



# State Justice System Initiatives: An Overview of the Michigan Juvenile Justice Reform Initiative

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& Michigan Association for Family Court Administration Executive Board*

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Pew Campus, Loosemore Auditorium

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## Juvenile Justice Reform Task Force History



- Executive Order 2021-6
  - Signed by Governor Whitmer June 9, 2021
- Required a Task Force be convened to:  
“ ... 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.”



# Juvenile Justice Reform Task Force History

- Council for State Governments (CSG)
  - Contracted by State to provide technical assistance to the Task Force
  - Has partnered with approximately 20 states to facilitate JJ system improvements.



# Juvenile Justice Reform Task Force History

The Task Force was established to 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.





# Juvenile Justice Reform Task Force History

4. Opportunities to increase safety and well-being 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.



# Juvenile Justice Reform Task Force Objectives

1. To safely reduce placement in detention and residential placement and associated costs.
2. To increase the safety and well-being 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.





# Juvenile Justice Reform Task Force Outcome

The Task Force issued a final report detailing its findings and policy recommendations on July 22, 2022.



# Juvenile Justice Reform Task Force Members

Members appointed by the Governor included:

- An individual who had lived experience as a justice-involved youth in Michigan
- An individual who had lived experience as a parent or guardian of a justice-involved youth in Michigan
- A juvenile defense attorney
- A representative of the juvenile services provision community, which may include juvenile detention, residential treatment, and/or community-based services.







## Juvenile Justice Reform Task Force Members

- Prosecuting attorney appointed from a list of three or more names submitted by the Prosecuting Attorneys of Michigan
- Police chief appoint from a list of three or more nominees submitted by the Michigan Assoc. of Chiefs of Police
- A county sheriff appointed from a list of three or more names submitted by the Michigan Sheriff's Assoc.



## Juvenile Justice Reform Task Force Members

Two members from a board of county commissioners:

- A commissioner or a 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 Assoc. of Counties
- A commissioner or a 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 Assoc. of Counties



# Juvenile Justice Reform Task Force Members

- Executive Branch



- Lieutenant Governor Garlin Gilchrist (Chair)
- Asst. Attorney General Stine Grand
- State Superintendent of Education Dr. Michael Rice
- DHHS Director Derrick McCree
- Jason Smith, Michigan Committee on Juvenile Justice, Member

## Juvenile Justice Reform Task Force Members

- Judicial Branch
  - Supreme Court Justice Elizabeth Clement
  - Judge Dorene Allen, Midland County
  - Probate Court
  - Judge Karen Braxton, 3<sup>rd</sup> Circuit Court
  - Thom Lattig, Michigan Association of Family Court Administrators, President





## Juvenile Justice Reform Task Force Members



- Legislative Branch
  - Senator Sylvia Santana
  - Senator Kim LaSata
  - Representative Sarah Lightner
  - Representative Brenda Carter



# Juvenile Justice Task Force Process & Timeline

- Process:
  - Educate Task Force members on MI juvenile justice system, policies, practice, and procedure.
  - Collect MI juvenile justice data from state and local jurisdictions.
  - Conduct focus groups with stakeholders across the state.
  - Present findings and data to Task Force.
  - Form work groups and hold regular work group meetings.



# Juvenile Justice Task Force Process & Timeline

- Form work groups and hold regular work group meetings.
  - Data
  - Finance
  - Diversion/Consent
  - Court Process/Disposition
  - Out-of-home Placement and Detention
  - Juvenile Defense, Competency, Waiver



## Juvenile Justice Task Force Process & Timeline

- Work groups make recommendations to the Task Force
- Task Force makes recommendations for potential legislative, court rule and funding changes
- Final report with recommendations produced July 2022







# Juvenile Justice Task Force Meetings

8 Task Force Meetings were held to educate members on:

- 4 Core principles for a Successful Juvenile Justice System
  1. Risk/Needs/Responsivity
  2. Research-driven programming
  3. Collaboration across systems (child welfare, mental health, etc.)
  4. Individualized, tailored supervision/treatment of youth





## Juvenile Justice Task Force Meetings

- Juvenile justice systems in other states comparisons:
  - Florida and Delaware pre-arrest civil citation programs
  - Mandatory diversion for first-time, low-level offenses in Massachusetts and Connecticut
  - Colorado offers a block grant to counties that utilized diversion services; administered through local district attorney offices & uses a statewide validated detention screening tool.
  - Some states have limited or eliminated detention for “technical violations” of probation.



