

final minutes

Criminal Justice Policy Commission Meeting

9:00 a.m. • Wednesday, February 7, 2018

Harry T. Gast Appropriations Room • 3rd Floor State Capitol Building

100 N. Capitol Avenue • Lansing, MI

Members Present:

Senator Bruce Caswell, Chair
Senator Patrick Colbeck (via teleconference)
Representative Vanessa Guerra
D.J. Hilson
Sheryl Kubiak
Barbara Levine
Sarah Lightner
Representative Jim Runestad
Jennifer Strange (via teleconference)
Andrew Verheek (via teleconference)
Judge Raymond Voet

Members Excused:

Senator Bert Johnson
Kyle Kaminski
Laura Moody
Sheriff Lawrence Stelma
Judge Paul Stutesman

I. Call to Order and Roll Call

The Chair called the meeting to order at 9:10 a.m. and asked the clerk to take the roll. A quorum was present, and absent members were excused.

II. Approval of January 3, 2018 CJPC Meeting Minutes

The Chair asked members if there were any corrections to the proposed January 3, 2018 CJPC meeting minutes. There were none. **Commissioner Lightner moved, supported by Commissioner Hilson, to approve the minutes of the January 3, 2018 meeting as proposed. There was no further discussion. The minutes were approved by unanimous consent.**

III. Presentation on the Michigan Juvenile Court Report

The Chair informed the Commission that the progress update from Hornby Zeller will be given after a presentation from the Honorable Dorene S. Allen and Sandy Metcalf of the Michigan Juvenile Justice Reform Task Force and that the Michigan Council on Crime and Delinquency submitted written comments (see attached) on their evaluation of the second version of the Hornby Zeller report. Judge Allen then presented the Commission with the final Michigan Juvenile Court Raise the Age Survey Data Findings and Recommendations Report (see attached). The Chair noted that a meeting is in the process of being set up with Judge Allen and Ms. Metcalf, the members of the data subcommittee, and Hornby Zeller to go over both reports. The Chair then called on Judge Allen and Ms. Metcalf for comments. Judge Allen began with an overview of the survey and the process used to complete their report. Ms. Metcalf provided information on the numbers used and how the projected \$89 million cost to juvenile courts found in their report was calculated. Judge Allen concluded with a request that their report be entered separately in terms of the Commission and that it stand alone. Questions were raised about the impact raising the age would have on brokered services, the sources for the number of 17-year-olds used in their report versus the numbers found in the Hornby Zeller report, a breakdown of the budget figures used, and the projected increased cost of mental health services.

IV. Update on Access to Data Recommendation

The Chair announced that he would like to take up the data access recommendation before hearing a progress update from Hornby Zeller. He noted that language for a proposed access to data recommendation was submitted by the State Court Administrative Office (see attached). Senator Colbeck also submitted amended language to the recommendation previously submitted by Commissioner Levine. A discussion of the recommendation followed. **Commissioner Hilson moved, supported by Representative Runestad, to approve a proposed recommendation which reads as follows:**

The state of Michigan is exploring the costs and benefits of a unified system to collect and house criminal justice data for the purpose of facilitating sound public policy determinations, allowing state agencies to conduct performance assessments, and enabling the public to monitor government operations. The goal of the Criminal Justice Policy Commission (CJPC) is to balance access to unified/integrated data with respect for individual level confidentiality. To strike this balance, we recommend that:

- 1) access to aggregate data be broadly available, and**
- 2) access to individual data necessary for research designed to inform public policy be governed by confidentiality agreements that protect against the public release of information attributable to a named individual.**

There was no further discussion. The motion prevailed by unanimous consent.

Yeas—11	Senator Caswell	Commissioner Lightner
	Senator Colbeck	Representative Runestad
	Representative Guerra	Commissioner Strange
	Commissioner Hilson	Commissioner Verheek
	Commissioner Kubiak	Judge Voet
	Commissioner Levine	

Nays—0

The Chair asked that the approved recommendation be distributed to the Senate Majority Leader, the Speaker of the House, the chairs of the House and Senate criminal justice-related committees, and the Governor.

V. Progress Update from Hornby Zeller Associates, Inc. on Study of County Costs to Redirect 17-Year-Olds to Juvenile Justice System

Karen Hallenbeck from Hornby Zeller Associates, Inc. presented a revised draft report dated January 19, 2018 that included revisions based upon the feedback from the last CJPC meeting. She highlighted the major changes in the latest draft. She noted they will be taking another look at the data on youths committing traffic violations and the cost differentials of adult versus juvenile courts in the cost section, and re-examining their projections of the number of 17-year-olds entering the system beyond 2016. Ms. Hallenbeck addressed additional areas they will be looking at more closely for the final report and she anticipates more changes will be made given the comments made at today's meeting and the upcoming meeting with Judge Allen and Ms. Metcalf. The Chair stressed that any additional comments to this latest draft need to be in by February 9. Hornby Zeller will have another draft report ready by February 16 and comments to that draft must be submitted to Hornby Zeller by February 23. He added that he would like the data subcommittee to meet on February 26 to review the February 16 report. Commissioner Lightner asked to be informed of the date of the meeting with Judge Allen and Hornby Zeller. The final report will be presented and voted on at the March 7 CJPC meeting. Questions regarding the inclusion of the sentences of juveniles who have been waived, the distinction between misdemeanor, felony, and high misdemeanor offenses, average length of stays, and the inclusion of defense attorney costs were raised and will be considered in the future report.

VI. Data Subcommittee Update

No further update was reported.

VII. Mental Health Subcommittee Update

The Chair noted that there was not enough time to take up the mental health subcommittee recommendation, but it will be discussed at the March meeting.

VIII. Commissioner Comments

The Chair asked if there were any comments from the Commissioners. Commissioner Lightner stressed the importance of the mental health subcommittee recommendation and urged action on it be taken as soon as possible. The Chair asked members to give some thought to the cover letter to the Legislature that will be included in the 17-year-olds study report and to submit any suggestions to the Commission clerk.

IX. Public Comments

The Chair asked if there were any public comments. Sandy Metcalf commented that she will look for data on prosecutor and defense attorney costs. Bruce Timmons was present and provided information on high misdemeanor offenses and why they are included in statute. There were no other public comments.

X. Next CJPC Meeting Date

The next CJPC meeting is scheduled for **Wednesday, March 7, 2018, at 9:00 a.m. in the Harry T. Gast Appropriations Room, 3rd Floor of the State Capitol Building.**

XI. Adjournment

There was no further business. The Chair adjourned the meeting at 11:30 a.m.

(Minutes approved at the March 7, 2018 Criminal Justice Policy Commission meeting.)



SERVING CITIZENS OF MICHIGAN SINCE 1956

1679 Broadway Street • Ann Arbor, MI 48105
(517) 482-4161 • www.miccd.org

To: Chairman Caswell and Members of the Criminal Justice Policy Commission
From: Michigan Council on Crime and Delinquency
Date: January 12, 2018
Re: Raise the Age Cost Study - 2nd Version

Dear Chairman Caswell,

We again appreciate the opportunity to comment on the latest version of the 'Raise the Age' cost study conducted by Hornby Zeller & Associates (HZA). We were able to connect directly with HZA staff this week and had a very helpful and informative conversation. We shared information that we hope will prove useful and discussed some, but not all of the items included in this memo.

In our previous memo, we included a number of questions about how the costs were calculated. We know that Michigan's juvenile justice system is complex and that costs are difficult to assess, particularly without access to Child Care Fund data. While it is evident that HZA has worked hard to gather additional accurate and relevant data to inform their cost projections, we offer the following suggestions to support their ongoing efforts toward transparency and accuracy.

Sincerely,
Mary King
Executive Director
Michigan Council on Crime and Delinquency
(517) 482-4161
mking@miccd.org

1. Cases vs People?

We appreciate that HZA clarified that they are using petition data rather than arrest data. In our conversation we also learned that HZA is identifying petition data as per person, not per case. Could HZA confirm that all duplicates have been removed from the State Court Administrative Office data set such that this report is only tracking number of people, and not number of cases? We understand and appreciate that this is a laborious process.

2. On page 12, the HZA report indicates that only 56% of cases among 17-year olds would remain in the juvenile system, as a result of being found guilty, or referred to diversion or probation. Of the 56% estimated to remain, we are interested in knowing how many are likely to be diverted? Based on SCAO's 2016 annual caseload report¹, approximately 51% of delinquency (juvenile justice) cases are diverted or placed on consent calendar, which utilize far fewer court resources than probation and placement, after accounting for those cases that have been dismissed or waived.

3. Length of Stay

To determine the average length of stay in residential facilities, HZA references a 2012 figure based on placement at the W.J. Maxey Boys Training School. Since that time, Maxey has closed and, while two state facilities remain, the majority of young people are served in private residential facilities. Therefore, to determine the most accurate length of stay, it seems necessary to receive input from private agencies. Based on our conversation with HZA, we will forward any updated information on average lengths of stay that we receive from private facilities. We hope they will be able to gather information from as many additional agencies as possible.

4. Average per diem in residential facilities

A. **HZA used information obtained from a 2012 legislative study** conducted by the Michigan Senate Fiscal Agency (SFA) to estimate the increase in out-of-home placement costs. We thought it would be helpful to share more updated information from a spreadsheet managed by DHHS, and dated 12/1/2016², that lists the per diem rates for every juvenile justice residential facility that contracts with the State of Michigan. The document includes both state and county per diem rates - the county per diem is what is used to calculate the juvenile delinquency placement costs.

It is also important that we don't assume that youth identified as needing secure placement would be placed at one of the two state facilities, Bay Pines and Shawano. In fact, the majority of secure-placement youth are placed in private agencies at a lower cost per day. In the 2012 SFA study on residential placements, it was noted that only 7% of "placed" youth in FY 2009-2010 were housed within a public juvenile justice facility. At the time of the study's completion, there were still three public facilities - the W.J. Maxey School has since closed (Oct. 2015) - which has furthered reduced the options for placing a youth in a state facility.

B. Wayne County negotiates lower per diem rates with residential placement agencies participating in the "Preferred Provider Network" (PPN), comprising

¹ 2016 SCAO Caseload Report: <http://courts.mi.gov/education/stats/Caseload/reports/statewide.pdf>

² State of Michigan Residential Foster Care Rates as of 12/1/16. Available at: <http://dhhs.michigan.gov/OLMWeb/exf/CFS-Rates/CFS-Rates.xls>

licensed residential vendors that have been selected for their expertise, quality of services, and experience with the Wayne County juvenile services system and cost effectiveness. The PPN per diem rates are negotiated directly with Wayne County and are typically lower than the statewide per diem rates charged to other counties to house their youth within the same facilities.

In FY 2016, the Juvenile Assessment Center reported that 434 Wayne County youth were residential placement, and 97.93% of them were housed in a PPN facility.³ We have attached a spreadsheet with the PPN per diem rates that was sent to us by the Executive Director of StarrVista CMO on January 8, 2018.

5. Medicaid

On page 26, HZA notes that DHHS could receive additional federal dollars under Title IV-E for 17-year-olds with dual status (child welfare and juvenile justice) placed in non-secure facilities. It should also be noted that youth in non-secure juvenile facilities may be eligible for Medicaid to cover health-related costs. As Medicaid, in all forms, receives a majority of its funding from federal sources (up to 98% for MICHild enrollees⁴), this could provide substantial savings to the state.

6. Intensive vs general probation

On page 14 of the draft report, it is suggested that only 12% of youth who remain in the community would need intensive probation services. Page 23, Table 11 of the report indicates that projected costs for intensive probation are \$872,555 while general probation is \$6,325,999. Were these figures determined based on county budgets, self-reported, or extrapolated based on a funding formula? We'd like to see a better estimate of the number of 17-year-old misdemeanant cases that would likely be placed on general probation. We believe that the current percentage of youth on general probation is much lower than 84%.

Additionally, counties that do use general probation may have a higher caseload ratio than the 1:20 intensive probation ratio, so the cost estimates would also need to take that into account.

³ Assured Family Services (Juvenile Assessment Center) Annual Performance Report: Oct. 2015-September 2016. Available at: <http://the-jac.org/wp-content/uploads/2013/03/2016-PERFORMANCE-REPORT.pdf>

⁴ Michigan 2016 CHIP Fact Sheet. Available at: https://nashp.org/wp-content/uploads/2015/02/Michigan_Final.pdf

8. Adult probation costs

District Court

A. What is the current cost of district court probation for 17-year-olds and would there be cost-savings as a result of reducing the need for district court probation for this population? The report only appears to calculate cost-savings based on processing costs within district courts. Many of Michigan's district courts do, in fact, have probation departments that provide supervision, screening/assessment, and case management services for misdemeanor offenders, which would be an additional cost-savings if this function were reduced by not serving 17-year-olds.⁵

Circuit Court/MDOC

A. What is the cost impact of reducing adult probation and parole for 17-year-olds? On page 22, the report states, "DOC will probably not experience any measurable changes in its population due to a re-classification of 17-year-old offenders." However, there does not appear to be a cost analysis of the anticipated reductions to the MDOC budget as result of the decrease of 17-year-olds on adult felony probation or parole. While there are indeed circuit court costs associated with felony adult probation (pretrial investigations, interpreter fees, printing/supplies), it is important to note that the salaries of circuit court adult probation officers are a State cost, borne by the Michigan Department of Corrections. According to a report from the Michigan House Fiscal Agency, probation and parole cost approximately \$3,461/year for each individual in Fiscal Year 2016.⁶

Thank you again for the opportunity to present our questions, comments and concerns. We want to express our appreciation for the thoughtful work by Hornby Zeller & Associates and the Members of the Criminal Justice Policy Commission in developing the most accurate cost estimates possible for this very important legislative package.

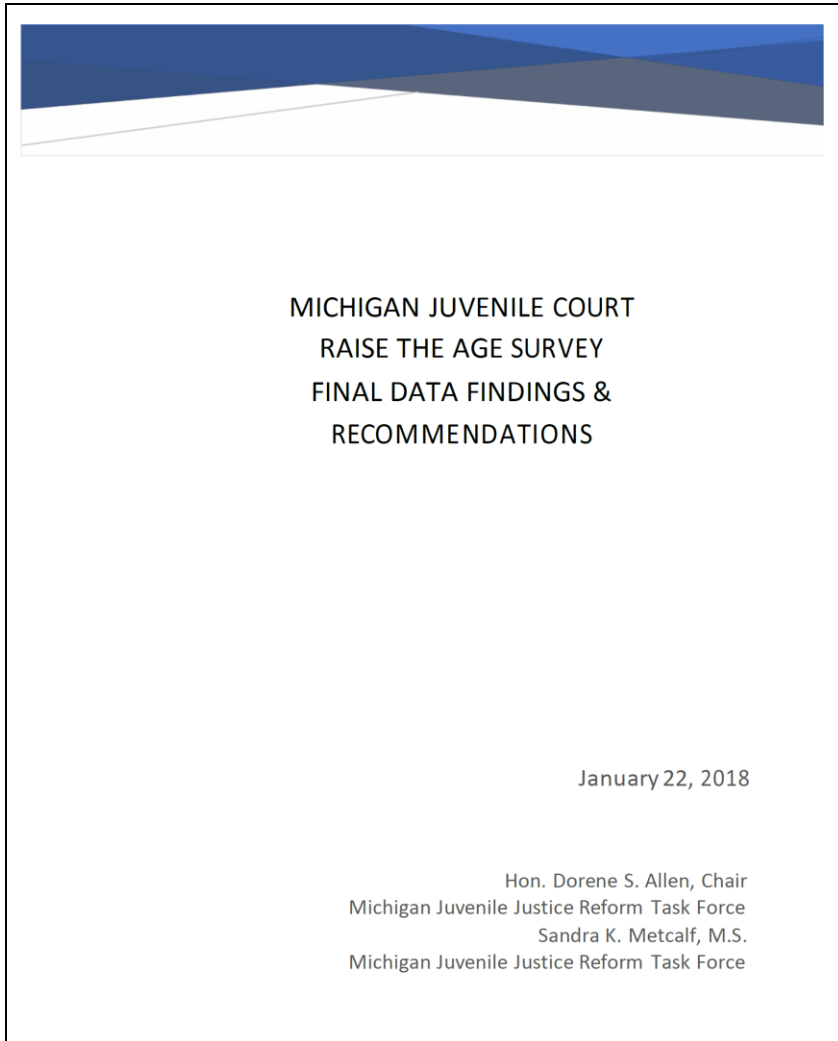
⁵ 12th District Court: 2016-17 (see pg. 70 for probation expenses). Available at: <https://www.co.jackson.mi.us/DocumentCenter/View/968> : 57th District Court. 2015 Annual Report (see pg. 38 for probation expenses). Available at <http://cms.allegancounty.org/Annual%20Reports/2015%2057th%20District%20Court%20Annual%20Report.pdf>

⁶ House Fiscal Agency-I MDOC 2017 Budget Briefing. Available at: https://www.house.mi.gov/hfa/PDF/Briefings/Corrections_BudgetBriefing_fy17-18.pdf

6897 PPN - Ennis Center - Specialized Treatment Care	\$120.00	\$0.00
6911 PPN - Ennis Center - Safe Net Spec Foster Care	\$130.00	\$0.00
6878 PPN - Holy Cross Clinton (Generic)	\$134.92	\$0.00
7076 PPN - Holy Cross Clinton (Generic)	\$134.92	\$0.00
6883 PPN - Holy Cross St. Vincent (Hope)	\$135.80	\$0.00
7002 PPN - Wolverine - CFLA	\$140.17	\$0.00
7098 PPN - Wolverine - CFLA	\$140.17	\$0.00
7093 PPN - Wolverine - CFLA	\$140.17	\$0.00
6906 PPN - Don Bosco - Sutton	\$141.64	\$0.00
7112 PPN - Don Bosco - Sutton	\$141.64	\$0.00
7191 PPN - Don Bosco - Sutton Resiliency	\$141.64	\$0.00
6882 PPN - Holy Cross - M.L. King	\$150.32	\$0.00
7256 PPN - Holy Cross - M.L. King	\$150.32	\$0.00
6885 PPN - Starr Commonwealth Albion (Generic)	\$153.20	\$0.00
7083 PPN - Starr Commonwealth Albion (Generic)	\$153.20	\$0.00
7141 PPN - Starr Commonwealth (Albion Generic)	\$153.20	\$0.00
6900 PPN - Wolverine - Vassar Campus - Journey	\$155.50	\$0.00
6888 PPN - Wolverine Pioneer W & L (Generic)	\$159.76	\$0.00
7115 PPN - Wolverine Pioneer W & L (Generic)	\$159.76	\$0.00
7216 PPN - Starr Commonwealth (Albion Generic) Females	\$168.50	\$0.00
7170 PPN - Wolverine - Vassar Campus (Stabilization)	\$172.78	\$0.00
6881 PPN - Holy Cross - Clinton Sub. Abuse	\$180.00	\$0.00
6969 PPN - Holy Cross - Clinton Sub. Abuse	\$180.00	\$0.00
7078 PPN - Holy Cross - Clinton Sub. Abuse	\$180.00	\$0.00
6894 PPN - Todd Phillips - Detention	\$181.86	\$0.00
6910 PPN - Todd Phillips Childrens Home - SA	\$181.86	\$0.00
7025 PPN - Todd Phillips - Detention	\$181.86	\$0.00
6919 PPN - Todd Phillips Childrens Home - SA	\$181.86	\$0.00
7212 PPN - Lakeside Academy - General Offenders-Males	\$185.78	\$0.00
7213 PPN - Lakeside Academy - General Offenders-Females	\$185.78	\$0.00
6896 PPN - Vista Maria - Detention	\$197.03	\$0.00
6990 PPN - Judson Center S.I.T. (SED)	\$198.00	\$0.00
6880 PPN - Holy Cross Clinton SOT	\$200.66	\$0.00
6886 PPN - Starr Commonwealth - SOT	\$201.00	\$0.00
7036 PPN - Starr Commonwelath - Sex Offender Program	\$201.00	\$0.00
7138 PPN - Starr Commonwelath - Sex Offender Program	\$201.00	\$0.00
7148 PPN - Starr Commonwealth - SOT	\$201.00	\$0.00
6967 PPN - Holy Cross - Clinton Alexander/Basil	\$204.25	\$0.00
7075 PPN - Holy Cross - Clinton Alexander/Basil	\$204.25	\$0.00
6879 PPN - Holy Cross - Clinton Healy - SLU	\$207.19	\$0.00
7077 PPN - Holy Cross - Clinton Healy - SLU	\$207.19	\$0.00
6887 PPN - Starr Commonwealth - Sub. Abuse	\$207.69	\$0.00
6901 PPN - Starr Commonwealth - Sub. Abuse	\$207.69	\$0.00
7085 PPN - Starr Commonwealth - Sub. Abuse	\$207.69	\$0.00
6890 PPN - Wolverine - Victor	\$210.36	\$0.00
6996 PPN - Wolverine - Victor SA	\$210.36	\$0.00
6997 PPN - Wolverine Victor DD	\$210.36	\$0.00
7026 PPN - Wolverine - Victor SA	\$210.36	\$0.00
7028 PPN - Wolverine - Victor	\$210.36	\$0.00

