



Testimony on House Bills 4624 - 4643
to
The Michigan House Criminal Justice Committee

By Nina Salomon
Deputy Division Director
Council of State Governments Justice Center

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The Council of State Governments (CSG) Justice Center is submitting this letter in support of House Bills 4624 – 4643, the “Justice for Kids and Communities” package. I’d like to provide you with some background on the process that has led us here, as well as offering specific testimony on the bill.

The CSG Justice Center has had the privilege of working with state and local officials in Michigan for nearly 2 years to analyze the state’s juvenile justice system. We have worked with other states and local jurisdictions that have undergone similar data-driven efforts, to reduce recidivism, improve outcomes for youth in the juvenile justice system, and strengthen public safety. It has been exciting to see the commitment of so many stakeholders here in Michigan work together to come up with data-driven policies that are designed to address the unique challenges in the state’s juvenile justice system.

This legislation represents nearly 2 years of intensive, collaborative work led by the Michigan Task Force on Juvenile Justice Reform, a bipartisan interbranch effort chaired by the Lt. Governor. Since July 2021, leaders from all three branches of government as well as local stakeholders across the juvenile justice system and across the state, including judges, prosecutors, the defense community, probation, service providers, and agency leaders, among others, have worked together to identify strategies to better align the state’s policies and practices with what the research says works to reduce recidivism and improve youth outcomes. Over the course of this process, case level juvenile justice data from multiple state and local agencies were analyzed and nearly 200 individuals and organizations directly participated by offering their expertise and perspectives on the challenges in Michigan as well as ideas for how to achieve better outcomes.

The findings from the assessment demonstrate that while Michigan has made several improvements to its juvenile justice system, significant challenges remain. The assessment found that Michigan lacks the policy framework and service infrastructure necessary to ensure that youth who are at a low risk of reoffending are diverted from the juvenile justice system statewide. The Child Care Fund, the primary funding vehicle for juvenile justice in the state, has numerous barriers that restrict these dollars from being used to support diversion efforts. As a result, nearly half of all petitions to juvenile court in Michigan are for status and non-person misdemeanor offenses.

Youth in Michigan are also often detained for non-public safety reasons, and detention is used as a sanction for probation violations and as a disposition. As a result, youth under the age of 12 and youth committing status and low-level misdemeanor offenses are ending up in secure detention. Costly and limited beds should be reserved for those kids that are a threat to community safety.

Michigan has minimal state laws, court rules, or funding incentives that guide the use of post-disposition residential placements. Youth are not appropriately matched to supervision and services based on their likelihood of reoffending and their individual needs. More than 60 percent of youth placed in privately operated facilities and three-quarters placed in state-operated facilities as state wards are assessed as being at a low or moderate risk to reoffend.

In response to these findings, the Task Force proposed and reached unanimous consensus on recommendations that the state can adopt to better align policies, practices, and resource allocation decisions with what the research says works to improve outcomes, while strengthening public safety and maintaining local discretion and flexibility. The “Justice for Kids and Communities” bill package addresses these findings in several ways.

First, the package enhances the Child Care Fund by establishing a minimum framework of juvenile justice best practices statewide, including requirements to consistently use validated risk screening and assessment tools across Michigan’s juvenile justice system continuum to enable more objective decision making. These best practices will be supported by an increase in the community-based services and supervision reimbursement rate for counties and tribes to incentivize and support the development, expansion, and strengthening of community-based services and formal alternatives to detention and incarceration, including diversion. These changes are essential to ensuring that counties have the resources to adopt, implement, and consistently utilize research-based approaches and that future policies enacted in Michigan reflect these approaches. These types of changes in other states have led to reduced use of incarceration and cost savings.

Second, the legislation expands the Juvenile Diversion Act, to allow for more local flexibility to local court systems to divert additional low-risk youth for system involvement and ensures that diversion does not mirror the intensity of probation supervision and services. Research consistently demonstrates that diverting low-risk youth is a more effective public safety strategy than court involvement.

The package also creates a statewide juvenile defense structure, including the development, oversight, and compliance with youth defense standards in local county defense systems and expand the State Appellate Defender Office to include appellate services for juveniles, which will include post-dispositional services. This will ensure youth, no matter where they live, have access to qualified and committed legal counsel.

And, the package will eliminate most non-restitution fees and costs associated with juvenile justice system involvement. Research shows that fines and fees can increase recidivism and reduce treatment outcomes. Further, these costs are often imposed on low-income families that are already experiencing financial stress in meeting basic needs and can burden families with more economic obstacles and prolonged court involvement. States across the country, and counties within Michigan, are shifting away

from imposing fines and fees and are implementing alternative methods of accountability.

The “Justice for Kids and Communities” package presents a critical opportunity for Michigan to adopt policies and practices that will strengthen public safety and improve outcomes for youth in the juvenile justice system. The bill also will help Michigan ensure that dollars are being used most effectively by better targeting resources to expand community-based service options in lieu of costly detention and incarceration, and match youth to the most appropriate levels and types of supervision. At the same time, the legislation still retains flexibility for local officials to meet the needs of their distinct communities and establish innovative approaches.

We commend stakeholders across Michigan who have worked together in a remarkable display of collaboration, compromise, and commitment to making real progress over the last 2 years.