

TO: Business & Labor AD HOC Committee on Youth Crime
FROM: Lawrence P. Doss
SUBJECT: TESTIMONY ON REVISED JUVENILE CODE
DATE: December 16, 1976

Attached, for your information, is a copy of the testimony that I gave before the "Special Subcommittee on Juvenile Code Revision", Judiciary Committee, Michigan House of Representatives on December 13, 1976.

The testimony was given on behalf of the Business & Labor AD HOC Committee on Youth Crime.

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TESTIMONY
BEFORE
THE SPECIAL SUBCOMMITTEE ON JUVENILE CODE REVISION
JUDICIARY COMMITTEE
MICHIGAN HOUSE OF REPRESENTATIVES

13 DECEMBER 1976

ON
COMMITTEE SUBSTITUTE FOR REVISED JUVENILE CODE
(DISCUSSION DRAFT)

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TESTIMONY
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INTRODUCTION

Mr. Chairman, Honorable Committee Members, my name is Lawrence P. Doss, President of New Detroit, Inc., the nation's first urban coalition. Thank you for your written invitation to testify before this Subcommittee.

However, today I am not going to testify on behalf of New Detroit because the Executive Director of our Youth Caucus, Ms. Diane Boatman, will offer testimony on behalf of our organization. I am here as the Chairman of the Business & Labor Ad Hoc Committee on Youth Crime.

This Ad Hoc Committee is a coalition of Detroit leaders brought together by Mayor Coleman A. Young in the wake of the youth crime problem which caused a measure of unrest in Detroit this past summer. This Ad Hoc Committee recognizes the need for long-range crime prevention and youth development solutions to the problems which cause youth crime, solutions which address the lack of jobs and job training, the lack of recreational and cultural opportunities, the lack of alternative education programs for school drop-outs, the lack of parental guidance and counseling for many youths and the revision of those laws which touch the lives of juveniles. In light of the purpose of this hearing, I would like to talk about the recommendations of this Ad Hoc Committee which bear upon the Revised Juvenile Code, namely the jurisdictional issue of removing status offenses from the criminal justice system and the dispositional issue of certainty of and consistency of punishment for juvenile criminal offenders.

REMOVING STATUS OFFENSES FROM THE CRIMINAL JUSTICE SYSTEM

Status offenses are those unlawful acts committed by a minor which, if committed by an adult, otherwise would be lawful. Among those acts now considered status offenses under the current juvenile code are school truancy; running away from home; disobedience to parents and teachers; associating with immoral persons; habitually idling away one's time; addiction to drugs or alcohol; and, patronizing places where the principal purpose is the sale of alcoholic beverages.

Few can disagree that it offends our sense of justice when juveniles are denied equal protection of the law because they have committed acts which, had they been adults, would have been lawful. More than that, however, the vague language of the current juvenile code on status offenses is so broad and sweeping as to give the courts virtually carte blanche to take into their jurisdiction any minor they wish.

However, the concern of the Ad Hoc Committee is directed to more pragmatic concerns. First, the juvenile court docket, the staff resources, and the detention facilities are horrendously overcrowded; a significant reason for this burden is the need for juvenile courts to process status offenders. Second, youthful status offenders are not criminals and their needs can best be handled by the Michigan Department of Social Services, community-based residential treatment programs, and family counseling services--all dedicated to resolving the root causes of acts now considered to be status offenses. Finally, the removal of most status offenses from the jurisdiction of juvenile court would give that court more time to effectively deal with youth who have committed serious crimes and would free up precious spaces in secure detention facilities which are designed for detaining serious offenders who pose a real threat to society.

Therefore, the Ad Hoc Committee supports the removal of most status offenses from the jurisdiction of the juvenile court, permitting those youth to be served by the Michigan Department of Social Services. Further, the Committee recommends that the resources of the Michigan Department of Social Services be directed to youth who are under 16 years of age.

I might add a personal observation regarding Sec. 3 (2) of the Committee Substitute for the Revised Juvenile Code (Discussion Draft). The language of that subsection, which defines a "minor in need of care," might be interpreted by some to include juveniles who are now deemed status offenders under the current law. A new Sec. 3 (2) (E) might be added to specifically exclude those acts which are currently status offenses under the present juvenile code.