7089 PPN - Wolverine - Victor	\$210.36	\$0.00
7120 PPN - Wolverine - Victor SA	\$210.36	\$0.00
6994 PPN - DBI - Renaissance Sub. Abuse (Males)	\$215.00	\$0.00
6995 PPN - DBI - Renaissance Sub. Abuse (Females)	\$215.00	\$0.00
6873 PPN - Holy Cross Bowman	\$221.40	\$0.00
6875 PPN - Holy Cross - St. Thomas Rx	\$221.40	\$0.00
6991 PPN - Judson Center Respite Crisis Stabilization	\$223.45	\$0.00
6912 PPN - Wolverine - Vassar Campus - WCARE-IG	\$224.73	\$0.00
6913 PPN - Wolverine - Vassar Campus - WCARE-IG	\$224.73	\$0.00
7171 PPN - Wolverine - Vassar Campus - WCARE-IG	\$224.73	\$0.00
6907 PPN - Wolverine - Pioneer WCARE	\$226.41	\$0.00
6889 PPN - Wolverine - Substance WCARE	\$226.41	\$0.00
7004 PPN - Wolverine - Pioneer WCARE	\$226.41	\$0.00
6898 PPN - Wolverine - Substance WCARE	\$226.41	\$0.00
7091 PPN - Wolverine - Pioneer WCARE	\$226.41	\$0.00
6963 PPN - Vista Maria - Detention	\$226.90	\$0.00
7003 PPN - Vista Maria - Detention	\$226.90	\$0.00
7211 PPN - Lakeside Academy - SOT Males	\$227.13	\$0.00
7232 PPN - Wolverine - SOT	\$227.13	\$0.00
6884 PPN - Vista Maria - Integrated Behavioral	\$231.48	\$0.00
6903 PPN - Vista Maria - Integrated Behavioral	\$231.48	\$0.00
7086 PPN - Vista Maria - Integrated Behavioral	\$231.48	\$0.00
6980 PPN - Holy Cross Bowman	\$238.50	\$0.00
7130 PPN - Holy Cross Bowman	\$238.50	\$0.00
6871 PPN - DBI - Capstone Harmony Females SED	\$243.83	\$0.00
6874 PPN - DBI - Capstone Males SED	\$243.83	\$0.00
7049 PPN - DBI Capstone Vision - Females	\$243.83	\$0.00
7050 PPN - DBI Capstone Vision - Males	\$243.83	\$0.00
7074 PPN - DBI - Capstone Males SED	\$243.83	\$0.00
7072 PPN - DBI - Capstone Harmony Females SED	\$243.83	\$0.00
7114 PPN - DBI - Capstone Vision - Males	\$243.83	\$0.00
6872 PPN - Don Bosco - DePaul SED	\$248.45	\$0.00
7179 PPN - Don Bosco - DePaul SED	\$248.45	\$0.00
6893 PPN - Wolverine Secure Treatment Center	\$252.00	\$0.00
7090 PPN - Wolverine Secure Treatment Center	\$252.00	\$0.00
7139 PPN - DBI - Capstone Males SED	\$257.37	\$0.00
7140 PPN - DBI - Capstone Harmony Females SED	\$257.37	\$0.00
7143 PPN - DBI - Capstone Vision - Males	\$257.37	\$0.00
7151 PPN - DBI - Capstone M/M	\$257.37	\$0.00
7152 PPN - DBI - Capstone Vision - Females	\$257.37	\$0.00
6909 PPN - Wolverine - Vassar House - Passages Fem	\$261.87	\$0.00
7096 PPN - Wolverine - Vassar House - Passages Fem	\$261.87	\$0.00
7021 PPN - Holy Cross - Kairos Adolescent SA Female	\$263.79	\$0.00
7022 PPN - Holy Cross - Kairos Adolescent SA Males	\$263.79	\$0.00
7029 PPN - Holy Cross - Kairos Adolescent SA Males	\$263.79	\$0.00
7219 PPN - Holy Cross - Kairos Adolescent SA Female	\$263.79	\$0.00
7221 PPN - Holy Cross - Kairos Adolescent SA Males	\$263.79	\$0.00
6877 PPN - Wolverine - Buena Vista	\$266.00	\$0.00
6908 PPN - Wolverine - Secure DD (Male)	\$266.00	\$0.00

7088 PPN - Wolverine - Buena Vista	\$266.00	\$0.00
7111 PPN - Wolverine - Secure DD (Male)	\$266.00	\$0.00
7092 PPN - Wolverine - Secure DD (Male)	\$266.00	\$0.00
6972 PPN - DBI Capstone Horizon Male CI	\$267.03	\$0.00
6892 PPN - Vista Maria - Secure Treatment	\$267.03	\$0.00
7044 PPN - DBI Capstone Horizon Female CI	\$267.03	\$0.00
7087 PPN - Vista Maria - Secure Treatment	\$267.03	\$0.00
7105 PPN - DBI Capstone Horizon Female CI	\$267.03	\$0.00
7064 PPN - DBI - Capstone Summit	\$267.03	\$0.00
7073 PPN - DBI Capstone Horizon Male CI	\$267.03	\$0.00
6902 PPN - Spectrum Calumet Chronic Offenders	\$283.50	\$0.00
6998 PPN - SJS Chronic Offenders/Sex	\$283.50	\$0.00
6999 PPN - SJS - Chronic Offender/SA	\$283.50	\$0.00
6978 PPN - SJS Lincoln Center	\$283.50	\$0.00
6895 PPN - Spectrum - Calumet Detention	\$283.50	\$0.00
7000 PPN - SJS Detention Girls	\$283.50	\$0.00
7024 PPN - Spectrum - Calumet Detention	\$283.50	\$0.00
7080 PPN - SJS Chronic Offenders/Sex	\$283.50	\$0.00
7081 PPN - SJS - Chronic Offender/SA	\$283.50	\$0.00
7082 PPN - Spectrum Calumet Chronic Offenders	\$283.50	\$0.00
7156 PPN - Wolverine - Foundations Behavioral Health	\$298.72	\$0.00
7066 PPN - Wolverine - Secure Endeavor (Females)	\$298.73	\$0.00
7107 PPN - Wolverine - Secure Endeavor (Females)	\$298.73	\$0.00
6876 PPN - Spectrum - Calumet Cognitive Impairment	\$299.25	\$0.00
7099 PPN - Spectrum - Calumet Cognitive Impairment	\$299.25	\$0.00
7169 PPN - Havenwyck Impulse Control (SOT)	\$302.00	\$0.00
7235 PPN - DBI - Capstone Serenity Girls Intensive	\$311.55	\$0.00
7020 PPN - Holy Cross - Kairos Adolescent SA Detox	\$325.00	\$0.00
7217 PPN - Holy Cross - Kairos Adolescent SA Detox	\$325.00	\$0.00



Michigan Juvenile Court Raise the Age Survey
Data Findings and Recommendations

Table of Contents

Executive Summary	2
Recommendations	6
Background	7
Methodology.....	8
Data Findings.....	8
Case Volume and Processing	10
Juvenile Court Brokered Services/Programs.....	13
Juvenile Detention Facilities	15
Budget Data	16
Estimated Additional Costs.....	19
Barriers/Challenges/Additional Comments.....	20
Summary.....	21
Appendices	23
Appendix A – Raise the Age Legislative Bill Listing.....	24
Appendix B – Juvenile Court Administrator Survey.....	25
Appendix C - Barriers/Challenges/Additional Comments – Summary of Responses Q.20 & Q21	31
Appendix D - Barriers/Challenges/Additional Comments – Summary of Responses Q.20, 21 & Q22	34
Appendix E – Multijurisdictional Juvenile Justice Data Sharing Model Project Description	44

© Copyright 2018 1 | Page

- Over sixty percent (60%) of the respondent juvenile courts will not have adequate *services* to accommodate the needs of 17 year olds.
- Seventy-four (74%) percent indicated they will not have adequate *staff* to manage the additional caseload.

If passed, RTA legislation will impact the juvenile detention centers in Michigan. Currently, there are twenty-one (21) county or court operated facilities.

- Juvenile courts have been finding open detention beds difficult to find for months as many are not within driving distance of the rural courts.
- Reported average occupancy rate is sixty-five percent (65%). Many facilities have a significantly higher occupancy rate; one small facility reported an extremely low occupancy rate. Removing this one facility changes the occupancy rate to 77%.
- Five facilities reported sixty-percent (60%) or lower occupancy; unique circumstances suggest this data outcome is misleading. Location may influence the occupancy rate as most are located in the southeastern part of the state. Cost may also be a factor in some.

Juvenile court budgets will be substantially impacted by the passing of the RTA legislation. The respondent courts reported a total collective budget of \$314,449,014 with reimbursement from the Child Care Fund being \$108,902,636. The reported budget totals include costs for child welfare in addition to juvenile justice (delinquency) cases. It is important to note the RTA legislation does not include child welfare cases unless they are "dual wards" or "crossover youth" cases in which the children are involved in the delinquency and the neglect/abuse side of the courts. For purposes of this Report, the juvenile court budgets include child welfare expenditures of foster care and institutional/residential care.

Based on the total courts' budgets reflecting \$314,500,000 in expenditures in 2016 and adding 29%, the total estimated fiscal impact to juvenile courts (Family Division) equals an additional \$89,764,453 cost to the juvenile courts. The formula to support this estimate is as follows:

- Forty-nine (49) respondent courts estimated a twenty-one percent (21%) increase in caseload or 4,700 additional youth.
 - Eight (8) courts did not answer this question; it is assumed those courts will have a similar experience to the forty-nine (49) courts who reported an estimated 21% increase in caseload.
 - Applying a twenty-one percent (21%) increase in caseloads for the eight (8) courts = 1,664 additional youth
 - **4,700 + 1,664 = 6,364 total estimated additional youth**
- The total 2016 budget for 57 juvenile courts = \$314,500,000
 - The total number of youth for 2016 = 22,297.
 - The cost per youth per year (2016) is \$14,105 (\$314,500,000 ÷ 22,297 = \$14,105/youth/year)
 - \$314,500,000 (2016 reported total budget) ÷ 6,364 (estimated number of youth, including 17 yr. olds for the 57 respondent courts) = \$14,105/youth/year
 - \$14,105/youth/year x 6,364 estimated youth = \$89,764,453 additional cost
 - \$89,764,453 ÷ \$314,500,000 = .285 or a 29% rate of budget increase from 2016 total juvenile court budget amount as reported in the Survey.

The disparate data collection system among the juvenile courts demands a new, centralized system that is based on common definition and data elements. Such a system would provide increased validity of data collected and allow for more reliable data for funding and policy decision.

What the juvenile courts do, matters! Their performance is correlative to the quality of life in the respective communities, and the general fabric of society. It is not the intent of Raise the Age to take a well-functioning juvenile court system and reduce its ability to be responsive, nimble and resourceful. The goal is to afford 17 year-olds the benefit of assessment and therapeutic services/programs, and the expertise provided by the juvenile courts, from which those younger have benefited. It is critical the state is willing to listen to the courts and the counties, and adequately *invest* in this initiative to make it work if the legislation is passed and implementation is to be successful.

The efforts of the Criminal Justice Policy Commission, the State Court Administrative Office, the professional associations and all those who have participated in the survey completion, are to be lauded as they are seeking to understand how this proposed legislation will impact our juvenile courts, counties, and state. The goal is admirable and common to all involved, but it must be based in a sense of reality, adequate and sustainable funding, and what can be *effectively and reasonably* implemented. The intent of this Report is to add to the understanding of the juvenile courts in Michigan and to help inform these efforts at the state level.

Recommendations

Based on the feedback and data from the revised Juvenile Court Administrator Survey, as the Michigan Legislature considers the "Raise the Age" package of bills (Appendix A), juvenile justice professionals respectfully encouraged the Legislature to consider the following recommendations:

- 1) **Fund juvenile court programs, staffing, and juvenile detention facilities** sufficiently and sustainably, avoiding any Headlee Amendment violations, to preserve the current progressive and cost-effective work of the juvenile courts, and to include the additional caseload of 17 year-olds.
- 2) **Fund the State Court Administrative Office to develop and implement a juvenile justice data sharing system** in conjunction with the juvenile court administrators and judges, using/expanding the work the Juvenile Justice Vision 20/20 Multijurisdictional Juvenile Justice Data Sharing Model has achieved, e.g., the Model based on Department of Justice's data collection and information sharing standards; the JJ Data Dictionary that establishes common definitions for identified data elements; online staff training to ensure quality data is entered; and data sharing agreements among the courts. Another model can be considered, but much work already has been done which could help expedite the development process.

A juvenile justice data sharing system will create a body of consistent data that will result in an improved ability for meaningful and thoughtful research to be conducted on which funding and policy decisions can be made.
- 3) **Fund the University of Michigan's School of Social Work Child and Adolescent Data Lab** to mine the quality, consistent juvenile justice data that emerges from the juvenile justice data sharing system which is not currently available. Such robust and valued research may be used to inform funding and policy decisions, and will measure the outcomes of the Raise the Age legislation involving juvenile justice. Funding for the University of Michigan should be secondary to SCAO funding noted in recommendation #2.
- 4) **Fund the Michigan Judicial Institute** to train juvenile justice staff, judges and referees and broaden the understanding of matters salient to the unique qualities and characteristics of juvenile offenders and the juvenile justice system, including the management and treatment of 17 year-olds.

Background

To discern the potential fiscal impact of the "Youth in Prison", otherwise known as the "Raise the Age" pending legislative initiative, the Michigan Criminal Justice Policy Commission contracted with Hornby Zeller Associates (HZA) to conduct a fiscal impact study. As part of their data gathering process, HZA sent a survey to court administrators who oversee juvenile court functions, and requested a myriad of responses related to the Probate, Circuit and District Courts. Although the effort was well-intentioned, the survey was challenging because one court may not have access to the requested information in another court of the same jurisdiction, and the data collected may or may not be the same in each court. Thus, responses could result in the collection of misleading data.

A subgroup of the State Court Administrative Office's Juvenile Justice Reform Task Force led by Judge Dorene S. Allen, chair of the Michigan Juvenile Justice Reform Task Force and president of the Michigan Probate Judges Association, talked with Karen Hallenbeck from HZA and discussed the concerns. This discussion resulted in a re-write of the HZA court administrator's survey by the Michigan Probate Judges Association (MPJA) and the Michigan Association of Family Court Administration (MAFCA) that focused on obtaining information pertaining specifically to the juvenile courts handling of delinquency cases within Circuit Courts throughout the state. This revised survey was called the "Juvenile Court Administrator Survey". (Appendix A)

The revised survey was distributed to members of MPJA, the Michigan Judges Association (MJA), MAFCA, and the Michigan Association of Circuit Court Administrators (MACCA). MPJA and MJA members were encouraged to remind their court administrators of the importance of completion of this survey, and MAFCA members actively participated in completing the surveys within a two-week period. The response was remarkable with fifty-seven (57) counties/courts responding by the submission of surveys completed to the best of their abilities and on short notice.

There are fifty-seven (57) Circuit Courts in eighty-three (83) counties in Michigan, and the response rate calculated to be sixty-nine percent (69%) of Michigan counties. Of those twenty-six (26) counties who did not respond to the survey, ten (10) counties were located in the Upper Peninsula, and the others, with the exception of one medium-sized county, were small jurisdictions and/or represented counties/courts that were joined with neighboring counties for their circuit court functions.

To confirm the budget data received in the revised Juvenile Court Administrator Survey and to obtain additional clarifying data, a supplemental survey was disseminated to MAFCA member court administrators and to MPJA member judges.

It is important to note, juvenile court hearings are handled by Probate Court judges and Circuit Court judges, which explains MPJA's investment in this effort and the support of MJA. It is important to note the Courts and the State Court Administrative Office has worked in collaboration supporting efforts and the outcomes of the Survey and this Report.

Overview

This Report is a review and analysis of the Juvenile Court Administrator Survey data and the follow-up, supplemental survey. The purpose of the Report is to identify findings in key areas of current sufficiency and capacity of services within the juvenile courts, and estimate the potential fiscal impact of 17 year-olds which would be added to the system. It also comments on potential unintended consequences when apparent.

Methodology

This Report represents the revised Juvenile Court Administrator Survey respondent data as *applied* to the juvenile courts in Michigan. It is not a scientific study; neither the allotted time nor the type of data collected allowed for the Report to be a quantifiable assessment of the juvenile court system as it relates to Raise the Age legislation, exclusively.

The analysis following each question or series of questions represents the juvenile court practitioner's perspective of the data and offers a potential, alternate view from many who work within the juvenile court system. The analysis also includes juvenile court nuances and insights about the system of which state policy makers may not be aware.

The tabulation of the survey data was completed by Sandi Metcalf, Juvenile Court Director of the 20th Circuit Court, Family Division, member of the Juvenile Justice Reform Task Force, and president of the Michigan Association for Family Court Administration. Responses to survey questions were quantified and categorized whenever possible to provide value and meaning to the process. Each question and sub-question(s) in aggregate form was considered from three perspectives: 1) frequency of tabulated responses to each questions and sub-questions; 2) completeness of data; and 3) logical understanding by the respondent and/or additional knowledge about the respondent's jurisdiction to make certain respondent thoroughly understood the questions.

The questions in the survey were designed to obtain data about current sufficiency of resources within the juvenile courts across Michigan, current and potential capacity among juvenile courts and juvenile detention facilities, and anticipated needs or resources. Court sufficiency reflects status of the courts correlated to management of the current caseload. Court capacity and anticipated needs relates to the expected increase in caseload based on the projected number of 17 year-olds coming into the juvenile court system and availability/accessibility of programs and services. The average census within the juvenile detention facilities helps determine potential capacity for 17 year-olds to occupy those beds.

Data Findings

The findings identified in this document are more qualitative than quantitative. The data for each question has been collected to the best ability of the respective court administrator and others who submitted the completed survey on behalf of their judges and courts. Courts/counties reported data with the understanding the results would only be reported in the aggregate.

The majority of the courts/counties answered all the questions, but some courts/counties did not which limits the full understanding of the data. However, in critical areas, it may be assumed the average of the majority can be applied to fill in for the absent data. This occurred once and is noted in the data reported.

N = 57 Courts/Counties

1) For what court(s) are you the administrator?

- The responses to this question were varied, reflecting the court administrative structure in each of the fifty seven (57) responding jurisdictions.

2) How many locations does your court have including a court-operated juvenile detention facility?

