



Prosecuting Attorneys Association of Michigan

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Senate Judiciary Committee

Re: Raise the Age Package

March 7, 2019

Dear Chairman Lucido and Esteemed Committee Members,

On behalf of the Prosecuting Attorneys Association of Michigan, we write to support the concept of raising the age of a juvenile offender under the law from under 17 to under 18. A child in the juvenile system is provided services and programming regardless of whether the juvenile is sentenced to probation or time in a juvenile facility. These important services and programming are specially designed to help rehabilitate juveniles and help prevent them from reoffending. Under the current law, 17 year old offenders are not receiving these specific services because they are in the adult system. Making this change may help them break their cycle in the criminal justice system and foster them into becoming productive members of society.

While PAAM supports the concept of raising the age, we have recommendations regarding the package. These are fleshed out in more detail below, and we look forward to working with the committee on making these changes so that this important policy shift accomplishes its ultimate goal of helping Michigan's troubled youth.

Policy Concerns

The public policy to raise the age is something that PAAM fully supports. However, in the past the raise the age package has become intertwined with another criminal justice reform package known as "youth in prison." Our association has serious concerns with the "youth in prison" bills, and in reality, those bills have nothing in common with the bills dealing strictly with raising the juvenile offender age to 17. PAAM appreciates the focus of the sponsors and the interest groups involved have decided to stick to solely raising the age. Unfortunately, however, some of the bills that have been introduced this term still contain vestiges of the youth in prison bills. For example, SB 97 still contains new language that prohibits juveniles from being held in an adult facility even if they are completely isolated from the adult population (which is what the current law allows for in both the state and federally). This is not the only bill that contains this language in the current bill package. We would simply ask that all changes that do not include replacing 17 with 18 be stricken from the bills. If that occurs we would be in full support on the policy side of these bills, and we would be happy to work with the committee to ensure all of those vestiges are found and eliminated.

Funding Concerns

One of the final, and largest, hurdles left in the discussion of this policy change is determining what amount and where the funding for this shift is going to come from. As you all know, juveniles are treated differently from adult defendants. As mentioned earlier, a child in the juvenile system is provided services and programming regardless of whether the juvenile is sentenced to probation or time in a juvenile facility. These important services and programming are specially designed to help rehabilitate juveniles and help prevent them from reoffending. While effective and important, these services are expensive and represent a major cost in the juvenile system. Currently, 17 year old offenders are not receiving these services because they are in the adult system. Under the proposed changes, the very large 17 year old population would now have to be provided with these services and programming, which will be very different than the current services being offered to our juvenile population. These services and programming are funded through the child care fund.

While prosecutors are not directly affected by child care fund reimbursement, we still support the idea of increasing child care fund reimbursement to the counties to help lessen the burden of increasing the juvenile population. If measures are not taken to ensure that there is adequate child care funding, then the critical services and programming needed for the juvenile population may not be available. In other states that have made this change and not provided adequate funding, services and programming for younger offenders (10-14 year old) were diverted towards the larger 16-17 year old offender population. While it is important that 16-17 year old offenders receive services and programs, the younger offender population has a significantly higher success rate of not reoffending after receiving those services and programming. This is why it is critical that the legislature ensures that adequate funding is provided with this policy shift.

In addition to the services and programming for the juvenile population, this policy shift will result in additional costs across the criminal justice arena, specifically in areas that child care fund dollars cannot be utilized. These additional costs come in the form of infrastructure that will need to be built, additional loads on the juvenile courts dockets, and most relevant to us is the increased burden on the prosecutor's office. As a result of this change, almost every prosecutor's office is going to need to hire at least one additional assistant prosecutor to handle the increased juvenile load. In some counties, like Wayne, the additional load would require them to hire 3-5 new assistant prosecutors. Many of these offices are already operating on shoe string budgets, and the increased burden cannot be picked up by their current budget. Thankfully, the sponsors of the bill package this term heard our concerns from previous iterations, and have introduced a new bill to the package that would establish a new fund to help alleviate some of these costs that are not covered by the child care fund. However, the current bill is just a shell, without any substance describing how the fund will be utilized or how the entities can pull money from it. We would be more than happy to sit down with the sponsor to figure out how best to utilize this

bill, to ensure that a system is set up that is efficient and gets the funding to the places it needs to go.

Finally, while out of the express purview of this committee, we ask the committee to help us ensure that an appropriation moves along with this package. If this package is passed without an actual appropriation, then the inherent purpose of the bills will become moot as the system will be underfunded and the juveniles in the system will not receive the attention and services that they so desperately need. We are more than happy to work with the appropriations chairs of both chambers and the executive office to help ensure that adequate funding is provided. If it looks like the funding may not be available, then the committee may want to consider adding in a stop-gap provision that prevents the bills from going into effect until the legislature adequately funds this new initiative.

We would like to thank each of you for taking the time to read through our concerns, and we look forward to working with all of you on making sure this important policy change is accomplished and implemented in a way that achieves the best outcomes for these troubled juveniles.

Respectfully,

A handwritten signature in black ink, appearing to read "DJ Hilson". The signature is written in a cursive, somewhat stylized font.

DJ Hilson
Muskegon County Prosecutor
PAAM President