## Juvenile Justice Task Force Meetings

- Community-based supervision considered more effective than out-of-home placement
  - Promotes public safety
  - Creates positive outcomes for youth
  - Saves \$\$





# Juvenile Justice Task Force Meetings

Widespread belief ➔ No statewide repository for juvenile justice data in MI



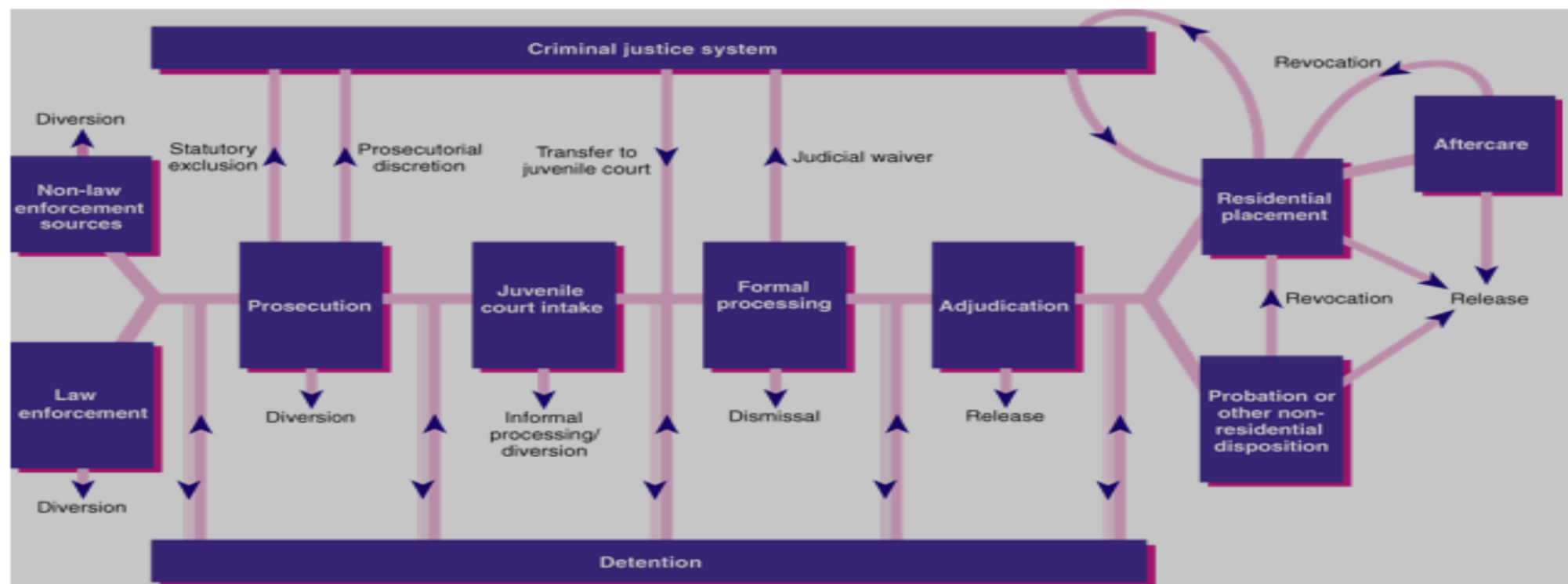
- Clarification – Courts have submitted large amounts of data to MDHHS for decades, but the data has not been accessible.
- Accurate statement - There is no centralized, juvenile justice - specific data repository within Michigan's judiciary, e.g., the MSC/State Court Administrative Office
- Judicial Data Warehouse (JDW) has been used
  - Most juvenile courts have submitted data to the JDW for years, but juvenile data is very limited.
  - Courts are now mandated to submit *all* data per SCAO administrative order into the JDW



# Juvenile Court System Process (OJJDP)

## Overview of the Juvenile Justice System Process

This diagram on the following page provides a general overview of how a case may flow through the juvenile justice system. <sup>2</sup>





## Juvenile Court System Process in MI

- The MI Supreme Court/State Court Administrative Office has “superintending control” over all the court, including the juvenile courts.
- Juvenile courts are part of the Family Division of the Circuit Court
- Judges and prosecutors are elected in MI.