- Fifty-seven (57) responding jurisdictions represented eighty-two (82) office locations. Thus, several courts have multiple locations from which their staff work.

3) Please identify the number of judges and other staff employed and/or contracted by your court.

- The responses to this question were interesting, but perhaps the applicability of the responses would be better used to determine staffing levels in a more detailed study relating to current staffing levels, including judges, versus staffing level needs based on additional caseloads anticipated if Raise the Age legislation is adopted.

4) Is your court sufficiently staffed for the current caseload?

- Fifty (50) of fifty-seven (57) responded affirmatively to this question.

Analysis: The data is somewhat encouraging as it reflects the juvenile justice system is doing sufficiently well managing the current caseload, and one could assume staffing is not a major issue at this time. However, as noted in #6 below, adding 17 year-olds escalates staffing to be a major issue.

Two of the largest courts, two medium-sized court, and three medium to smaller or rural courts in the state indicated they have insufficient staffing for current demands. This may suggest a need to focus on increasing support in specific areas around the state.

5) If raise the age legislation is passed, how many additional youth do you anticipate will be added to your court's total caseload?

- Eight (8) courts/counties or fourteen percent (14%) did not respond to this question.
- Forty-nine (49) courts/counties or eighty-five percent (86%) responded to this question
- An estimated 4,697 additional youth was estimated to be added to the caseloads representing the forty-nine (49) courts/counties who responded to the question.
- Seventeen (17) courts/counties or thirty percent (30%) of the respondents estimated over 100 additional youth would be placed on their court's caseload with three courts/counties anticipating five hundred (500) or more 17 year-olds being added.

Analysis: Of those courts indicating five-hundred or more youth added to the current caseload, one court indicated the number could be as high as an additional 800 youth.

The data received suggests large, medium and smaller courts/counties will experience a significant gain in caseloads which will translate into higher costs, the need for more resources, etc. Significant expense will be incurred even if one youth per court is placed in residential care or foster care, which is highly unlikely. Rather, it can be anticipated 17 year-olds will be placed in residential care or foster care at the same rate as their 15 & 16 year-old counterparts are experiencing currently based on judicial and prosecutorial practices.

6) Is your court sufficiently staffed to meet the needs of 17 year-olds if they are added to the caseload?

- Fifteen (15) courts/counties or twenty-six percent (26%) reported they had sufficient capacity to manage the additional 17 year-olds within their juvenile court.
- Forty-two (42) courts/counties or seventy-four percent (74%) answered they would have insufficient staff to meet an increased caseload of 17 year-olds.

Analysis: Two (2) medium sized courts and thirteen (13) rural or small courts stated they have sufficient staff to manage the increased 17 year-old caseload. Therefore, with 74% having insufficient staff to meet this need, it can be assumed a significant number of staff would need to be hired to manage the increased caseload. This information can be used to inform the process, asserting additional staffing capacity will be a fiscal and resource issue if this legislation passes.

7) Does your court have any of the following problem-solving courts? (Juvenile court specific)

- Drug Treatment Court = 11
- Family Dependency Court = 1
- Mental Health Court = 5
- Truancy Court = 8
- Teen Court = 3
- Sobriety Court = 0

Analysis: Some refer to the Juvenile Court as the original problem-solving court. This is in part because the juvenile courts in Michigan have been responsible for the rehabilitation and treatment of juvenile offenders referred to the court, and this therapeutic approach has been based on building healthy relationships with youth and parents. Consistent research outcomes have noted building a relationship with a child is an evidence-based approach and is related to positive outcomes for juvenile offenders. For more than a decade, the research on adult mentoring of a juvenile has been found to be effective if the mentoring is consistent and long term, to allow for building a meaningful relationship. Because of the relational quality of the juvenile court model, many juvenile probation officers, treatment specialists, and others in the system work with the youth and their families over periods of time and thus, build quality, trusting relationships which are comparable to other specialty court models.

To some, the problem-solving or specialty court numbers may appear to be low; perhaps it is because many juvenile courts in Michigan already broker a variety of treatment services and value the relational approach built into the problem-solving court models.

Additionally, some juvenile courts have implemented drug treatment court only to terminate the practice a few years later because the model was viewed as too restrictive and in some cases, unrealistic or better designed for the adult system. Nevertheless, problem-solving courts can be an effective tool for the juvenile courts, and for those courts who prefer to not implement a specific problem-solving model, it is important funding for expansion of the availability and accessibility of services is often preferred.

Case Volume and Processing Reported

8) How many petitions did your court process in 2016?

- Number of petitions = 25,770

9) How many cases were handled on the Formal Calendar?

- Number of cases handled on the Formal Calendar = 13,521 (52%)

10) How many cases were handled on the Consent Calendar?

- Number of cases handled on the Consent Calendar = 3,580 (14%)

11) How many cases were diverted?

- Number of cases handled using diversion programming which may include Consent = 5,196 (20%)

Analysis: This series of questions resulted in varying responses due to different interpretations of the terminology. Thus, it is apparent the questions needed to be articulated more clearly to make certain the data responses were accurately being reported. Consequently, there are gaps in the data and the data reliability is limited.

Upon further validation, the responses were similar in some areas but did not consistently corroborate with other data submitted to the state by the courts. State Court Administrative data identified the number of juveniles pending or under court supervision or MDHHS supervision on December 31, 2016 whereas the survey questions asked for data for the entire year of 2016. Juvenile court data is typically collected for CCF funding purposes and therefore, is based on a either an entire calendar year (2016) or a fiscal year of October 2015 – 2016. Thus, the survey questions relating to the data collected were very different from what SCAO collects and contributed to the discrepancy.

Nevertheless, it is commonly known crime has decreased across the nation and in Michigan for the past several years and the reduction has been realized by the number of petitions referred to the juvenile courts. Many assume this must have created capacity within the juvenile court system, but what isn't noted is, the *type* of youth being referred to the juvenile courts is significantly more complex and challenging, which has consumed more staff and service/program resources. The number of youth manifesting significant mental health and substance abuse issues have sharply *increased*, and the number of capable, involved parents has significantly *decreased*.

Notably, the accessibility to pornography online and in homes is prevalent and often, court-involved children are exposed to this at very early ages; many youth come from homes in which pornography is part of the family's daily culture. Even youth from seemingly "good homes" are being referred to the juvenile court due to the induction of pornography into their young lives through sexting and other behaviors, leading to a lack of understanding of appropriate boundaries and behaviors which have translated into chargeable offenses.

Youth are manifesting a need for more health and dental services which are needs difficult and costly to provide. These additional needs compound treatment issues and require additional case management.

Increased criminalization of what used to be typical "adolescent behavior" often leads to challenges for youth to get a job, acquire housing, and join the armed services. The result is a generation of youth who may have done well in treatment through the juvenile court, but they are unable to move forward due to inherent barriers in the system preventing them from "growing up" and moving to the next stage of life, successfully.

Group homes are absent in the continuum of care for juveniles, and foster homes for adolescents (especially girls) are very difficult to obtain across the state. The broad use of psychotropic drugs by children adds challenges to staff because the courts were not designed to manage issues of medication to the degree they are being currently utilized. Additionally, under psychotropic medication, it is difficult to know *who* that child is – really. The court may want to terminate the use of psychotropic drugs (which have not been industry tested for use on children) as a treatment approach – just to see who this person really is and whether the medication is increasing the behavior rather than helping, but this is very tough to do.

Cutting or self-mutilation in boys and girls is prevalent and one, true "cutter" is extremely challenging to manage in the milieu and often spawns "copy cat" behaviors in other youth within facilities. Suicide ideation is common among the youth, as well, requiring additional staffing to manage the milieu, and the heightened level of "neediness" of children

Analysis: The list of evidence-based programming and promising practices offered by the courts to court-involved youth and families is impressive. Out of thirty programs/services noted, eleven programs/services are provided by thirty or more courts. The top twelve programs/services are identified as community service, drug testing, electronic tether, juvenile detention, mental health services, Multi-Systemic Therapy, religious or faith-based services, residential treatment, sex offender assessment and treatment, intensive supervision, substance abuse assessment and treatment, and Thinking 4 a Change (cognitive behavioral treatment). This provides a wide range of treatment, skill development, and accountability services/programs to address the needs of youth, and juvenile courts across the nation would be envious of this ability to provide such a flexible, variety of services to meet the needs of juveniles.

The next tier in which twenty-one or more courts offer services/programs including 24/7 crisis intervention, cognitive behavioral counseling, educational programming, and truancy programming. This suggests the juvenile courts are currently offering juveniles a wide range of services/programs while retaining youth in their communities which is evidenced-based practice and preferred, whenever possible.

It is anticipated the 17-year-old population will bring a similar set of needs but also, additional needs younger youth do not present. For instance, many 17 year-olds do not live at home; they may "couch surf", maintain an apartment with a friend, or are homeless. Many do not attend school and need significant educational services, including vocational skills. Some 17 year-olds are also parents who require child day care support, parenting skills coaching, etc. These are issues and needs that must be addressed to stabilize behaviors and rehabilitate youth, and they represent significant additional costs. It is anticipated 17 year-olds will have access to the types of assessments, services and/or programming noted previously, and although community-based services are less expensive and result in better outcomes, they still require funding. Therefore, sufficient funding and resource expansion will be critical to Raise the Age legislation.

14) Will there be sufficient availability of the services and programs your court brokers if the age is raised to 17-years-old in Michigan?

- Nineteen (19) or thirty-three (33%) percent court/county respondents anticipated they would have sufficient services and programs available to accommodate 17 year-olds.
- Thirty-four (34) or sixty (60%) of the respondents indicated they would not have sufficient services/programs available.
- Two small, rural courts did not respond to the question.
- Two (2) courts/counties responded with an "unknown".

Analysis: One may assert this data is hopeful based on thirty-three percent (33%) responding and indicating the courts would have adequate and sufficient programs/services to treat the additional youth entering their court. Perhaps this reflects the past decade of efforts by the courts/counties to establish effective, community-based treatment options within the local jurisdictions, while leveraging the Child Care Fund (CCF). However, the thirty-three percent were small, rural courts, with one, medium-sized court excepted. The majority or 60% of the respondents, which are mostly large and medium sized jurisdictions, indicated substantially more services and resources will be needed to accommodate the additional 17-year-old population.

Additionally, community-based services for rural area courts/counties present unique challenges. Due to the distance between the court, the population base and the resources, different strategies will be required.

As previously mentioned, it is important to note the 17 year-olds will present some similar and some different issues and characteristics. Some may be parents, homeless, no longer attending school, unemployed, and many have no relationship with their parents. The juvenile courts seek to work with families when available and strive to address specific identified needs of youth. Although it may appear some of the courts have capacity to serve more youth, it is a giant leap to assume the juvenile courts are equipped to meet the varying needs of 17 year-olds. The lack of resources needed to meet the needs of 17 year-olds will represent a significant state cost as most courts currently do not have capacity and lack sufficient programs/services available to address the 17 year-old juvenile population.

15) If your court is unable to provide needed services to juveniles, are your court staff realistically able to refer your clients to accessible services such as those that might be available in a neighboring county?

- Yes = 4
- No or N/A = 46
- Left Blank = 7

Analysis: The data reflect challenges to the courts relating to accessing services in a neighboring county. For some, the distance to travel is prohibitive and for most, neighboring counties provide services for *their* citizens and people who live in *their* jurisdiction. Therefore, although some counties may provide services for someone from a neighboring county if they live on the county line or close to it, and they also may put people on a wait list and only provide the service if they have capacity. This is a very challenging and unrealistic way to manage the courts' continuum of services and to provide services to juveniles and their families who are typically stretched too far emotionally and fiscally already. Accessible transportation to services in counties is a consistent challenge, and to be referred to a service accessed several miles away may be unreasonable, compounding this service-sharing concept.

Juvenile Detention Facilities

- Eighteen (18) of 19 respondents who stated they had a court or county operated, secure juvenile detention facility reported an occupancy rate for 2016.
- The average occupancy rate of all the respondent facilities was six-five (65%) percent; one facility is a very small, non-traditional facility with a very low occupancy rate. This could skew the overall occupancy rate.
- Twelve (12) facilities reported an average census of 60% or higher for 2016
- Five secure, juvenile detention facilities reported occupancy of 60% or lower.
 - Three of these facilities are located in southern/southeastern part of Michigan;
 - One facility is located in the mid-eastern side of the state; and
 - One facility is in the west side of the state, but there are unique circumstances associated with this facility's reported low occupancy rate for 2016.

16) Does your county/court operate a juvenile detention facility?

- a. If yes, is the facility secure?**
- Eighteen indicated their facility is secure.
 - **What is the secure facility's bed capacity?**
 - Total number of beds in all facilities = 920t **was the average occupancy rate in the state FY 2016?**
 - Average occupancy of all facilities was 65%

- **What is the per diem rate you charge per youth?**
 - Average per diem rate was \$213.22
 - Six courts/counties were higher than \$155/day with three facilities charging \$300/day and four facilities charging more than \$155/day.
- b. **If yes, do you operate a non-secure facility?**
 - Five courts indicated they operate a non-secure detention facility.
 - **What is the non-secure facility's bed capacity?**
 - Total number of beds = 132 with one county/court having a facility with a capacity of eighty beds
 - **What was the non-secure facility's average occupancy rate in state fiscal year 2016?**
 - Average occupancy rate = 63%
 - **What is the per diem rate you charge per youth?**
 - Per diem rate = \$133.30
- c. **In addition to providing detention beds, does your facility also provide residential treatment programming?**
 - Facilities providing treatment in addition to detention beds = 11
 - **What is the bed capacity of the residential treatment program?**
 - Number of residential treatment beds within their facility = 266 with a large county/court noting they have 90 available treatment beds.
 - **What was the facility's average occupancy rate in state fiscal year 2016?**
 - Occupancy rate for 2016 = 73%
 - **What is the per diem rate you charge per youth?**
 - Per diem rate = \$171 with per diem rates ranging from \$140 - \$250 in the largest court/county.

Analysis: Depending upon the offense profile of the 17 year-olds coming into the court and the usage of detention for behavior management and/or public safety risk, it appears there is some limited capacity among the facilities to accommodate additional youth, but this assumption may be misleading. The desire to treat youth locally and effectively has spawned a trend in some facilities to utilize a portion of the open detention beds by converting them into short term treatment beds to meet the treatment needs of youth. This means the beds do not become available as readily as when they are used as detention beds. Additionally, some courts have complained of difficulty finding open detention beds within a 1 to 2 hour drive from their location. It is also noted, the three (3) facilities which reported significant capacity are located in the mid-south to the southeast section of the state, and one court reported an occupancy rate of 5.5% and another reported a very low rate of 24%; these two facilities present unique circumstances. Thus, the capacity outcome of this data set needs to be considered with caution.

Finally, juvenile detention bed capacity is very fluid by nature, and contrary to some beliefs, not all operational costs of these facilities are reimbursed at 50% by the CCF. Facilities are costly to construct and to operate, and many of the costs are borne by the local taxpayers.

Budget Data

- 17) **What is your court's total FY 2015 – 2016 budget?**
 - Total cost for all respondent courts = \$314,449,014
- 18) **How much of your court's total budget was 50% reimbursed by the Child Care Fund in FY2015 – 2016?**
 - Total amount reimbursed by the Child Care Fund in FY 2015 – 2016 = \$108,902,636
- 19) **How much of your court's total budget was supported by the County General Fund in FY2015 - 2016?**
 - Total amount charged to the County General Fund = \$246,529,069

Analysis: For context, it is important to note, based on the Senate Fiscal Agency's data, 2016 CCF Expenditures = \$299,602,959

The following is a breakdown of those expenditures:

Total 2016 CCF Expenditures = \$299,602,959

- Foster Care = \$6,495,743
- Court Operated Juvenile Detention Facilities = \$108,424,829
- Private Institutions (Residential Care) = \$67,304,235
- Other Institutions = \$8,755,091
- Independent Living = \$547,106
- IHC = \$108,075,955

The total CCF expenditures for 2016 (above) include not only juvenile justice expenditures, but also, child welfare costs, may be substantial. It is very difficult to obtain a breakdown of juvenile justice costs versus child welfare costs relating to CCF expenditures which creates another barrier to determining costs. Further complicating this issue is eight (8) courts/counties, including some large ones, did not project an estimated number of 17 year-olds who would be added to their caseload. When exploring why the questions were left unanswered, the response was it was too difficult to project a number with any reliability due to disparate data systems on which the data may or may not be collected.

Estimated Additional Costs

What will be the fiscal impact on the juvenile courts and the state of the Raise the Age legislation by including 17 year olds in the juvenile courts?

As reported by the Juvenile Court Administrator Survey and Supplemental Survey respondents, the following formula was used to estimate the fiscal impact of Raise the Age legislation on the juvenile courts in Michigan:

- Projected numbers of 17 year olds = 4,700 additional youth among forty-nine (49) courts or a 21% increase in 2016 caseloads.
- Assuming the eight (8) courts who did not include 17 year old projections in their survey response will have a similar experience to the forty-nine (49) respondent courts, applying a 21% increase in caseload to the eight (8) courts adds an estimated one thousand, six hundred and sixty-four (1,664) additional number of youth entering the juvenile courts.
- The total estimate of additional youth entering the juvenile courts equals six thousand, three hundred sixty-four (6,364).

Estimated Additional Cost Calculation

- The total 2016 budget for 57 juvenile courts = \$314,500,000
- The total number of youth for 2016 is 22,297.
- The cost per youth per year is \$14,105 ($\$314,500,000 \div 22,297 = \$14,105/\text{youth}/\text{year}$)
- $\$14,105/\text{youth}/\text{year} \times 6,364$ estimated youth, including 17 yr. olds = \$89,764,453 additional cost to the budget.
- $\$89,764,453 + \$314,500,000 = .285$ or a 29% rate of budget increase from the 2016 total juvenile court budget amount as reported in the Survey.
- $\$89,764,453 + \$314,500,000 = \$404,265,453$ estimated budget based on 2016 reported court data

Estimated Additional Budget Cost Considerations

- To better understand how much needs to be added to the state and county budgets to provide adequate funding for 17 year-olds, it may be helpful to break-out the CCF juvenile justice expenditures from child welfare because the 17-year-old cases only represent delinquency or juvenile justice cases.
- Approximately 10% youth are processed in the courts as "dual wards" or "crossover youth". This means they have come into the system on the child welfare side of the court but also, they have been referred to the court for a delinquent offense. These cases tend to linger in the system because of the complexity and unique needs they present. Thus, treatment and support services for extended periods of time are often required. Depending upon which side of the court the child is placed, e.g., foster care, residential care, etc., determines who performs the active case management and how the funds for placement are expended. If the youth is placed on the delinquency side of the court, the court provides the case management services and is invoiced for the care of the child and seeks reimbursement from MDHHS/CCF. If the child is placed on the child welfare side of the court, MDHHS or the private agencies render the case management services and the invoice is sent to MDHHS or the contracted private agency through MDHHS. In turn, MDHHS or the private agency submits the invoice to the court or county for payment.

Approximately 10% of delinquent caseloads are dual ward youth, but this number varies from jurisdiction to jurisdiction. It can be anticipated that some 17 year olds coming into the juvenile justice system will also be dual wards and may require extensive and costly services.

