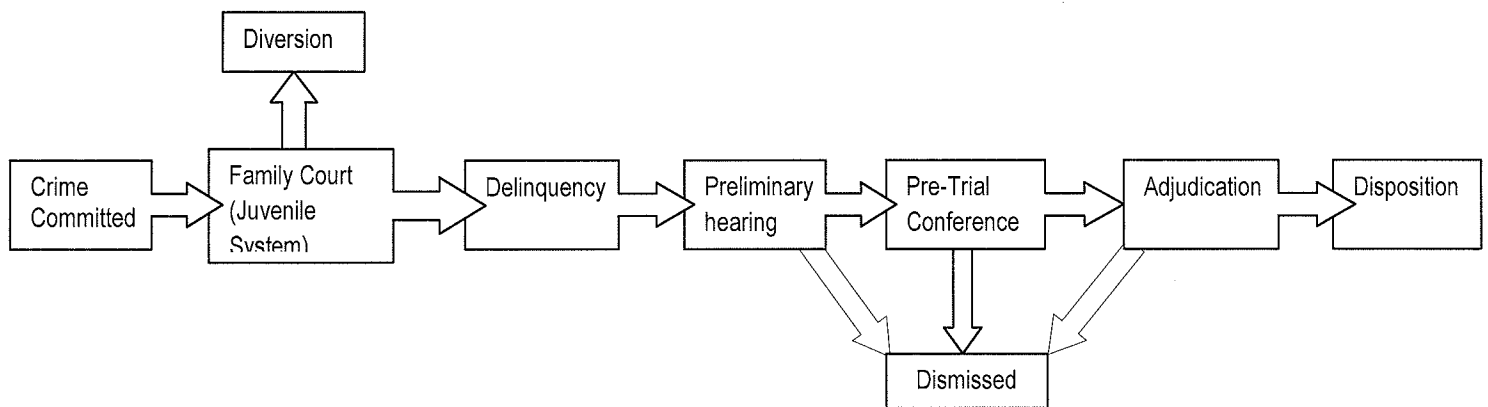


# Juvenile Justice in Michigan

By John Evans

Michigan truly exhibits a decentralized juvenile justice system. Courts retain jurisdiction over all cases, and decisions are often made at the county level, with relevant information flowing to the state. Some counties maintain a “juvenile division” to provide services ranging from probation to residential care. Other counties don’t. For youth referred to the state, placement and services for juvenile offenders are handled by the Bureau of Juvenile Justice (BJJ).

## The Flow of Juveniles in Michigan’s JJ System



Juvenile delinquency proceedings involve those juveniles under 17 who’ve either been charged with violating a status offense, or a criminal law/ordinance. Categories of status offense include truancy, incorrigibility, curfew violations, and running away from home. Juveniles who have committed status offenses are not detained in secure facilities or facilities designed for adults. However, if a juvenile is charged with a felony they can be treated and sentenced as an adult and the Family Court’s exclusive jurisdiction can be waived. Currently, over 450 youth under the age of 18 are sitting in Michigan Prisons.

Delinquency proceedings are handled by the Family Division of the Circuit Court. Complaints of a crime committed by someone under 18 can be filed by any individual, school, police or social agency. When a complaint is filed, the court may deny authorization of the petition, place the matter on the consent calendar, or place the matter on the formal calendar. From there, the juvenile can accept guilt or hire an attorney to plead their case.

The trial takes a similar format to that in adult court (jury, judge, defense, and prosecution). If the juvenile is found innocent the case is dismissed and they are free to go. If they are found guilty or accept guilt, the juvenile is adjudicated and given a disposition. The court may order a juvenile disposition such as probation placement at the county level or it can commit the juvenile to state custody, which is referred to as a P.A. 150 commitment.

## **Possible Court Dispositions**

- Dismiss the petition.
- In-home probation with parents, relatives or guardians.
- Private or public institution or agency for treatment and rehabilitation.
- Programs, like counseling, education, drug or alcohol treatment.
- Pay full restitution to the victims of the delinquency behavior.

