

3/14/19



REMEMBER THOSE IN PRISON

Michigan Legislature
100 N Capitol Avenue
Lansing, MI 48933

March 13, 2019

Chairman Lucido and Honorable Members of the Senate Judiciary and Public Safety Committee,

With more than 40 years of experience helping restore men and women behind bars, Prison Fellowship advocates for federal and state criminal justice reforms that help transform those responsible for crime, validate victims, and encourage churches and communities to play a role in creating a safe, redemptive, and just society.

As a moral voice for justice, Prison Fellowship supports the effort to raise the age of juvenile court jurisdiction to 18 years. Passing this important legislation would realign public policy in Michigan to reflect the values that the sweeping majority of states understand: trying youth under the age of majority as adults does not reflect their unique capacity to change, brings with it serious and permanent collateral consequences of conviction that contribute to the further breakdown of families and communities, and ultimately fails to keep communities safe and strong.

As a society, we generally acknowledge that there is a threshold to adulthood. And, for most purposes, the age of majority is settled at 18 years. Eighteen is the age at which people are afforded the right to vote, to contract, to enlist to serve our Nation in the armed services, and other signals of independent decision making. And, in all but four states of the union, the age of adult criminal culpability is at least eighteen years old.

However, under current law in Michigan, 17-year-olds who commit a criminal act are automatically charged and tried as adults. Upon conviction, regardless of the sentence they ultimately receive, these young people carry an adult criminal record. According to a nationally compiled database, there are approximately 44,000 legal barriers to reintegration associated with an adult criminal record, among which are more than 700 that are unique to Michigan.¹ These barriers limit opportunities to obtain secure housing, earn an education, and obtain meaningful employment. As a result of current policies, 17-year-olds in Michigan are held back by barriers not faced by people of the same age in 46 other states, even for the very same act committed on the same day. By raising the age of juvenile court jurisdiction, Michigan can place its young people on an equal playing field as those in other states and promote healthy reintegration of young people who commit crime.

In addition to carrying an adult conviction, current law results in higher than average numbers of young people incarcerated in adult facilities. Data and experience confirm what society has generally understood for some time: subjecting young people to terms of incarceration in adult facilities presents great risk of harm. Individuals under the age of 18 are still learning and developing, and when they are sent into adult facilities, their teachers and models become the adults in prison. Worse, they are five

¹ Justice Center, *National Inventory of Collateral Consequences of Conviction*, Council of State Government's Justice Center (2019), <https://niccc.csgjusticecenter.org>

times more likely to be sexually assaulted than youth in age-appropriate secure care.² This approach to justice degrades dignity and harms young people. Upon release, young people who have been incarcerated with adults are 34% more likely to be rearrested for a violent crime than their peers in juvenile secure care.³ Alternatively, when they are tried in the juvenile justice system, they receive age-appropriate accountability like mentorships, creative restitution practices, and diversionary programming.

It is safe to assume that the cost of implementing "Raise the Age" will not be as high as some of the estimates your committee has seen. A report completed last year by Michigan's Legislative Council estimated that the cumulative cost to the counties could be between \$16.9 million and \$34.1 million.⁴ The cost to the state was estimated at between \$9.6 million and \$26.8 million.⁵ However, it's also reasonable to expect that raising the age will yield greater fiscal efficiency in the long term. For example, Connecticut's implementation of similar legislation in 2007 corresponded with a reduction in juvenile justice system expenditures due to re-investment in community-based accountability methods.⁶ This was despite a projected \$100 million spending increase prior to passage.⁷ In Illinois, the forecasted 35 percent increase in the number of youth in the juvenile justice system never materialized after the state acted to raise the age.⁸ Projections calling for new courtrooms, additional State's Attorney jobs, and an enlarged budget went unsubstantiated. These two examples light a path forward for the state of Michigan, which now has a similar opportunity to find efficient, cost-effective ways to implement a more effective system.

Lawmakers in this state have broadly agreed that raising the age is the morally right thing to do. Michigan has also had the opportunity to observe other states effectively raise the age without sacrificing public safety or fiscal responsibility.

We ask that you support all "Raise the Age" legislation before your committee and join the forty-six other states who have made this important investment in juvenile justice.

Respectfully,

Ross Hougham
Legislative Strategist
Prison Fellowship

² Edward Mulvey & Carol Schubert, *Transfer of Juveniles to Adult Court: Effects of a Broad Policy in One Court*, Office of Juvenile Justice and Delinquency Prevention (December 2012), <https://www.ojjdp.gov/pubs/232932.pdf>.

³ Greg Ridgeway & Robert Listenbee, *Justice Research: Young Offenders- What Happens and What Should Happen*, National Institute of Justice (February 2014), <https://www.ncjrs.gov/pdffiles1/nij/242653.pdf>.

⁴ Hornby Zeller Associates, Inc., *The Cost of Raising the Age of Juvenile Justice in Michigan*, State of Michigan's Legislative Council (March 2018), <http://council.legislature.mi.gov/Content/Files/cjpc/MIRaisetheAgeFinalReport03.14.2018.pdf>.

⁵ *Id.*

⁶ JPI, *Executive Summary- Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*, Justice Policy Institute (March 2017), <http://www.justicepolicy.org/research/11239>.

⁷ Fiscal Note for Public Act 07-4, S.B. 1500, 2007 June Spec. Sess. §73-88 (CT 2007).

⁸ JPI, *supra* note 6.