- Given the CCF breakdown above, almost 100% of the In Home Care (IHC) programs and Court/County Operated Juvenile Detention Facilities' budgets equal \$216,500,784. It is anticipated these two expenditure areas will increase substantially with an estimated 21% added to the caseload numbers which may translate into an additional 29% in costs, depending upon what level of services are offered.
- Foster care for delinquency is a much smaller number because there are increasingly fewer foster home parents who will take a delinquent adolescent (or neglect/abuse adolescent) into their home. "Private Institutions" and "Other Institutions" could be increased substantially because of the high per diem rate per youth. Assuming an annual cost of \$120,000 - \$250,000/child (per diem plus one-on-one care) paid annually, one severely mental health disordered 17-year-old who is committing crimes in the community, can force costs to skyrocket quickly and for an extended period of time.
- The unique characteristics of serving 17 year-olds, e.g., vocational training, transportation, additional educational programming to make up deficits in education, etc., will also add substantial costs to the budget as these types of programs – even performed in partnership with the community – are costly. These services will be critical in the skill development of youth preparing for employment in adulthood.
- Some courts make youth who are ordered into residential placement an Act 150. This requires MDHHS to locate and place the youth in an appropriate residential treatment facility. Many courts have ceased doing

- this, but this practice continues among some courts. Under such conditions, MDHHS has control over the location of and the cost of the placement, and MDHHS is directly billed for this placement. The MDHHS then bills the county for reimbursement of the per diem. It is difficult to determine if the reduction in practice will change with RTA legislation, but increased placements through making youth Act 150's may impact state and local budgets.
- Due to the varied responses and the budget considerations identified above, the information above can only minimally assist to inform the process of determining the additional costs of the juvenile courts for the Raise the Age initiative.

Barriers/Challenges/Additional Comments

20) What are the barriers and/or challenges you anticipate the courts will encounter if 17 year-olds are redirected to the family court and juvenile justice systems? What benefits are anticipated?

- The responses to this question were widely varied and lengthy. For more detailed information, the responses have been included in the Appendices C and D.

21) What financial constraints do you anticipate the court will encounter if 17 year-olds are redirected to the family Court and juvenile justice systems? What benefits are anticipated?

- The responses to this question were widely varied and lengthy. For more detailed information, the responses have been included in the Appendices C and D.

22) Please provide any additional information you feel should be shared.

- The responses to this question were widely varied and lengthy. For more detailed information, the responses have been included in Appendix D.

Summary

Overall, the data reflect an increasingly strong, juvenile justice system as it relates to the current management of delinquent youth and families in Michigan. Unfortunately, there was not time to obtain data from the tribal community for this Report, but one could suspect there is room for expansion of services among the tribes, as well.

The Child Care Fund of Michigan has been a key support in creating this nimble, responsive juvenile system which contributes to the quality of life for all who live in Michigan. Always, there remains need for expansion of accessible services, staff training, data collection/sharing capabilities, and funding. More court-involved youth referred to the courts are treated and managed locally, and that equates to quality outcomes combined with significant budget savings for the state and the local governmental units.

The estimated \$89,764,453 in added costs reflecting a 29% increase in costs and a total estimated budget of \$404,264,453 offers a snapshot estimate of the fiscal impact. However, there are other costs not identified in this Report that need to be measured. The adequacy and sustainability of state funding for the management and treatment of the 17-year-old population is critical.

As the data from the Revised Juvenile Court Administrator Survey reflects, the juvenile courts are flexible and responsive to the needs of youth and their respective communities. They understand the needs of youth and families, and their expertise is in forming positive relationships in tandem with brokering and implementing services and programs designed specifically to meet the therapeutic needs of court-involved youth. However, it cannot be expected for the juvenile courts to carry the full burden of such large numbers added to the caseloads of the courts without adequate state support.

The data clearly show:

- 1) The juvenile courts are managing the current caseloads well and many offer evidence-based and promising practices in their continuum of services, locally.
- 2) Although caseloads have been reduced in the juvenile courts, the complexity of cases and the needs of juveniles and their families have increased significantly, presenting challenges to juvenile courts which are charged with the rehabilitation of juveniles referred to the courts.
- 3) The significant change in juveniles' presenting problems require implementation of more accessible/available services/programs and expanded use of a validated risk/needs survey implementation across the state.
- 4) The Child Care Fund has been instrumental in the increase of community-based programming resulting in improved outcomes and substantial cost savings to the state and local funding units.
- 5) Funding is maximized according to the services/programs currently being offered.
- 6) General consensus among the juvenile courts that treating 17 year olds in the juvenile system would provide more robust and therapeutic services to 17 year olds in most cases, and it is the "right thing to do".
- 7) Proposed "Raise the Age" legislation will significantly, fiscally impact the courts'/county and/or the state's budgets by an estimated \$89,764,453; will increase the workload; and will require additional juvenile detention facility space, regardless of how the funding structure is ultimately designed.

Additionally, this data collection process has brought attention to a critical need of the juvenile justice system and one that has long been ignored by many who have the ability to change it. That need is a flexible, juvenile court-focused data

collection and information sharing system which is designed for juvenile courts rather than being designed for adult courts and requiring the juvenile courts to modify data entry to fit the adult designed data system. It does not make sense to fund research based on marginal, skewed data currently existing within the databases. **Poor quality data results in poor decision-making at all levels.**

The juvenile courts function differently than the adult system, and the data collection/sharing system needs to accommodate the juvenile specific functions, e.g., case notes, program tracking, risk/needs assessment data and other assessment information, etc., based on common definition, in addition to the judicial processing of youth. The data system also needs to honor the courts' efforts to input quality data through individual data sharing agreements and notification of when and with whom the data is shared.

Currently, the juvenile courts collect significant amounts of data, and some courts input limited data into repositories such as the Judicial Data Warehouse. However, the key to being able to learn from data through research is to make certain the data is *quality* data and the courts are using common definitions that have been developed through consensus. Some of this work has already been done, but there is need for state support. (Appendix E) Thus, the lack of quality data negatively impacts the potentially meaningful outcomes of the Raise the Age research performed. This lack of *quality* data make tenuous any related funding and policy decisions.

In summary, "Raise the Age" legislation will:

- 1) Increase the caseloads of all the juvenile courts, significantly, across the state;
- 2) Increase the budgets of the entire juvenile system in the state;
- 3) Increase the need for additional staff and program resources throughout the juvenile justice system;
- 4) Require an effective, juvenile court-specific, quality data collection and data sharing system to measure the outcomes of the legislation; and will
- 5) Provide improved services to 17 year olds who enter the criminal justice system.

What the juvenile courts do, matters! Their performance is correlative to the quality of life in the respective communities, and the general fabric of society. It is not the intent of Raise the Age to take a well-functioning juvenile court system and reduce its ability to be responsive, nimble and resourceful. Rather, the goal is to afford 17 year-olds the benefit of assessment and therapeutic services/programs, and the expertise provided by the juvenile courts, from which those younger have benefited. Thus, it is critical the State of Michigan is willing to listen to the courts and the counties, and adequately *invest* in this initiative to make it work if the legislation is passed and implementation is to be successful.

The efforts of the Criminal Justice Policy Commission, the State Court Administrative Office, the professional associations and all those who have participated in the survey completion, are to be lauded as they are seeking to understand how this proposed legislation will impact our juvenile courts, counties, and state. The goal is admirable and common to all involved, but it must be based in a sense of reality and what is capable of being *effectively and reasonably* implemented. The intent of this Report is to add to the understanding of the juvenile courts in Michigan; estimate the potential fiscal impact on the juvenile justice system based on juvenile court data reported from the courts; and to help inform these efforts at the state level.

APPENDICES

[Appendix A](#) – Raise the Age Legislative Bill Listing

[Appendix B](#) – Juvenile Court Administrator Survey

[Appendix C](#) – Summary of Responses to
Questions 20, 21 & 22

[Appendix D](#) – Individual Responses to
Questions 20 & 21

[Appendix E](#) – Multijurisdictional Juvenile Justice Data
Sharing Project Description

Appendix A

“Raise the Age” aka “Youth In Prison” Legislative Package of Bills

stat

Raise the Age Bills Listing

Details of each bill list below can be located at:

[http://www.legislature.mi.gov/\(S\(0oogufryzi1e1panudxg0qan\)\)/mleg.aspx?page=bills](http://www.legislature.mi.gov/(S(0oogufryzi1e1panudxg0qan))/mleg.aspx?page=bills)

The following is a listing of legislative bills for “Raise the Age” otherwise known as “Youth In Prison”, and the legislator sponsoring each bill:

HB 4607	Rep. Lucido
HB 4653	Rep. Kosowski
HB 4662	Rep. Page
HB 4664	Rep. Afendoulis
HB 4676	Rep. Garrett
HB 4659	Rep. Santana
HB 4685	Rep. Webber
HB 4793	Rep. Jones
HB 4675	Rep. Guerra
HB 4969	
HB 4744	Rep. Noble
HB 4969	Rep. Brann
HB 4753	Rep. Runestad
HB 4696	Rep. Singh
HB 4789	Rep. Love
HB 4677	Rep. Chang
HB 4678	Rep. Howrylak
HB 4741	Rep. Howrylak

Appendix B

The Juvenile Court Administrator Survey

Michigan Study of 17 year-olds Juvenile Court Administrator Survey

*This survey is being disseminated by the Michigan Association for Family Court Administration to provide more accurate juvenile court data to Homby Zeller Associates, Inc., the contract agency hired by the Criminal Justice Policy Commission to measure the costs to Michigan counties if 17 year-olds are to be treated as juveniles. **The information you provide is very important to us and will be used to make recommendations to the legislature for criminal justice reform. Your answers will be maintained in strict confidence and will be aggregated with others for reporting.***

Please print the Survey; answer the questions noting any variance or items for clarification purposes on the survey; and email it to:

Thank you for taking the time to complete this survey.

- For what court(s) are you the administrator? *Check all that apply.*
 Circuit, Specify Number: _____ Probate/Family
 a. Recognizing there are combined circuit courts representing multiple counties, etc., please specify the county for which you are answering: _____
 b. What is your title? _____
- How many locations does your court have including a *court-operated* juvenile detention facility? _____
- Please identify the number of judges and other staff employed and/or contracted by the court in the juvenile division for which you are answering in the table below:

Staff Type	Circuit Court		Probate/Family Court	
	Full-time	Part-time	Full-time	Part-time
Judges	___	___	___	___
Referees	___	___	___	___
Administrators	___	___	___	___
Clerks	___	___	___	___
Probation officers	___	___	___	___
Administrative, clerical	___	___	___	___
Other, please specify _____	___	___	___	___
Other, please specify _____	___	___	___	___
Other, please specify _____	___	___	___	___

- Is your court sufficiently staffed for the current caseload? Yes No
- If raise the age legislation is passed, how many additional 17 yr, old youth do you anticipate *will be added* to your court's total caseload? _____
- Is your court sufficiently staffed to meet the needs of 17 year-olds if they are added to the caseload? Yes No
 a. If no, how many additional staff resources of each type will be needed?

Michigan Juvenile Court Raise the Age Survey
Data Findings and Recommendations

7. Does your court have any of the following problem-solving courts? *Check all that apply.*
a. If yes, please identify youth are served by the problem-solving court.

Problem-Solving Court	Yes	Serves Juveniles
Drug Treatment Court	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Family Dependency Court	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Mental Health Court	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Case Volume and Processing (Please note: The following questions should correlate with the same fiscal time period as questions 17 – 19. Also, this information has been provided to HZA by SCAO, but it is important to cross reference the data for this purpose.)

8. How many petitions were filed in your court in the calendar year of 2016? ____
9. How many cases were handled on the Formal calendar in the calendar year of 2016? ____
10. How many cases were handled on the Consent calendar in the calendar year of 2016? ____
11. How many cases were diverted during the calendar year of 2016? ____
12. Please identify the assessments of juveniles your court uses below. *Check all that apply and add as necessary..*

Assessment Type	Yes
Criminogenic Risk/Needs	<input type="checkbox"/>
Education	<input type="checkbox"/>
Health	<input type="checkbox"/>
Mental Health	<input type="checkbox"/>
Substance Abuse	<input type="checkbox"/>
Sex Offender	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>
	<input type="checkbox"/>

Services

13. In the table that follows, please identify the programs/services available to juveniles/families within your county.

Michigan Juvenile Court Raise the Age Survey
Data Findings and Recommendations

Check all that apply.

For each of the services/programs brokered by your court, identify which ones you consider to be evidence-based and which are gender specific. Please select the gender for which the programs/services are intended if gender specific or mark N/A if not gender specific.

Please record the average cost per youth for each service/program your court brokers for court-involved youth and, if possible, how many youth received each service during 2016.

Programs/Services	Currently Available	Evidence-based	Gender Specific	Average Cost per Youth	Number Served
24 Hour/7 Days/Week Crisis Intervention	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
After Hour Surveillance	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Aggression Replacement Training	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Art/Music Programming	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Cognitive Behavioral/Counseling Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Community Service Program	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Community-based Educational Program	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Dental Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Domestic Violence Programming	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Drug Testing	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Educational Programming	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Electronic Tether	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Employment Training/Vocational Education	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
EPICS	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Functional Family Therapy	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Intensive Supervision	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Juvenile Detention	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Mental Health Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Multi-Systemic Therapy	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Pretrial Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Psychiatric Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Public Health/Medical Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Regular Probation	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Religious/Faith Based Support	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Residential Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Sex Offender Assessment/Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Substance Abuse Assessment/Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Thinking 4 a Change	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Trauma-based Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Truancy Programming	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	
Other	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> N/A <input type="checkbox"/>	\$	

14. Will there be sufficient availability of the services/programs your court brokers if the age is raised to 17?

Yes No

a. If no, which services/programs will be in short supply? Please list.

- i. _____
- ii. _____
- iii. _____

15. If your court is unable to provide needed services to juveniles, are there sufficient services/programs to meet those needs in neighboring counties from which your court can realistically obtain services/programs?

Yes No Not Applicable, Our county has sufficient services/programs to meet our juveniles' needs.

Detention Centers

16. Does your county/court operate a juvenile detention facility?

Yes Please answer questions a, b and c. No Skip to question c.

a. If yes, is the facility secure? Yes Continue No Skip to b.

- i. What is the secure facility's bed capacity? _____
- ii. What was the secure facility's average occupancy rate in state fiscal year 2016? _____%
- iii. What is the per diem rate you charge per youth? \$ _____

b. If yes, do you operate a non-secure facility? Yes Continue No Skip to c.

- i. What is the non-secure facility's bed capacity? _____
- ii. What was the non-secure facility's average occupancy rate in state fiscal year 2016? _____%
- iii. What is the per diem rate you charge per youth? \$ _____

c. In addition to providing detention beds, does your facility also provide residential treatment programming?

- Yes Continue No Skip to 17.
- i. What is the bed capacity of the residential treatment program? _____
 - ii. What was the facility's average occupancy rate in state fiscal year 2016? _____%
 - iii. What is the per diem rate you charge per youth? \$ _____

Budget Data

17. What is your court's total FY 2015 – 2016 budget? \$ _____

18. How much of your court's total budget was 50% reimbursed by the Child Care Fund in FY2015 - 2016? \$ _____

19. How much of your court's total budget was supported by the County General Fund in FY2015 - 2016? \$ _____

Barriers/Challenges/Additional Comments

20. What are the barriers and/or challenges you anticipate the courts will encounter if 17 year-olds are redirected to the family court and juvenile justice systems? What benefits are anticipated?

21. What financial constraints do you anticipate the court will encounter if 17 year-olds are redirected to the family court and juvenile justice systems? What benefits are anticipated?

22. Please provide any additional information you feel should be shared.

*We appreciate you taking the time to complete this survey.
Thank You.*

Appendix C

Summary Responses

Questions 20 & 21

Question 20. What are the barriers and/or challenges you anticipate if 17 year olds are redirected to the family/juvenile courts? What benefits are anticipated?

Barriers	Benefits
1. Staff shortage difficulties (including judicial officers, probation officers and clerical staff). (19 counties)	1. Increased services provided to 17 year olds and families. (7 counties)
2. Fiscal constraints to or burden upon court budget. (18 counties)	2. Higher likelihood for rehabilitation. (6 counties)
3. Detention and residential capacity issues. (13 counties)	3. Would eliminate the "gray area" for the definition of "adult". (3 counties)
4. Creating separation for various age-appropriate programming (12 year olds v. 17 year olds). (7 counties)	4. Better monitoring of truant youth. (3 counties)
5. Increased detention and residential placement costs. (5 counties)	5. Decreased recidivism within that population. (2 counties)
6. Increased caseloads (5 counties)	6. Better support for families (2 counties)
7. Difficult for rural counties to secure services. (4 counties)	
8. Lack of transitional housing when no longer living at home. (3 counties)	
9. Changing/Development of programming and mental health services to meet needs of older youth. (2 counties)	
10. Difficulty monitoring youth at college or away from home. (2 counties)	

Additional barriers include: more serious offenders require higher security, securing additional service providers, community education about the need to treat 17 year olds as youth instead of adults, detention center overcrowding, older youth may have exhausted juvenile court resources, staff learning curve, will need to use risk/needs assessments to determine needs, caseload will increase before impact is known, lack of office space, additional security concerns, drug testing challenges, lack of specialty services, more diverse caseloads, greater education disparities, lack of local resources, and scheduling difficulties.

Additional benefits include: a wider variety of services offered to 17 year olds, more individualized attention, better supervision, can treat juveniles longer in a therapeutic way, less criminalization of youth, more time to work with youth, offer age-appropriate services, anticipated decrease in jail population, allows juveniles to remain in school, records can be expunged, keep kids out of the adult system for another year, and higher maturity level.

Question 21. What financial constraints do you anticipate the court will encounter if 17 year olds are redirected to the family/juvenile courts? What benefits are anticipated?

Financial Constraints	Benefits
<ol style="list-style-type: none"> 1. Additional staff and training needs. (16 counties) 2. Increased need for residential placement, at greater cost. (10 counties) 3. Increased programming costs. (7 counties) 4. More funds will be spent on detention. (5 counties) 5. Foster care costs will increase. (2 counties) 6. Loss of Child Care Funding if caseloads exceed twenty. (2 counties) 7. Reduction in detention bed rental revenue. (2 counties) 	<ol style="list-style-type: none"> 1. Possible revenue and consistency with DHHS

Additional financial constraints include: increase in intensive supervision, 17 year olds may take limited space from younger offenders, General Fund and Child Care Fund increases, increase cost for in home services, loss of District and Circuit Court fines and fee collections, costs of finding resources for rural counties, and increased counseling costs.

Appendix D

Complete Individual Responses

Questions 20, 21 & 22

COMPLETE RESPONSES to Question 20. What are the barriers and/or challenges you anticipate if 17 year olds are redirected to the family/juvenile courts? What benefits are anticipated?