## **Who's in the System Now?**

The State Court Administration Office (SCAO)'s 2009 Court Caseload Reports show that approximately 11,386 youth are under court supervision, with another 7,982 pending and an average of 2,493 juveniles are being supervised in Wayne County. Also, roughly 981 juveniles are supervised by The Department of Human Services (DHS) with 95 youths confined to state facilities, according to The Juvenile Justice On-Line Technology initiative (JJOLT).

## **Who Manages Them?**

Youth who have been adjudicated delinquent by their county judicial system are either served at the county level or entrusted to the care of the BJJ for treatment and/or placement.

All juvenile justice sub-systems in Michigan follow a similar process but differences occur at the disposition stage. In Wayne County for example, dispositions are handled by Care Management Organization (CMO), a case-management system and subcontracting agency that arranges for other organizations to provide supervision and services to each juvenile in Wayne County. Services and treatment provided to youth are based on assessments carried out by the Juvenile Assessment Center (JAC). In other counties, pre-sentencing dispositions are carried out by probation officers who assess youth and offer disposition recommendations to the court. Under certain conditions youth are referred to state facilities. By the time the court sends juveniles to BJJ the intention is to place them in services outside the home.

The Michigan BJJ operates within the DHS Children's Services Administration (CSA). Services in this department are focused on treatment rather than punishment. Many of the services available to neglected or abused children and families are also available to juvenile justice youth and their families. When the court orders juveniles to DHS/BJJ they are considered temporary state wards under P.A. 150. Youth can also remain court wards and be referred to DHS for care and supervision. At this point, DHS will assign the juvenile to a case worker, referred to as a Juvenile Justice Specialist (JJS), and provide services in a private facility, community placement, or a BJJ residential facility.

## Justice for Juveniles

Public safety is at the forefront of all decision making. The philosophy of the Juvenile system to rehabilitate and treat delinquent youth, rather than punish them, is embodied in Michigan's "Juvenile Code". The code states:

712A.1

(2) Except as otherwise provided, proceedings under this chapter are not criminal proceedings.

(3) This chapter shall be liberally construed so that each juvenile coming within the court's jurisdiction receives the care, guidance, and control, preferably in his or her own home, conducive to the juvenile's welfare and the best interest of the state. If a juvenile is removed from the control of his or her parents, the juvenile shall be placed in care as nearly as possible equivalent to the care that should have been given to the juvenile by his or her parents.

BJJ Administration Responsibilities include:

- Federal grants to local communities.
- Assignment of JJ youth to residential treatment.
- Field and residential policy.
- Interstate Compact for the Placement of Children.
- Regional detention support services.
- Michigan Youth Re-entry.
- Special Emphasis Programming.
- Collaboration with JJ stakeholders.

In the year 2000, the Bureau of Juvenile Justice had:

- 1,081 persons on staff
- 10 facilities
- 5 Community Justice Centers
- More than 1,200 youth in direct care
- \$159 million in gross appropriation –not including Child Care Funds

A number of factors (e.g., budget-saving efforts, private-first movement, reform, security, type of programming) however, have contributed to a decline in the Bureau's resources over the years. There are currently (as of 2011):

- 218 persons on staff

- 3 facilities
- No Community Justice Centers
- Less than 150 youth in direct care
- \$39 million in gross appropriation – excluding Child Care Funds

Despite the changes which occurred in the Bureau's resources, legal mandates on how the systems should operate and what it is expected to provide remains unchanged.

#### **PA150**

- Provide youth's food, clothing, housing, educational, medical and treatment needs.
- Counseling services at home.
- Facilities and programs for the care of public wards.

#### **MCL Sec. 400.55**

- Investigate matters pertaining to dependent, neglected and delinquent children and wayward minors
- Supervision and foster care as provided by court order.
- Promote programs and policies with eye on prevention.

Operating a high quality, secure residential treatment facility, and providing quality programming, is challenged by the lack of or limited resources. Other challenges include becoming a recognized resource for juvenile justice and providing services through partnership with private and local partners.

The Department of Human Services works continuously to improve the quality of service to youth and families entrusted to its care. As such, the youth referred for juvenile justice supervision, along with their families, are afforded a continuum of care, from entry into the system through, and including, their return to their community. Throughout their programming, community safety and security are of utmost importance while administering the best care available.

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