

# Overview of Juvenile Justice in Michigan

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# Michigan's Juvenile Justice System is "Decentralized"

- Michigan Family Court, Juvenile Division or federally recognized Native American tribal courts handle juvenile offender cases.
- In all cases, courts retain jurisdiction.
- All counties, to varying degrees, maintain a "juvenile division" to provide services (from probation to residential care)



# Michigan's Juvenile Justice System is "Decentralized"

- The Bureau of Juvenile Justice (BJJ) is responsible for providing appropriate placements and services for juvenile offenders referred to the state for supervision.



# Supervision of Juvenile Justice Youth in Michigan

- Court Supervision (SCAO 2009 Court Caseload Report)
  - Juveniles under Supervision: 11,386
  - Juveniles Pending: 7,982
- Wayne: 2,493 (SCAO 2009 Court Caseload Report)
- DHS: 981 (JJOLT)
  - 95 in state facilities 2/10/2011



# Overview of Michigan's Juvenile Justice System

- Juvenile delinquency proceedings involve juveniles under age 17 charged with a violation of a criminal law or ordinance, or with a status offense.



# Overview of Michigan's Juvenile Justice System

- Delinquency proceedings occur within the Family Division of the Circuit Court.
- Court may order a juvenile disposition (similar to sentencing in adult court), such as placing the juvenile on probation or committing the juvenile to the custody of the state (P.A. 150 commitment).
- Complaints may be made by individuals, schools, police agencies, and social agencies.



# What Happens When a Complaint Is Filed?

The Court may:

- Deny authorization of the petition.
- Place the matter on the consent calendar.
- Place the matter on the formal calendar.



## What are Status Offenses?

Special category of illegal behaviors that apply only to juveniles and would **not** be considered illegal if done by an adult:

- School truancy
- Running away from home
- Curfew violations
- Incurrigible





## Treating Juveniles as Adults

- If charged with felony, Family Court's exclusive jurisdiction can be waived, and juvenile can be treated or sentenced as an adult.
- There are over 450 youth, ages 18 and under, in Michigan prisons.



## 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.



## Wayne County

- Court referral to Wayne County Child and Family Services.
- Contracted Care Management Organization (CMO) System.
- Juvenile Assessment Center evaluates treatment needs.
- CMOs determine treatment.
- State Facilities Under Certain Conditions.



## Court Orders to DHS / BJJ

- Temporary state ward under PA 150
- Court ward under DHS care and supervision
  - Juvenile justice specialist (JJS).
  - Private facility.
  - Community placement.
- BJJ Residential Facility.



# Juvenile System Philosophy

- Rehabilitation and treatment for the delinquent youth, not punishment.
- Public safety at the forefront of all decision making.



# Probate Code of 1939 Act 288 of 1939 (Michigan Juvenile Code)

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.



# Michigan Bureau of Juvenile Justice

- Within the DHS Children's Services Administration.
- Services focused on treatment vs. punishment.
- Many services available to neglected or abused children and families are also available to JJ youth and families.
- Public safety is a priority.



# BJJ Then and Now

## 2000

- 1,081 staff
- 10 facilities
- 5 Community Justice Centers
- >1,200 youth in direct care
- \$159M gross appropriation (excl. CCF)

## 2011

- 218 staff
- 3 facilities
- No Community Justice Centers
- <150 youth in direct care
- \$39M gross appropriation (excl. CCF)





## Why the Reduction?

- Budget-saving efforts and private-first movement.
- Wayne County system reform.
- Removal of CCF “cap” drove county decisions to keep supervision of youth.
- State’s role is high security.
- Community programming vs. residential.



# Legal Mandate 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.



## Additional Guiding Issues

- 1999 Michigan Office of the Auditor General Performance Audit of Juvenile Justice.
- 2003 Prison Rape Elimination Act and Standards.
- 2005 U.S. Department of Justice Memorandum of Understanding concerning Maxey Training School.



## BJJ Administration Responsibilities

- 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.



## Challenge

- Operate the highest quality secure residential treatment possible.
- Services through partnerships with private and local partners.
- Provide resources for quality community-based programming.
- Become recognized resource for juvenile justice.



# Q&A

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