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JUVENILE JUSTICE BILLS STIR PREVENTION VS. PUNISHMENT DEBATE

Governor John Engler's Juvenile Justice reform package is stirring up an age-old debate over what to do with violent youths, with the factions falling mostly along typical partisan lines: Democrats stressing the need for prevention and Republicans calling for more punitive measures.

But this classic issue has the potential of dividing Democrats, with those in traditionally conservative districts eager to not appear soft on crime in taking on an issue about which people are increasingly concerned.

At the same time, a backlash has also grown against the continual buildup of the state's prisons, insulating even the staunchest conservatives from the kind of criticism that only a year ago would have branded them as soft on crime.

So, during Wednesday's House Judiciary and Civil Rights Committee, there was a Republican cautioning an administration official about overlooking rehabilitation solutions for violent youths. And there was a Democrat arguing that the package—centered around SB 689—isn't as tough as it professes to be.

Rep. Eric Bush (R-Battle Creek) gave glimpse to some Republicans' growing concern over the lack of "front end solutions." As a longtime police officer, Mr. Bush rode his first candidacy as a champion of both punishment and prevention.

And Rep. Candace Curtis (D-Swartz Creek) chastised Mr. Engler's aide on the juvenile justice reform package, Thomas Ginster, for falsely giving the impression that young offenders tried as adults would do adult time for certain capital crimes. In fact, those youth offenders would have a 25-year maximum sentence before being eligible for parole, rather than life terms.

"We need to quit lying to the public," Ms. Curtis said.

Ms. Curtis' argument accidentally dovetailed into her more liberal colleagues' calls for more preventive remedies. "Because, if we're just giving them 25 years, that means they still will have a full life to live when they get out," said Rep. Laura Baird (D-Okemos).

The package, which contains 25 bills, includes one that would create a youth correctional facility, or "punk prison," and another that would lower the age from 15 to 14 that a violent youth offender would automatically be tried as an adult. There are 13 capital offenses under which a youth can be automatically waived for an adult trial.

The proposal would also take away some discretion from probate judges over what crimes would trigger the automatic waiver.

Judges' discretion would also be limited over whether to send the violent offender through the Family Independence Agency system or through the Correctional system.



And, the package would provide for the construction of the "punk prison," where youths currently serving adult sentences in adult prisons would be sent. Youths at the W.J. Maxey Boys Training School, a detention center for violent youth offenders, would also be transferred to the new youth correctional facility.

Democrats say that realistically, their only hope for including prevention in the package may be to try to build in rehabilitation provisions into the youth prison.

Mr. Ginster described the package as a response to the "new and rapidly growing category of violent young offenders, many of whom have no respect for property or human life."

The current juvenile system needed reform, he added, because "it was designed for a more innocent era when juveniles committed minor offenses like shoplifting and stealing hubcaps."

While Michigan's overall adult crime rate has dropped by 17 percent over the last decade, the juvenile arrest rate for serious index crimes in the same period increased by 36 percent. The juvenile murder rate shot up by 160 percent in that time.

Violent youth offenders are being targeted for lengthier stays in prison under the proposal because, as Mr. Ginster said, they are "not amenable to rehabilitation. The governor doesn't think we should spend rehabilitation dollars on violent criminals. Those resources should go to less serious offenders who would benefit from rehabilitative efforts."

"We embrace the concept of responsibility," Mr. Ginster said. "The government's first contract is for the public safety—that's the crisis we're facing."

But, opponents argue that the state has an obligation to try and prevent youths from turning to paths of violence in the first place. Democrats remain unconvinced that Mr. Engler has placed a high enough priority on preventive approaches.

Over the last 10 years, resources have consistently been drained away from the Departments of Social Services and Education, while Corrections budgets have skyrocketed. The diversions have debilitated prevention efforts, Ms. Baird said.

"It's a very punitive package," said Ms. Baird. "It's very shortsighted. Someone has to look at the big picture, ask why we have a burgeoning prison system."