1. Challenges: Youth home classification of residents by risk factor and age. Fiscal constraints to court budget. Changing programming and mental health services to meet needs of older youth. Possible increase in number of youth on probation with serious offenses requiring higher security. Increase in number of youth being detained as result of lengthier delinquency record when youth is closer to 18.
2. Additional costs and hearings: Not sure of any benefits.
3. Adopting juvenile services to 17 year olds who will be an adult in less than a year.
4. Barriers are staffing and finances. Benefits would be providing treatment to youth.
5. Barriers/challenges would be extra cost on budget; benefit would be no "gray area" for definition of "adult".
6. Barriers: Appropriate programs for 12-17 year olds (separation). Detention costs, Residential treatment costs, staffing, developing programs to meet the needs of 17 year olds. Benefits: Increased services provided to 17 year olds and families, increased support for families, variety of programs available for 17 year olds
7. Barriers: Capacity issues in Detention. Capacity issue with caseloads leading to a loss in CCF funding if over 20. Need more intake referees.
8. Barriers: Higher costs if need placement; More PO and clerical time. Benefits: More individualized attention, additional resources available, can work with youth and family
9. Barriers: Ripple effect - an increase in youth occurs against the backdrop of program capacity and docket management. Benefits: Research shows higher rehabilitation rate.
10. Barriers: Securing service providers, Funding services, Securing residential options other than jail. Educating community stakeholders about the need to treat this population as juveniles and not adults. Benefits: More services provided to 17 year olds than are currently provided, Better supervision, More community based options for them, More services provided to the family.
11. Barriers: Shortage of probation supervision and officers. 16 year olds turning 17 represent the largest population coming into our court system. Servicing them beyond their 17th birthday would present challenges the court is not currently able to absorb.; Shortage of resources to provide the safety and security needed for this population. We have almost 15% of our juvenile population in treatment settings. This represents a large financial burden to the court. If 15% of the 17 year olds were to be absorbed into the courts budget for private institutional care.....that would represent between \$ 640,000 to \$1.17 million. That increase could not be absorbed without significant hardship; Shortage of beds within the detention facility would mean expanding the capacity of the facility or utilizing external facilities. The 17 year old age group could represent 100 to 200 intakes into the facility per year. That additional 17 per month would create periods of overcrowding that would strain the facility and its resources. Benefits: The population would be provided the same opportunities as other age groups prior to becoming a legal adult.
12. Benefit to 17 year olds to be treated as a juvenile and provided services. Barriers are funding related and even if you have money, will there be services in the community? For example, education and job skills/training will be needed and we don't have those services available.
13. Benefit: Anticipated adult recidivism reduction due to intensive juvenile treatment. Barrier: Lack of transitional housing
14. Barriers/challenges: Many of the youth have already been dealt with in juvenile court and may have been unsuccessful/exhausted all services; Lack of staff to adequately service the additional youth. Balancing the services/efforts with a caseload of 12-16 year olds and then adding the 17 year old that

- may not want the services. Learning curve for staff; Limited placement availability. And safety issues in the placements with the older population. Benefits: Will unite with other services that already serve up to 18, more unified services across the board for families. Ease frustration level for parents that look for services for their 17 year olds. Very gray age now. Will help keep kids in school and get them closer to graduation. Would keep the youth out of the adult system that may better be served in the juvenile justice rehabilitation system.
15. Benefits would include the ability to stay involved with truant until they turn 18. The challenge will be the resulting stress on officer caseloads.
 16. Benefits: Ability to treat juvenile offenders in therapeutic way longer. Reduce "grey" zone for juveniles who are between 17 and 18 years old and parents are seeking help yet they don't fit the intent of the dependency statute as they are not sex trafficked victims.
 17. Benefits: Better services to 17 year olds through the juvenile court; Less criminalization of youth; Local programming to meet the individualized needs of 17 yr. olds. Barriers: Lack of risk/needs assessments used in District Court will cause us to have to administer to 17 yr. olds to determine needs; Additional caseload being added all at once before there is a solid understanding of the programming needs and overall impact to the courts; Financial and human capital resources.
 18. Benefits: More time to work with you; Barriers: Funding and staffing shortages
 19. Caseload increase, office space, limited services available in rural area, limited amount of detention beds, security
 20. Challenges - Proper Care and Supervision due to the number of current employees, Overloaded Case Loads, Drug Testing challenges.
 21. Challenges: Mindset shift of working with young people into adulthood; supervision strategies with 18 year olds in college, not living at home; learning about services accessible to adults (like mental health system) Benefits: Young people receiving the age-appropriate holistic services needed to help them repair harm they have done and develop positive skills and resources to be productive members of our community.
 22. Challenges: Staffing, detention space, learning as we go for programming needs. Benefits: Fewer adult cases, societal benefits to 17 year olds.
 23. Challenges will include not having the additional resources to meet the demands of this unique population. A 17 year old found to be responsible for violating the law will generally have greater, more intensive needs than juveniles 16 years old and younger. Additionally, juveniles that are 17 years old will in some instances, need to be separated from much younger, juveniles to receive their services for the protection of all concerned.
- Every stakeholder in the juvenile justice system would need additional staff as a result of the inevitable increased caseload. This includes the Court, Prosecutor's Office, and all service providers. Moreover, we anticipate that there will be insufficient programming/services available to provide rehabilitative support for this subset of juveniles due to a lack of financial resources, which will result in higher recidivism rates. Higher recidivism rates are inevitable because the population of the 17 year olds coming into the system would be subject to a shortened time frame in which to receive services, supervised by the Court. In a majority of these cases, juvenile jurisdiction terminates by operation of law at age 19, unless the juvenile is convicted of an "extendable" offense. Additionally, we anticipate that this older population would be involved in a larger number of more serious/assaultive offenses compared to the current juvenile population.
24. Detain/residential

25. Detention bed availability and increased costs, staffing shortage, increased drug test costs and lack of services (can't put 17 year old in program with 14 year old)
26. Detention huge issue. Specialty services will be tight. Regular probation should be ok. Clerical and judicial resources should be ok.
27. Financial barriers
28. Financial Issues; More ability for young adults to reform
29. Greatly increased caseloads; client population will be more diverse, both racially and by age; there will be young adults mixed with adolescents; young adults possibly no longer living at home and on their own; costs for residential placements, case supervision, case processing, attorney fees, case management, etc. will all increase. Will increase the population in juvenile detention facilities. The benefit anticipated is that the jail population could potentially be reduced.
30. Housing 17 year old youth in detention/treatment; Greater education disparities; Need for additional probation staff
31. Inadequate funding, not enough staff, lack of physical space for expansion. 17 year olds will benefit by receiving age appropriate rehabilitative services.
32. Increase in caseload; lack of available beds in juvenile facilities; treatment/programming options. No benefits anticipated.
33. Increase juvenile caseload, decrease District and Circuit caseload, decrease revenue from fines and costs. Juveniles will not "fall through cracks".
34. Insufficient staffing and programming for the youth home. Changing the public's and law enforcement's perceptions of dealing with 17 year olds as juveniles.
35. It is my opinion that things should be left as they are. There are not services that would be beneficial for 17 year olds. If a 17 year old commits a crime in the current law (assuming it is a serious crime) they could be incarcerated in a jail. If that same 17 year old is considered a minor, the County would be forced to place them in detention which would be a financial cost to the County. Detention is a huge expense. I understand some are concerned about 17 year olds being in the prison system. Even if the law changed 17 year olds could still be in prison due to a waiver depending on the crime. Our county offers prevention programs to help youth and hopefully prevent them from coming into the court system. This seems to be successful. It has been my experience that at age 17, people should be considered an adult in the criminal system.
36. Some counties struggle to meet the current needs of at risk Juveniles and families. If 17 years olds are added to the Family Court system I fear we may succumb to the lack of financial allocations, and more importantly the absence of resources and systems designed to address and intervene in criminal behaviors. The benefits of adding 17 year olds are the obvious gain in appropriate juvenile attention to the juvenile brain and behavior of that age bracket. 17 year olds are juveniles and as such should be treated accordingly.
37. Limited resources and dollars for services - will need to expand services - still rural setting.
38. Mixing high older risk kids with low risk young kids and money.
39. Money and staffing
40. No barriers
41. No benefits. Increase in costs and lack of available placements - lack of resources, locally to treat offenders - no CSC treatment - increase in designation and waiver cases
42. Not enough I.P. workers, limited services, local beds
43. Not known at this time.
44. Programming for 17-year-olds will need to be different than that of 13-15 year-olds. Their brains may be physiologically more similar to that of a 14-year-old than an adult, but the social development,

- addictions, and violent behavior are often very different. 17 year olds may be more likely to have committed serious or violent crimes and be more resistant to community programming. Further, by the time probation/treatment has been completed, they will reach or be approaching the age of majority. It is difficult to get families of 13-year-olds to buy in. Where will the 17-18 year old go when probation/treatment is complete.
45. Scheduling may be an issue. We have each judge scheduled each week in Circuit Courts. Financial barriers.
 46. Shortage of detention beds and lack of sufficient programs; keeping the kids out of the adult system for another year
 47. Typically with older children, when they get into trouble with the judicial system, their needs for services are stronger. Typically the older children have committed more serious crimes and they would require more attention and supervision. The benefits are that if we have previously worked with this child when he was younger we will already have a good idea of the services they may need. We would also have a good idea of the childhood trauma they experienced, if any.
 48. We currently do not have adequate resources, programming and manpower to immediately take on an additional 150 17 year olds into our juv. System. The benefits would be determined by different views.
 49. We don't have the staff or capacity to manage more kids.
 50. I think universally (with the possible exception of some police and prosecutors) this is a pretty decent idea, and the time has come. The concerns are in the funding (as always). If it is properly resourced, I firmly believe the juvenile system can do a good job with these youth.

Concerns:

1. Numbers. We estimate a 25-30% increase in caseloads. This is impossible to predict, but we looked at numbers from District Courts in previous years as well as Felony convictions for those who were 17 at time of arrest. (First time MIP's will most likely be diverted, but felonies will not.) We also did a quick bit of analysis by just using our numbers for 16 year olds. The 25-30% seems like as good a number as any.
2. What this could mean:
 - Additional detention bed usage. More staff, more pods.
 - Additional need for probation officers (office space)
 - Placement days will increase (not only for the new kids, but longer stays for those who turn 17)
2. Reduction in jail beds and DOC commitments.
 - No one really thinks this is bad, but the cost savings realized will be for the state. We will not share in that benefit.
3. Different type of kids:
 - Bigger/stronger- could impact the detention staff who will be managing these kids
 - Different dynamics, closer to independence.

Overall, the concerns can be handled, but it will involve either additional funding, or reallocating some dollars. If it is properly resourced for the juvenile system to do what they do, the way they do it, it seems like a great idea and will likely improve the system both socially and fiscally. If it is not properly resourced, it becomes a drag on the rest of the juvenile system and these kids will not be treated to any benefits they currently don't receive. (With the exception of not having a criminal record, which is no small thing.) However, if that

is the goal, it seems like legislation could change that without the other huge changes in the system.

51. The challenges of working with 17 year olds in the juvenile system are vast. One of the biggest issues our court has experienced in dealing with 17 year olds is that many of them do not want to go through all of the services that juvenile court offer. Residential treatment programs, counseling, and day treatment programs are all services that are effective with younger kids, however, by the time youth reach 17, they often are ready to be treated like an adult. They would rather get their "punishment" and move on, rather than have to continue to meet with juvenile staff and discuss their behavior while having juvenile sanctions such as a curfew.

Another concern is the issue of mixing the 17 year olds in with the younger juveniles. It may be more harmful to the younger kids to be in programs with the 17 year olds, observing their behavior if they are continually defiant to the program. Obviously, we have observed younger kids who look up to older kids and mimic the behavior, both good and bad.

Additionally, some 17 year olds are going to be going to college. Being out of county or even out of state while on probation is very difficult for kids, specifically depending on the rules the court places on them. In some ways being in the juvenile system could hinder a youth's ability to go to college and get an education. This could create more long lasting issues for a youth and society as a whole, if they are unable to leave the county to attend college.

The idea of 17 year olds being placed on probation for status offenses is going to be a huge challenge for juvenile courts. If a 17 year old is petitioned for incorrigibility, truancy or runaway, most of the services the court offers are geared toward younger kids. Statistics show that early intervention leads to a higher chance for rehabilitation. It will be very difficult for the court to be successful in treating 17 year olds for this behavior.

Finally, it must be noted that Michigan has enacted several laws designed to address youthful offenders in the adult system. Admittedly, there has been a great deal of attention directed at our state because we are one of the few states who charge 17 year olds as adults. What we have not heard however, is the fact the laws such as the Holmes Youthful Trainee Act (HYTA), the Substance Abuse Deferral Act (7411), the Spouse Abuse Act (Domestic Violence Offenses), Minor in Possession of Alcohol (MIP Deferral), and various Problem-Solving Courts, provide a youthful offender a greater chance of having a "Non-Public" record than the Juvenile Court. Limits placed on the Consent Calendar and Diversion process may actually leave a 17 year-old with a juvenile record that may be open to public inspection.

Benefit(s): First-time 17 year old offenders who are mature and able to see the folly of their ways may be able to learn from the process and avoid any formal record. Also, younger offenders may be able to learn from those older youth who are mature and act accordingly; thereby setting a positive example.

COMPLETE RESPONSES to Question 21. What financial constraints do you anticipate the court will encounter if 17 year olds are redirected to the family/juvenile courts? What benefits are anticipated?

1. 17-year-olds will likely require more supervision, so they may be placed on the intensive case monitor's case load. This would not leave much room for the younger children that may need additional supports so we may be placing more of the younger children into detention centers for behaviors that could have been prevented. Likewise 17 year olds may continue their behavior even after intervention because they feel they are close enough to being an adult and they feel they can make these decisions on their own, which could lead to more detention stays as well.
2. Adding space onto our existing detention facility. The loss of CCF funding should we not be able to keep caseloads under 20.
3. Additional staff needs; Increased training needs
4. Adequate funding for the additional staff that will be required.
5. Anticipate an additional \$1280 per day operating expense based on average of 8 additional residents per day.
6. Are resources best spent on 17 year olds, or the more youthful offenders who we can work with longer?
7. Barriers: Reduction in bed rental revenue that offset facility costs for the county and revenue submitted to the state due to more 17 yr. olds occupying them. Reduction in available detention beds across the state which may result in increased use of residential facilities for public safety and treatment. We don't know what we don't know which can impact the successful implementation. Potential and serious fiscal impact on services and resources to all "our" youth due to sudden influx of additional youth in significant numbers in the form of salaries, fringes, judicial officers docket time; staff mileage, increased programming costs, residential care, foster care/group home options, etc.. Staff allocation predictability and re-purposing of staff. Lack of trust between the courts/counties and MDHHS as it relates to the CCF and funding
8. Benefits: Adult probation numbers will decrease from District Court.
9. Budget short fall, lack of employees to serve additional caseload
10. Constraints: More money spent on detention; drug screens; probation services. Benefits: Could generate more revenue.
11. Detention costs critical issue.
12. Financial constraints will be the largest burden for us. Our juvenile officer is usually always at capacity and Child Care Fund handbook dictates how many children he can have on probation.
13. Financial constraints would be budgeting for services for this population. Benefits would be that services which are already in place could be utilized which are currently covered in the Child Care Fund.
14. Funding for out of home placement; If money is available, it's better than jail
15. General fund and Child Care Fund increases.
16. The biggest financial constraints will be appropriately staffing the programs for 17 year olds. Our court will be able to absorb some of the staffing needs associated with an increased caseload; however, clinical staff and contracted services will have to be increased to address the increase of participants. We may now to offer one group for 10-15 year olds and another for 16-17 year olds. Historically, the Family Court does not recoup the costs for providing services like the District or Circuit Courts. While we understand that much of the onus of adjudicating youth lies at the feet of the funding unit; adult courts are better equipped in this regard. Additionally, the adult courts require the defendant to shoulder the cost of services and the Family Court provides these services. Only an increase of funding to the courts by the State will allow us to provide these expanded programs.

17. I anticipate residential placement costs will rise substantially with little or no benefit to the juvenile or community. 17 year olds may in some instances avoid short periods of jail, but if they are placed in a residential setting, they will be "confined" for longer periods of time. If there is no structured or family like setting to return them to, any benefits of treatment will be lost (as it is for younger delinquents who return to chaotic or unstructured settings.)
18. Increase - DRAMATIC - in out of home placement costs - increased staffing costs - increased programming costs
19. Increase costs of doing business but juvenile court is limited on costs that can be recaptured.
20. Increase money for treatment and residential placement
21. Increase in the counties/state child care funds and general funds. Additional staff needed to service the additional youth. Even one 17 year old that may end up in residential treatment can cost thousands!
Juvenile cases are processed differently from the beginning to the cases being scheduled, up to how they are serviced. Clerical will be impacted up to the Judges Court time. Many youth have already been through the juvenile system and have been very expensive; this would just prolong it for some.
Benefits: Financially, not really sure if there is any.
22. Insufficient funding to increase staffing levels and residential placement costs.
23. It will be more costly for the court to deal with 17 year olds in the juvenile division. Higher caseloads mean higher costs across the board.
24. Loss of District and Circuit fines and fees money, lower caseloads for these courts, may jeopardize staff. Juveniles would go to Detention instead of jail, so cost shift.
25. Many of our youth will not qualify for services from Michigan Works. Financial resources will be needed to serve this population.
26. Might need additional funds to cover additional increase.
27. Much larger Child Care Fund budget, need for extra workers. I see no benefits.
28. Need additional staff. We rely on bed rental fees to keep juvenile home running. Space does not allow for expansion.
29. Not enough funds to support additional staff to handle increase case processing and case management.
30. One of the largest concerns is the loss of Bed Rental revenue as space would have to be used just for our own county youth. Higher employee costs due to increased staff, increased costs of programming, increase in foster care placements, increase in volume of kids needing counseling, drug testing and electronic tether.
31. Only concern is if we need to place in Detention, foster care or residential our budget would be negatively impacted drastically.
32. Our budget is tight now and the delinquent rate is already increasing with cases of more seniority. We are a rural community with minimum resources and transportation.
33. Our county is currently facing a 3 million dollar structural deficit, and does not have any additional resources to allocate toward expansion of services for the 17 year old population. The benefits if any would be determined by whose view point you were looking at.
34. Placement costs
35. Potential to see HUGE increase in out-of-home care costs; require more staff-increase salary/benefit expenses; increase in treatment costs; required training costs will increase
36. Potentially significant if even 1 17 year old requires residential placement.
37. Program lower risk 17 year olds with more rehab intent.
38. Significant increased costs for counseling, probation officers, and residential housing.
39. Significant placement cost increase and funding for additional staffing and programming.
40. Staffing and programs

41. The court would be required to go back to the funding unit to request increases in appropriations for numerous line items. No benefits would be anticipated.
42. The financial constraints include not having additional financial support to address the need of the growing number of juveniles involved. Additionally, this population of youth tend to have more trauma and more complicated issues, that will require more detailed services to address these issues and the costs associated with those services.

Financial constraints associated with raising the age is related to availability of quality facilities including access to specialized treatment programs within the State of Michigan in both secure and non-secure settings. There is a potential for having to send youth out-of-state for placement and treatment. The County's capacity to service an increased number of youth in the current system of care will be compromised and will require additional resources to ensure effective treatment efforts. Increasing the age will require more intensive services and duration.

The benefits are that the Court will be able to direct services to a population of youth to allow them an opportunity to address their needs in a more therapeutic jurisprudence setting than an adult criminal justice system would provide.

If the age is increased to 17, there will be fewer juveniles with adult charges which will give them an opportunity to have their record expunged. The ability for the juvenile justice system to offer treatment, educational and personal development resources when compared to being incarcerated in the adult system where these type of program services are not provided.

There will be an opportunity for youth to remain in school, thus leading to job opportunities and higher income. If the juvenile fully invests in services provided while under juvenile jurisdiction, there will be a decreased potential for recidivism as a result of the treatment services received. Additional benefits will include engagement with the youth's family, maintaining youth where possible in close proximity to their community and family for additional support, decreased in trauma due to incarceration and victimization by adult offenders, and decrease in long term costly incarceration which is passed on to tax payers.

43. The financial issues are somewhat addressed above as well as throughout the survey itself. We currently struggle with appropriate financial allocation of funds regarding services and needs adding another population would make this more difficult.
44. The need to add additional probation and truancy officers and potential for increased costs in regard to detention, residential placement and in-home care.
45. Treating children like children; Consistency with DHHS
46. We do believe that a 17-year-old is still emotionally and cognitively an adolescent and can be better served through rehabilitative programming that the juvenile justice system can provide. However, financial constraints surround those youth that would "age out" of detentions and/or residential placement. Two youth remaining in juvenile justice programming for an additional year (at an average cost of \$175/day/youth) would equal an extra cost of \$127,750 in a county with approximately 65,000 residents.

COMPLETE RESPONSES to Question 22. Please provide any additional information you feel should be shared.

