



**THE
SENTENCING
PROJECT**

RESEARCH AND ADVOCACY FOR REFORM

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**In support of Raise the Age Package
(Senate Bills 84, 90-102)**

**Before the Senate Judiciary & Public
Safety Committee**

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Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony endorsing Michigan's Raise the Age package. These bills provide the necessary reform to align Michigan with the vast majority of states (all but Wisconsin, Georgia and Texas) to address most 17-year old offending in the juvenile justice system.

Ten years ago, Michigan was one of 13 states to charge 17-year olds as adults. In the intervening years, Connecticut, Illinois, Massachusetts, and Vermont moved 17-year olds into their juvenile systems. In 2016, Louisiana, South Carolina, New York and North Carolina each passed legislation to do the same, though with different timelines for implementation. Missouri passed its reforms last year.

No state has done the opposite in these years. In fact, no state has previously set its age boundary at 18 and then lowered it to 17 (as in Michigan) since 2007. That year, Rhode Island legislators lowered the age as a cost-saving measure. Four months later, they reversed themselves, finding those cost savings did not exist.¹

The Sentencing Project supports the Raise the Age package for the following reasons

- Long-term declines in juvenile offending mean that Michigan has capacity to add 17-year olds to its juvenile system.
- Sending young people, even those accused of serious offenses, to adult courts, jails, and prisons harms public safety.
- Adolescent development research backs this bill.
- Charging young people as though they are adults punishes them with dozens of collateral consequences.

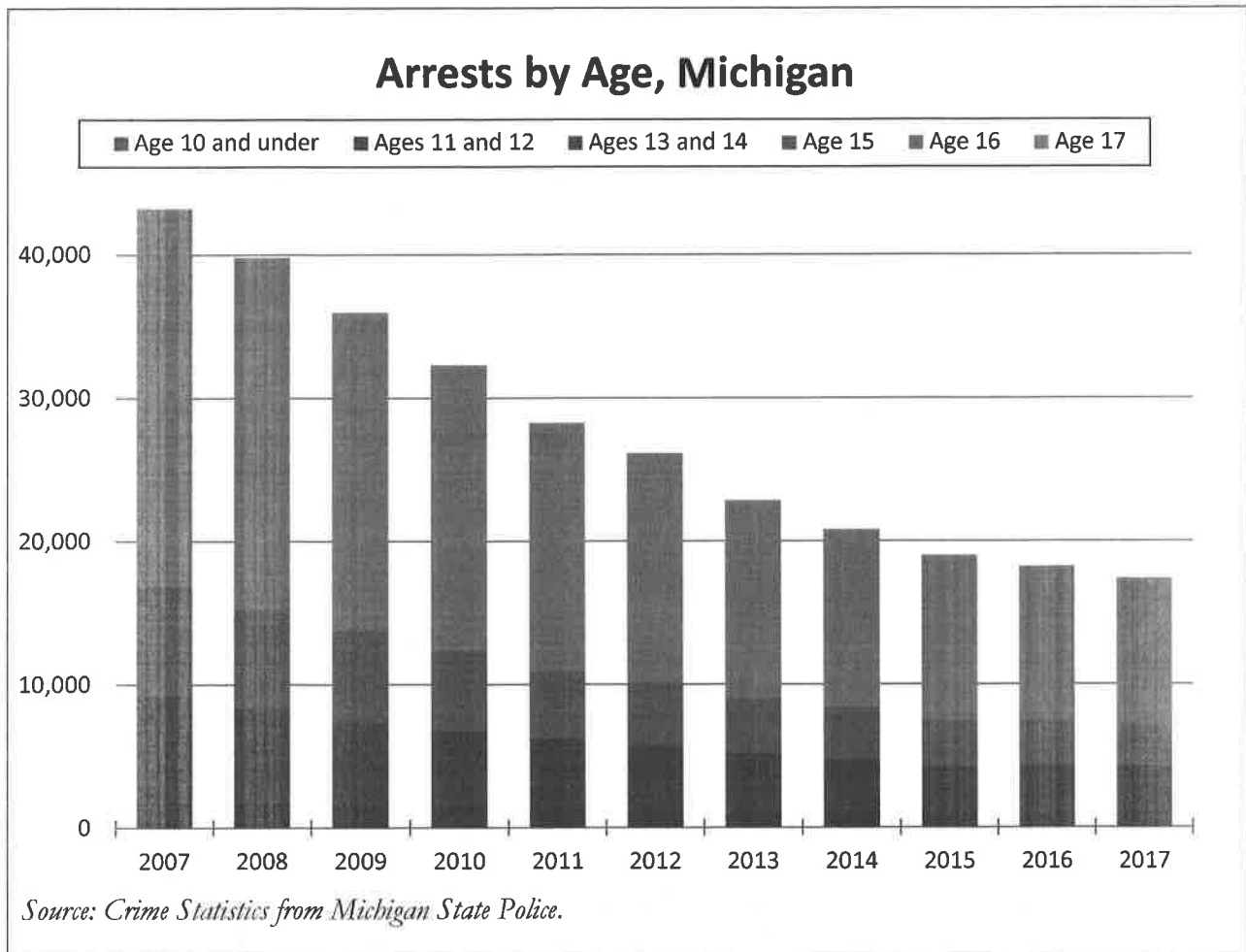
Long-term declines in juvenile offending mean that Michigan has capacity to add 17-year olds to its juvenile system.

