

**THE UNIVERSITY OF MICHIGAN  
INSTITUTE FOR SOCIAL RESEARCH  
ANN ARBOR, MI 48106-1248**

**JUVENILES COMMITTED TO THE MICHIGAN DEPARTMENT OF  
CORRECTIONS AND THE MICHIGAN DEPARTMENT OF HUMAN  
SERVICES 1985-2003: A PRELIMINARY REPORT**

**BY**

**Rosemary C. Sarri, PhD  
Julie Maslowsky, MSW  
Ashley Hajski  
Irene Ng, PhD  
Institute for Social Research**

**And  
Jeffrey J. Shook, PhD JD  
School of Social Work  
University of Pittsburgh  
Pittsburgh, PA**

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## **Index of Tables and Figures**

<b>Title</b>	<b>Page</b>
<b>Table 1: Characteristics of juveniles incarcerated in MDOC, 1985-2003</b>	<b>4</b>
<b>Table 2: Characteristics of juveniles committed to MDHS, 1996-2003</b>	<b>7</b>
<b>Table 3: Juveniles committed to MDOC by age at offense: Average rates per 10,000 youth</b>	<b>8</b>
<b>Table 4: Total commitments and commitments of probation violators by county, 1985-2003</b>	<b>10</b>
<b>Table 5: Commitment offenses of juveniles age 16 and under in MDOC</b>	<b>13</b>
<b>Table 6: Commitment offenses of juveniles in MDHS</b>	<b>17</b>
<b>Table 7: Juvenile commitments prior to sentence to MDOC</b>	<b>18</b>
<b>Table 8: Median sentences and length of stay in MDOC</b>	<b>19</b>
<b>Table 9: Median length of stay in MDHS</b>	<b>20</b>
<b>Table 10: MDOC recidivism by age and release date</b>	<b>20</b>
<b>Table 11: Recidivism of juveniles committed to MDHS facilities, 1997-2003</b>	<b>21</b>
<b>Figure 1: Juvenile total index arrests in Michigan, 1980-2002</b>	<b>5</b>
<b>Figure 2: Juvenile property index arrests in Michigan, 1980-2002</b>	<b>5</b>
<b>Figure 3: Juvenile violent index arrests in Michigan, 1980-2002</b>	<b>6</b>
<b>Figure 4: Number of juveniles committed to MDOC, 1985-2003</b>	<b>11</b>
<b>Figure 5: MDOC new commitments and probation violation commitments</b>	<b>11</b>
<b>Figure 6: Proportion of legislatively specified serious and all other offenses</b>	<b>15</b>
<b>Figure 7: Rates of juvenile commitment to MDOC per 10,000 arrests</b>	<b>15</b>

## JUVENILES IN THE JUSTICE SYSTEMS

The justice systems that process youthful offenders in Michigan and the United States have undergone major transformations in the past quarter century, particularly with regard to prosecuting juveniles as adults and incarcerating them in adult prisons. From 1900 to 1980, the juvenile systems served as the primary institution for the processing and rehabilitation of juvenile delinquents. It was assumed that children were significantly different from and less developmentally mature than adults and that their treatment needed to reflect those differences, including the assumption that they could be habilitated and/or rehabilitated as the situation required. Children were assumed to be dependent, developing physically, socially and psychologically, and in need of care and nurturance. They were viewed as different from adults because they have lesser capacity for reasoning and moral judgment, thus are less culpable for their behavior. In 2005, writing for the majority in the Supreme Court in the *Roper v Simmons* case, which found the application of the death penalty to juveniles to be unconstitutional, Justice Arthur Kennedy said, "Juveniles are categorically less culpable than adults...." (*Roper v Simmons*, 543 U.S. 551 (2005)). Until the 1980s the juvenile justice system served to enforce the distinctions between juveniles and adults in the justice system, but since then the entire system has changed to deemphasize rehabilitation and to emphasize punishment, retribution, and accountability. The report which follows presents preliminary results from our comparative study of juveniles sentenced to adult prison as compared with those processed in the juvenile court and sentenced to juvenile facilities. Our findings are similar to those of Bishop and her colleagues in Florida and Fagan.<sup>1</sup>

### Changes in Michigan, 1980-2004

In response to an overall rising crime rate and a belief that juveniles were becoming "hardened" offenders for whom the juvenile justice system was unable to respond effectively, the Michigan legislature passed laws in 1988 and 1996 to increase the processing of juveniles as adults for a variety of offenses. Although Michigan law prior to 1988 provided that juveniles as

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<sup>1</sup> See Donna Bishop (2000) *Juvenile Offenders in the adult criminal justice system* in M. Tonry (Ed.) *Crime and Justice; A Review of Research*. Chicago:and London: University of Chicago Press, 81-167; J. Fagan (1996). The comparative advantage of juvenile versus criminal court sanctions on recidivism among adolescent felony offenders. *Law and Policy*, 18, 77-114.

young as 15 could be waived to the adult system for trial and placement in adult prisons upon conviction, there was a belief that juvenile judges were reluctant to transfer and sentence juveniles to the adult system.

In 1988 criminal statutes affecting juveniles were changed to include the following provisions:

1. Prosecutors were given discretion to charge and try juveniles for a short list of serious crimes.
2. Disposition hearings were to be held in criminal court with the option for an adult or juvenile sentence.
3. Judges retained the discretion to waive juveniles to the adult system.
4. The age of jurisdiction of the juvenile system was extended to 21 for those who were convicted of one of a list of offenses.

In response to a series of crimes by juveniles that provoked substantial public response, further changes were passed in 1996 that greatly increased the options for trial and commitment of juveniles to the adult criminal justice system. The 1996 provisions included the following:

1. The list of offenses for which prosecutors have discretion was greatly expanded to include 12 crimes requiring an adult sentence if a youth is convicted of the crime in the adult system, plus 6 additional crimes for which an adult sentence was possible but not required:

Adult Sentence Required

Arson of a dwelling  
Assault with intent to maim  
Assault with intent to murder  
Attempted murder  
Carjacking  
Criminal sexual conduct I  
Conspiracy to commit murder  
Kidnapping  
Murder- 1<sup>st</sup> degree  
Murder- 2<sup>nd</sup> degree  
Robbery- armed  
Solicitation of murder

Adult Sentence Not Required

Assault with intent to rob- armed  
Assault with intent to do great bodily harm  
Bank or safe robbery  
Delivery/manufacture controlled substance >650g  
Escape from a juvenile facility  
Home invasion 1<sup>st</sup> degree- armed

2. The minimum age for both prosecutorial and judicial discretion was lowered to 14.
3. Greater weight should be given to the offense and prior history in the judicial discretion provision.

4. A "judicial designation" provision was enacted to allow a youth to be tried as an "adult" in the family division of the circuit court, and when convicted s/he could receive an adult, juvenile or blended sentence.
5. The judicial designation provision mirrors transfer provisions except that there is not minimum age requirement.

There are now several procedures whereby a juvenile can be tried and convicted as an adult: (1) traditional waiver of juveniles of 14 years and above, (2) prosecutorial or automatic waiver, (3) designation proceedings, (4) delinquency proceedings in the family court until 17, and (5) prosecutorial designation. Each of these specifies how the proceedings are to be conducted and what the options are for those who are convicted.

The intended consequences of the 1988 and 1996 legislations were several:

- To increase the number of juveniles committed to prison for the legislatively specified crimes
- To allow 14 year olds to be tried in the criminal court and sentenced to prison
- To provide a mechanism whereby juveniles under the age of 15 could be sent to adult prisons
- To simplify the waiver procedure and grant more authority to the prosecutor
- To give more weight in the waiver decision to the offense and prior delinquency record of the juveniles
- To increase the number of youth from Wayne County who were sentenced to the adult system
- To provide the juvenile court with more options to address violent and serious juvenile offenders

### **Characteristics of Juveniles Committed to MDOC and MDHS 1985-2003**

Since 1985 a total of 13,518 youth below the age of 18 have been committed to the Michigan Department of Corrections (MDOC) for a crime committed below the age of 18. Of that number 2240 were below the age of 17 at the time of their offense, the upper age of jurisdiction for the juvenile court. We have noted the number of 17- year-old youth because 38 states now specify 18 as the upper age of juvenile court jurisdiction. In addition, the U.S. Supreme Court in its 2005 Roper v. Simmons decision on the death penalty established 18 years

as the upper age limit for consideration as a juvenile. This report will examine juveniles who were below the age of 17 years at the time of their offense for which they were processed as an adult or as a juvenile and subsequently placed either in the MDOC or the Michigan Department of Human Services ( MDHS).

