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Michigan Legislature Considers Bills to Remove Youth from Adult Prison

LANSING, MI – Today, the Michigan House Criminal Justice Committee will hear testimony on a package of bills aimed at reducing the number of young people exposed to the dangers of adult jails and prisons. Among the 15 bipartisan sponsors of this legislative package, Representatives Harvey Santana (D-Detroit) and Peter Lucido (R-Shelby Township) are focused on the positive impact that these policy changes would have on public safety and cost-savings.

“Two of the most important duties of state legislators are to protect public safety and effectively oversee public expenditures,” explained Rep. Santana. “But the way that our state treats youthful offenders accomplishes neither of these goals. We allow kids with non-violent charges to be placed in dangerous jails and prisons, where they’re exposed to physical and sexual violence, and then we wonder why they reoffend when they get out. If we want our communities to be safer, and we want kids to learn from their mistakes, we need to enact smarter justice policies.”

Michigan remains one of only nine states that automatically charges 17-year-olds as adults for any offense.

“In Michigan, you need to wait until 18 to serve on a jury, sign a contract or buy tobacco,” said Rep. Lucido. “In fact, our state’s child welfare system is obligated to protect children from abuse and neglect until they are 18; yet, at 17, we stand ready to throw kids in jail as if they are adults, knowing full well that they are at the greatest risk of being victimized on the inside.”

National research suggests that youth in the adult system are more likely to experience physical violence, sexual assault, restraints, solitary confinement and suicide than peers in the juvenile system.

Advocates from the Michigan Council on Crime and Delinquency, Michigan’s Children and Michigan United, among other justice and child advocacy groups, plan to testify in support of the legislation.

“This package of bills is groundbreaking in many ways,” said Kristen Staley, Associate Director for the Michigan Council on Crime and Delinquency. “Not only does it bring Michigan in line with national standards for working with justice-involved youth but it also includes innovative solutions – with input from both sides of the aisle - for effectively treating young people in their own communities.”

Among the key reforms included in the legislative package:

- Increase the maximum age of juvenile court jurisdiction from 17 to 18 years old
- Increase the County Child Care Fund reimbursement rate for qualifying community-based services for youth by 25 percent
- Prohibit the placement of youth under 18 in adult jails and prisons and provide access to age-appropriate rehabilitation
- Omit certain offenses that do not require adult sentencing from the Specified Juvenile Offenses list
- Require equal consideration of all mitigating factors prior to waiving jurisdiction in traditional juvenile waiver cases
- Require public monitoring and oversight of youth under the jurisdiction of the MDOC who entered for an offense committed prior to turning 18 years old
- Ensure age-appropriate programming and outdoor exercise for youth under 21-years-old in administrative segregation in prison
- Establish a family advisory board within the MDOC to ensure effective partnerships with families and victims

“Michigan’s juvenile justice system is designed to engage the whole family in treatment, keep kids in school, and reduce reoffending,” explained Staley. “Because of a shift toward community-based options, most juvenile facilities are well below capacity right now, many with bed usage falling under 50% capacity. More than any time in recent history, Michigan’s juvenile justice system has the ability to absorb and provide far better treatment to most, if not all, 17-year-olds in the adult justice system.”

Other states that have made similar legislative changes reported little to no cost impact, mostly due to effective diversion and community-based treatment options. One study in Connecticut concluded that the state should expect a long-term cost-savings, estimating that including 17-year-olds in the juvenile justice system will save \$3 for every \$1 spent.¹

"Directing teens to community-based programs has been proven effective in improving outcomes for youth and is much cheaper than sending someone to prison," said Michigan's Children President & CEO Matt Gillard. "Michigan's Children supports this package because it would restore fairness in the juvenile justice system while creating better outcomes in working with under-age youth offenders."

“We have a real opportunity here to make a difference for kids, their families and our communities,” said Rep. Lucido. “The fact that we can help young people get back on the right track and save money in the long run is a win-win for our state.”

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¹ JOHN ROMAN & JEFFERY BUTTS, THE URBAN INSTIT., THE ECONOMICS OF JUVENILE JURISDICTION (2005).

The Michigan Council on Crime and Delinquency is a statewide non-partisan, non-profit organization dedicated to improving the effectiveness of policies and systems aimed at reducing crime. www.miccd.org

Michigan's Children is the only statewide independent voice working to ensure that public policies are made in the best interest of children from cradle to career. www.michiganschildren.org

Michigan United is a statewide organization of community members and institutions fighting for the dignity and potential of every person. www.miunited.org

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