

Michigan House of Representatives  
Law and Justice Committee  
Via Electronic Mail: [mweipert@house.mi.gov](mailto:mweipert@house.mi.gov)

**Re: Raise the Age of Juvenile Court Jurisdiction to 18  
(House Bills 4607, 4653, 4662, 4664, 4676, 4659, 4685, 4753)**

September 19, 2018

Dear Chairman Kesto and members of the Law and Justice Committee:

On behalf of Juvenile Law Center, we urge you to support the Raise the Age package of Bills, which will ensure that 17-year-old youth who come into contact with the justice system are treated as the teenagers they are rather than as adults. We believe that these bills properly address the growing body of scientific research and case law that require consideration of the developmental differences of youth when assessing criminal responsibility. As such, the federal government and 46 states have set the age of adult criminal responsibility at age 18. Michigan should follow.

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the child welfare and justice systems through litigation, appellate advocacy and submission of amicus briefs, policy reform, public education, training, consulting, and strategic communications. Founded in 1975, Juvenile Law Center is the first non-profit, public interest law firm for children in the country. Juvenile Law Center strives to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values.

Juvenile Law Center pays particular attention to the needs of children who come in contact with the juvenile or adult justice systems. Our work is guided by the view that children are different from adults including their decision-making abilities, susceptibility to external pressures, and their ability to foresee risks and consequences. These differences are vital, constitutionally relevant, and require that youth under age 18 must be treated in the juvenile justice system. Through litigation and participation in cases as *amici*, we work to ensure that the constitutional rights of children are upheld and that the justice system appropriately considers the distinctive characteristics of youth at every stage from arrest and diversion to sentencing and re-entry.

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Over a decade of Supreme Court decisions has emphasized the principle that youth are developmentally different from adults and that these differences are relevant to their constitutional rights in the justice system.<sup>1</sup> The United States Supreme Court cases articulate a vitally important right—youth cannot automatically be treated like their adult counterparts. Legislation that imposes adult criminal responsibility on all 17-year-olds does just that.

Legislation that automatically imposes adult criminal responsibility and the attendant consequences on 17-year-olds is inconsistent with research in social science and the longstanding commitment Michigan has to youth rehabilitation. Research confirms that 17-year-olds are not adults. "First, children have a 'lack of maturity and an underdeveloped sense of responsibility,' leading to recklessness, impulsivity, and heedless risk-taking."<sup>2</sup> The immaturity "often result[s] in impetuous and ill-considered actions and decisions."<sup>3</sup> Second, youth are highly susceptible to external pressures. As the Supreme Court has explained, "children 'are more vulnerable . . . to negative influences and outside pressures,' including from their family and peers; they have limited 'contro[l] over their own environment' and lack the ability to extricate themselves from horrific, crime-producing settings."<sup>4</sup> Finally, adolescence is a transitional phase, and therefore a young person has a greater capacity for rehabilitation. "[A] child's character is not as 'well formed' as an adult's; his traits are 'less fixed' and his actions less likely to be 'evidence of irretrievabl[e] deprav[ity].'"<sup>5</sup> As a result, "a greater possibility exists that a minor's character deficiencies will be reformed."<sup>6</sup> Youths' ability to reform shows that they are particularly amenable to the rehabilitative goals of the juvenile justice system. Each of these developmental characteristics leads to the conclusion that Michigan's juvenile court jurisdiction must include 17-year-olds.

Moreover, youth who are prosecuted and sentenced as adults face much harsher consequences and will live with the stigma of an adult felony conviction. Adult court prosecution will likely lead to a longer sentence. Trying youth in the adult system also implicates safety interests of youth and their communities. Youth transferred to the adult system "reoffend more quickly and are more likely to engage in violent crimes after release than youths processed in the juvenile justice system."<sup>7</sup> Youth are less likely to receive age-appropriate treatment and education in adult facilities, as adult corrections personnel lack the specialized training to meet the educational and mental health needs of young people, and adult facilities cannot provide the necessary programs, classes, or activities to address their rehabilitative potential.<sup>8</sup> Youth incarcerated in adult prisons are also extraordinarily vulnerable to victimization.<sup>9</sup> One study found that youth in adult facilities were five times more likely to be sexually assaulted while incarcerated and two times more likely to be assaulted with a weapon than were youth in the juvenile justice system.<sup>10</sup>

The Raise the Age package of Bills addresses the grave consequences facing young people tried in the adult system as well as the treatment needs of youth involved in the justice system. We urge you to vote in favor of this package of Bills.

Sincerely,



Susan Vivian Mangold  
Executive Director



Marsha L. Levick  
Deputy Director and Chief Counsel

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<sup>1</sup> See, e.g., *Roper v. Simmons*, 543 U.S. 551, 578 (2005) (holding that imposing the death penalty on individuals convicted as juveniles violates the Eighth Amendment's prohibition against cruel and unusual punishment); *Graham v. Florida*, 560 U.S. 48, 82 (2010) (holding that it is unconstitutional to impose life without parole sentences on juveniles convicted of non-homicide offenses); *J.D.B. v. North Carolina*, 564 U.S. 261, 271-72 (2011) (holding that a child's age must be taken into account for the purposes of the *Miranda* custody test); and *Miller v. Alabama*, 567 U.S. 460, 465 (2012) (holding that mandatory life without parole sentence for juveniles convicted of homicide is unconstitutional).

<sup>2</sup> *Montgomery*, 136 S. Ct. at 733 (quoting *Miller*, 567 U.S. at 471).

<sup>3</sup> *Roper*, 543 U.S. at 569 (quoting *Johnson v. Texas*, 509 U.S. 350, 367, 113 S. Ct. 2658, 125 L. Ed. 2d. 290 (1993)).

<sup>4</sup> *Miller*, 567 U.S. at 471, (alterations in original) (quoting *Roper*, 543 U.S. at 569).

<sup>5</sup> *Id.* (second and third alterations in original) (quoting *Roper*, 543 U.S. at 570).

<sup>6</sup> *Graham*, 560 U.S. at 68 (quoting *Roper*, 543 U.S. at 570).

<sup>7</sup> Jason J. Washburn et al., *Psychiatric Disorders Among Detained Youths: A Comparison of Youths Processed in Juvenile Court and Adult Criminal Court*, 59 *Psychiatric Services* 965, 972 (2008).

<sup>8</sup> CAMPAIGN FOR YOUTH JUSTICE, *THE CONSEQUENCES AREN'T MINOR: THE IMPACT OF TRYING YOUTH AS ADULTS AND STRATEGIES FOR REFORM* 7 (2007).

<sup>9</sup> See Marty Beyer, *Experts for Juveniles At Risk of Adult Sentences* in *MORE THAN MEETS THE EYE: RETHINKING ASSESSMENT, COMPETENCY AND SENTENCING FOR A HARSHER ERA OF JUVENILE JUSTICE 18-20* (P. Puritz, A. Capozello & W. Shang eds., 2002).

<sup>10</sup> Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, *JUVENILE JUSTICE BULLETIN*, June 2010, at 7.