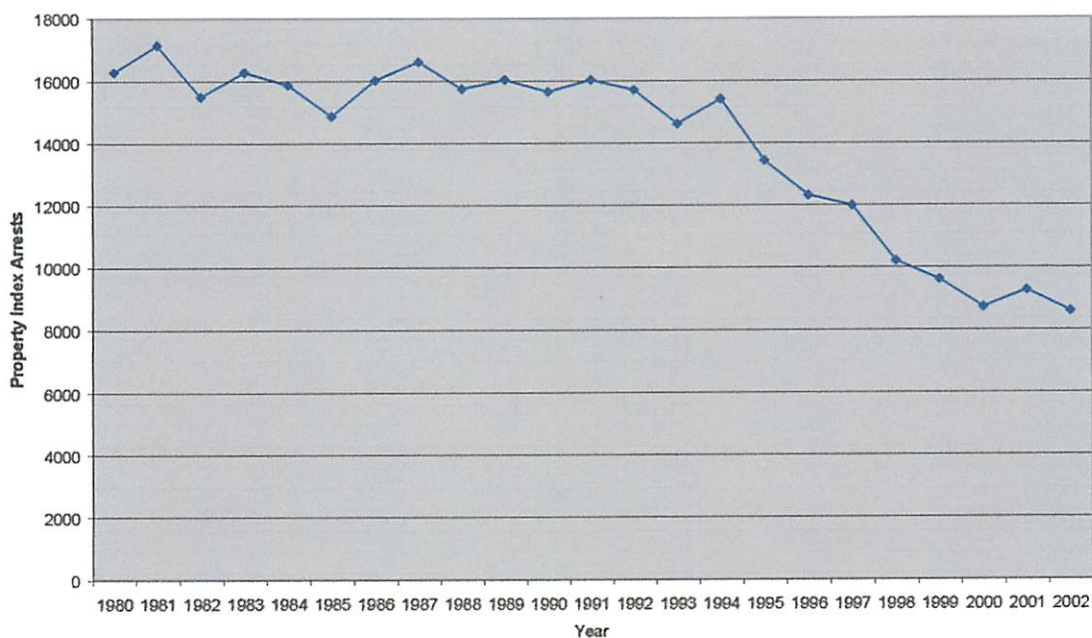
**Table 1** presents the characteristics of all juveniles committed to the MDOC between 1985 and 2003. Most of these youth were committed after sentence to adult prisons, but a large number, as we shall present later, were initially sentenced to probation and subsequently imprisoned following a probation violation.

Table 1 Characteristics of juveniles incarcerated in MDOC, 1985-2003						
Year	N	% Male	% Female	%White	% Youth of Color	Median age at offense
1985	19	100.0	0.0	15.8	84.2	16.4
1986	41	100.0	0.0	14.6	85.4	16.4
1987	48	95.8	4.2	18.8	81.3	16.4
1988	54	96.3	3.7	27.8	72.2	16.5
1989	89	98.9	1.1	31.5	68.5	16.5
1990	80	100.0	0.0	17.5	82.5	16.4
1991	85	95.3	4.7	23.5	76.5	16.6
1992	101	100.0	0.0	29.7	70.3	16.3
1993	88	97.7	2.3	28.4	71.6	16.5
1994	174	97.1	2.9	33.3	66.7	16.5
1995	149	99.3	0.7	30.2	69.8	16.4
1996	187	97.3	2.7	32.6	67.4	16.4
1997	191	99.5	0.5	30.9	69.1	16.3
1998	202	96.0	4.0	38.6	61.4	16.5
1999	183	98.4	1.6	38.8	61.2	16.2
2000	145	93.8	6.2	44.1	55.9	16.3
2001	139	97.8	2.2	33.1	66.9	16.5
2002	120	98.3	1.7	38.3	61.7	16.6
2003	126	92.9	7.1	46.0	54.0	16.6
Total	2221	97.4	2.6	33.1	66.9	16.4

The increase in the number of juveniles incarcerated in the MDOC in the 1990s was substantial and increased steadily after 1993, reaching a peak of 202 in 1998. Since then the numbers have declined slowly through 2003. Male offenders comprise 97% of this population of youth incarcerated for offenses committed prior to age 17. Since females typically represent 25% to 30% of youth who are arrested, it is probable that a majority of these female youth are processed into the juvenile system. The overrepresentation of youth of color is significant, as

they represent 67% of those incarcerated when the percent youth of color in the total Michigan population is 20%.<sup>2</sup> Most youth of color in Michigan are African American. As we shall note subsequently, there are many reasons for overrepresentation of persons of color in the justice system, only one of which may be criminal behavior. The decline in commitments after 1999 reflects the decline in the crime rate by youth, especially in serious crime, but the numbers incarcerated have not decreased to the level of the mid-1980s although arrest rates of juveniles have declined substantially below the 1980 level as **Figures 1-3** show.

Figure 2  
Juvenile property index arrests in Michigan, 1980-2002



<sup>2</sup> U.S. Census Bureau, 2004.

Figure 1  
Juvenile total index arrests in Michigan, 1980-2002

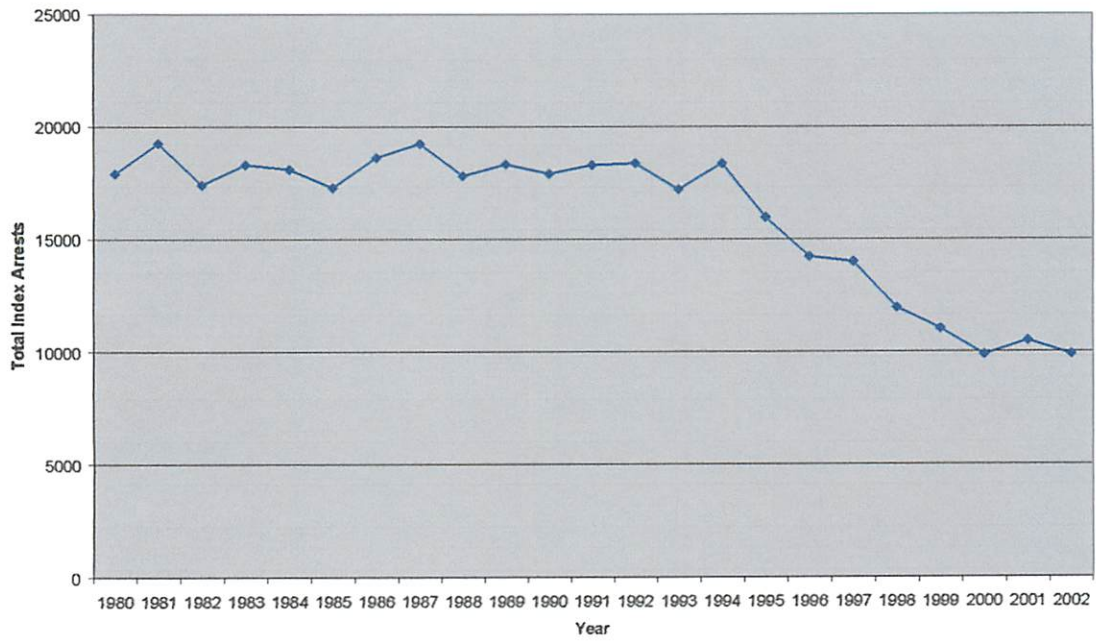
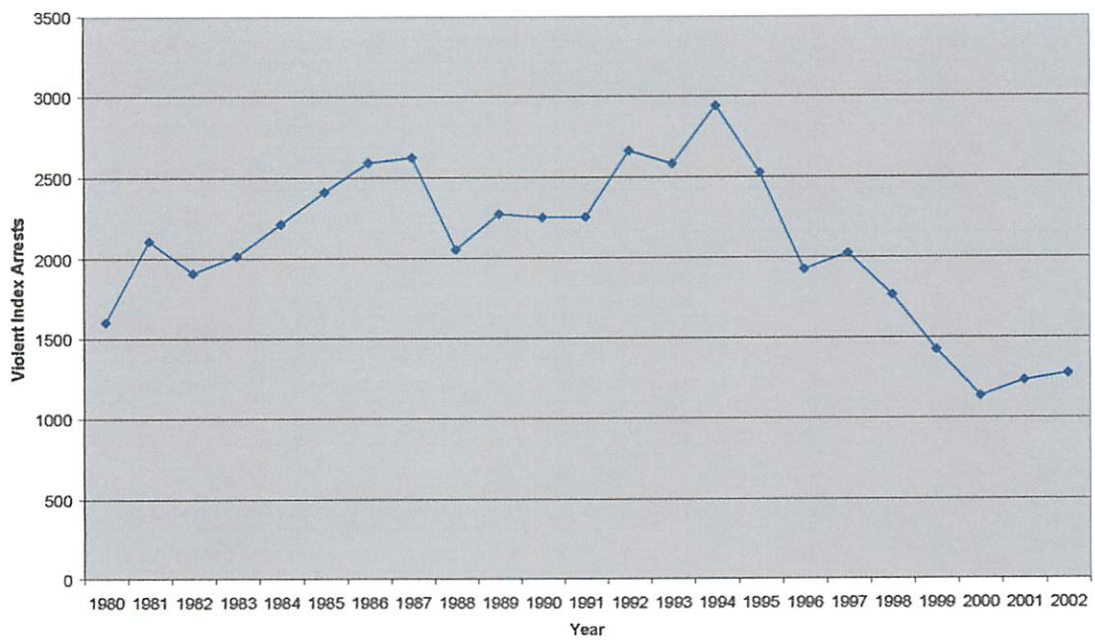


Figure 3  
Juvenile violent index arrests in Michigan, 1980-2002



**Table 2** presents similar characteristics for juveniles who were committed for delinquency violations to the Michigan Department of Human Services (MDHS) between 1993 and 2003. Most of these youth were institutionalized in state training schools, re-entry programs, or a medium/high security private juvenile facility. The proportion of males in the MDHS facilities is lower than in the MDOC facilities, reflecting the more serious crimes for which males are processed to MDOC. The female proportion in the juvenile facilities is 18.8%. The median age of youth in MDHS facilities is 15.7 years, approximately one year younger than youth entering the MDOC facilities, but in many ways they are comparable in race/ethnicity, educational level and often in offense behavior. Some youth end up sentenced to the adult system while others are committed to juvenile facilities for similar crimes as a result of the court trial procedures and county resources that may vary from case to case.

