



MICHIGAN JUVENILE JUSTICE COLLABORATIVE

A project of the Michigan Council on Crime and Delinquency
Telephone: (517) 482-4161 • Fax (517) 482-0020 • Website: www.miccd.org

Trying Kids as Adults

An estimated 200,000 youth are tried, sentenced, or incarcerated as adults every year across the United States.¹ **Michigan ranks as one of the worst states in the nation for its treatment of children as adults. Harsh policies transfer more children to the adult system and mandate inflexible sentencing, including life without the possibility of parole.**²

Youth in Michigan's adult system are more likely to reoffend than youth in juvenile justice placements, even though kids in the juvenile system had more serious mental health and family problems and their offenses were as serious as those youth committed to adult prisons. In fact, most youth prosecuted in adult court are charged with non-violent offenses. Without exception, counties that sentenced youth to the adult system disproportionately sentenced more youth of color, approximately 54% in 2003.

Changes in Michigan

In response to a rising crime rate in the late 1980s and early 1990s, there was a belief that juveniles were becoming "hardened" offenders for whom the justice system was believed unable to respond effectively. In 1988 and 1996 the Michigan legislature passed laws to permit, and in some cases to require, the processing of juveniles as adults for a variety of offenses.

- In 1996, prosecutors were given discretion to charge and try juveniles for 12 crimes that required an adult sentence if the youth was convicted of the crime in the adults system and 6 additional crimes for which an adult sentence was possible but not required.
- The minimum age for both prosecutorial and judicial discretion was lowered to 14 years.
- Greater weight was to be given to the offense/ prior criminal history in decision making.
- A "judicial designation" provision was enacted to allow a youth of any age to be tried as an "adult" in the Family Division of Circuit Court and when convicted s/he could receive an adult, juvenile, or blended sentence.

17-year olds as Adults

Michigan is one of only eleven states that ends juvenile court jurisdiction at age 16. In 2005, there were 15,228 17-year olds arrested throughout Michigan that were not eligible for the range of rehabilitative services in the juvenile justice system.

In 2005, the U.S. Supreme Court ruled in *Roper v. Simmons*, abolishing the death penalty for crimes committed by adolescents under age 18. This historic decision set a precedent that distinguished different standards of culpability between adolescents and adults.

¹ Campaign for Youth Justice. Website: www.campaign4youthjustice.org. Accessed: September 16, 2009.

² "Time Out to Hard Time: Young Children in the Adult Criminal Justice System." Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin

Commitments to Adult Prisons

Between 1985 and 2004, a total of 2,240 youth below the age of 17 at the time of the offense were convicted and sentenced to adult prisons in Michigan. A total of 767 (45.7%) youth were sentenced to the Michigan Department of Corrections as adults for nine specified offenses while 55.3% were sentenced there for offenses that did not require adult system processing. Juveniles were also sentenced to probation in the adult criminal justice system, and 27% of the probationers ended up in adult prisons when they violated probation.

Characteristics of Youth in the Juvenile Facilities vs. Adult Prisons

Interviews were conducted with a sample of youth who were being readied for release back to the community from both juvenile facilities and adult prisons. The results from those interviews indicated that very serious offenders were treated in the juvenile justice system as compared with those who were sentenced to the adult system. Many had parents or siblings in prison, had experienced considerable violence, were placed out of the home numerous times, had grown up in poverty, and lived in single parent households.³

Characteristic	Youth in Juvenile Facilities	Youth in Adult Prisons
Age at 1 st arrest	13.2 years	13.4 years
Age at interview	18.1 years	24.3 years
Youth of color	61.2%	53.2%
Age at first placement	15.8 years	16.0 years
Sex	78.7%	96.0%
Grew up in single mother family	68.1%	78.0%
Moved often as a child	36.2%	45.8%
Public assistance as a child	76.1%	46.9%
Spent time in child welfare foster care	44.4%	36.1%
Median No. of prior placements	5	11
Have own children	8.9%	36.0%
Parental substance abuse	71%	81%
Family member killed	38.3%	48.0%
Father incarcerated	78%	45.8%
Mother incarcerated	42%	25.5%
Siblings incarcerated	41.6%	19.1%
Friends killed	63.8%	78.0%

³The youth in prison were much older at the time of the interview because they had violated parole or had been sentenced for a new offense.