



## Juvenile Justice Shouldn't Create Lifelong Obstacles

### Give more children access to the advantages of youth-oriented offense resolution

By Kahryn Riley

Minors are treated quite differently from adults when it comes to breaking the law in Michigan, in ways that many people don't know. Minors are detained separately, prosecuted differently and offered more opportunities to wipe their record clean. Legislation pending before the Michigan House of Representatives would change the definition of juveniles to include 17-year-olds. The idea is causing a lot of people to think about the strengths and shortcomings of the juvenile justice system. As they consider it, lawmakers should take the long view and take into account public safety and effective justice rather than focus on short-term financial costs.

The Michigan juvenile justice system defines a juvenile as a person 16 years of age or younger. It considers 17-year-olds to be adults and automatically channels them into the adult justice and prison systems if they are charged with a crime.

In the adult criminal justice system, defendants are charged with a crime, prosecuted in criminal trial courts in adversarial cases involving defense attorneys and prosecutors. They may be convicted as "guilty" and sentenced to pay fines or serve time in jail or prison. The juvenile justice system differs in nearly every respect. The cases involving children are more flexible and team-oriented, and children receive case "dispositions" rather than sentences. They are found "responsible," not "guilty," and their punishments are less severe. Records of childhood wrongdoing can be sealed or even wiped clean in ways that are not open to adults.

Juvenile criminal cases generally get resolved in one of four ways. The first is diversion, in which the youth is placed under government supervision rather than made party to legal proceedings. If his offense was relatively minor and he seems unlikely to reoffend, he may merely pay fines, enter counseling and face monitoring for 30 to 90 days rather than prosecution. The records of diverted juveniles are destroyed when they reach the age of 17.

In most other cases, juveniles are placed on either a consent calendar or a formal calendar. The consent calendar, the second way a juvenile case may be resolved, is a program of informal court monitoring. It is an option when the judge, prosecutor, defense counsel, and the juvenile and his parents agree that it is in his best interest to avoid a formal criminal proceeding. Juveniles

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### Summary

Michigan gives juvenile offenders more alternatives to prison than it gives adults. There's much merit in the idea of letting prosecutors send 17-year-olds to the juvenile system rather than the adult system.

Main text word count: 794



Michigan's juvenile justice system should expand to include 17-year-olds.

on the consent calendar complete a case plan, which may involve components such as treatment or victim restitution. If the juvenile successfully completes the plan, the court will dismiss the case and destroy the records.

The formal calendar, the third way of resolving a case, is closer to a traditional criminal prosecution. Juveniles on the formal calendar admit or deny charges against them, and they have the rights to a speedy trial, legal representation and a jury. If the judge finds the juvenile “responsible,” he will be subject to a disposition that may require probation, community service, or detention in a government facility.

Fourth, in very serious cases, prosecutors have the option to “waive” a juvenile into adult criminal court, where he will be tried and could be convicted and given a sentence.

A bipartisan coalition that includes the Mackinac Center has emerged to support the idea that, since juvenile courts are more effective at rehabilitating young people than adult courts are, 17-year-olds should have access to these institutions. Under proposals pending before the Legislature, they would be reclassified as juveniles under the jurisdiction of family courts. Prosecutors would, however, retain the right to waive serious offenders into adult courts.

Although it may cost more in the short term to add more people to the pool of minors eligible for the wider array of services and more focused attention of juvenile courts, doing so will pay off in the long run. Minors tried in the adult system tend to relapse into criminality sooner and more often than those treated in the juvenile system. Not only will staving off future offenses bolster public safety, it will also save us the costs of trying and incarcerating these individuals. It will also raise the odds that they will contribute productively in the workforce and local community rather than live in a cycle of wrongdoing, imprisonment and failed attempts at re-entry. The latter path consumes the public resources of law enforcement, courts and detention facilities.

But saving money isn’t the only or even most important reason to consider this change. There is no more fearsome power of government than its legitimate authority to define crimes, bring criminal charges against individuals and strip them of their wealth and freedom. Every liberty-lover should be concerned that we get this process right, and that the consequences for an offense — especially one committed by a young person — do not cripple that person for life. Justice applied inappropriately is injustice.

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