<b>Table 2</b> <b>Characteristics of juveniles age 10-18 in MDHS</b>							
Year	N	% Male	% Female	% White	% Black	% Others	Median Age
1993 & before	88	93.2	6.8	27.3	69.3	3.4	15.8
1994	1111	86.2	13.8	47.8	48.3	3.9	15.7
1995	1392	84.8	15.2	47.7	49.1	3.2	15.7
1996	1651	82.9	17.1	43.5	53.4	3.1	15.7
1997	1628	80.7	19.3	46.0	51.4	2.6	15.6
1998	1554	77.3	22.7	46.3	51.0	2.7	15.6
1999	1443	78.0	22.0	47.0	50.7	2.4	15.6
2000	729	81.1	18.9	64.7	31.3	4.0	15.7
2001	582	79.0	21.0	64.3	30.6	5.2	15.7
2002	570	80.9	19.1	66.0	27.2	6.8	15.7
2003	419	78.0	22.0	66.6	26.0	7.4	15.5
Total	11105	81.2	18.8	50.0	46.5	3.5	15.7

Includes only juveniles with delinquency status placed in justice facilities under MDHS supervision

The overrepresentation of youth of color is observable in both the adult and juvenile systems. The proportion of youth of color in the state juvenile system declined in 1999-2000 from 50.7% to 31.3% because of the policy change in Wayne County whereby they secured the authority to manage the care of their juvenile offenders and have used the designation provision for the processing of many juveniles charged with serious crimes and processed as adults. As a result many of these youth were subsequently institutionalized in juvenile facilities. The overall youth population in Wayne County is the largest in Michigan, and it is 53% youth of color, so their policy change significantly influenced the overrepresentation at the state level. Wayne

County now has a smaller number of youth entering both the juvenile justice and adult systems. They also have established a broad range to community-based programs for delinquent youth.

Most (85%) of the youth who are incarcerated as adults in adult prisons are committed from 15 counties with only 15% from the remaining 68 counties. **Table 3** presents information on the youth sentenced from the 15 counties to the MDOC who were below the age of 17 at the time of their offense. These data indicate the substantial variations among the counties in their overall rates of commitment and also their differential commitment of white youth versus youth of color. However, without exception, these data indicate the youth of color were overrepresented relative to their number in the population in all counties from 1990-2003. It is apparent that the issue of overrepresentation of youth of color in those committed to the adult system remained high throughout the 1990s and up to 2003.

<p><b>Table 3</b>  <b>Juveniles committed to MDOC: Average rates per 10,000 youth</b></p>												
County	1990-1994				1995-1999				2000-2003			
	All Youth	White Youth	Youth of Color	Youth of Color/White Youth	All Youth	White Youth	Youth of Color	Youth of Color/White Youth	All Youth	White Youth	Youth of Color	Youth of Color/White Youth
Berrien	3.42	0.92	11.58	12.58	8.88	2.59	29.44	11.35	9.69	4.25	26.02	6.13
Calhoun	2.69	0.99	12.05	12.14	3.34	1	15.66	15.74	3.92	3.13	7.37	2.35
Genesee	1.95	0.48	5.95	12.51	2.05	0.9	5.24	5.83	1.32	0.67	2.93	4.37
Ingham	1.92	0.19	9.58	49.22	2.12	0.98	6.65	6.78	1.47	0.38	5.18	13.46
Jackson	1.47	0.43	12.96	29.92	4.16	2.77	18.44	6.67	2.11	1.51	7.05	4.65
Kalamazoo	0.59	0	3.77		0.92	0.11	5.24	47.53	0.87	0.13	4.25	31.89
Kent	1.9	0.49	10.63	21.74	4.65	1.34	24	17.89	2.23	0.7	10.09	14.39
Macomb	0.45	0.09	7.72	81.3	0.55	0.2	6.52	31.86	0.36	0.11	3.21	29.94
Muskegon	4.55	1.15	19.14	16.65	4.24	1.34	16.72	12.52	3.87	1.45	13.18	9.06
Oakland	1	0.49	4.12	8.47	1.09	0.39	4.86	12.32	0.77	0.26	3.09	12.13
Ottawa	0.44	0.37	2.56	6.91	2.05	1.4	16.76	11.96	0.63	0.29	7.16	24.98
Saginaw	2.62	1.16	7.05	6.09	4.91	1.32	15.37	11.67	2.67	1.09	6.64	6.11
Van Buren	0.5	0	4.9		2.02	0.98	12.69	12.89	0.84	0.62	3.1	5.04
Washtenaw	0.7	0	3.49		0.94	0.5	2.62	5.26	0.54	0.23	1.53	6.58
Wayne	1.23	0.24	2.23	9.26	1.65	0.32	2.99	9.46	1.04	0.31	1.69	5.54

One other significant consequence of the legislative changes was the construction and operation of the only private for profit correctional facility in Michigan, the Michigan Youth Center in Baldwin, Michigan. That facility handled most of the newly committed juvenile offenders below the age of 20 until it was closed by the MDOC in 2005. Most of those youth have now been placed at a special unit in one of the MDOC adult facilities. However, many others are now adults and have been integrated into prisons throughout the state.

### **Juvenile Commitments to MDOC**

**Table 4** presents information on the commitments to the MDOC in 15 counties that commit 85% of the offenders to the adult system. Particularly noteworthy in **Table 4** are the inter-county variations in the processing of probation violators. For example, Berrien County committed 58% of its juvenile offenders as probation violators versus 14% in Kalamazoo County. Overall, 34.3% of all the youth committed as adults to the MDOC were sent as probation violators.

