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Gov. Whitmer Launches Initiative to Improve Jail and Pretrial System by Executive Order

Lansing, Mich. – Gov. Gretchen Whitmer today signed Executive Order 2019-10 to form the Michigan Task Force on Jail and Pretrial Incarceration, which kickstarts a bipartisan review of the state’s jail and court data to expand alternatives to jail, safely reduce jail admissions and length of stay, and improve the effectiveness of the front end of Michigan’s justice system.

Governor Gretchen Whitmer, Chief Justice Bridget McCormack, Speaker of the House Lee Chatfield, Senate Majority Leader Mike Shirkey, Executive Director Blaine Koops of the Michigan Sheriffs Association, and Executive Director Stephan Currie of the Michigan Association of Counties have formed the bipartisan, interbranch task force and charged it with submitting policy recommendations to the governor and legislature for consideration during the 2020 legislative session.

“The fact is that we need to take a comprehensive look at the state of our criminal justice system because the status quo is not working for victims, the accused, and those convicted of crimes,” **Whitmer** said. “That’s why it’s so important to launch this bipartisan task force and ensure that the right people have a seat at the table to find real solutions to real problems in the criminal justice system.”

National sources show Michigan jail populations have nearly tripled in the last 35 years, growing regardless of whether crime was going up or down. With crime now at a 50-year low, hundreds of thousands are still admitted to Michigan jails every year, and people are staying in jail longer on average than before. Half of the people in Michigan’s local jails are awaiting trial and presumed innocent. Many individuals are in jail because they are too poor to afford bail, not because they are a flight risk or threat to public safety.

“We know that better access to justice makes stronger communities,” **McCormack** said, who will serve as co-chair. “Strong access to the justice system, one that connects people with the services they need to take care of themselves and their families will be what really sets Michigan apart.”

Jails are funded at the county level and the growth in jail populations has stretched county resources, leaving less for investment in treatment services, crime prevention, victim services, economic development, and other local priorities. State laws influence decisions about who is booked into local jails, how long they stay, and why. With data-driven policy reform, Michigan lawmakers can ease the burden on county budgets and increase the public safety return for taxpayers.

“I am excited to co-chair this process and build real reforms to make our communities safer and improve outcomes of the people going through our criminal justice system,” **Lt. Governor Garlin Gilchrist** said, who will serve as co-chair. “We need to take a new approach to the criminal justice system to reduce a person’s contact with the system, treat people with humanity throughout the process, and prepare people for life after the system.”

“Today, Michigan is taking another important step to finding new alternatives to replace old and outdated criminal justice methods,” **Chatfield** said. “The people of this state deserve a stronger and smarter public safety system, and with this task force we are going to make building that system a priority.”

“The Task Force membership will represent a diverse range of stakeholders including legislators, law enforcement, and attorneys,” **Shirkey** said. “They are dedicated to developing policies that will make our criminal justice system as fair and effective as possible.”

“Courts and public safety take up the biggest slices of the county budget, but how we operate jails is mostly mandated by state law,” **Currie** said. “It is essential that counties and the state work together to reduce jail populations while ensuring public safety.”

“Michigan jails are filled with people who are not yet sentenced or in need of mental health treatment,” **Koops** said. “The amount of county spending to keep individuals in jail without getting a public safety benefit is an unproductive use of resources.”

“I’ve spent 25 years practicing law in the criminal justice system both as a prosecutor and a criminal defense attorney and I have seen the challenges of ensuring equal justice for all,” **Attorney General Dana Nessel** said. “These reforms are long overdue and I am eager to join forces with an administration and legislative leaders who understand the need to fix our broken system.

“We must work together to ensure due process for the accused and convicted while protecting our communities from those who break the law. These much-needed policies have the triple effect of protecting communities, reducing taxpayer costs and decreasing recidivism. I can’t wait to get to work with my colleagues on this task force.”

The Michigan Task Force on Jail and Pretrial Incarceration membership includes a diverse set of stakeholders involved in the decision making and implementation of state laws that affect the local jail systems across this state and the courts that process those cases. The task force will include:

- The chief justice of the Michigan Supreme Court.
- The lieutenant governor.
- Three members nominated by the chief justice.
- Three members nominated by the Senate majority leader.
- Three members nominated by the speaker of the House of Representatives.
- Three members nominated by the Michigan Association of Counties.
- Three members nominated by the Michigan Sheriffs Association.
- The attorney general, or designee from the Department of the Attorney General.
- Three other members appointed by the governor.

The state will receive technical assistance from The Pew Charitable Trusts to gather and analyze data related to Michigan’s jail populations; assess information regarding Michigan laws, budgetary decisions and county-level practices; and help evaluate how those practices align with legal and constitutional principles.

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