1. Juvenile Detention Facilities within reasonable distance are already turning us away because they are full. We only have one probation officer.
2. Juveniles supervised by family court receive more services than if they are supervised in District Court.
3. Many 17-year-olds could be adequately served and treated within the juvenile justice system with little or no additional strain on existing resources in this county. Unfortunately, a small number of 17-year-olds with needs beyond the capabilities of the current system will, in my opinion, place such a significant strain on available resources that it will be detrimental to the remaining juvenile population.
4. Raising the age would allow 17 year olds a greater opportunity for rehabilitation. Without an increase in funding and staff, this would come at a cost to all other youth in the system as we would not be able to adequately provide programming and services to meet their needs.
5. It should be noted that Michigan is currently experiencing a shortage of beds in residential placements. Our Court attempted to place a juvenile into one of the state-run facilities and was told that the waiting period would be at least three months. We have also experienced this situation in many of the private run facilities. Addition of 17 year-old offenders would place extra pressure on an already strained system. The financial burden to the court would be extremely excessive and would be a burden to the funding unit. Further, additional resources would be necessary to sufficiently service the anticipated increase in caseloads.
6. The state has not addressed the need for a juvenile justice data system that is based on DOJ standards; uses common data definitions; adheres to quality data input standards from all the juvenile courts; and provides for multijurisdictional sharing of data based on data sharing agreements. SCAO is the logical place for this endeavor, and the model is already developed along with Data Dictionary which has defined terminology of data elements through building consensus through grants from the Bureau of Justice Assistance and the Institute for Intergovernmental Research. Juvenile Justice Vision 20/20 is willing to partner with the state to move such a system forward and share what has been done to date. Please see the attached description of the Multijurisdictional Juvenile Justice Data Sharing project for more information. (Attachment E)
7. This discussion is a difficult one. The primary difficulty, historically, is that this age group has been neither treated as adults or juveniles. There has been this constant grey area where many slip through the cracks. I feel that it is a good discussion to have, but worry that the financial burden placed on the counties will result in catastrophic results.
8. While the Raise the Age legislation is well-intended, it must come with additional resources to handle the additional challenges that this population presents. Without providing for the additional judicial and financial resources, the goal to improve outcomes for these youth would not be met. Additionally, the additional responsibility of having to adjudicate and service these youth, without providing the additional judicial and financial resources, would have a ripple/concentric negative effect upon the population or those under the age of 17 because resources would become more scarce.

Appendix E

Multijurisdictional Juvenile Justice Data Sharing Model Project Description



JUVENILE JUSTICE
VISION 20/20

Juvenile Justice Vision 20/20 Strategic Planning Initiative

Multijurisdictional Juvenile Justice Data Sharing Project



Juvenile justice is a difficult area in which to achieve successful information sharing in support of evidence-based practices, since it includes multiple justice disciplines and requires a rehabilitative approach, and information must be shared with non-justice organizations. In 2013, the 20th Circuit Court, Ottawa County, Michigan, in conjunction with a statewide grassroots juvenile justice organization called Juvenile Justice Vision 20/20, led the charge to develop a juvenile justice information sharing model in Michigan with the goal of developing a multijurisdictional data sharing platform that ultimately could improve services to court-involved youth and families. The courts targeted for the initial data exchange were Berrien, Kent, Macomb, Washtenaw, Kalamazoo, and Ottawa juvenile courts.



Originally, the pilot courts included courts that used different case management systems in an effort to capture the nuances of each system and allow for broader understanding of the needs of the courts as related to the application of technology within the context of sharing data. A Data Dictionary was developed to ensure consistent definition and application of terms, and a data sharing model—including data sharing agreements—was implemented with proof of concept across jurisdictional lines utilizing Global Reference Architecture and National Information Exchange Model standards. Additional courts were integrated into the Model following the successful proof of concept.



This project continues to integrate additional courts into the Juvenile Justice Data Sharing Model. As more courts are added, the ability to share juvenile justice information across the participating court systems, such as identifying juveniles who are in the system, past court actions regarding those juveniles, and their past/current locations, will greatly improve the performance of the Michigan juvenile court system and services to youth and families.

JUVENILE JUSTICE DATA SHARING

What's in it for the juvenile courts?

As the project continues to develop and grow in implementation, the following outcomes and value to the courts will be realized:

- ✓ Share near or real-time data, resulting in more effective and responsive service to youth; increased efficiency in the courts; and prevention of dual jurisdiction youth
- ✓ Develop a common language/term definitions among courts and stakeholders through utilization of the Data Dictionary
- ✓ Improve the quality of juvenile justice data so it is more accurate and reliable
- ✓ Protect confidentiality and privacy of data by retaining data at the local source and querying the data rather than storing it in a warehouse
- ✓ Answer commonly asked questions at both state and local levels through continual model development
- ✓ Inform public policy and funding decisions made at the state and local levels



Multijurisdictional Juvenile Justice Data Sharing Project

Resources

Numerous documents have been developed in support of this project, including the following:

Juvenile Justice Data Sharing Implementation Project Data Dictionary: Definitions of Data Elements The Data Dictionary was developed in early 2014 by a small, representative working group to improve uniformity, consistency, and accuracy in juvenile justice data across the state of Michigan. The dictionary is considered a living document and will be updated and further developed periodically. The dictionary can be accessed at <http://www.gvsu.edu/~juvenilejusticevision2020/publications-8.htm>.

Juvenile Justice Data Dictionary Elements Survey: This survey document allows courts to review a listing of elements such as name, date of birth, gender, aliases, and others and indicate whether the elements are already being collected to inform the process. Participation is honored by request.

Memorandum of Understanding: This M.O.U. was created to document agreement to delineated data sharing protections by the participating pilot courts in the Multijurisdictional Juvenile Justice Data Sharing Project.

Michigan Juvenile Offender Risk Assessment Survey Report

Structured risk assessment is critical for effectively serving Michigan's youth and their families. Before this initiative, no comprehensive survey had been conducted to determine the nature and types of risk assessments being done in juvenile courts across the state. Little organized information existed to inform practical and policy decisions at the state and local levels. The starting point for this project was to remedy this information gap through a statewide survey to determine the use and patterns of use of risk assessments across Michigan jurisdictions. The goal of this report is to highlight the choices, decisions, and logistics involved in identifying and implementing a risk assessment tool and to promote the use of a structured tool for assessing risk of continued delinquency involvement for juveniles in local and state juvenile justice systems. The report can be accessed at <http://www.gvsu.edu/~juvenilejusticevision2020/publications-8.htm>.

For More Information

To learn more about the Multijurisdictional Juvenile Justice Data Sharing Project, please visit <http://www.gvsu.edu/~juvenilejusticevision2020/action-teams-2.htm>. This project is described under Action Team 3: Juvenile Court Operational Performance.

Points of Contact

Sandra K. Metcalf, MS
Juvenile Court Director
20th Circuit Court
(616) 786-4126
smetcalf@micttawwa.org

Kevin J. Bowling, JD
Court Administrator
20th Circuit and Ottawa County
Probate Courts
(616) 786-4123
kbowling@mottawwa.org

JJV 20/20 Central Mailbox
juvenile2020@gvsu.edu

Issued 09/2017



**THE COST OF RAISING THE AGE
OF JUVENILE JUSTICE IN MICHIGAN**

FINAL REPORT

Prepared for
**STATE OF MICHIGAN
LEGISLATIVE COUNCIL
CRIMINAL JUSTICE POLICY COMMISSION**

By
**HORNBY ZELLER ASSOCIATES, INC.
— NEW YORK — MAINE — PENNSYLVANIA — ARKANSAS —
HORNBYZELLER.COM**

JANUARY 19, 2018

DRAFT

TABLE OF CONTENTS

Executive Summary	i
Overview	1
Methodology	5
Population Estimates	11
County Costs	19
State Costs	33
Summary	35
Appendix A: Detailed Methodology	37
Appendix B: Counties by Sampling Stratum	47
Appendix C: Initial Survey Instruments	49
Appendix D: On-site Data Collection Instruments	65
Appendix E: Supplementary Survey Instrument	81

EXECUTIVE SUMMARY

While most states now hold the upper boundary of the juvenile court's jurisdiction at 17-years of age, at the beginning of this year Michigan was one of five states to use a lower age, treating 17 year-old offenders as adults. While Michigan is considering raising the maximum age to 17, doing so is likely to have fiscal impacts, positive or negative, on both the State and the counties.

In an effort to inform the deliberations on legislation to raise the age, the Criminal Justice Policy Commission (CJPC) of the Legislative Council requested a study of the cost implications. Hornby Zeller Associates, Inc., through a competitive bid, was selected to study the cost implications, taking into account costs to the State and county governments.

If Michigan chooses to raise the age to 17, increased costs to the counties will range between \$25.3 million and \$33.7 million annually. Costs to the State will also increase, somewhere between \$15.2 million and \$23.6 million. How much the counties and State will incur is based on the type of residential placement juveniles are placed. Table E-1 summarizes the net cost changes by county group, as well as the State.

**Table E-1
Net Cost Changes**

County Group	High Estimate	Low Estimate
Kent	\$3,320,091	\$2,083,563
Macomb	\$1,326,059	\$1,031,593
Oakland	\$3,730,798	\$2,552,934
Wayne	\$6,357,839	\$5,612,811
Group 2	\$12,026,089	\$9,410,896
Group 3	\$4,596,286	\$2,832,233
Group 4	\$1,452,702	\$1,168,757
Group 5	\$925,847	\$620,860
County Total	\$33,735,709	\$25,313,645
State Total	\$23,639,500	\$15,217,436

A summary of how the costs were calculated follows, beginning with a description of how the volume of 17 year-olds who will enter the juvenile system was determined.

POPULATION ESTIMATES

Before any cost questions can be answered, the size of the population which would be re-classified must be estimated, as must the type of destination to which each one would be assigned as a juvenile. Based on the number of 17 year-olds petitioned to court over calendar years 2014 through 2016 and on Michigan law and past experience in trying juvenile offenders as adults, Table E-2 shows how many 17 year-old offenders would be

i | Raising the Age of Juvenile Justice

expected to be treated as juveniles and how many will be waived to adult court. Throughout the report, both cost figures and population figures represent 2016. Included within the table are 17 year-olds who incurred a traffic violation.

**Table E-2
17 Year-olds Petitioned to Court by Charge and Projected Future Status
and by County Group**

	Juvenile Court			Total
	Felony/Misdemeanor	Traffic Violation	Adult Court	
Kent	314	95	16	425
Macomb	127	274	262	663
Oakland	251	301	93	645
Wayne	892	749	62	1,703
Group 2	1,570	615	289	2,474
Group 3	551	217	21	789
Group 4	291	109	11	411
Group 5	85	49	9	143
Statewide	4,081	2,409	763	7,253

It should be noted, however, that the numbers for future years could be quite different, because the overall trend in arrests of both 17 year-olds and of juvenile offenders has been declining steadily over several years.

Of the 4,081 17 year-olds with a felony or misdemeanor offense who are likely to be tried as juveniles, 62 percent will remain in the juvenile system. These juveniles represent 17 year-olds who were found guilty or referred to diversion or probation. Of those with a traffic violation, close to seven percent will proceed further into the juvenile system.

The absence of data from the Department of Health and Human Services made estimation of where juvenile offenders are sent after adjudication, and for how long, difficult at best. On the assumption that 17 year-old juveniles would be sent to residential care if as adults they had been sentenced to jail or prison, that group was further divided into secure and non-secure residential settings based on the past history of 15 and 16 year-old juveniles. Table E-3 summarizes the figures by the county groups. Throughout the Executive Summary and the report, data are provided for the four most populous counties followed by data for population groups 2 through 5. The numbers make clear that about 17 percent of those who are likely to be re-classified as juveniles are likely to go to residential care, the remainder remaining in their own homes.

ii | Raising the Age of Juvenile Justice

Table E-3
Projected 17 Year-Old Juvenile Destinations
by County Group

County	Secure	Non-secure	Home	Total
Kent	11	48	191	250
Macomb	3	10	53	66
Oakland	12	40	112	164
Wayne	9	20	345	374
Group 2	0	189	886	1,075
Group 3	23	41	319	383
Group 4	2	13	156	171
Group 5	4	7	23	34
Statewide	64	368	2,085	2,517

Of the 162 17 year-olds who were charged with a traffic violation who will remain in the juvenile system, all but one is expected to be placed in residential setting. These same youth had been sentenced to jail when considered adults. One juvenile will be placed on probation.

COUNTY COSTS

Average costs per case were calculated for district courts, circuit courts, prosecuting attorneys and sheriffs. The impact of shifting 17 year-olds from the district court to the juvenile court was measured as well as the increase in processing juveniles in the adult circuit court as compared to the juvenile court. The incremental costs which will be incurred by prosecuting attorneys for handling juvenile cases versus adult cases was also measured. For the district courts, there are costs savings, while circuit courts and prosecuting attorneys can expect cost increases.

Law enforcement will continue to handle the same number of cases but sheriffs should see a decrease in the number of jail inmates. Over the last three years, 2,138 17 year-olds, an average of about 700 per year, have been sentenced to jail with sentences averaging 55 days. It seems safe to assume that virtually none of those youth would be tried as adults if the law changes. That would reduce the total number of inmate days in county jails by 36,920.

Table E-4 shows the reduction in costs across the four court-involved entities, doing so for each of the large counties and population groups 2 through 5.

Table E-4
Costs Changes to Courts, Prosecuting Attorneys and Jails

County	District Court (Decrease)	Circuit Court (Increase)	Prosecuting Attorneys (Increase)	Sheriff (Decrease)	Total (Net Increase)
Kent	\$6,953	\$299,541	\$100,650	\$290,718	\$102,520
Macomb	\$3,208	\$539,422	\$118,950	\$137,020	\$518,144
Oakland	\$18,216	\$1,096,575	\$104,920	\$357,368	\$825,911
Wayne	\$59,076	\$2,132,839	\$290,970	\$167,338	\$2,197,395
Group 2	\$203,205	\$3,548,830	\$383,080	\$957,706	\$2,770,999
Group 3	\$99,840	\$531,775	\$ -	\$243,412	\$188,523
Group 4	\$45,600	\$296,583	\$ -	\$98,890	\$152,093
Group 5	\$13,534	\$237,403	\$ -	\$35,588	\$188,281
Statewide	\$449,632	\$8,682,968	\$998,570	\$2,289,040	\$6,942,866

While jail costs will decline if 17 year-olds are to be treated as juveniles rather than adults, those costs could rise considerably if county jails must institute sight and sound separation for those juveniles who remain in the adult system. While Michigan reports its ability to satisfy the federal requirements within the Prison Rape Elimination Act of 2003, several county jails report they are not able to provide sight and sound separation. When asked what it would cost to create that separation, counties reported that they simply could not do it. To the extent county jails are not able to provide sight and sound separation, the most economical means to address the issue is to house youth under the age of 18 sentenced to jail in a detention center.

The largest change in costs will come from expenditures under the Child Care Fund. The Child Care Fund represents state dollars which provide 50 percent reimbursement for the costs of providing services for child welfare and juvenile justice cases, including out-of-home services, whether secure or non-secure, intensive probation services while the youth are in their own homes but under court supervision and fee-for-services.

There are multiple possible scenarios for how much Child Care Fund expenditures might increase with the addition of the 17 year-old population to the juvenile system, including those who committed a traffic violation and venture further into the juvenile system. The scenarios consider the extent to which service levels will remain the same and what type of setting those ordered to a secure setting, state or privately run, will be placed. Table E-5 shows the resulting ranges of Child Care Fund expenditures which might occur as well as costs which will be the sole responsibility of the counties, i.e., for the provision of general probation services.

**Table E-5
 Estimated County Expenditures for 17 Year-Olds**

County Group	Child Care Fund High	Child Care Fund Low	County Only
Kent	\$5,908,701	\$3,435,645	\$263,220
Macomb	\$1,382,873	\$793,941	\$116,478
Oakland	\$5,110,462	\$2,754,734	\$349,656
Wayne	\$6,991,027	\$5,500,971	\$664,930
Group 2	\$15,764,460	\$10,534,074	\$1,373,860
Group 3	\$8,526,049	\$4,997,943	\$144,738
Group 4	\$2,309,187	\$1,741,297	\$146,015
Group 5	\$1,286,240	\$676,266	\$94,446
Statewide	\$47,278,999	\$30,434,871	\$3,153,343

While different counties will experience different impacts from raising the age of juvenile justice, on a statewide basis the county impact is due largely to Child Care Fund expenditures. The statewide decreases in county costs in district courts and jail costs will be offset by increases in circuit court costs and those for prosecuting attorneys. The impact will be softened to some degree because of the state reimbursement for eligible Child Care Fund costs. Table E-6 shows the range of net changes in county day-to-day costs after taking into account the State reimbursement.

**Table E-6
 Net Within County Cost Changes**

County Group	High Estimate	Low Estimate
Kent	\$3,320,091	\$2,083,563
Macomb	\$1,326,059	\$1,031,593
Oakland	\$3,730,798	\$2,552,934
Wayne	\$6,357,839	\$5,612,811
Group 2	\$12,026,089	\$9,410,896
Group 3	\$4,596,286	\$2,832,233
Group 4	\$1,452,702	\$1,168,757
Group 5	\$925,847	\$620,860
Statewide	\$33,735,709	\$25,313,645

STATE COSTS

If the proposed legislation becomes law, state costs will potentially change in three ways: increases in Child Care Fund expenditures, decreases in State prison costs and either increased costs or shifts in costs, depending on what sight and sound separation provisions are made. The state share of Child Care Fund costs are the most straightforward to estimate: in general they are 50 percent of the total allowable expenditure. Thus, the range of the additional state expenditures is expected to be between \$15.2 and \$23.6 million,

depending on what the counties decide in regard to where juveniles are placed and if the level of service will remain as it is now.

Based on the population projections shown above, about ten percent of the 17 year-olds petitioned will remain in the adult system and only about 11 percent of those, or 86 youth annually, are likely to be sentenced to prison rather than jail or probation. Unlike the jails, therefore, DOC will probably not experience any measurable change in its population due to a re-classification of 17 year-old offenders. This is consistent with the conclusion drawn by the Senate Fiscal Agency in a 2015 report on the marginal cost of corrections in the State. The same agency's later analysis showed that the short-term marginal decrease in DOC costs would be \$3,764 per inmate, but if there is virtually no change in the number sentenced to prison, the total will be less than half a million dollars per year.

The same cannot be said if the Department of Corrections is prohibited from housing offenders under the age of 18 or if those youth must be housed in entirely separate facilities. However, given that Michigan continues to satisfy sight and sound separation standards, it is anticipated those under 18 who are imprisoned will continue to be housed in Thumb.

There are, however, some county jails that are not able to satisfy the sight and sound requirements. Counties have two options to consider, either build entire new structures, which would be quite costly, or create regional jails to house youthful offenders by re-opening unused detention centers across the State to house juveniles sequestered to jail. Other than a one-time cost to re-open those facilities, the ongoing costs should be no different than what is needed to house a juvenile in a residential setting.

OVERVIEW

While most states now hold the upper boundary of the juvenile court's jurisdiction at 17 years of age, at the beginning of this year Michigan was one of five states to use a lower age. Four states, Louisiana, New York, North Carolina and South Carolina, enacted "raise the age" legislation in 2016 and 2017, with legislation to go into effect in those states between July 2018 and December 2019.¹ Five states will continue to prosecute 17 year olds as adults, namely Georgia, Michigan, Missouri, Texas and Wisconsin.