The proposal's plan to divert more violent youth offenders away from the Family Independence Agency is particularly galling to Ms. Baird. "All the evidence shows that the DSS has produced a lower recidivism record than the DOC."

While serving in probate court as a private attorney, Ms. Baird said she saw first hand of how the cycle of violence continues: "I'd see children in situations where they should have been taken away from their biological parents, but instead stayed with them until they became criminals."

But Mr. Ginster took exception to the Democrats' claim that a link exists between a person's disadvantaged background and the crime they commit. "There are many, many people from disadvantaged areas who still know the difference between right and wrong."

He added that capital offenders should not expect to be coddled anymore, "given community college credits." That offender's slot will be taken by a less serious offender, he said.

To Ms. Baird's comment that the soaring cost of imprisonment is forcing the Legislature to look for alternatives, and that "we can't continue to keep incarcerating," Mr. Ginster responded: "I'd suggest we can't afford not to incarcerate."



Mr. Ginster, said he had no "empirical evidence" on the causes of increased juvenile crime, though, he added, "everyone in this room probably has their own theories."

But Ms. Baird said, "If there's an influx of juvenile crime, we need to know the issues before we enact a law, or else it's a band-aid effort." Too many people are being guided by "impressions" on what the causes of crime are, she said. The premise that the administration appears to be going on is that there is an increase in juvenile crime "because we're soft on juvenile crime and they know they can get away with murder."

Rep. James Ryan (R-Redford Township) derided Democrats for their emphasis on prevention, saying that victims' families "don't want to know the kid's family history. They want justice." Getting at the root problem is important, he conceded, but the first responsibility of lawmakers is to sentence the violent offender for his crime and his background.

"Those people who want the government to help people who shoot and rape people, I don't think that's what we're here to do," he said.

Rep. John Freeman (D-Madison Heights) said Mr. Ryan was trying to twist Democrats' logic. "We're not trying to apologize for their behavior, we're just looking for ways to prevent the continual increase in violence."

And Mr. Bush, the Republican and former police officer, questioned the administration's proposal to cut adult education and worried aloud about the extent that drug rehabilitation programs are being scaled back. "I'd like to spend a few million more on a formula I know will work."

The Judiciary and Civil Rights Committee will continue to take testimony on the Juvenile Justice reform package next Wednesday.

CRANE PRISON LEADS LIST OF NITRATE CONTAMINATION VIOLATIONS

The Florence Crane Women's Facility in Coldwater led a list of some 74 public water sources contaminated with nitrates, having had at least one violation every year since 1987. But officials from the departments of Public Health and Corrections said the water sources in question had been replaced or are being carefully monitored to prevent exposure.

The list, compiled by the Washington, D.C.-based Environmental Work Group, was released this week by Michigan Mobilized to Protect the Environment and Clean Water Action in an effort to publicize the hazards of nitrate contamination. The groups said the chemical, added to water supplies from a combination of natural sources and agricultural chemicals, has been linked to "blue-baby syndrome" and some forms of cancer.

The 74 sites listed by the group had violated the U.S. Environmental Protection Agency's community water source limit of 10 parts per million of nitrate at least once since 1986. They serve populations ranging from 3,230 in Blissfield to 1,450 at the Crane Facility to fewer than 25.

The largest risk is to infants, whose systems can absorb the nitrate in place of oxygen, causing a blue tinge to the skin. "Each year, thousands of newborns drink water from systems that violate these standards—and the problem is getting worse," the groups said in a release.

But Public Health officials said only a few of those on the list were actually considered community water sources required to meet the 10 ppm standard, the others held to a higher 20 ppm standard.

James Cleland, chief of the Public Health Water Supply Division, said the four municipal systems—Blissfield, Dundee, Constantine and Cassopolis—had taken actions to either reduce nitrates by blending the primary water source with another of lower nitrate concentration or by providing warnings and bottled water during seasonal spikes.