

## KIDS BEHIND BARS

**“I’m not a bleeding heart by a long shot, but this kid was led astray. ... Even though he failed me in the juvenile system, by far he was not a hardened juvenile delinquent.”**

**RICHARD J. LIEDEL**  
Otsego County Juvenile Court Judge

## PRISON All inmates treated as adults

CONTINUED FROM A1

Corrections spokesman Matt Davis. “Fifteen-, 16- and 17-year-olds cause trouble. They’re prone to criminal activity, and they’re violent. They’re unable to control their own outbursts.”

Through state records, The Press documented six other assaults in which juveniles — all 16-year-olds — were attacked in prison by young adults. In 1998 and 1999, none of the others involved sexual assaults.

Four of those assaults were at the Michigan Youth Correctional Facility in Baldwin, a privately run prison that houses inmates age 19 and under, while two were at the Thumb Correctional Facility in Lapeer, where many juveniles were housed before the youth prison opened last year.

Also, guards in July caught a 16-year-old girl in a sexual act with her 27-year-old cellmate at the Scott Correctional Facility in Plymouth, but prison officials said the sex was consensual.

### Do teens need protection?

Elizabeth Arnovits, executive director of the Michigan Council on Crime and Delinquency, said the rape of the boy shows the state can’t protect child prisoners. Her group has fought against laws that send juveniles to prison.

Of the 54 juveniles — ages 16 and under — imprisoned at the end of last year, two-thirds were at the Michigan Youth Correctional Facility. The rest were scattered among other state prisons, including the Michigan Reformatory, Michigan Training Unit and Riverside Correctional Facility, all in Ionia.

**Michael Rush:** A 15-year-old convicted of a violent act of burglary sodomizing his cellmate. Inside of a prison cell, much less be left to fend for himself, Arnovits said. “You’re never going to be able to avoid this kind of stuff in adult prison systems that are overcrowded and understaffed.”

State Corrections Director Bill Martin said he doesn’t believe the state made a mistake when it ordered the 15-year-old boy to share a cell with a 20-year-old. “The 20-year-old had been at the prison for less than a month and, though his crime was violent, he didn’t have a history of violence behind bars, prison officials said.

But prison reports prepared before the attacks noted the 20-year-old had used “excessive violence or cruelty” in the robbery that led him to prison. And a state prison worker had recommended he be considered for an “Assaultive Offender Program.” He had not been identified as a sexual predator.

“It happens,” Martin said of the rapes. “It’s an unfortunate thing when it happens, but the difference in age had nothing to do with that at all.”

He said the state treats all prisoners as adults, no matter their age. “This is not your run-of-the-mill, garden-variety ninth-grader,” he said of the rape victim. “He was tried as an adult, convicted as an adult, sent to prison as an adult. So you forget that 15-year-old stuff at that point.”

“He’s nothing like my 15-year-old that I would have at home, or that you would have at home.”

**A night of trouble.** The 15-year-old caused trouble in Gaylord almost every time he and his parents visited there for the summer. His mother is a teacher, his father a college professor.

They live in Topeka, Kan., but spend summers at a cottage on Otsego Lake, a long narrow lake surrounded by cottages and some year-round homes.

He was 12 in 1995 when he broke into an unlocked, unoccupied home in Gaylord. He received no punishment and was told to report to a probation officer.

In the summer of 1998, juvenile court placed him on probation with his parents for damaging boats and docks the previ-

ous summer. “There wasn’t a lot done to him at that time,” said his attorney, David Leonardson, of Gaylord.

Over Memorial Day weekend last year, the boy went too far.

He and his parents settled into their cottage on the lake. They stayed about a dozen houses’ down from the year-round home of Ted Werts, the retired Otsego County clerk, and his wife, Jane.

Within 24 hours, the teen and his friends were drinking and terrorizing their little corner of the lake. They stole boats during the night, sinking some, after ramming them into docks.