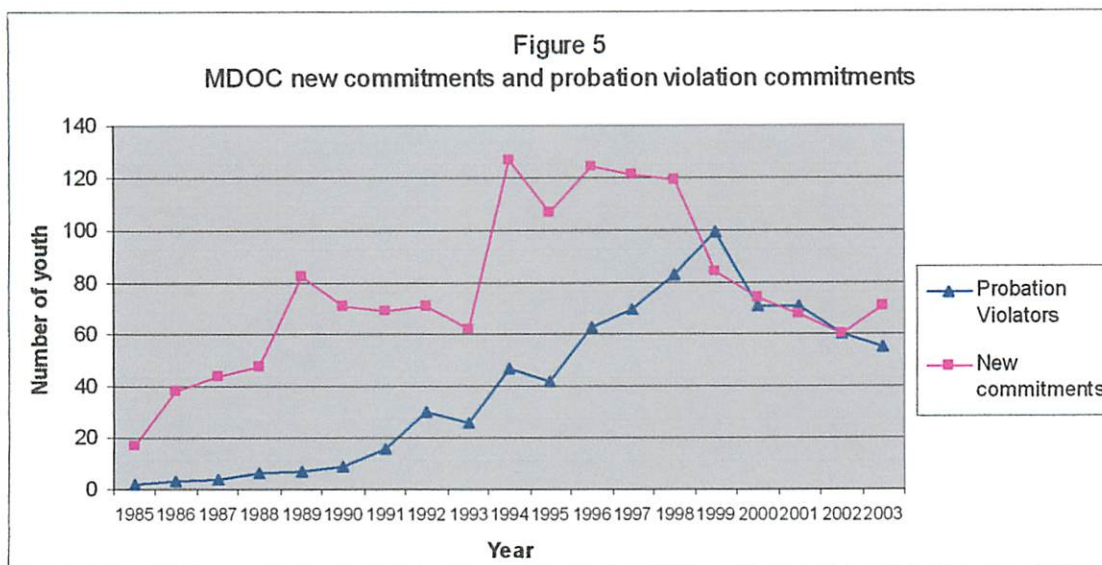
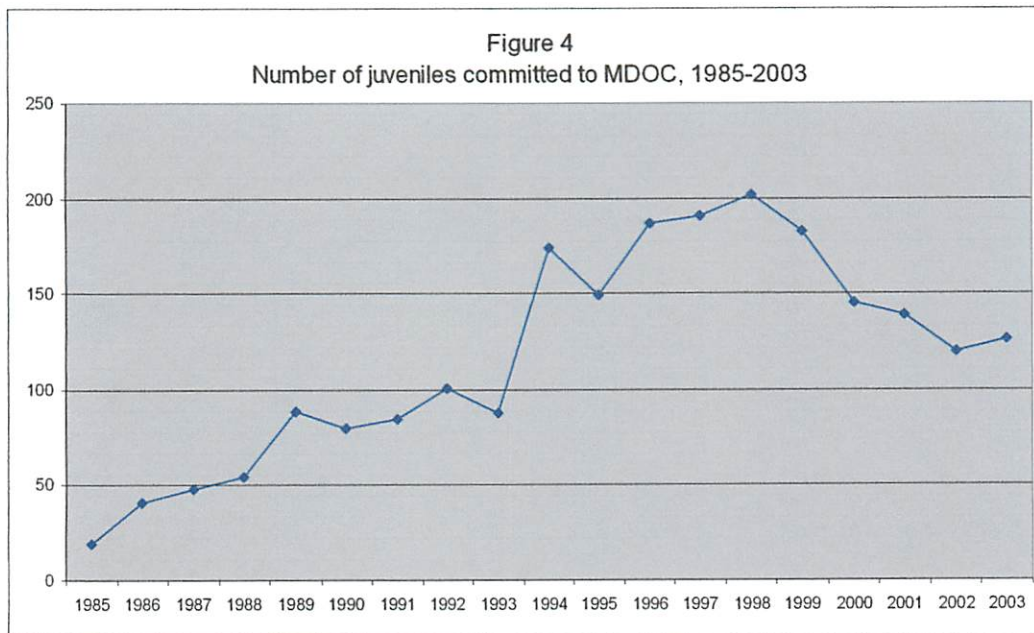
There was a steady increase in commitments beginning in 1994 and continuing until 1998 when the decline began. Undoubtedly the decline was related to the overall decline in all serious crimes by juveniles, but commitments declined later and more slowly than the crime rate. Again declines tended to vary among counties, and it is noteworthy that the rate of decline was slower in the 68 smaller counties than in the 15 with larger populations of juveniles in the MDOC. Some of the drop in commitments might reflect increased use of the designation provision. In a previous study, we found that while counties used this provision in different ways, several used it as an alternative to transfer. The lack of adequate court data in Michigan makes it difficult to assess fully the effects of this provision on prison commitments.

**Table 4**  
**Total commitments and commitments of probation violators by county, 1985-2003**

County	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
Berrien	0	0	0	0	2	4	6	3	3	13	5	17	29	5	20	19	15	21	12	174
	0	0	0	0	0	0	1	2	2	5	1	6	12	4	12	14	13	17	12	101
Calhoun	1	2	1	0	1	3	5	1	4	6	6	2	3	8	5	2	5	5	11	71
	0	0	0	0	0	0	1	0	2	0	3	0	1	4	5	2	4	2	7	31
Genesee	1	1	3	2	9	10	7	18	5	5	11	13	6	9	8	9	8	6	2	133
	0	0	0	0	0	2	0	4	2	4	4	6	1	2	6	3	5	3	0	42
Ingham	0	0	3	1	3	2	4	5	8	5	2	5	7	6	7	1	5	5	4	73
	0	0	0	1	0	1	2	2	2	0	1	2	2	3	3	0	3	3	3	28
Jackson	1	0	0	3	0	5	1	0	2	3	5	8	5	8	7	6	4	1	3	62
	0	0	0	0	0	0	0	0	0	0	1	3	2	5	3	2	4	0	2	22
Kalamazoo	0	0	0	1	3	1	1	2	1	1	3	4	1	1	1	2	0	2	4	28
	0	0	0	0	0	0	0	1	0	0	0	1	0	0	1	0	0	0	1	4
Kent	0	2	1	1	3	9	11	6	5	19	16	32	26	40	24	20	11	10	16	252
	0	1	0	0	0	1	3	2	1	2	4	12	13	20	12	8	5	6	8	98
Macomb	0	0	1	1	3	3	6	2	0	4	5	4	5	2	4	3	4	2	2	51
	0	0	0	0	0	0	0	0	0	0	1	1	0	1	3	2	0	1	0	9
Muskegon	2	0	1	0	4	4	11	4	10	10	7	9	5	11	7	8	13	3	6	115
	0	0	0	0	1	1	4	3	5	5	1	2	3	7	5	4	5	2	4	52
Oakland	1	7	4	5	5	6	7	9	9	22	8	18	15	14	7	14	10	7	6	174
	0	1	1	0	0	1	2	1	1	6	3	4	5	0	4	5	6	2	1	43
Ottawa	0	0	0	0	0	0	1	0	1	3	1	7	7	9	2	3	1	1	2	38
	0	0	0	0	0	0	0	0	0	0	0	3	6	5	2	2	0	0	0	18
Saginaw	1	2	1	2	2	2	3	3	7	15	10	10	11	9	15	7	6	4	7	117
	0	0	0	0	0	0	0	1	1	2	3	0	2	3	5	3	4	1	2	27
Van Buren	0	0	0	0	0	2	0	0	0	0	2	1	0	0	6	0	1	1	1	14
	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0	1	1	0	6
Washtenaw	0	0	0	3	5	1	0	1	3	3	0	4	1	4	3	0	3	0	3	34
	0	0	0	1	0	1	0	0	2	1	0	1	1	0	2	0	0	0	0	9
Wayne	12	26	29	31	41	23	18	31	21	37	39	32	42	36	29	20	31	26	18	542
	2	1	3	4	4	2	2	7	3	11	10	11	10	7	8	7	8	6	5	111
All Other	0	1	4	4	8	5	4	16	9	28	29	21	28	40	38	31	22	26	29	343
	0	0	0	0	2	0	1	7	5	11	9	11	12	22	25	19	13	16	10	163
Total	19	41	48	54	89	80	85	101	88	174	149	187	191	202	183	145	139	120	126	2221
	2	3	4	6	7	9	16	30	26	47	42	63	70	83	99	71	71	60	55	764

The first row for each county includes all new commitments and those individuals who were committed to MDOC prison as probation violators.  
The second row for each county indicates those individuals initially sentenced to probation and incarcerated in MDOC after a probation violation.

**Figure 4** presents the trend in the overall commitment of Michigan juveniles to the adult system between 1985 and 2003. The decline in commitments beginning in 1998 is significant reflecting the overall decline in juvenile crime in Michigan. However, as **Figures 2 and 3** indicate, commitments remained far higher than the crime rate decline would indicate until the end of the century. **Figure 5** presents the types of commitments during this period. While new commitments predominate clearly throughout the period, there has been a significant increase in the incarceration of probation violators.



There has been a marked increase in the total proportion of juveniles who end up in the adult system as probation violators – both technical violators and violators with a new sentence. That proportion has increased substantially from 1985 when it was 10%, to 1999 when it was 54% of the commitments. Since then the proportion has declined significantly to 42% as of 2003. Further study of the probation violators is needed to determine whether more intensive services in the county would be effective in reducing their violations and subsequent incarceration. .

### **Offenses of Youth Committed to MDOC**

In 1996 eighteen offenses were designated statutorily as those that gave the prosecutor discretion to charge and try the juvenile offender as an adult, and if the youth is convicted, a sentence in an adult prison was mandated for twelve of those offenses. Table 5 indicates that 1070 youth entered adult prison from 1985 to 2003 for these legislatively prescribed offenses. These youth were age 16 and below at the date of their offense.. The first section presents the commitment for “legislatively specified” crimes. representing 48% of all convictions.<sup>3</sup> Most entered prior to the 1996 legislative changes traditional waivers, following the 1988 legal changes or the earlier traditional waivers prior to 1988. Not surprising is the observation that murder convictions were a significant proportion of waivers, as were armed robbery and serious assault. Among those convicted of murder the largest number were committed for 2<sup>nd</sup>, not 1<sup>st</sup>, degree murder. CSC I convictions may be higher than would be anticipated, but that may also reflect the emphasis given to CSC in recent years as compared to years prior to 1996. There is no documented evidence that behavior in this area substantially changed within this period of time.

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<sup>3</sup> “Specified juvenile offenses with mandatory adult sentence” indicates those offenses that the legislature determined could be transferred by a prosecutor and should be sentenced as an adult upon conviction. This was a legislature decision that a certain group of offenses were so serious that they should not be subject to a judicial decision about whether or not to transfer a youth to criminal court. This categorization is merely organizational because prior to 1997 judges could make a determinations to transfer (prior to 1988 reforms) or with regard to the type of sentence (prior to 1996 reforms. “Specified juvenile offenses – no mandatory adult sentence” represent a group that the legislature determined could be transferred by a prosecutor, but a judge should have discretion regarding the type of sentence. “Most frequent and all other offenses” include all remaining offense types that prosecutors do not have the discretion to transfer.