Michigan is considering increasing the age at which youth are to be treated as adults. However, raising the age has a fiscal impact on states. In a December 2016 report submitted to New York Governor Andrew Cuomo by the Governor's Commission on Youth, Public Safety and Justice, it was estimated that New York would realize an annual cost savings of nearly \$152 million if the juvenile age was raised from 15 to 17 years old. The Commission examined the costs of jail, criminal court prison transfers, probation supervision, prison and parole supervision as well as savings through reduced use of public welfare programs and potential increases in tax revenue by eliminating the barrier that a criminal record poses to future employment for juveniles convicted as adults.² Conversely, the cost study done for Connecticut's legislation to raise the age in 2007 estimated that costs would rise; however, Connecticut found that its juvenile justice costs for state fiscal year 2011-2012 were less than they had been in 2001-2002. The decrease was primarily due to providing youth with community programs instead of incarcerating them, along with a decreasing crime rate.³

There are also states in which costs have increased, but not nearly to the extent expected, as noted in a memorandum from the Executive Director, Sarah Bryer, of the National Juvenile Justice Network to Chairman Caswell and members of the Criminal Justice Policy Commission. Massachusetts found its costs were more than a third less than expected and New Hampshire saw no increase in costs when they raised the age.⁴ Illinois was able to absorb 18,000 17-year-olds into their juvenile justice system as juvenile arrest rates, predicted to increase by a third, actually dropped by nearly a quarter.⁵ Therefore, it is best to view cost increases related to raising the age as a worst case scenario; for instance, as the memorandum further noted, there is no data on which to predict Michigan's lifetime healthcare and welfare benefit savings, which New York calculated to be \$56.27 million.⁶ While Michigan's system is different from other states that have raised the maximum age of juveniles, it is important to consider where costs to the State and counties might change before enacting any new legislation.

¹ <http://www.jjgps.org/jurisdictional-boundaries>
² Independent Democratic Conference (2016) "The Price of Juvenile Justice: Why Raising the Age Makes Cents for New York" page 12.
³ Justice Policy Institute (2013) "Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth" pages 15, 19-23, 27-28.
⁴ Justice Policy Institute (2016) "Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System" page 8.
⁵ Illinois Juvenile Justice Commission (2013) "Raising the Age of Juvenile Court Jurisdiction: The Future of 17-year-olds in Illinois' Justice System" pages 30-31.
⁶ \$56,270,000/1,092 = \$51,529 per juvenile. Independent Democratic Conference (2016) "The Price of Juvenile Justice: Why Raising the Age Makes Cents for New York" page 11.

1 | Raising the Age of Juvenile Justice

In 2016, the Michigan House of Representatives passed a group of bills that would stop prosecutors from automatically treating 17 year-olds as adult offenders.⁷ The bills, which have yet to be passed by the Senate, were passed with an implementation date in 2018 to allow time to fully examine the effects they would have on funding levels in both the juvenile and adult criminal justice systems.⁸ While the State may save money by transferring 17 year-olds to the juvenile justice system, that transfer could have a significant fiscal impact on the counties. The state bears 100 percent of the cost when offenders are processed in the adult system, but those costs are shared with counties when the offenders are under the jurisdiction of the juvenile system. Moreover, even the State may not realize a net savings, because it bears half of the cost of a large proportion of the services delivered to juveniles, including those who receive services while remaining at home.

Before the fiscal impact to Michigan can be measured, it is important to understand the state's complex legal system as it pertains to juveniles, as well as adults. Adults, in this case 17 year-olds, in Michigan who face a civil or misdemeanor charge will appear in district court while those charged with a felony will be arraigned in district court and bound over to circuit court for trial. In comparison, cases involving juveniles, i.e., those 16 and younger, are heard in the juvenile or family court division of the circuit court, including when they are charged with a misdemeanor traffic or status offense.

The juvenile justice system in Michigan allows judges a great deal of discretion in how to proceed with a juvenile case. The case may be formally heard or assigned to the informal consent calendar. Juveniles, whose cases are placed on a consent calendar, will receive informal court supervision. The judge may also issue a warning to the juvenile and his or her parent(s) while dismissing the case. When cases are heard, judgments can include fines, restitution, community service, curfew restrictions, mandated assessments or treatment, probation and/or placement in substitute care, among others.

Prosecuting attorneys also have discretion in how a juvenile case will be filed. There are a defined set of offense categories for which the prosecutor may designate the case to be tried in the same manner as an adult. The prosecutor may also file a motion to waive jurisdiction to criminal court when a youth commits an alleged offense that is punishable by more than one year's imprisonment and judges it is in the best interests of the public and the youth would be better served.

Between 2003 and 2013 over 20,000 Michigan youth were convicted as adults and placed on probation or sent to jail or prison for a crime they committed before they turned 18.⁹ Ninety-five percent or 19,124 of those youth committed the crime when they were 17 years old. The annual average cost to house an inmate in Michigan's prison system is estimated to be \$34,299.¹⁰ Using the count of youth as of the end of 2013 who entered the adult system at the age of 17 and were still in prison (3,089),¹¹ the annual cost to Michigan to

⁷ http://www.mlive.com/news/index.ssf/2016/05/michigan_house_votes_to_treat.html
⁸ *Ibid.*
⁹ Weemoff and Stanley (2014) "Youth Behind Bars" page 10.
¹⁰ *Ibid.*
¹¹ *Ibid.*

2 | Raising the Age of Juvenile Justice

continue to hold these youth in the adult correctional system cost the State an estimated \$105 million annually.

A wide array of complex variables need to be considered in estimating the costs to the justice system. For example, the cost to house a youth is one variable, but it consists of the costs to house youth in prison, in jail, in juvenile detention facilities, and in service-oriented residential facilities. Savings are potentially available from diverting some youth from any type of residential setting while providing services to juveniles who remain in their communities. Other variables include costs to the court system, including courthouse security, staffing for prosecutors and judges, and juvenile defense. Costs associated with programming such as assessments, probation and diversion must also be taken into consideration, including an exploration of the services and resources required to meet the expected service needs of juveniles.

In an effort to inform the deliberations on legislation to raise the age, the Criminal Justice Policy Commission (CJPC) of the Legislative Council requested a study of the cost implications. These might include reduced costs, increased costs or, perhaps most importantly, shifts in cost between the State and county governments. Specifically, the CJPC asked that the following cost related issues be addressed:

- 1) the cost to the counties of physically separating 17 year-olds from the adult population;
- 2) the average costs to the county of:
 - a) juvenile probation,
 - b) placement in a custodial facility,
 - c) adult probation and specialty court diversion and placement in an adult correctional facility;
 - d) placement in an adult correctional facility;
- 3) the impact on the Department of Corrections if:
 - e) it is prohibited entirely from housing prisoners under the age of 18 or
 - f) it is prohibited from housing prisoners under the age of 18 in the same facility as older prisoners; and
- 4) the financial impact on the Department of Health and Human Services if it becomes responsible for housing in a secure facility everyone under 18 who is currently housed in jails and prisons.

After being selected by the CJPC to conduct the study, Hornby Zeller Associates, Inc. (HZA) spent several months collecting and analyzing the information needed to answer the questions. This report summarizes the firm's findings.

The remainder of the report is divided into five sections. The first provides an overview for the general reader of the methodology used in the study, i.e., the data collection and analysis strategies. Readers can find more technical and detailed explanations of the methodology, along with the assumptions applied, in Appendix A.

The second section provides estimates of the number of 17 year olds who will become known to the juvenile system and the types of services they might receive. The third and fourth sections examine the changes in county level costs which are likely to occur if the age

is raised and the state level cost changes, respectively. The final section brings all of the results together, including a discussion of the extent to which overall costs may not increase or decrease but rather simply move from one party to another.

METHODOLOGY

This section provides a broad overview of the methodology used in the study. A more detailed explanation is provided in Appendix A.

There are two basic steps required to answer the questions laid out in the RFP. The first is to project how many youth will be affected and in what ways; the second is to associate costs with those projections.

POPULATION ESTIMATES

At a basic level, there are three components to the population estimates. The first is the estimated number of youth whose status will no longer be "adult offender" and who will become instead part of the juvenile system. The second is the estimate of the number of 17 year-olds who will be sent to each of the available options within the juvenile system. The third is the estimated time each of those offenders will spend in the destination setting.

The number of 17 year-olds who will move to the juvenile system is not simply the number of 17 year-old offenders. Already some youthful offenders who are eligible for the juvenile system on the basis of age are prosecuted as adults, either because of the severity of the offense they allegedly committed or because the prosecutor judges it to be in the best interests of the public and how the youth would be better served.

The first step in obtaining an accurate estimate of 17 year-old youthful offenders was to subtract from the total number of 17 year-olds those who committed crimes where the prosecutor had the authority to petition the case to be heard by the adult criminal system. Using court data from calendar years 2014 through 2016, HZA built a statistical model showing how the 15 and 16 year-olds charged with committing one the direct file offenses were petitioned to either juvenile or adult court. The model correlated their ages, genders, races, county size and location, severity of their offenses and prior involvement in the justice system. The model generated the probability that a given youth would be tried as an adult and the degree to which each of the variables contributed to that result.

The second step was to identify the number of 17 year olds who committed a traffic violation which would move them from the district court to the juvenile court. A third step was taken to address Public Acts 357 and 358 of 2016, which went into effect January 1, 2018, which reduces penalties for first time offenders of the Minor in Possession law from a misdemeanor to a state civil infraction; cases involving 17 year olds will remain in the district court, thus reducing the estimate of 17 year olds who will enter the juvenile court system.

The last step was to develop a subsequent model of 15 and 16-year olds to identify the proportion who were tried as adults. Once those proportions were generated independently for the four large counties and then for the counties which fall into each of four additional groups, they were applied to the remaining 2016 population of 17 year-old offenders who

were petitioned to court to identify those who remain in the adult system and those who would be tried as juveniles.

The estimates of the number of youth were derived using information in the Judicial Data Warehouse (JDW) managed by the State Court Administrative Office (SCAO). The data warehouse captures court-related data, including local court data, from nearly every trial court in Michigan. HZA was not able to obtain additional data on the number of youth who are never charged in court. The estimates in this report, therefore, reflect the counts of youth who would be handled in court and not those who are diverted before reaching court.

A much more serious absence of data resulted from the Department of Health and Human Services' (DHHS) decision not to share any data for this study from its case management system, known as MISACWIS. HZA had hoped to use those data to determine where juvenile offenders go after sentencing, to detention, to residential treatment, to foster homes, to probation at home or to unsupervised release, as well as for the average time youth spend in those settings as juveniles. Using the addresses of the destinations of 15 and 16-year old juveniles as reported in the JDW data, HZA calculated the proportion of youthful offenders who are placed in a residential setting using a licensing report of residential facilities. It is assumed, for purposes of this report and without access to better data, that 17 year-olds charged with a felony or misdemeanor who were sentenced to jail or prison will be placed in a secure or non-secure residential setting. That still left a smaller gap in which it was not possible to determine whether youth went to foster homes or to their own homes with or without supervision. Without further information, the assumption made here is that all of these youth went to their own homes with supervision. That represents the middle level of the three possible outcomes and almost certainly occurs more frequently than foster home placement.

Answering the question of the length of time 17 year-olds would spend under some type of supervision and/or service is similarly hampered by the absence of MISACWIS data. The JDW data reveal the length of the sentences for 17 year-olds, but juveniles are not considered to be "sentenced," so their data are not in that system. There are three potential ways to answer the question of the length of time 17 year-olds would spend under supervision. First, the average length of sentences was used to develop one option for measuring the impact of placing 17 year-olds in residential treatment. The length of sentence for 17 year-olds provides an alternative to measure duration; however, this approach does not take into account alternatives which might result from plea deals or for good behavior. A second option taken into consideration in estimating the cost of residential care came from a study completed in 2012 on Michigan's residential placement of juveniles¹² and a national study.¹³ The Michigan study reports that juveniles spend an average of 395 days in residential placement when placed in a public or state setting and an average of 350 days when placed in a private setting. A third option was to use data provided in a national study which did not provide concrete information about lengths of stay beyond six months, but it did suggest that older youth spend more time in residential

¹² Frances Carley, "A Comparison of Michigan's Residential Placement Options for Juvenile Delinquency Cases," Senate Fiscal Agency, Lansing, MI, May 2012.

¹³ Andrea J. Sedlak, "Survey of Youth in Residential Placement: Conditions of Confinement," Westat, Rockville, MD, 2016.

placement than do younger ones. Each of these three options were calculated and allow for a range of cost estimates. No data could be collected on the amount of time youth spend under supervision while at home.

COST ESTIMATES

Sampling

Because the data on youthful offenders petitioned to court is maintained in a statewide system that represents the majority of individuals involved in the court system, sampling was not an issue in generating estimates of the number of youth likely to become juveniles under the proposed legislation. The same is not true for estimating costs. There are no systems which provide comprehensive data on the costs of handling either juvenile or adult offenders. Moreover, there are numerous parties to be considered, namely, district and circuit courts, prosecuting attorneys and sheriffs' offices at the county level and the Department of Corrections and the Department of Health and Human Services at the state level.

The Request for Proposals for this study required that all of the four largest counties be included in the study, and each of these was considered to be its own stratum within a stratified sampling frame. That is to say, each large county represented itself and no one else. The remaining counties were divided into four groups by population size, but HZA divided the counties further by three locations: Upper Peninsula, Northern/Central Lower Peninsula and Southern Lower Peninsula. In theory this would have resulted in 16 strata from which to select counties, but in fact there are no counties in some of the groupings. For instance, in the Upper Peninsula there were no counties in the largest of the four size groupings and in the Southern Lower Peninsula there were no counties in either of the two smallest size groupings. The result was that the final sample frame had only thirteen strata, the four largest counties each comprising its own stratum and nine additional strata defined by a combination of size and geography. The counties included in each stratum are shown in Appendix B.

Ideally, the counties from which cost data were to be collected would have been chosen randomly using probabilities proportional to the size of each county's number of 17 year-olds petitioned to court in 2016, but from the outset it was clear that not all counties would be willing to participate. Therefore, HZA conducted a preliminary survey both to collect as much information as possible from local entities before going on-site and to determine from those responses which counties were most likely to agree to participate. The counties selected within each stratum included one county where responses were received to the initial surveys administered and one county which was selected by a randomized procedure. During the analysis, HZA weighted the data to ensure that the selected counties could represent their strata or groups more accurately.

Data Collection

Data collection involved four steps: an on-line survey, on-site visits to collect budget documents, researching published sources where the on-site data left gaps and collecting data from SCAO. In addition, at the request of a number of the State's judges and court administrators, towards the end of the study an additional survey was administered to collect information on the impact of raising the age which some thought had not sufficiently been covered in the other data collection efforts. A subsequent request for information was also sent to Prosecuting Attorneys whose counties were included in the sample in an attempt to obtain caseload data.

HZA administered an on-line survey to each of three local court-involved sources in every Michigan county, one for sheriffs, one for courts and one for prosecuting attorneys. The surveys asked questions about each agency's existing staff resources (e.g., probation officers and caseworkers) devoted to both juvenile and adult offenders; the broad costs associated with those staff; the array of services available to both adult and juvenile offenders who are on probation; the number of judges and other court personnel devoted to family court along with the proportion of their time devoted to juvenile issues; and the physical plant resources (e.g., detention facilities) available in the county or shared with other counties. In addition, the survey asked for an initial indication of the level of relevant detailed cost information in each county so that HZA could gain a sense of what would be available before selecting counties for the on-site visits. The survey instruments are included in Appendix C.

A follow-up survey was administered to the juvenile courts to obtain a fuller understanding of the impact raising the age will have on the circuit and probate courts that serve juveniles. HZA worked with Sandra Metcalf, the Juvenile Court Director of the 20th Circuit Court, and the Honorable Dorene Allen of Midland County to develop the additional survey. Support was also provided by Honorable Paul Stutesman of St. Joseph County to encourage courts to respond. Over fifty counties were represented in the responses received. A copy of the survey, administered by members of the Michigan Juvenile Justice Reform Task Force, in conjunction with HZA, is provided in Appendix E.

HZA conducted on-site visits to the selected counties to collect budget documents from the same groups which were surveyed, i.e., sheriffs, the courts and prosecuting attorneys. To avoid placing an extra burden on the respondents and increase the likelihood of obtaining responses, HZA accepted any form in which the data were readily available. When necessary, the on-site visits were followed with phone calls and other correspondence to ensure the information needed for the analyses was as complete as possible and that HZA analysts knew its limitations and caveats. The questions asked during the on-site visits are shown in Appendix D.

While the county visits were occurring, HZA was also collecting the cost information needed at the State level. This occurred through meetings with appropriate representatives of the Department of Corrections (DOC), the Department of Health and Human Services (DHHS) and the State Court Administrative Office.

A number of the sources from whom data were sought were either unwilling or unable to supply the needed cost information or they were unable to break out the information in ways that permitted distinctions between the way adults are handled and the way juveniles are treated. Others supplied only partial information. The third step in the data collection, therefore, was to go to published sources. This usually involved examining annual reports on the counties' websites, but it also included examining various cost studies done by a variety of groups.

Beyond providing an extract of the data contained within the JDW, SCAO also provided HZA with data from its Caseload Reporting System and its Court Cost Calculator. Data from the calculator were especially helpful in developing per person costs for juveniles known to the District Courts.

Data Analysis

To get the costs ready to apply to the projected population, HZA first divided the costs into some standard categories, e.g., personnel, physical plant and overhead. Those categories were then grouped into fixed and variable costs, with most of the changes due to the potential legislation expected to occur among the variable costs. Within each stratum, the variable costs were then weighted and combined with the 2016 case counts to generate weighted costs per offender. These costs were then utilized for all of the counties in each stratum, multiplying them by the estimated number of 17 year-olds who would move from an adult classification to a juvenile classification to generate county-specific estimates of the costs of the proposed legislation.

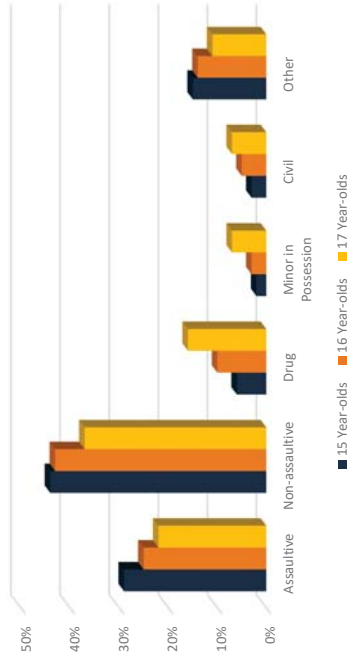
Because the costs are calculated for each entity in the counties, e.g., district courts, circuit courts, prosecuting attorneys, some of the changes represent shifts from one entity to another. This includes not only shifts from district courts to circuit courts and adult court to juvenile court but also shifts from the State to the counties and/or vice versa.

POPULATION ESTIMATES

Before costs can be applied to measure the projected fiscal impact to the adult and juvenile correctional systems and the courts, there must first be an estimate of need, e.g., how many 17 year-olds would have been tried as juveniles? How many 17 year-olds would have been placed on probation and how many placed into secure detention? Patterns of juvenile justice involvement among 16 and 17 year-olds offer a starting point from which to project the number of 17 year-olds who would likely have been involved in the juvenile justice system and how they would have been treated had the age been raised.

When the proportions of 15, 16 and 17 year-olds petitioned to court by the highest level of their offenses¹⁴ are examined, a number of similarities emerge. Because 15 year-olds, and to an extent 16 year-olds, are not likely to be charged with a traffic offense, youth with a traffic charge have been excluded for the purpose of comparing offenses across the three age groups. In 2016, 30 percent of the 17 year-olds were petitioned to court for a traffic-related offense. Across the three age groups, youth are most likely to be charged with having committed a non-assaultive crime, followed by one involving a crime against a person, i.e., one which is assaultive.

Figure 1. Proportion of Juveniles by Level of Offense



As noted in the methodology section, there are three components to the population estimates. The first divides the total number of 17 year-olds who were petitioned before the court in 2016 into those who, in the event of a law change, are likely to be tried as adults and those who are likely to be tried as juveniles. The second component used to estimate the population divides those likely to be treated as juveniles, to the extent they will remain in the system, according to where they will probably go, secure or non-secure residential care

¹⁴ See Appendix A, Section 1.1.1 for determination of Offense Categories.