## Juvenile Court System Process in MI

- “Justice by Geography”
  - Courts are funded *locally* through the county general fund and *only eligible* expenditures *approved by MDHHS* are reimbursed to the county in compliance with the Child Care Fund policy.
  - No two juvenile courts are alike as it relates to provision of services and nuanced processes.
  - Differences occur in local resources & philosophies reflect the culture and expectations of the courts.
  - Dispositions may include community service, community probation (various requirements and services), detention, foster care, residential treatment, etc.



## Task Force Report and Recommendations & Next Steps

- Finance

- Enhance the Child Care Fund (CCF) to focus on establishing a minimum framework of juvenile justice best practices statewide
- Incentivize use of diversion and community-based supervision & services
- Streamline oversight from MDHHS and administrative requirements
- Increase state reimbursement level for community-based services
- **Legislation is being drafted that would increase the rate of reimbursement for community-based services from 50% to 75%!**





## Task Force Report and Recommendations & Next Steps

- Diversion/Consent Calendar

- **Status Offenders**

- Remove from juvenile court jurisdiction entirely? Not yet.....
- **Task Force Recommendation #8 states, “All youth who commit status offenses shall be referred to a court officer, or another party designated by the local court, pre-petition, to conduct a validated risk screening. Youth screened as low risk are diverted to collaborative community programs or other services that are evidence-based or culturally approved by a Tribe if the youth is American Indian.”**
- No known legislation to address this recommendation yet



## Task Force Report and Recommendations & Next Steps

- **Minimum age of court jurisdiction**
  - **Task Force Recommendation #6, “Establish 13 as a minimum age of jurisdiction”** (except for serious enumerated offenses)
  - No known legislation to address this recommendation yet



## Task Force Report and Recommendations & Next Steps

- **Court Process/Disposition**

- Require a validated risk and needs screening tool to be used statewide prior to disposition and use results to inform disposition decisions (**addressed in Task Force Recommendation #6**).
- **Legislation is being drafted to address risk/needs assessment requirements. This could also be addressed in court rules.**



## Task Force Report and Recommendations & Next Steps

- Establish maximum length of probation terms based on risk level and offense
- Restrict detention placement for all youth who commit status offenses, or for youth whose most serious offense is a misdemeanor



# Task Force Report and Recommendations & Next Steps

- **Court Process/Disposition**

- Eliminate the use of standard conditions of supervision
- Establish statewide juvenile probation standards
- **Task Force Recommendation #11: “SCAO, with proper funding and in partnership with local probation departments and other stakeholders, shall establish statewide, research-based, juvenile specific probation standards and guidelines.”**
- Establish statewide training criteria including ongoing training requirements
- **Task Force Recommendation #2: “Establish and fund a new Juvenile Justice Services Division within the State Court Administrative Office.”**

## Task Force Report and Recommendations & Next Steps

- Court may not remove a youth from home solely for a technical probation violation
- Define 'research-based' services in statute
- Establish local collaboratives that include behavioral health, education, justice, other service providers focused on the provision of youth services



## Task Force Report and Recommendations & Next Steps

- **Out of Home Placement/Detention**

- Ensure use of detention and residential facilities is reserved for youth that are a public safety or flight risk
- **Task Force Recommendation #18: “Restrict the use of pre-adjudication detention for non-public safety reasons.”**
- Establish a minimum set of research-based, developmentally appropriate, trauma responsive standards/services/supports that all youth receive who are placed in detention/residential
- Statewide data collection, analysis, and reporting on detention use
- Detention eligibility, length of stay, and alternatives to detention



## Task Force Report and Recommendations & Next Steps

- Juvenile Defense
  - Task Force Recommendation #3: “Expand the Michigan Indigent Defense Commission (MIDC) to include development, oversight, and compliance with youth defense standards in local county defense systems.”
- Competency
  - Task Force Recommendation #12: “The age of presumed competence will align with the minimum age of jurisdiction.”
- Waiver
  - Task Force Recommendation #13: “Establish a statewide study committee on juvenile waivers.....”





## Task Force Report and Recommendations & Next Steps

- Data

- **Task Force Recommendation #29: “SCAO should develop data standardization protocols and procedures for the collection and sharing of data by local courts that can be used to inform decision making and drive system improvement efforts.”**



## For more information...

- Check out videos of the Juvenile Justice Task Force meetings on YouTube
- Example: January 2022 Meeting link  
<https://www.youtube.com/watch?v=BfSYBKWMEyg>
- Read the full MI Task Force Report and Recommendations available online
- Contact: [dpelon@barryco.org](mailto:dpelon@barryco.org)



JUVENILE JUSTICE  
VISION 20/20

*Thank you!*