Jane Werts, 72, and her husband were sleeping at 2 in the morning on June 2, 1999.

The crash of the bedroom window screen on the floor awakened her. Then came a noise from the bathroom. Two burglars were crawling through a window. Her husband didn’t hear a thing.

“I told him they were in the house,” she said. “He didn’t believe me,” until he saw two flashlights bobbing low along the floor and reflecting off the knotty pine paneling in the hallway.

The lights entered the bedroom, moving in and out of their closet and around the bed. “They were right beside my bed, crawling on the floor,” Jane Werts said. She could have reached down and slapped them.

For nearly an hour, she and her husband pretended to sleep, holding each other and shaking under the blankets.

The boys ducked in and out of their closet a half-dozen times. They took guns on each trip — five rifles and shotguns, some of them antiques, and two handguns. They stole a Japanese Samurai sword, jars of coins, a package of Oreos, cookies, a case of Scotch and a pair of Ted’s black sweat pants.

“Come on, let’s go! Let’s get out of here,” one burglar kept saying to the other.

Finally, the burglars ducked into the garage, loading their loot into the couple’s pickup, which they planned to steal. Jane Werts dialed 911.

### A boy behind bars

State Troopers James Volant and Mary Bannon turned off their headlights and parked a block away. The boys ran along the lake when they saw police, but the 15-year-old surrendered, when Volant pulled his gun and ordered him to stop. The troopers found the older boy hiding under an overturned boat.

From the start, the Werts wanted the young burglar to learn a lesson, but they didn’t want him to learn it in prison. They lobbied for a juvenile boot camp, they said.

“Kids that young are not going to learn anything in prison, and they’ll be mistreated in a lot of ways, I think,” Jane Werts said.

“I’m a mother,” she added, explaining her reasons for showing compassion. Leonardson, the boy’s court-appointed attorney, said he pushed to have the boy tried as a juvenile and sent to a boot camp for kids.

He said he was surprised when the judge “designated” the case — a legal term for holding an adult trial in juvenile court. The judge, he figured, wanted to “flex his muscles.” He was sure the judge would soften and sentence the boy as a juvenile.

**“It’s a myth that younger offenders are the prey. Fifteen-, 16- and 17-year-olds cause trouble. They’re prone to criminal activity, and they’re violent. They’re unable to control their own outbursts.”**

**MATT DAVIS**  
Department of Corrections spokesman



Ted and Jane Werts had asked for leniency toward the youth who burglarized their Otsego County home, but the teen still was sent to adult prison.

### BAD BEHIND BARS

Prison officials say kids in prison cause trouble. By late 1999, 32 of the state’s 54 juvenile inmates were cited for bad behavior, which can lead to segregation or loss of privileges. Here’s a breakdown of the charges:

Disobeying: 41  
Threatening behavior: 26  
Insolence: 25  
Fighting: 24  
Out of place: 21  
Destruction of property: 13  
Other: 12  
Assault on inmate: 11  
Sexual misconduct: 11  
Theft: 9  
Assault on guard: 6  
Possession dangerous contraband: 3  
Creating disturbance: 3  
Substance abuse/refuse to take drug test: 2  
Incite to riot: 1  
Possession of weapon: 1  
Lying to employee: 1

Source: Press analysis of state Department of Corrections misconduct reports.



PRESS GRAPHICED RIQJAS

month.

Do they belong in maximum security? Minimum security? Have they tried to escape before? Have they attacked guards? Are they homosexual predators?

Martin, the state prison director, said the state’s system of classifying and separating prisoners has helped keep prisons safer.

“We have 44,000 (prisoners), the worst society has to offer: lawlessness, ruthlessness, viciousness, yet we don’t have riots every day. In fact, it’s a rarity to even have an assault.”

But prison policies mention nothing about separating inmates by age.

“While there is no right to placement at a particular security level, prisoners shall be classified according to management and confinement requirements necessary for protection of the general public, pre-arrest robbery and attempted murder. By that time, Rush had turned 20.

