

## **Facts about Youth Behind Bars**

In the mid-1990s, Michigan became part of a national trend to “get tough on youth crime.” Although crime rates were steadily declining, the state passed a series of harsh laws that funneled thousands of youth under 18 into the adult criminal justice system.

### **Michigan is one of only 10 states that automatically prosecute 17-year-olds as adults.**

- In the last ten years, 20,291 youth were convicted as adults and placed on adult probation, sent to jail, or imprisoned for a crime they committed before turning 18. Of this population, 95% were 17 at the time of the offense.
- Nearly 60% of 17-year-olds were charged with non-violent offenses that did not include a weapon.
- 58% of those entering the system at age 17 had no prior juvenile record.

### **Michigan can prosecute, convict and sentence a youth of any age as an adult.**

- 75 children under the age of 14 have been convicted as adults since 1996.
- For certain offenses, 14, 15 and 16-year-old children can be automatically prosecuted as an adult without any judicial oversight.
- Most youth never go to trial. Among 17-year olds, 86% accepted a plea agreement; among youth 16 and younger, 73% accepted a plea agreement.
- Once convicted, youth must serve 100% of their minimum sentence. There are 363 people serving a life sentence without parole for a crime committed before turning 18 – second highest in the nation.

### **Youth of color are disproportionately convicted as adults in Michigan.**

- 53% of youth entering MDOC jurisdiction at age 17 were youth of color, even though youth of color only make up 23% of the population statewide.
- 59% of youth 16 or under were Black or African American, even though Black youth only make up 18% of the population statewide.

### **Girls in the adult system do not receive adequate treatment.**

- In the last ten years, over 2,000 girls have been convicted as adults. 86% of them were 17 years old at the time of the offense.
- 58% of girls were charged with non-violent offenses and 70% had no prior juvenile record.
- Prior to incarceration, 45% of girls had known drug abuse; 26% had known alcohol abuse; 31% had received mental health treatment.
- 13% of girls had at least one dependent.

### **Youth under age 18 often spend time in jail.**

- In the last ten years, 10,531 youth – over half of the entire youth population - received jail as part of their sentence.
- On average, a youth served 145 days in jail as part of a sentence and an average of 35 days awaiting a hearing.

### **Adult probation and prisons are ill-equipped to address the unique needs of youth.**

- Youth in adult prison are more disruptive than either adults in prison or youth in juvenile facilities, which often leads to misconducts and segregation.
- Young people are at the greatest risk of violence and victimization in prison.
- 22% of 17-year olds and 30% of youth 16 and younger had received mental health treatment prior to entering prison.
- 60% of youth had known drug abuse and 25% had known alcohol abuse prior to entering prison.

### **Youth in prison are among the most vulnerable and marginalized population.**

- Prior to entering prison, 78% had a friend who was killed; 48% had a family member who was killed.
- 81% had a parent with substance abuse issues.
- 44% spent time in foster care and were placed out of home an average of 11 times.
- 45% had a father in prison; 25% had a mother in prison; 19% had a sibling in prison.

### **Most 17-year-olds in adult corrections are behind in school.**

- 82% of youth entering prison had no high school diploma or GED.
- Among 17-year-olds in prison, 32% entered with only a 10th grade education, 20% had a 9th grade education, and 10% had an 8th grade education or lower.
- Youth only receive about 8 hours a week of education in Michigan prison.

### **Michigan is spending millions of dollars to incarcerate youth.**

- By the end of 2013, there were 5,617 people under MDOC jurisdiction that entered as 17-year-olds (probation, prison, or parole). Of that population, 55% were in prison.
- Nearly 25% of those currently in the system received sentences with a maximum term of 15 years or more, and 16% have sentences with a maximum term of 20 years or more. At a minimum, 17-year-olds serving a 20-year sentence cost the state \$2.1 billion.
- An adult conviction creates lifelong barriers to housing, employment and education. A young person convicted as an adult can expect a lifetime earning loss of 40%, translating into loss of state tax revenue.

*Source:* MCCD, Youth Behind Bars: Examining the Impact of Prosecuting and Incarcerating Kids in Michigan's Criminal Justice System, May 2014.

# Recommendations to remove Youth from Behind Bars

Contrary to sentiments of the mid-1990s, public opinion in Michigan and across the country has shifted toward becoming “smart on crime.” In an effort to protect public safety, improve child outcomes and save money, leaders nationwide are re-evaluating previous policy decisions and making significant changes to youth transfer laws. It is time for Michigan to join them!

Keeping in line with contemporary research and opinion, *Youth Behind Bars* offers a series of “smart” recommendations to safely reduce the number of young people exposed to the adult criminal justice system:

1. Raise the age of juvenile court jurisdiction to 18. This alone would impact 95 percent of the youth currently being sent into adult corrections.
2. Remove youth from adult jails and prisons.
3. Require judicial review of all transfer cases.
4. Require oversight and public reporting on youth in the adult system.
5. Develop policies to reduce the overrepresentation of youth of color in the adult system.
6. Provide effective legal representation to youth.
7. Offer developmentally-appropriate and rehabilitative alternatives to youth in the community.
8. Restrict the use of segregation.
9. End the option to sentence youth to life without the possibility of parole.
10. Effectively partner with families and victims at all stages of the criminal justice system.