<b>Table 5</b> <b>Commitment offenses of juveniles age 16 and under (N=2227)</b>		
<b>Specified Juvenile Offenses with Mandatory Adult Sentence</b>	<b>Number of Convictions</b>	<b>Percent of all Juvenile Convictions</b>
Robbery - Armed	404	18.1
Murder - 2nd Degree	235	10.6
Assault With Intent to Murder	134	6.0
Murder - 1st Degree	120	5.4
Criminal Sexual Conduct - 1st Degree	106	4.8
Carjacking	48	2.2
Arson - Dwelling House	13	0.6
Kidnapping	6	0.3
Attempted Murder	3	0.1
Conspiracy to Commit Murder	1	0.0
Solicitation of Murder	0	0.0
Assault With Intent to Maim	0	0.0
<b>Total</b>	<b>1070</b>	<b>48.0</b>
<b>Specified Juvenile Offenses- No Mandatory Adult Sentence</b>	<b>Number of Convictions</b>	<b>Percent of all Juvenile Convictions</b>
Assault With Intent to Rob While Armed	135	6.1
Assault With Intent to Do Great Bodily Harm	118	5.3
Home Invasion - 1st Degree	44	2.0
Escape - Juvenile Facility	12	0.5
Bank Robbery	3	0.1
Delivery/Manufacture/Intent Controlled Substance > 650 Grams	1	0.0
<b>Total</b>	<b>313</b>	<b>14.1</b>
<b>Most Frequent and All Other Offenses</b>	<b>Number of Convictions</b>	<b>Percent of all Juvenile Convictions</b>
Breaking & Entering - With Intent	81	3.6
Delivery/Manufacture/Intent Controlled Substance < 50 Grams	75	3.4
Robbery - Unarmed	71	3.2
Home Invasion - 2nd Degree	63	2.8
Unlawfully Driving Away an Automobile	47	2.1
Assault With a Dangerous Weapon	44	2.0
Criminal Sexual Conduct - 2nd Degree - Person Under 13	37	1.7
Manslaughter	28	1.3
All Other Offenses	398	17.9
<b>Total</b>	<b>844</b>	<b>37.9</b>

The numbers of youth convicted of the most serious crimes (murder and related attempts) has declined since 2000 along with the decline in overall crime. For example, from 1995 through 1999 there were 23 juvenile commitments in MDOC for 1<sup>st</sup> degree murder and 76 for 2<sup>nd</sup> degree murder. Those numbers declined to 5 and 33, respectively, for the years 2000 through 2003. Of all youth sentenced to the adult system, 14% were committed for legislatively specified offenses that did not require an adult placement. Additionally, there was an increase in commitments for less serious crime such as lesser drug crimes, unlawful driving away, CSC II and III, larceny, and others, comprising 37.9% of all waiver offenses. It has been suggested that some counties may have committed youth to the adult system even though their crimes were less serious because such commitments entailed no financial obligation for the county, whereas if they sentenced them to the juvenile system, the county was obligated to pay 50% of the cost, which at times exceeded \$70,000 per youth per year.<sup>4</sup>

The statutory changes had a substantial impact on commitments to prison. The offenses specified in the 1996 statute account for a total of 48% of all the youth sentenced to adult prison from 1985-2003, while 52% were sentenced for other and non-mandated crimes and probation violations.. Because the number of probation violators who entered adult prison was so high (764 or 34.3%), they constitute a significant proportion of the incarcerated youth. It is improbable that the authors of the legislation expected that this would be the outcome. Figure 6 shows the trends in the processing of juveniles tried as adults from 1985 to 2003, and it is quite apparent that since 1994 there has been a decline in the numbers of youth processed for “legislatively specified” offenses and a relatively steady increase in the proportion imprisoned for other types of crimes. The mixed patterns of the mid-1990s years probably reflect the rising juvenile crime rate to which there were varied responses among the counties, as we have noted earlier.

Figure 7 presents the rate of commitment per arrest of those committed to the MDOC for index and non-index crimes. The rate of commitments per index crime arrest increased dramatically in the 1990s until 1997 when the decline began and continued through 2002. Commitments per non-index crime arrests showed much less change although they did reach 20 per 10,000 arrests in 1995 and 1997.

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<sup>4</sup> It is possible that some counties with limited financial resources may be eligible for assistance in payment under provision of the Youth rehabilitation Services Act of 1974, MCL 803.305 Cost of public ward’s care.

The number of youth convicted of the most serious crimes (murder and voluntary manslaughter)

has declined since 2002 along with the decline in overall crime. For example, from 1992 to 2002 there were 27 juvenile commitments to prison for 1st degree murder and 30 for 2nd

degree murder. These numbers declined to 2 and 11, respectively, for the years 2000 through

2002. The 27 youth sentenced to the adult system in the years 1992 through 2002 committed 147 offenses that did not require an adult placement. Additionally, there was an increase in

commitments for less serious crimes such as lesser drug crimes, unlawful driving (over 100 mph), and 1st degree kidnapping. 17.9% of all youth offenses in the years 1992 through 2002 were for less serious crimes such as juvenile crimes not requiring an adult placement. In the years 2000 through 2002, the percentage of youth offenses requiring an adult placement declined to 11.1%.

There is a trend in the juvenile justice system that is evident in the years 1992 through 2002. The number of youth committed to the juvenile system has declined in the years

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Figure 7 shows the rate of commitment per 1,000 of those committed in the 1990s.

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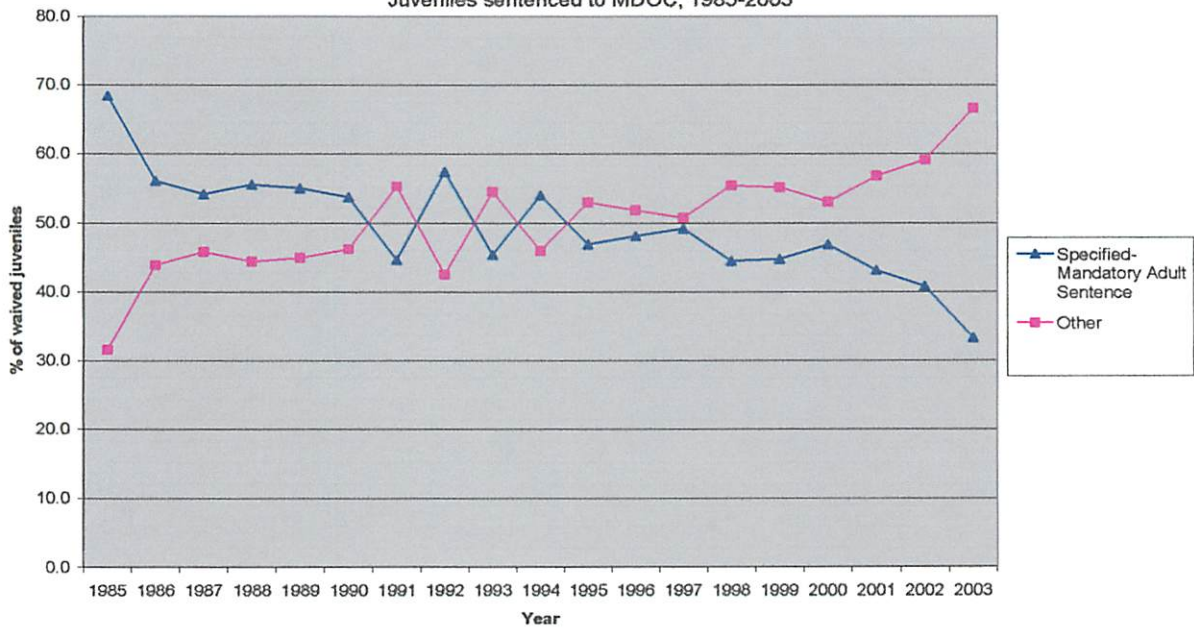
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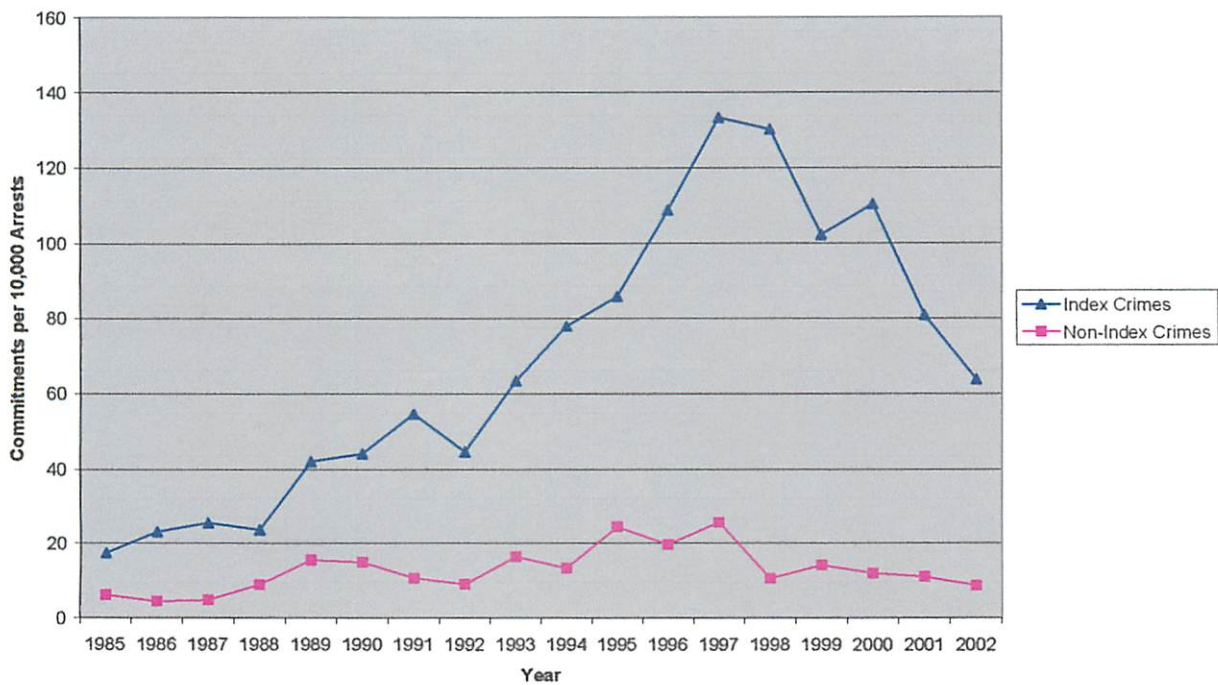
The rate of commitment per 1,000 of those committed in the 1990s was 1.1.

