

September 21, 2018

Representative Klint Kesto
Chairman of the Law and Justice Committee
124 North Capitol Avenue
Lansing, MI 48933

RE: Raising the Age of Juvenile Court Jurisdiction in Michigan

To Chairman Kesto and the Members of the House Committee on Law and Justice:

I am writing on behalf of the Center for Children's Law and Policy in support of the Raise the Age legislative package, which encourages raising the age of criminal court jurisdiction. Michigan is one of just four remaining states to automatically exclude 17-year-olds from juvenile court jurisdiction. Research and experience unequivocally show that adult criminal justice systems are not designed to meet the unique needs of youth, and that states can reduce crime and costs by treating these youth in state juvenile systems.

The Center for Children's Law and Policy (CCLP) is a national public interest law and policy organization based in Washington, DC focused on the reform of juvenile justice and other systems that affect troubled and at-risk children, and protection of the rights of children in those systems. Our staff work to help cities, states, and counties throughout the United States make their juvenile justice systems more equitable and effective. Over the last 10 years, we have worked on juvenile justice reform in 32 states and the District of Columbia. We have also worked to help juvenile justice systems and agencies in the wake of litigation, investigations, and media coverage of policies and practices.

In a series of landmark decisions, the U.S. Supreme Court has recognized the difference between adolescents and adults, grounding those decisions in research from neuroscience and social science that shows how youth lack maturity, make risky decisions, are susceptible to negative peer influences, do not have fully formed characters, and thus have greater potential for rehabilitation.

Since its creation, the juvenile justice system has been based on the fundamental principle that youth have unique needs, and that to ensure rehabilitation and community safety, those needs must be met. Adult facilities are simply not equipped or resourced to meet these needs. Research

shows that up to 70% of youth entering the juvenile justice system suffer from mental illness.¹ Many have experienced trauma. Although the adult prison system has attempted to improve capacity to provide rehabilitation, the Michigan juvenile system is a far more appropriate place to serve teenagers. In the juvenile system, youth are required to receive individualized services to address behavioral health, disabilities, trauma and other needs.

In the state prison system, services that can effectively rehabilitate and protect youth are not available, which can lead to disastrous consequences. Youth housed in adult jails, for example, are roughly five times more likely to commit suicide than youth in juvenile detention facilities.² Youth in adult jails are at high risk of sexual abuse by jail staff and other inmates, even during brief detention stays. According to the PREA Regulatory Impact Assessment, 15% of sexual abuse victims in jails report having been abused by another inmate within the first 24 hours of their arrival at the jail.³

As addressed in the recent report *Getting to Zero: A 50 State Study of Strategies to Remove Youth from Adult Jails*, state and county officials face significant liability exposure for housing youth in adult facilities.⁴ For example, recent federal litigation against adult facilities for failing to sufficiently meet the needs of youth has resulted in costs of hundreds of thousands of dollars.⁵ Facilities that incarcerate children must also bear the cost of staffing expenses to keep youth safe, implementing protections required by federal laws,⁶ and jail beds rendered unusable due to the presence of juveniles to keep youth separated from other adults.

In addition to the cost and risks associated with housing youth in adult facilities, adult corrections-based approaches do not help young people achieve long-lasting positive outcomes. In fact, they are counterproductive. Research tells us that youth who are prosecuted in the adult system are 34% more likely to recidivate and with more violent offenses than those handled by

¹ Jennie L. Shufelt & Joseph J. Coccozza, *Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-State Prevalence Study*, Nat'l Ctr. for Mental Health & Juvenile Justice (June 2006) at 2.

