

**Testimony  
to the Michigan State Senate Judiciary Committee  
by Arlin Ness, President of Starr Commonwealth  
on behalf of the Michigan Federation of Private Child & Family Agencies**

**at the 10/3/95 committee hearing on  
Senate Bills 281-284, 681-701**

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Senator VanRegenmorter, members of the Senate Judiciary Committee, my name is Arlin Ness. I am the President of Starr Commonwealth. I believe most of you know Starr Commonwealth, based in Albion near Battle Creek, as a nationally known organization serving children and families. We serve youth in a number of locations in Michigan and Ohio. More than 4,500 young people and their families were helped by Starr in 1994. In addition to our residential programs, we provide community-based, home-based and clinical support programs.

I am here today as a member of and representing the Michigan Federation of Private Child & Family Agencies. The Federation consists of 64 private nonprofit agencies that provide care and treatment and supervision to tens of thousands of Michigan's youth and families each year. Private nonprofit agencies like Starr provide residential treatment to more than 60 percent of the approximately 2,400 delinquent Michigan youth held in assessment, detention and treatment facilities each day. Federation member agencies have experience, therefore, in working with the youth that would be affected by some of the proposals before this committee.

The Federation has previously provided this committee with written testimony outlining its positions on a number of these proposals. We are also members of the Coalition for Juvenile Justice Reform which has also presented positions and recommendations to you. I will not go over those positions one by one with you today. Instead, I will merely focus on a few questions I think we

should all ask ourselves as we consider what best to do for both the public safety and the youth who has become a threat to himself/herself or others in the community.

The first question to ask is: *Are we truly experiencing a major explosion in youth violence?* The data that I receive would indicate that there has been an increase in violent acts on the part of young people over the past few years, but not in any greater proportion than what has occurred in the population in general. We should ask ourselves, therefore, is it sound public policy and necessary to single out young people and shift them from the youth detention and rehabilitation systems into the adult corrections system?

Secondly, *is there any evidence to show that somehow these youth, if sent to the adult prison system, will have a better chance of rehabilitation and be less of a threat to society than if they remain in the juvenile rehabilitation system?* I think the answer clearly is that these youth stand a better chance of turning their lives around, and therefore, are less of a threat to society in the long run if they remain in the youth rehabilitation system. Data within Michigan reveals that the recidivism rate for juveniles committed to the Department of Social Services is significantly lower than the recidivism rate for individuals committed to the Department of Corrections—25 percent versus 38 percent.

A third question might be: *What has our experience been with youth who have been waived to adult court because they committed serious crimes, but referred by the adult court to the juvenile rehabilitation system as current law permits?* Has there been a higher incidence of recidivism for these individuals, than for the other youth in the juvenile system? I am unaware of any clear comparative analysis, but I suspect the data would indicate that there is less recidivism among youth released from the youth system than from the adult system.

Another question that should be asked is: *Among the youth who have been committed to the Department of Corrections, what has been the average minimum*

*sentence length, excluding those who have been convicted of mandatory life sentences?* The data indicates that there were approximately 170 youth age 15 or 16 at the time of arrest committed to the Department of Corrections last year. Of those 170, excluding the mandatory life sentences, Department of Corrections data reveals the mean sentence was 6.9 years. Among the bills before you is a bill to lower the waiver age from 15 to 14 for youth convicted of certain crimes. If you commit a 14-year-old to the youth system today, you have jurisdiction over that youth for at least seven years—through age 19. Aren't we, therefore, protecting society just as much in the juvenile system as we would be if we moved that youth to the adult system? If you feel you need to do more to protect society from the youth who may not have responded to rehabilitation efforts, I encourage you to consider the suggestion made by the Probate Court Judges to allow the Probate Court to commit the youth to the Department of Corrections under an adult sentence if not amenable to rehabilitation. Minnesota has some experience with this approach.

I think we realistically must ask ourselves whether the proposals before you will truly benefit the youth and society better than the current system, or perhaps, by dedicating more resources to the current system it does come down to a question of cost benefit and that would be the cost of building and operating another adult prison. Do we anticipate that the individual, when released from prison—and he/she ultimately will be—will have a better chance of succeeding in society and be less likely to be a risk or danger to society than if an attempt had been made at rehabilitation in the youth system? Based on my 30 years of experience, young people who have antisocial behavior are reacting to a breakdown in the social bond between child and care givers. Since social bonding is programmed in our genes, something has gone very wrong when children attack those responsible for nurturing and protecting them—whether through neglect, abuse, harsh parenting or mismatched temperament, these children learn early that adults are not reliable



sources of affection and guidance. Placing these youth in the adult system is not going to reconnect these youth to the social bonding process that is necessary for them to learn more responsible behavior. I have yet to see an adult prison system that can be described as an adult nurturing system for youth, except in a negative manner.

Much of the current get-tough approach to crime and delinquency is an expression of public frustration at the perceived threat of violence fueled by media exploitation of violence, coupled with powerful fear including political propaganda. While paradoxically this concern occurs at a time when crime rates in general are falling, although youth violence has increased. As a recent Southern legislator states: "Sending youth to or building prisons to cure violence is like building cemeteries to cure AIDS." The answer overwhelmingly favors retaining and working with these youth in the youth system where the opportunity exists to provide "tough nurturing" for youth in a flexible, measured manner. There are not the rehabilitation opportunities and treatment facilities for these young people in the adult correction system as there are in the youth system. Do we really want to give up on the rehabilitation of a 14-year-old solely based on a prosecutor's decision to prosecute as an adult?

Are there options to building an adult prison? We think there are. Private nonprofit agencies currently treat a majority of the "medium security" delinquent youth committed to the state by our Probate Courts in our residential treatment facilities. Currently close to 400 of these medium security youth are housed and treated in state-owned facilities. We believe that with proper planning and support, private nonprofit agencies—in cooperation with the State—can identify, secure and provide additional residential treatment facilities for a greater number of these medium security youth and thereby free-up space within the youth system for the more high risk youth. Some of the private nonprofit agencies are already treating

and working with these high risk youth in their private facilities. We believe a more economical and practical way to protect the public from the high risk, more violent youth would be to secure and treat them in public and private youth treatment settings rather than shifting the responsibility for these youth to the adult system which is already overextended.

Lastly, I have not spoken to some of the other court and juvenile procedural reforms as part of this package. I would only indicate that I note that the same day that a number of these bills were introduced in the Senate, Representative Nye introduced major court reform legislation in the House. I would urge that prior to acting unilaterally on these bills which may shift responsibilities within the probate and adult criminal court systems, that we look at the overall context of court reform and the proper roles and responsibilities of the adult and juvenile courts.

Thank you again for the opportunity to testify. I would be pleased to try to respond to any questions you may have.