Figure 6  
Proportion of legislatively specified serious offenses and all other offenses:  
Juveniles sentenced to MDOC, 1985-2003



Percentage of juveniles incarcerated in MDOC whose commitment offense is one of twelve specified by the Michigan Legislature in 1996 as serious offenses requiring an adult sentence versus percentage convicted for all other offenses.

Figure 7  
Rates of juvenile commitment to MDOC per 10,000 arrests:  
Index and non-index crimes by year of offense, 1985-2002



## **Offenses of Youth Committed to MDHS**

**Table 6** presents the offenses of the youth committed to MDHS as juvenile delinquents. First we have selected those offenses that directly compare with the legislatively specified offenses for which juveniles are sentenced to the adult system (Legislatively Specified 1), then we have presented the other serious felonies (Legislatively Specified 2). We have eliminated misdemeanors and status offenses from this classification since they are not comparable to youth sent to the MDOC. These juveniles who are committed as juvenile delinquents for serious felonies are typically placed in state operated institutions such as Woodland Center, Adrian Training School, Nokomis Center, Shawono Center and Bay Pines, but they may also be committed to a small number of private residential treatment centers.

The total number of juveniles in the sample of MDHS delinquents who have been in residential placements for delinquency is 11,105, nearly five times the sample size of juvenile offenders committed to the MDOC, although the time period for the former is only ten years (1993-2003) while the MDOC sample covers 1985-2003.

The first section of **Table 6** presents the number and percentage of youth in the juvenile system who were placed there for having committed one of the “legislatively specified” offenses of the 1996 legislation, although that law did not apply directly to the juvenile justice system. Policies such as the “designation” provision allow the commitment of these youth to the juvenile system. The proportion of legislatively specified offenses (9.4%) is far smaller than the proportion in the adult system (48%) but it should be noted that the actual number of youth committed to MDHS slightly exceeded the number committed to MDOC for this category of offenses (1103 versus 1070). Similarly there are fewer of the less serious crimes (Category 2) than for youth in the MDOC, but this category had not required a commitment to prison.<sup>5</sup> Most of the juveniles committed to MDHS were committed for a broad range of felonies and misdemeanors. Overall, MDHS served far more juveniles than did MDOC, but only a small percentage were committed for the “legislatively specified” offenses. These data indicate that juveniles adjudicated for very serious offenses were held within the juvenile system throughout the 1990s.

We have excluded from the **Table 6** youth who were sentenced for status offenses ( # ), Placement of youth adjudicated for status offenses in residential facilities is problematic under

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<sup>5</sup> See Table 5, Category 2 of Specified Juvenile Offenses.

Table 6 presents the offenses of the youth committed to JLDHS as juvenile delinquents.

It should be noted that offenses that directly compare with the legislatively specified offenses for which juveniles are sentenced in the adult system (i.e., specified offenses) are listed in the other section relative (legislatively specified). We have eliminated offenses that are not comparable to youth offenses, and since offenses from this classification since they are not comparable to youth offenses, they are committed as juvenile delinquents for which they are typically placed in some optional institution such as the Adolescent Center. A juvenile delinquent, however, may also be committed to a small number of juvenile residential centers.

The total number of juveniles in the sample of JLDHS delinquents who have been in residential placement for delinquency is 1,100, nearly five times the sample size of juveniles committed to the MDOC, although the time period for the former is only for years (1997-2003) while the MDOC sample covers 1982-2003.

The first section of Table 6 presents the number and percentage of youth in the juvenile system who were placed there for having committed one of the "legislatively specified" offenses of the 1970 legislation, although that law did not apply directly to the juvenile justice system. Juveniles such as the "legislated" provision allow the commitment of these youth to the juvenile system. The proportion of legislatively specified offenses (4.9%) is the smaller than the

proportion in the adult system (4.8%) but it should be noted that the exact number of youth committed to JLDHS slightly exceeded the number committed to MDOC in this category of offenses (1,100 versus 1,070). Similarly, there are fewer of the latter in the other category of offenses for youth in the MDOC but this category did not require a commitment to prison. Most of the juveniles committed to JLDHS were committed for a broad range of offenses and

delinquencies. Overall, JLDHS served far more juveniles than the MDOC, but only a small percentage were committed for the "legislatively specified" offenses. These data indicate that juveniles adjudicated for very serious offenses were held within the juvenile system, the system

We have excluded from the Table 6 youth who were sentenced to the adult system (i.e., JLDHS) for having committed the same offenses as residential facilities as juvenile delinquents.

the provisions of the Juvenile Justice and Delinquency Act because it prohibits the placement of such youth in closed facilities. Nonetheless, a substantial number of status offenders were placed in residential institutions despite the proscriptions against such placement in the Juvenile Justice and Delinquency Prevention Act. .

Table 6 Commitment offenses of juveniles in MDHS (N=11785)		
Specified Juvenile 1	Number of Convictions	Percent of all Serious DHS Convictions
Robbery - Armed	270	2.3
Murder - 2nd Degree	30	0.3
Assault With Intent to Murder	89	0.8
Murder - 1st Degree	18	0.2
Criminal Sexual Conduct - 1st Degree	398	3.4
Carjacking	62	0.5
Arson - Dwelling House	36	0.3
Kidnapping	2	0.0
Attempted Murder	9	0.1
Conspiracy to Commit Murder	0	0.0
Solicitation of Murder	0	0.0
Assault With Intent to Maim	189	1.6
<b>Total</b>	<b>1103</b>	<b>9.4</b>
Specified Juvenile Offenses-2	Number of Convictions	Percent of all Serious DHS Convictions
Assault With Intent to Rob While Armed	2	0.0
Assault With Intent to Do Great Bodily Harm	71	0.6
Home Invasion - 1st Degree	67	0.6
Escape - Juvenile Facility	19	0.2
Bank Robbery	11	0.1
Delivery/Manufacture/Intent Controlled Substance > 650 Grams	19	0.2
<b>Total</b>	<b>189</b>	<b>1.6</b>
Most Frequent and All Other Offenses	Number of Convictions	Percent of all Serious DHS Convictions
Assault and Battery	1126	9.6
Assault with a Dangerous Weapon	643	5.5
Home Invasion	604	5.1
Violation of Controlled Substance Act < 649 grams	585	5.0
Receiving and Concealing Stolen Property > \$100	573	4.9
Unlawfully Driving Away an Automobile	518	4.4
Malicious Destruction of Property > \$100	469	4.0
Criminal Sexual Conduct - 2nd Degree	392	3.3
Breaking and Entering with Intent	344	2.9
Carrying a Concealed Weapon	331	2.8
Larceny in a Building	309	2.6
Retail Fraud II	262	2.2
Arson	260	2.2
Larceny >\$100	241	2.0
Consumption-Possession of Alcohol	212	1.8
Criminal Sexual Conduct - 4th Degree	211	1.8

Robbery - Unarmed	209	1.8
All Other	3204	27.2
Total	10493	89.0

### Prior Conviction History

One of the reasons stated for the enactment of the 1996 legislative changes was the belief that juvenile offenders were becoming “hardened” and that they had extensive prior experiences in the justice system. Table 7 presents information about juvenile commitments and probations prior to a sentence to the MDOC. The data indicate that 29.4% of the youth committed to MDOC had no prior juvenile commitment or probation, according to the MDOC official records. Overall, this sample of youth does not meet the criteria of chronic criminals with extensive prior histories in the justice system. However, there is some evidence that youth between the ages of 13 and 15 are slightly more likely to have multiple experiences in the juvenile system. The modal age for juveniles entering the adult system is 16, and we have noted in previous studies that a proportion of these youth have little or no criminal justice experience.<sup>6</sup> They commit a very serious crime and then find themselves in an adult prison, often for a very long sentence. It would be appropriate to require more stringent competency evaluations of these youth 16 years and below prior to their trial to ascertain their level of developmental maturity or mental health. Finding from recent brain development research are increasingly indicating that many adolescent youth would not be evaluated as fully competent until they were 18 years.