NO STATUS OFFENDERS IN YOUTH HOME OR IN SECURE DETENTION

The Ad Hoc Committee also turned some of its attention to the dual problem of insufficient secure detention facilities for certain violent youthful criminals as well as the inadvisability of placing status offenders in the same secure detention facilities as youthful criminals.

The status offender is not a criminal and should not be treated as one, either by labeling or by placement in secure detention facilities. Placing status offenders in secure detention facilities not only tends to increase the possibility that this status offender may turn eventually to serious criminal acts, but such placement also reduces the sparse number of beds available in secure detention facilities for those youth who, indeed, are dangerous to themselves and to the community.

The Ad Hoc Committee urges that status offenders not be placed in secure detention facilities and, in no case, should they be placed in the same facilities with violent youthful criminals.

Already, the Wayne County Juvenile Court and the Michigan Department of Social Services have taken positive steps to assure this recommendation is implemented in Wayne County. The State has set aside approximately \$500,000.00 to be used to open two new community-based, residential runaway houses in Wayne County; these two facilities will be operated by the already existing Detroit Transit Alternative--Runaway House and Counterpoint. We feel that such programs are an economical and efficient method of addressing the problem of runaway youth and we urge the Legislature to consider this alternative carefully.

CERTAINTY AND CONSISTENCY OF PUNISHMENT FOR JUVENILE

CRIMINAL OFFENDERS

Let me turn your attention, now, to the issue of juvenile court judges being able to commit a youth to a secure detention facility for a minimum period of time. The Ad Hoc Committee was concerned over the large number of youthful offenders who had committed violent crimes against persons but who were being released soon after their arrest.

We feel that the dispositional provision of the Discussion Draft adequately addresses the Ad Hoc Committee's concerns. The section to which I refer is Sec. 39 (3) (F) which permits a judge to place a juvenile offender in a physically restrictive facility. The provision of Sec. 39 (5) is further responsive in that it permits such a placement for a period of 18 months, with an ability for the judge, in certain circumstances, to extend that placement for an additional 12 months.

The Ad Hoc Committee supports the concept of immediately providing authority to juvenile court judges to sentence youthful criminal offenders to secure detention for a period of one year and, certainly, in the long run, supports the overall thrust of this provision of the Discussion Draft.

We must note, however, that it is the opinion of the Wayne County Juvenile Court and the Michigan Department of Social Services that such a statutory provision would require an additional 500-600 new beds in secure detention facilities at a cost to the State of approximately \$10-\$15 million. We believe that there is a need for such secure detention spaces and urge the Legislature to take the steps necessary to fully effect this recommendation.

SUMMARY

Though there are innumerable other issues which might be addressed, the Ad Hoc Committee was most concerned with those portions of the Discussion Draft which affected the youth crime problem.

In closing, permit me to restate and summarize the recommendations of the Ad Hoc Committee which have been the basis of my testimony here today:

1. Reduce the age of status offenders to youth under 16 years of age and remove most status offenders from the jurisdiction of the juvenile court, giving responsibility to the Michigan Department of Social Services, which may contract with other agencies. This should reduce the workload of the juvenile court and enable it to more fully address serious and repeat youthful offenders. Status offenders should not be placed in secure detention facilities and, in no event, should they be in the same facilities as youthful criminal offenders.

2. Give juvenile court judges the authority to determine the placement of minors for a specific period of time, not to exceed one year from the date of commitment. Assure that sufficient beds are available in secure detention facilities to provide adequate space for such youth committed.

I might also mention that the Business & Labor Ad Hoc Committee on Youth Crime continues to work on several other issues that bear upon the Revised Juvenile Code. Though we are not prepared, at this time, to address those issues, as soon as the work of this Ad Hoc Committee is completed, we will communicate with this Special Subcommittee.

Thank you for your kind invitation to testify and for your attention. I will be pleased to remain for a few minutes to answer any questions you might have.

Respectfully submitted,

Lawrence P. Doss, Chairman
Business & Labor Ad Hoc Youth Crime Committee