He arrived at the state’s reception center at the Riverside Correctional Facility in Ionia nine days later.

Within a week, he received his first major misconduct citation, for swearing at a guard who was making rounds. Rush, who stood 6-foot-3 and weighed 200 pounds, was alone in his two-man cell.

### Another road to prison

The day before Rush’s misconduct, in a courtroom up north in Gaylord, the 15-year-old burglar — a skinny 6-footer who weighed just 150 pounds — stood before Liedel, the juvenile court judge. The boy came with his parents. The victims spoke on the boy’s behalf.

It did no good.

Otsego County Deputies John Gungel and Toni Moucha delivered the boy to Riverside two days later, on Oct. 6, to start his 2- to 15-year sentence. He wore jail orange and a pair of handcuffs for the 3½-hour drive to Ionia in the patrol car’s caged-in back seat.

“Subject quiet and alert, showed no emotion,” Gungel wrote in his report of the trip.

All new state prisoners age 20 and under go straight to the reception center at Riverside, where they are screened by a “Classification Committee” to determine which prison will get them.

Riverside is usually a short stop. The evaluation — which includes a psychological examination, medical tests, and background checks — takes about a

### NOT WHAT YOU

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**BILL MARTIN**  
state corrections director



NEWS PHOTO/CHRIS CLARK

what happens when you put a 15-year-old in an adult situation.”

### Cellmates: A boy and a man

Prison reports don’t indicate when the 15-year-old moved in with Rush, the 20-year-old robber. Both were still waiting for the state to classify them and decide where they should go.

At 8 a.m. on Oct. 22, the 15-year-old flagged down the guard, asking to be moved. The boy later told police he was blindfolded, beaten and raped by Rush in a corner of the cell they shared. The rapes went on for three straight nights, always after midnight.

At first, Rush denied any sexual contact with his cellmate, according to a state police report. Rush changed his story an hour later, saying the boy agreed to sex, but he denied beating, threatening, or blindfolding him.

A prisoner identified only as a confidential informant told guards that Rush had threatened to kill the boy or have somebody else kill him if he didn’t perform sex on him.

Rush pleaded guilty in Ionia County Circuit Court to sodomy and was sentenced in January to 2 to 15 more years in prison. The state moved him to the Michigan Reformatory in Ionia.

The boy was moved to the Cassidy Lake Special Alternative to Incarceration Program, an adult boot camp near Ann Arbor, and has since been released on parole to a privately run half-way house in Kalamazoo.

### A mother ‘kept in the dark’

The boy’s mother hasn’t talked much with her son since he was locked up. Late last year, the prison mailed her a large manila envelope with some personal papers from her son’s cell. In January, three months after the rape, she opened the envelope and found a letter he had written to her. He wrote about the rape, but he didn’t mail the letter.

“What he did was wrong,” his mother said. “But what’s happened to him is worse.”

She’s also angry that she learned about the rape through the unsent letter. She wonders why prison officials didn’t notify her.

“The system has treated him totally as an adult, and we have been kept in the dark in everything,” she said. “It’s absolutely wrong he was treated this way. I’m not even talking about the rape. I’m talking about him going to any type of adult facility. What help is that?”

She wonders about her son’s future. After the rape, he didn’t get counseling until he moved to the program in Kalamazoo, she said.

Volant, the state trooper who arrested the boy at gunpoint, said he had heard rumors about the prison rape.

“It’s a shame, but who put him there? He put himself there,” Volant said. “You know the old saying, ‘Don’t do the crime if you can’t do the time.’”

“You can contact Ken Kolker at The Press at 222-5629 or by e-mail at kkolker@gr-press.com

**“A 15-year-old convicted of burglary should never see the inside of a prison cell, much less be left to fend for himself.”**

**ELIZABETH ARNOVITS**  
executive director of the Michigan Council on Crime and Delinquency