Table 7 Juvenile justice history prior to sentence to MDOC							
# juvenile commitments + probations	Age at offense						Total
	11	12	13	14	15	16	
0	100.0%	0.0%	42.9%	41.9%	32.2%	27.9%	29.4%
1	0.0	33.3	28.6	11.3	20.0	21.5	20.9
2	0.0	33.3	14.3	21.0	19.3	17.8	18.3
3	0.0	0.0	0.0	8.1	10.5	9.5	9.7
4	0.0	33.3	0.0	4.8	4.4	7.9	6.9
5	0.0	0.0	14.3	4.8	4.0	5.0	4.7
6 to 10	0.0	0.0	0.0	6.5	7.7	7.9	7.8
11 to 20	0.0	0.0	0.0	0.0	1.9	2.3	2.1

<sup>6</sup> See J. Shook, R. Sarri, J. Weiss & C. Albertson. Juveniles in the Justice Systems: Treating Juvenile as Adults. Ann Arbor, Institute for Social Research, University of Michigan. October, 2004.

21 to 32	0.0	0.0	0.0	1.6	0.0	0.3	0.3
Total (n)	2	3	7	62	574	1587	2235

**Tables 8A & 8B** present the median sentences received by juveniles in MDOC and the actual time spent in prison and under MDOC supervision (including time spent on parole). **Table 8A** includes those juveniles whose cases had been terminated as of 12/31/04, and **Table 8B** includes juveniles whose case was not terminated as of 12/31/04. The median time spent under MDOC supervision was significantly higher than the median minimum sentence for all offense groups whose cases had been terminated, ranging from 18 to 28 months more than their minimum sentence spent under department supervision. The cases that were not yet terminated had also spent nearly, if not more than, their minimum sentence time in prison, and the two non-specified juvenile offense groups had already spent 13 and 16 months more than their minimum sentences under department supervision. We are continuing analysis to try to determine the reasons for these patterns in length of stay.

Table 8A Median sentences and time served for terminated cases in MDOC				
Offense Group	Median minimum sentence (months)	Months (median) over minimum in prison	Months (median) over minimum total under MDOC supervision	Number of juveniles
Specified juvenile offense 1	48	-0.63	21.18	193
Specified juvenile offense 2	36	4.73	28.1	118
Most frequent offenses - non specified juvenile	24	3.17	18.57	251
All other	24	5.83	18.76	221
Total	32	3.02	20.87	783

Murder convictions are not included in this table because they typically receive life or other very long sentences that were not completed within the time period of this study

Table 8B Median sentences and time served for non-terminated cases in MDOC				
Offense Group	Median minimum sentence (months)	Months (median) over minimum in prison	Months (median) over minimum total under MDOC supervision	Number of juveniles
Specified juvenile offense 1	72	-8	-4.88	514
Specified juvenile offense 2	60	-7.57	-0.92	187

Most frequent offenses - non specified juvenile	36	6.69	16.41	186
All other	36	4.56	13.2	187
Total	60	0.38	8.89	1074

This table includes youth in MDOC who had not completed their sentence (had not been terminated by MDOC) as of 12/31/04. Murder convictions are not included in this table because they typically receive life or other very long sentences that were not terminated within the time period of this study.

**Table 9** presents the median length of stay for juveniles in MDHS, including only those youth whose cases have been terminated by MDHS (97.8% of placements are included as terminated in this table). There is a clear relationship between the seriousness of the offense for which these juvenile delinquents were committed to MDHS and the time that they spent incarcerated. Because the total number of juveniles in the MDHS system for less serious crimes is so large (8093), the overall mean of 15.28 months is far less than the mean for the most serious offenders (25.27 months). In the past this distinction in median length of stay was often not recognized by those critical of the handling of delinquents with serious offenses. The upper age limit for juveniles committed to MDHS can be held until age 21 years so many do remain several years if their crime is very serious.<sup>7</sup>

Table 9 Median length of stay for DHS Juveniles-Terminated Cases		
Offense Group	Number of months	N
Specified Juvenile Offense 1-	25.27	824
Specified Juvenile Offense – 2	19.71	144
Most Frequent Offenses – non specified juvenile	15.57	4758
All Other	13.73	4035
Total	15.28	9761

## Recidivism

One of the important issues to address is the likelihood that a youth being released from either the adult or the juvenile justice system will recidivate after release. Juveniles can remain in the juvenile system under special conditions until age 21, although the majority are released by age 18. Although youth in the juvenile justice system are seldom committed for sentences that are as explicit as those in the adult system, our findings indicate that many may have as long a period of incarceration as youth sentenced to the adult system, excluding those charged with capital crimes. For juveniles sentenced to the adult system for crimes such as murder, most of

<sup>7</sup> One juvenile offender in a MDHS facility was committed at age 13 and remains in custody until he is 21 in 2007.

our sample still remain in prison. That factor may influence the results of recidivism of the population sentenced to the adult system.

**Table 10** presents commitments for juveniles sentenced to MDOC, released to the community and recommitted to prison for reasons such as parole violations or new sentence.

Table 10 MDOC recidivism by age and release date						
Age At Termination	Total # of Youth	Percent recommitted to MDOC as of 12/31/04 when released by:				
		12/31/2003	12/31/2002	12/31/2001	12/31/2000	12/31/1999
Over 25	192	11.8	14.7	13.8	13.6	9.3
24	43	9.4	10.3	13.0	17.6	21.4
23	57	15.6	20.0	25.9	26.1	30.0
22	75	28.6	34.0	36.6	37.1	43.3
21	87	22.5	24.6	31.8	31.4	33.3
20	93	39.1	42.5	45.7	51.8	53.7
Under 20	77	30.1	30.8	30.5	32.0	34.1
Total	624	22.6%	25.9%	28.5%	30.9%	32.9%

The percentage represents individuals of the given age at termination who had been recommitted to MDOC as of 12/31/04.

This table only includes those recommitted after release. An additional 6-7% were committed for a new offense while on parole.

Overall, recidivism increases the longer the period of time since an individual is released prison, except for those who are over age 25 at the time of release, where the pattern is relatively stable over the 5-year period. Only 9.3% of those over 25 have been recommitted five years after release. The increases are greater and more rapid for those released in their early 20's. The majority of this group entered prison educationally behind their appropriate grade level and most likely having never been employed in any regular job. They may have had little opportunity for academic or vocational training while in prison, so when they are released, reentering the community becomes very problematic. For example, among those who are 20 at release, 39.1% are recommitted within 12 months, and at the end of 5 years, their recidivism is 53.7%.

Recidivism for juvenile offenders in the juvenile facilities was calculated only for those in public medium and high security facilities where their commitment offense was likely to be more comparable to those sentenced to the adult system. Information about recidivism of these juvenile offenders was obtained from the MDHS and is presented in **Table 11**.

Table 11 Percent of youth incarcerated in MDOC following release from MDHS							
Time since DHS release	Year of release						
	1997	1998	1999	2000	2001	2002	2003
12 mos.	6%	6%	4%	5%	6%	7%	5%
24 mos.	12	15	16	16	16	13	N.A.
36 mos.	21	22	21	22	23	N.A.	N.A.
48 mos.	26	28	26	28	N.A.	N.A.	N.A.
60 mos.	30	33	29	N.A.	N.A.	N.A.	N.A.

Source: MDHS Bureau of Juvenile Justice Recidivism Study

These data indicate that the longer these juveniles are out of a juvenile correctional facility, the more rapidly their recidivism increases, to the point where among those released in 1997, 30% had been incarcerated as adults in the MDOC as of 2003. These youth had access to regular secondary education, to mental health and other social services while incarcerated in juvenile facilities and also probably resided in less crowded facilities. While their recidivism is lower than juveniles released from the adult system, further study is needed as to why it is as high as it is. Nonetheless, the data suggest that youth who commit very serious offenses can be committed to juvenile facilities where they will be released at age 21. Comparison of these latter youth with those committed to adult facilities for homicide is not possible at this point because the latter remain in prison. We do intend to investigate further the longer term outcomes for the most serious offenders who are treated in the juvenile system.

