
  - (2) A member of the Michigan Senate designated by the senate minority leader.
  - (3) A member of the Michigan House of Representatives designated by the speaker of the Michigan House of Representatives.
  - (4) A member of the Michigan House of Representatives designated by the house minority leader.
- (e) The Task Force must include the following members appointed by the governor:
- (1) An individual who has lived experience as a justice-involved youth in Michigan.
  - (2) An individual who has lived experience as a parent or guardian of a justice-involved youth in Michigan.
  - (3) A juvenile defense attorney.
  - (4) A youth-justice advocate.
  - (5) A representative of the juvenile service provision community, which may include juvenile detention, residential treatment, and/or community-based services.
  - (6) A prosecuting attorney appointed from a list of three or more names submitted by the Prosecuting Attorneys Association of Michigan.
  - (7) A police chief appointed from a list of three or more nominees submitted by the Michigan Association of Chiefs of Police.
  - (8) A county sheriff appointed from a list of three or more names submitted by the Michigan Sheriff's Association.
  - (9) The following two members:
    - (A) A member of a board of county commissioners, or its designee, from a county with a population of 100,000 or more according to the most recent decennial census appointed from a list of three or more nominees submitted by the Michigan Association of Counties.
    - (B) A member of a board of county commissioners, or its designee, from a county with a population of less than 100,000 according to the most recent decennial census appointed from a list of three or more nominees submitted by the Michigan Association of Counties.

- (f) Nominations for appointments and notice to the governor of designation of participants are requested by June 18, 2021.
- (g) Members' terms must be for two years from date of appointment unless otherwise specified.
- (h) A vacancy on the Task Force must be filled in the same manner as the original appointment or designation.
- (i) The lieutenant governor is designated as chairperson of the Task Force.

**2. Charge to the Task Force**

- (a) The Task Force must act in an advisory capacity with the goal of developing ambitious, innovative, and thorough analysis of Michigan's juvenile justice system, complete with recommendations for changes in state law, policy, and appropriations to improve youth outcomes.
- (b) The Task Force must conduct a comprehensive and data-driven needs assessment of Michigan's juvenile justice system, to include, at a minimum:
  - (1) Key drivers of detention and residential placement.
  - (2) Available alternatives to detention and residential placement.
  - (3) Outcomes associated with educational and skills training opportunities for youth impacted by the juvenile justice system.
  - (4) Opportunities to increase safety and wellbeing of youth impacted by the juvenile justice system.
  - (5) Racial and ethnic disparities among youth impacted by the juvenile justice system.
  - (6) The efficiency and effectiveness of state and county oversight systems.
  - (7) Opportunities for better alignment with research and constitutional mandates.
- (c) The Task Force's recommendations must be guided by the following objectives:
  - (1) To safely reduce placement in detention and residential placement and associated costs.
  - (2) To increase the safety and wellbeing of youth impacted by the juvenile justice system.
  - (3) To reduce racial and ethnic disparities among youth impacted by the juvenile justice system.

- (4) To improve the efficiency and effectiveness of the state's and counties' juvenile justice systems.
- (5) To increase accountability and transparency within the juvenile justice system.
- (6) To better align practices with research and constitutional mandates.
- (d) The Task Force must provide recommendations for implementation and performance-outcome monitoring of statewide policy changes.
- (e) The Task Force must educate the public, stakeholders, and policymakers regarding its findings and recommendations.
- (f) The Task Force must issue a final report detailing its findings and policy recommendations by July 22, 2022.

### **3. Operations of the Task Force**

- (a) By mutual agreement and contract, the Council of State Governments, Ltd. will provide technical assistance to the Task Force. As needed, the Department must also assist the Task Force in the performance of its duties and provide personnel to staff the Task Force. By mutual agreement, the State Court Administrative Office may provide personnel to assist the Task Force in the performance of its duties. The budgeting, procurement, and related management functions of the Task Force will be performed under the direction and supervision of the Department.
- (b) The Task Force must adopt procedures, consistent with this order and applicable law, governing its organization and operations.
- (c) The Task Force must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Task Force.
- (d) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
- (e) A majority of the members of the Task Force serving constitutes a quorum for the transaction of the business of the Task Force. The Task Force must act by a majority vote of its serving members.
- (f) The Task Force may establish advisory workgroups composed of individuals or entities participating in Task Force activities, including other members of the public as deemed necessary by the Task Force, to assist it in performing its duties and responsibilities. The Task Force may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (g) The Task Force may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The members and staff of the Task Force may engage and gather input and guidance from their peers, justice-

system practitioners and stakeholders, in-state and national experts, those impacted by justice systems in the state, community leaders, and members of the public.

- (h) The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.
- (i) Members of the Task Force must not receive additional compensation for participation on the Task Force. Members of the Task Force may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.
- (j) The Task Force is dissolved on June 1, 2023, or such other time as the Governor directs.

#### **4. Implementation**

- (a) All departments, committees, commissioners, or officers of this state or of any political subdivision of this state must give to the Task Force and its staff, or to any member or representative of the Task Force, any necessary assistance required by the Task Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Task Force, consistent with applicable law.
- (b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.
- (c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.
- (d) If any portion of this order is found to be unenforceable, the unenforceable provision will be disregarded and the rest of the order will remain in effect as issued.
- (e) This order is effective upon filing.

Given under my hand and the great seal of the State of Michigan.



Date: June 9, 2021

Time: 12:25 pm

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GRETCHEN WHITMER  
GOVERNOR

By the Governor:



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SECRETARY OF STATE



FILED WITH SECRETARY OF STATE

ON 6/9/21 AT 12:36 P.M.