² According to the Bureau of Justice Statistics, the suicide rate for youth in adult jails was 36 per 100,000 in 2014 (Noonan, Margaret E., *Mortality in Local Jails, 2000-2014 – Statistical Tables (2016)*, available at: <https://www.bjs.gov/content/pub/pdf/mlj0014st.pdf>). The rate of suicides of juveniles in juvenile custody is about the same as the suicide rate of youth in the general population (Snyder, Howard N. *Is Suicide More Common Inside or Outside of Juvenile Facilities?* *Corrections Today* (February 2005), available at: http://www.ncjj.org/PDF/Howardpubs/Research_Notes_2_05.pdf); and according to the Centers for Disease Control and Prevention, the suicide rate for 16-17-year-olds in the general population from 2000-2015 was 6.98 per 100,000 (Generated using the Web-based Injury Statistics Query and Reporting System (WISQARS) at <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>).

³ *Getting to Zero: A 50 State Study of Strategies to Remove Youth from Adult Jails* (2018) at 24, available at: https://drive.google.com/file/d/1LLSF8uBlrcqDaFW3ZKo_k3xpk_DTmItV/view.

⁴ *Id.* at 24-37.

⁵ "Settled lawsuit over teen solitary confinement to cost Onondaga County \$270,000," *Central NY News* (April 30, 2018), available at: https://www.syracuse.com/news/index.ssf/2018/04/settled_lawsuit_over_teen_solitary_confinement_to_cost_onondaga_county_270000.html.

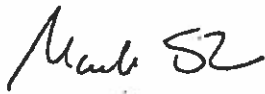
⁶ Juvenile Justice and Delinquency Prevention Act (JJDP), Prison Rape Elimination Act (PREA), Every Student Succeeds Act (ESSA), Americans with Disabilities Act (ADA), Individuals with Disabilities Education Act (IDEA).

the juvenile system.⁷ Transferred youth also recidivate sooner than youth who remain in juvenile court and recidivate with more serious crimes.⁸ Because 80% of 17-year-olds arrested in Michigan are arrested for non-violent offenses, it is both highly likely that they can be rehabilitated in the juvenile system, and that they are negatively influenced by being lumped in the same agencies and facilities with older individuals charged with more violent offenses.

In contrast, states that have raised the age of jurisdiction have seen reductions in crime and cost-savings. As noted recently in *Raise the Age: Shifting to a Safer and More Effective Juvenile Justice System*, a report by the Justice Policy Institute, “[e]ach of the three states that led the national trend in raising the age – Connecticut, Illinois, and Massachusetts – managed to contain costs, reduce confinement, reallocate funds to more effective approaches that keep most young people in the community, and enhance public safety.”⁹ Louisiana Governor John Bel Edwards, stated that “[raising the age] is better for public safety because research conclusively shows that consistently the juvenile justice system does a better job preventing recidivism than the adult correction system. This means in the future, we will have fewer crime victims and less money spent on incarceration.”¹⁰ In many states, fiscal projections associated with raise the age legislation do not account for savings from reallocating funds from confinement to community-based approaches, savings from reduced crime and fewer crime victims, and fiscal benefits from successfully rehabilitated youth becoming productive citizens – all of which are results from serving youth in a developmentally appropriate system designed to help youth succeed.¹¹

Because most 17-year-olds will be released back into Michigan communities, it is critically important that they receive the services designed to help them to succeed upon release. The research is clear that youth kept in the juvenile system are less likely to commit new crimes in the future, and less likely to need public assistance. For these reasons, we urge you to support these bills.

Sincerely,



Mark Soler, Executive Director



Jennifer Lutz, Staff Attorney

⁷ Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, 56 *Morbidity & Mortality Weekly Reports* 1 (Nov. 27, 2007).

⁸ *Id.*

⁹ Justice Policy Institute, *Raise the Age: Shifting to a Safer and More Effective Juvenile Justice System* (2017) at 7, available at: <http://www.justicepolicy.org/uploads/justicepolicy/documents/raisetheage.fullreport.pdf>.

¹⁰ “Louisiana should raise the age to 18 for prosecution as an adult: Editorial,” *The Times Picayune* (April 27, 2016), available at: http://www.nola.com/politics/index.ssf/2016/04/raise_the_age_juvenile.html.

¹¹ Justice Policy Institute, *supra*, at 44-47.