Our finding that the juveniles in MDHS facilities have lower rates of recidivism than those committed to the MDOC is similar to the results from a study of two matched samples of juveniles in Florida. One group was transferred to the criminal court and then to adult prisons and the other matched group was processed in the juvenile court and placed in juvenile facilities<sup>8</sup> Recidivism was examined in terms of reoffending, seriousness of the reoffending, and time to failure. By all the measures, the youth transferred to the adult system had higher rates of recidivism than those retained in the juvenile system.

<sup>8</sup> D. Bishop, C. Frazier, & L. Lanza-Kaduce (1996). The transfer of juveniles to criminal court: Does it make a difference? *Crime and Delinquency* 42(2) 171-191.

More attention to reintegration programming is one area that offers potential for reducing recidivism, as was shown in an earlier study that we did in Michigan in 1998<sup>9</sup>. We found that unless substantial effort went into sustaining changes that occurred through education, counseling, and vocational experiences, juvenile offenders were unsuccessful in their reintegration into their home communities. In addition, if those communities were areas of high unemployment, substance abuse and crime, the probability of their failure greatly increased. The extensive evaluation studies of re-entry programs by the Urban Institute, Western et al., and Travis<sup>10,11,12</sup> also provide useful information that could be applied in the reintegration of all juvenile offenders, regardless of whether they are in a juvenile or adult program.

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<sup>9</sup> R. Sarri, J. Rollin, & C. Wolfson (1998). Minority overrepresentation and outcomes in juvenile justice in Michigan. Ann Arbor, MI: Institute for Social Research.

<sup>10</sup> A. Solomon, K. Johnson, J. Travis & E. McBride (2004). *From prison to work: The employment dimensions of prisoner reentry*. Washington, DC: Urban Institute.

<sup>11</sup> B. Western, J. King & D. Weiman (2001). Labor market consequences of incarceration. *Crime and Delinquency* 47(3), 410-427.

<sup>12</sup> J. Travis (2004). Recidivism and reintegration: New perspectives in the challenges of mass incarceration. In M. Pattillo, D. Weiman, & B. Western (Eds.) *Imprisoning America*. New York: Russell Sage, 247-268.

## **IMPLICATIONS**

This comparative and preliminary look at incarceration and outcomes of juveniles sentenced to the adult prison system and to the juvenile justice system indicates that the Michigan statutory reforms of 1988 and 1996 have had a significant effect on the differential processing of youth, although that effect may have been both less and greater than was expected when the laws were passed. The decline in serious juvenile crime since the mid-1990s (Figures 1, 2, and 3), particularly of serious violent and property crime has meant that there are fewer juveniles who fit the characteristics required by the legislatively specified offenses. But the momentum created for trying juveniles as adults was maintained and accelerated in some counties for reasons that are not entirely clear at this time and deserve further study. The “designation” provision of the 1996 statute was effective in some counties in reducing the numbers of juveniles entering adult prisons, because it permitted juveniles to be tried as adults in the juvenile division of the family court and if convicted to receive either a adult or a blended juvenile/adult sentence.

The findings from this research show that since 1985 Michigan has committed many youth into the adult system for a variety of crimes beyond those that were legislatively specified. The increases continued even when serious crime by juveniles steadily declined to levels below those of 1980. Since the late 1990s an increasing number of juveniles have been committed to MDOC for less serious offenses and have ended up with shorter sentences. However, there is some preliminary evidence that more of these offenders are likely to have a chronic delinquency history. These youth need effective intervention early with respect to their academic and vocational education, life skills, mental health, family relationships, and substance abuse treatment if they are to avoid long term careers in the justice system. Delaying this intervention until serious criminal behavior occurs risks public safety and is far more costly than early intervention.

Adjudicative competency and culpability of juveniles during adolescence seems seldom to have been a consideration in most counties because administrative records contain little systematic information about mental health, developmental disabilities or developmental immaturity. Michigan’s lack of a law requiring the competency assessment of juveniles may have been a factor in the overall processing, particularly the processing of juveniles as adults for ages 13 and younger. Research findings now indicate that between 60-70% of juveniles in

juvenile facilities have a diagnosable mental illness<sup>13</sup>. The reduction of mental health facilities for adolescents in Michigan since 1980 is probably a factor in the increasing numbers of troubled juveniles in the justice systems. Our data raise potential concerns regarding the quality of legal representation received by the majority of juveniles. Of the 2240 youth who were committed as adults, 80% pled guilty, 7% had a court trial, and 13% had a jury trial. Moreover, almost all of the youth who had a court or jury trial (234 cases) occurred in one county, whereas in other counties 100% of the juveniles pled guilty. Representing a juvenile often may be more complex and demanding because of their developmental immaturity and the lack of adjudicative competence to participate appropriately and with understanding in the court processing.

We observed great variation among the counties in the rate at which juveniles were tried and incarcerated as adults, the differential roles of court officials in the processing of youth, overrepresentation of youth of color, the choices of alternative dispositions, and the types of commitments that resulted in incarceration in an adult prison. The availability of alternative disposition options appears to have been a factor in some counties in the commitments to MDOC versus MDHS because of the financial resources required for a county to commit a juvenile to a MDHS facility, whereas there was no financial obligation for a commitment to the MDOC.

Juveniles who committed capital and very serious crimes were committed to MDHS as well as to MDOC. Likewise, we observed that juveniles who committed less serious crimes, for which adult processing was not mandated, appeared in the adult as well as the juvenile systems. Further study is needed of the outcomes for these youth, because all of the youth in MDHS are released by age 21, while many of those committed to MDOC for capital crimes remain in prison for terms as long as life sentences.

The issue of overrepresentation of youth of color was problematic for both MDHS and MDOC in nearly all counties, and this is essentially a problem that courts particularly need to address since critical decision making occurs early in the processing of juveniles. There was a dramatic decline of juveniles of color in the MDHS system in 1999, when Wayne County assumed responsibility for the provision of services to the children in that county. The overall level of youth of color in the entire state probably did not decline in 1999, but juveniles were placed in facilities closer to their own homes in Wayne County.

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<sup>13</sup> T. Grisso, G. Vincent, D. Seagrave (2005). *Mental Health Screening and Assessment in Juvenile Justice*. New York: Guilford Press, 6-7.

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One of the probable consequences suggested when the 1996 statute was passed was that it would target “hardened” juvenile offenders and those with more extensive juvenile histories. However, our results show that 29% of juveniles in the MDOC had no prior offense and an additional 49% had only 1-2 offenses, so the majority of youth in the adult system have no or a very limited prior juvenile record. Youth who committed their offenses between the ages of 13-15 are more likely to have a prior juvenile record. It is possible that these youth may have been less competent when tried due to mental illness or developmental immaturity.

Recidivism remains problematic in both MDOC and MDHS, especially for youth in their early twenties. The lack of comprehensive re-entry programs that provide for effective reintegration into viable adult roles is of critical importance for all youth who spend valuable adolescent and young adult years in the justice system. The overwhelming majority of these youth return to the community in their twenties, and as Western, Travis, & Holzer<sup>14</sup> and others have noted, they face serious obstacles to viable adulthood.

We have not included the 17-year-old offenders in this analysis because the Michigan law sets the limit of juvenile court jurisdiction at the 17<sup>th</sup> birthday. However, 38 states have raised the age of jurisdiction of the juvenile court to 18 years, and the U.S. Supreme Court used 18 year as the upper age limit in its decision finding the use of the death penalty on juveniles to be unconstitutional. The numbers of 17-year-old youth in the adult system in Michigan is large, so their inclusion in the juvenile system would have many implications for processing and services.

Michigan is a state in which the youth population is declining relative to the increasing population of aging persons. Moreover, it is a state facing the need for a well-educated and skilled young labor force. However, the school dropout rate in most of our cities exceeds 50%. We know that one of the strongest predictors of a criminal career is being a school drop-out, but instead of tackling this issue directly, we have been willing to incarcerate large numbers of youth. The level of processing of juveniles into the justice systems is higher in Michigan than in our peer states and has also remained high despite a declining youth crime rate. Now is a crucial time to consider policy alternatives that will result in a more effective young adult population.

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<sup>14</sup> See chapters by these authors in M. Patillo, D. Weiman and J. Western (2004). *Imprisoning America*. Chicago: University of Chicago Press.

One of the problems encountered in the study was that the data were not always complete. In some cases, the data were missing for certain years or for certain groups. This was due to a number of factors, including changes in the way the data were collected and changes in the way the data were analyzed. It is important to note that the data were not missing at random, which could bias the results. However, the researchers used a number of techniques to deal with the missing data, including imputation and sensitivity analysis. The results of the study suggest that the data are generally reliable, but there are some limitations that should be kept in mind.

The study found that the data were generally reliable, but there were some limitations. One of the main limitations was that the data were not always complete. In some cases, the data were missing for certain years or for certain groups. This was due to a number of factors, including changes in the way the data were collected and changes in the way the data were analyzed. It is important to note that the data were not missing at random, which could bias the results. However, the researchers used a number of techniques to deal with the missing data, including imputation and sensitivity analysis. The results of the study suggest that the data are generally reliable, but there are some limitations that should be kept in mind.

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