Statewide crime trends suggest that this is an opportune moment for Michigan to raise the age of juvenile court jurisdiction to 18. Last year, The Sentencing Project submitted testimony showing that there had been a significant reduction in arrests of Michigan's adolescents over the prior ten years (covering 2007 to 2016). As shown in the chart below, utilizing eleven years, these trends have continued unabated.

At the same time, juvenile courts across the state have implemented evidence-based reforms designed to keep caseloads low. Numerous courts now use risk assessment tools to determine the most appropriate treatment for youth. This, coupled with the expansion of diversion and community-based programs, has contributed to lower reoffending rates and declining caseloads. As

¹ Sickmund, M. (2014). "Which State Will Be the Last to 'Raise the Age?'" Juvenile Justice Information Exchange. <https://jjie.org/2014/05/29/which-state-will-be-the-last-to-raise-the-age/>

a result, there are now fewer young people on probation, in detention, and in long-term residential placement, yielding significant cost-savings at both the county and state level.



Sending young people accused of serious offenses to adult courts harms public safety.

Youth adjudicated in the adult system are more likely to commit future offenses, and particularly more likely to commit the most violent offenses, when compared with peers adjudicated in the juvenile system for equivalent offenses. Howell, et al., note that “research consistently shows lower recidivism rates in the juvenile justice system than in the criminal justice system.”²

The CDC’s Task Force on Community Preventive Services has reviewed decades’ worth of literature, concluding that sending a youth to the adult system generally increases rates of violence

² Howell, J. C., Feld, B. C., Mears, D. P., Petechuk, D., Farrington, D. P. and Loeber, R. (2013) Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know. Washington, D.C.: U.S. National Institute of Justice (NCJ 242935), p. 10-11.

among youth.³ Automatic transfers contradict findings from the National Research Council, which supports “a policy of retaining youth in the juvenile justice system” both to keep punishments proportional with the age of justice-involved youth and to prevent additional offending.⁴

The reason is clear: the juvenile justice system is designed to be youth-serving. Adult courts are tasked with determining guilt or innocence and then assigning a punishment to fit the crime. Juvenile courts have the added responsibility of understanding the young person accused. All courts are concerned with recidivism; juvenile courts are built to prevent it. For those convicted, programs and professional staff in the adult system are not designed or trained for young people.

Adolescent development research backs this bill. Common sense and one’s own life experiences demonstrate that adolescents are different from adults and, thus, ought to be treated differently under the law. Thus, 17-year olds in Michigan cannot vote, legally sign a contract, or purchase tobacco, fireworks or lottery tickets, and are still considered children for whom the state’s child welfare system must protect from abuse and neglect.

Adolescence is marked by immature decision-making, poor judgment, and impulsive behavior. In *Roper v. Simmons*, Justice Anthony Kennedy emphasized that, “as any parent knows,” the differences between adolescents and adults limit adolescents’ culpability.⁵ The extent to which adolescents are responsible for their behavior undergirds the U.S. Supreme Court’s rulings on juvenile justice. Due to these characteristics, this state’s laws – like all states’ laws – generally treat adolescents differently than adults. The law asserts these limitations to protect youth from their own immaturity and society as a whole for the consequences of that immaturity.

Brain science research has reinforced our understanding of the pitfalls of adolescence. Generally, teenagers are impulsive. As such, there is little deterrent value to transferring more young people. Teenagers make poor decisions, especially in times of stress or when in the presence of other adolescents. Juveniles have weak impulse control and struggle at weighing risks. These marks of youth are not unique to those who commit crimes, but instead derive from the way the brain develops post-puberty.

Many of the attributes listed above are controlled, in adults, by the brain’s pre-frontal cortex, and the development of this region typically continues through age 25. As such, it is not surprising that criminologists have found an age-crime curve that drops precipitously following late adolescence.⁶

³ McGowan A, Hahn R, Liberman A, et al. Effects on violence of laws and policies facilitating the transfer of juveniles from the juvenile justice system to the adult justice system: a systematic review. *Am J Prev Med* 2007;32(4S):S7–S28 at S17.

⁴ National Research Council. 2013. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685>. p. 134.

⁵ 543 U.S. 551 (2005) at 569.

⁶ From *Juvenile Delinquency to Young Adult Offending*. (2014, March 4). Available: <http://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx>

Charging youth as though they are adults has collateral consequences.

Youth convicted in the adult criminal justice system leave with an array of collateral consequences that can impact future life outcomes. The impact of an adult record is a significant obstacle to a youth's successful reentry in to the community, limiting access to the employment and student loans that provide the path to self-sufficiency outside of the world of crime.

Michigan's high schoolers, even those guilty of trespassing or other low-level offenses, are burdened by adult arrest records and convictions, likely harming their education and employment prospects. There are 785 separate collateral consequences in Michigan, 445 of them mandatory for people convicted of a crime. Thirty-six of these apply to misdemeanants. Moreover, because most other states do not charge 17-year olds this way, Michigan's youth are at a competitive disadvantage.

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The Sentencing Project is pleased to endorse the Raise the Age bill package and is eager to see it advance in this Committee.