11 | Raising the Age of Juvenile Justice

or to their own homes. Finally, the duration of the sentence actually served has to be given a value for each youth.

OVERALL POPULATION

In 2016, 8,102 17 year-olds were petitioned before the court, of which 849 were charged with being a minor in possession or with a civil infraction, e.g., failing to observe a sign in a city or county park or fishing without a license. Effective January 1, 2018 when the Minor in Possession law went into effect, offenses involving minors and alcohol which would have previously been considered a criminal misdemeanor are now deemed a civil infraction, with cases going before the district court and not the juvenile court system, as they had previously. This leaves 7,253 17 year-olds petitioned to the court in 2016 who would be eligible for treatment as juveniles if the age of juvenile justice were raised.

Michigan's law defines a set number of offenses by which the prosecuting attorney may designate a juvenile to be tried in the same manner as an adult.¹⁵ Using the characteristics of 15 and 16 year-olds, as described in Appendix A, HZA divided the population into five parts to estimate the number of 17 year-olds who would be tried as juveniles: those committing the 12 most serious charges, those committing six additional Direct File charges, those who committed a traffic violation, those who were charged with Minor in Possession or civil infraction offense and the rest of the 17 year-old offender population.

Table 1 identifies the count of 17 year-olds who would have been tried as juveniles or been waived to adult court if the age had been raised in 2016. Included within that count are the 2,409 17 year-olds who incurred a traffic violation. While those youth would previously have been seen by a district court, if the maximum age of juveniles is raised, they will now be directed to the juvenile court instead.

Throughout the report, data are provided for the four most populous counties followed by data for population groups 2 through 5.

	Juvenile Court		Total
	Felony/Misdemeanor ¹⁷	Traffic Violation	
Kent	314	95	425
Macomb	127	274	663
Oakland	251	301	645
Wayne	892	749	1,703

¹⁵ See Appendix A, Section 1.2 for a detailed list of case types in which juveniles can be waived for adult prosecution.

¹⁶ See Appendix A, Sections 1.3 and 1.4 for a description of the model and input data.

¹⁷ See Appendix A, Section 1.5 for a description of offense severity categorization.

12 | Raising the Age of Juvenile Justice

Table 1
17 Year-olds Petitioned to Court by Charge and Projected Future Status
and by County Group¹⁶

	Juvenile Court		Adult Court	Total
	Felony/Misdemeanor ¹⁷	Traffic Violation		
Group 2	1,570	615	289	2,474
Group 3	551	217	21	789
Group 4	291	109	11	411
Group 5	85	49	9	143
Statewide	4,081	2,409	763	7,253

The percent of 17 year-olds to be treated as adults who will be involved in the circuit court ranged from four percent for Kent County to 40 percent for Macomb County. Statewide, 11 percent of the 17 year-olds petitioned to court in 2016 will remain in the adult courts, with the balance to be tried as juveniles.

Of the 17 year-olds charged with a felony or misdemeanor, 24 percent were charged with a felony or a high misdemeanor offense. The classification of charges as either a felony, high misdemeanor or misdemeanor is based on classifications used by SCAO in the JDW. For example, high misdemeanor offenses include hit and runs when there are injuries, upper level drug charges and minor weapons charges. The distinction between a high misdemeanor and misdemeanor is not commonly made; however, in order to estimate what would happen to youth it was helpful to break out the more severe charges between the two classifications.

The number of 17-year olds who will be involved in the juvenile system in future years could be quite different from the 2016 numbers used here. The overall trend for both 17 year-olds and juvenile offenders in general has observed a steady decline over several years. It is difficult, however, to project at what point the number of youth to become involved in the juvenile system will bottom out; hence, the measurements for the study are restricted to those from 2016. In the subsequent survey administered to the courts, juvenile courts were asked how many additional juveniles they expect to add to their caseloads if the age is raised. When compared to the number which are predicted above, 61 percent of the counties estimated a larger impact than predicted here and 23 percent a smaller impact. Seven of the counties projected the same or nearly the same number of 17 year-olds as came from the analysis of the 2016 data.

PROJECTED DESTINATIONS OF 17 YEAR-OLDS WITH A FELONY OR MISDEMEANOR CHARGE

Population estimates will first consider 17 year-olds who were charged with committing a felony or misdemeanor offense who will be directed to the juvenile system. Those who were charged with traffic offenses are treated separately and will be addressed later in the report. Before projections can be made as to how the 17 year-olds will be served, i.e., either in a secure or non-secure setting or in the community, the count of those who will not proceed

further into the juvenile justice system must first be taken into account. As detailed in Appendix A, HZA used the disposition status¹⁸ of the 17 year-olds to identify those who will remain in the system and those who will proceed to the dispositional phase.

Those who will remain in the system were found guilty or were referred to diversion or probation. Of the 4,081 17 year-olds with a felony or misdemeanor offense who are likely to be tried as juveniles, 62 percent will remain in the juvenile system. (See Table 2).

Table 2
17 Year-Olds Petitioned to Court
by Further Involvement
by County Group

	Remain	Discharge	Total
Kent	250	64	314
Macomb	66	61	127
Oakland	164	87	251
Wayne	374	518	892
Group 2	1,075	495	1,570
Group 3	383	168	551
Group 4	171	120	291
Group 5	34	51	85
Statewide	2,517	1,564	4,081

Before costs can be applied to the population, it is also necessary to estimate the number of youth who would be sent to each of three destinations: secure residential, non-secure residential and their own homes with supervision, the latter actually being a combination of foster homes, own home with supervision and own home without supervision. In the absence of data from the Michigan Department of Health and Human Services, it was not possible to measure the number of 17 year-olds who will likely be placed in foster care and those who will remain in their own homes or be placed with a relative. The approach¹⁹ used to estimate the counts of 17 year-olds by destination continues to limit the analysis to the 17 year-olds who will remain in the system who incurred either a felony or misdemeanor and takes into account the concerns expressed by several counties that the cost burden of raising the age would fall largely on the detention centers.

Seventeen percent of such youth will be placed in a residential setting, i.e., these youth received a sentence that originally placed them in jail or prison. Here, the assumption is made that 17 year-olds who received a prison or jail sentence will continue to require a higher level of supervision necessitating placement in a residential treatment setting.

¹⁸ See Appendix A, Section 1.6 for a list of disposition assumptions.

¹⁹ See Appendix A, Section 1.7 for detailed methodology on determining placement of juveniles into secure and non-secure facilities.

As noted above, data were not sufficient to distinguish between those who will remain in their homes and those who will be placed in foster care; the counts for such youth are combined and 17 year-olds will be considered to be served in the home. Table 3 summarizes the placement figures by the county groups which are used later to calculate costs.

Table 3
Projected 17 Year-Old Juvenile Destinations
by County Group

County	Secure	Non-secure	Home	Total
Kent	11	48	191	250
Macomb	3	10	53	66
Oakland	12	40	112	164
Wayne	9	20	345	374
Group 2	0	189	886	1,075
Group 3	23	41	319	383
Group 4	2	13	156	171
Group 5	4	7	23	34
Statewide	64	368	2,085	2,517

The last consideration to take into account for 17 year-olds who committed a felony or misdemeanor offense is the level of supervision that will come from the juvenile courts. The courts administer risk assessments to identify the strengths and needs of youth, using the results to determine the level of supervision needed as well as the service needs. In the absence of data which provide the results of the risk assessments administered to 17 year-olds, or even 15 and 16 year-olds, the level of offense is used to identify juveniles who will require intensive probation services, with the remainder to receive general probation. Those who committed an assaultive offense are assumed to require intensive probation services. Table 4 breaks out the seriousness of the charge for the 17 year-olds who will remain in the community, either staying in their own homes or being placed in family foster care settings, as well as those placed in residential settings. Statewide, 23 percent of the 17 year-olds remaining in the juvenile system who committed an offense other than a traffic violation will receive intensive probation services.

Table 4
Level of Offense²⁰ of 17 Year-olds by County Group

County	Residential Placement		Remain in the Home		Total
	Assaultive	Other	Assaultive	Other	
Kent	9	50	44	147	53
Macomb	2	11	24	29	26
					197
					40

²⁰ See Appendix A, Section 1.8 for level of offense assumptions.

Table 4
Level of Offense²⁰ of 17 Year-olds by County Group

County	Residential Placement		Remain in the Home		Total
	Assaultive	Other	Assaultive	Other	
Oakland	20	32	20	92	40
Wayne	13	16	93	252	106
Group 2	36	153	178	708	214
Group 3	21	43	74	245	95
Group 4	5	10	24	132	29
Group 5	4	7	3	20	7
Statewide	110	322	460	1,625	570
					1,947

PROJECTED INVOLVEMENT OF 17 YEAR-OLDS WITH A TRAFFIC OFFENSE

Currently, 17 year-olds who are charged with a traffic offense are served by a district court. If the maximum age of juveniles is raised to 17, such youth will be served by the juvenile court instead. As noted earlier, 2,409 17 year-olds were charged with having committed a traffic offense in 2016, seven percent of whom would remain in the juvenile system. It is assumed here, for purposes of calculating the fiscal impact to Michigan if the age is raised, that youth who were sentenced to jail would be placed in a residential setting, just as those who committed a felony, high misdemeanor or misdemeanor. Here it is expected that the 161 youth charged with a traffic offense who were placed in jail would be placed in a non-secure residential setting. Those who were sentenced to probation are assumed to remain in their homes; in 2016, one 17 year-old who committed a traffic offense was placed on probation. Table 5 identifies the number of 17 year-olds who will be placed in a residential facility and those who will remain in the home. The balance would not proceed further into the juvenile system.

Table 5
Projected Destinations of 17 Year-olds
Who Were Charged with a Traffic Offense
by County Group

County	Residential	Home	Discharged	Total
Kent	8	0	87	95
Macomb	14	0	260	274
Oakland	12	0	289	301
Wayne	26	1	722	749
Group 2	80	0	535	615
Group 3	18	0	199	217
Group 4	3	0	106	109
Group 5	0	0	49	49
Statewide	161	1	2,247	2,409

PROJECTED DURATIONS

As noted in the methodology section of this report, no quantitative data were available on the amounts of time youth spend in any of the situations described above. For purposes of estimating costs, as is discussed in the section which follows, there are three options which have been applied to 17 year-olds who are to be placed in residential treatment. The first assumes that the average time juveniles will stay in residential care, based loosely on the national study cited above, would be 213 days or seven and one-half months. A second option applies the average length of stay as identified within a report submitted to the Senate Fiscal Agency in 2015 on the use of secure and non-secure detention for juveniles. A third option assumes that 17 year-olds will remain in placement for as long as their sentences dictated for placement in jail or prison. The results of the three options provide a range of costs for 17 year-olds in residential settings. For youth who will remain in their own homes no estimate of duration is available for in-home supervision, but annual costs for such juveniles are included within the discussion of the Child Care Fund.

COUNTY COSTS

COSTS PER CASE²¹

One focus of the data collection and analysis related to county costs was to develop a cost per case for each of the major entities involved in adult and juvenile justice cases: the district courts, the circuit courts, sheriffs and prosecuting attorneys. The cost to serve adults in the circuit courts was calculated separately from the cost required to serve juveniles. The cost to the juvenile courts was further broken down into court processing costs and the costs to serve youth who require supervision and services, because that will result in an increase in costs to both the counties and the State. HZA collected data on both fixed and variable costs for 2016 for the various court-related entities, but the costs per case were calculated using only the variable costs. All personnel costs were assumed to be variable, although it is clear that minor changes in population are not likely to result in increases or decreases in the number of personnel employed by any of the institutions.

With data collected from only a sample of counties for the cost analysis, the costs reported here reflect the weighted average costs for the counties in each population group. Although the cost data from different counties sometimes represented different years,²² all costs were adjusted to 2016 dollars, and that is the standard for all dollar amounts which appear throughout the report.

Courts, Prosecuting Attorneys and Sheriffs

Table 6 shows the projected per case costs for the district courts, juvenile circuit courts and their probation officers, prosecuting attorneys and sheriffs.

Table 6
Estimated Costs per Case

	District Courts	Juvenile Court	Probation Officers	Prosecuting Attorneys	Sheriffs
Kent	\$17	\$1,355	\$3,202	\$31	\$247
Macomb	\$8	\$1,660	\$5,376	\$35	\$195
Oakland	\$33	\$2,730	\$6,409	\$31	\$94
Wayne	\$36	\$1,927	\$5,619	\$29	\$105
Group 2	\$93	\$2,850	\$3,640	\$68	\$502
Group 3	\$130	\$1,214	\$1,179	\$57	\$233
Group 4	\$114	\$1,314	\$2,510	\$94	\$159
Group 5	\$101	\$2,857	\$8,720	\$142	\$619

²¹ See Appendix A, Sections 1.9 through 1.16 for all assumptions regarding cost per case information.
²² For some agencies, cost data for earlier years were more complete than for SFY 2016. Budget amounts for years prior to SFY 2016 were adjusted to account for inflation and thus provide SFY 2016 cost equivalents.

There are two notable features of these figures. The first is that the per case costs for districts courts are far lower than those for the circuit courts, not a surprise given their different functions. There is also a difference in the per case costs within the circuit costs for processing adult, as displayed in Table 7 below, as compared to juvenile cases. Numerous county agencies reported during the data collection that the costs of handling juveniles are higher than those for handling adults, especially in terms of providing probation. While the information needed to calculate caseload sizes for adult and juvenile probation officers was not available, there are national standards for the differences.²³ For offenders with medium risk levels, those standards are 50:1 for adults and 30:1 for juveniles. HZA used those levels to weight the number of juveniles in the circuit courts at 1.67 (50/30) times the actual number, to account for the greater demand on the circuit court budgets that juveniles represent. The circuit court numbers are intended to represent, therefore, a weighted cost per case.

Table 7
Estimated Costs for Adult Circuit Court

County	Adult Court	Probation Officers
Kent	\$811	\$1,918
Oakland	\$994	\$3,219
Macomb	\$1,635	\$3,838
Oakland	\$1,154	\$3,365
Group 2	\$1,706	\$2,180
Group 3	\$727	\$706
Group 4	\$787	\$1,503
Group 5	\$1,711	\$5,222

The second notable feature is that the per case costs for smaller counties, even when limited to what are theoretically variable costs, are often higher, sometimes much higher, than those for larger counties. This is actually not unusual in many fields. There is a basic minimum that must be in place in any structure to handle even a few cases, and that drives any calculation of per case costs higher. The most realistic way to handle that is probably to assume that at least some of the counties in those categories will not experience any changes in costs in either direction if 17 year-olds are shifted to the juvenile justice system.

Table 8 shows the reduction in costs for the district courts. The reduction is based on processing juveniles who were charged with a felony or misdemeanor offense as well as those with a traffic offense in juvenile court who would previously been processed by in district court.

²³ American Probation and Parole Administration: Caseload Standards for Probation and Parole. (2006).

Table 8
Aggregate Reductions in District Court Costs
by County Group

County	Felony/Misdemeanor	Traffic	Total
Kent	\$5,338	\$1,615	\$6,953
Macomb	\$1,016	\$2,192	\$3,208
Oakland	\$8,283	\$9,933	\$18,216
Wayne	\$32,112	\$26,964	\$59,076
Group 2	\$146,010	\$57,195	\$203,205
Group 3	\$71,630	\$28,210	\$99,840
Group 4	\$33,174	\$12,426	\$45,600
Group 5	\$8,585	\$4,949	\$13,534
Statewide	\$306,148	\$143,484	\$449,632

Table 9 shows the corresponding increase in costs for the circuit courts. The cost of processing 17 year-olds in the juvenile system is largely impacted by those charged with a traffic offense as they will now enter the juvenile circuit court as opposed to being involved in the district court. The cost for processing those with a felony or misdemeanor represent the per case cost difference between processing a youth in juvenile court as opposed to adult court. Group 2 counties will realize the greatest burden which is due primarily to the volume of 17 year-olds charged with a felony or misdemeanor.

Table 9
Aggregate Increases in Circuit Court Costs
by County Group

County	Felony/Misdemeanor	Traffic	Total
Kent	\$170,816	\$128,725	\$299,541
Macomb	\$84,582	\$454,840	\$539,422
Oakland	\$274,845	\$821,730	\$1,096,575
Wayne	\$689,516	\$1,443,323	\$2,132,839
Group 2	\$1,796,080	\$1,752,750	\$3,548,830
Group 3	\$268,337	\$263,438	\$531,775
Group 4	\$153,357	\$143,226	\$296,583
Group 5	\$97,410	\$139,993	\$237,403
Statewide	\$3,534,943	\$5,148,025	\$8,682,968

In the subsequent survey to juvenile serving courts, court representatives were asked if they were sufficiently staffed to handle the current caseload. Eight percent of the courts, including those from Oakland County, three from Group 2 counties and one from Group 3 counties, noted they are not sufficiently staffed at present. While the data suggest that

many of the courts are doing well in managing their current caseloads, overall three-quarters noted they will need additional staff if the age is raised.

While difficult to estimate given the limited information provided by prosecuting attorneys about the impact of raising the age, with at least one county stating the only anticipated cost increase would be for additional filing cabinets, Table 10 shows the projected number of additional Assistant Prosecuting Attorneys which will be needed to manage the increased caseload. The estimate of full-time equivalents (FTEs) needed assumes that a) an attorney handles an average caseload size of 200 juvenile cases²⁴ and b) there will not be sufficient attorneys available to handle the increase if at least half an FTE is needed based on the number of 17 year-olds predicted to be treated as juveniles in any one county. If the restriction of half an FTE is excluded from the analysis, the number of Assistant Prosecuting Attorneys needed rises from 16.4 to 24.2. A statewide average salary for Assistant Prosecuting Attorneys in Michigan was unavailable, so the cost increases presented below are based on an average salary of \$61,000 for an Assistant Prosecuting Attorney in 2016.²⁵

Table 10
Full-Time Equivalent and Cost Increases for Prosecuting Attorney Offices

County Group	Projected FTEs Needed	Cost Increases
Kent	1.65	\$100,650
Macomb	1.95	\$118,950
Oakland	1.72	\$104,920
Wayne	4.77	\$290,970
Group 2	6.28	\$383,080
Statewide	16.37	\$998,570

The count of additional attorneys needed was less than one-half an FTE in each of the counties included in Groups 3 through 5.

Law enforcement will continue to handle the same number of cases but sheriffs should see a decrease in the number of jail inmates. Over the last three years, 2,138 17 year-olds, an average of about 700 per year, have been sentenced to jail with sentences averaging 52 days. It seems safe to assume that virtually none of those youth would be tried as adults if the law changes. That would reduce the total number of inmate days in county jails by 36,920.

The prisoner daily cost data that could be collected for this study were sparse, but a few counties did provide that information. Using the averages of the figures they reported, the cost is about \$62 per day in Michigan, lower than the \$80 dollars reported for the lowest

²⁴ While the American Bar Association has not adopted caseload limits for prosecutors, it recommended, in an August 24, 2007 report, *American Council of Chief Defenders Statement on Caseloads and Workloads*, that a public defender's caseload should not exceed 200 juvenile delinquency cases. This was confirmed by Muskegon County.

²⁵ Salaries for Assistant Prosecuting Attorneys are based on data posted to the PayScale's website on December 9, 2017. https://www.payscale.com/research/US/Job=Assistant_District_Attorney/Salary.

level of prison costs and equal to the amount that New York reports for its jail costs.²⁶ Using that figure, Table 9 shows the annual decrease in days each county or group of counties should be expected to experience, along with the estimated reduction in costs.

County	Days	Dollars
Kent	4,689	\$290,718
Macomb	2,210	\$137,020
Oakland	5,764	\$357,368
Wayne	2,699	\$167,338
Group 2	15,463	\$958,706
Group 3	3,926	\$243,412
Group 4	1,595	\$98,890
Group 5	574	\$35,588
Statewide	36,920	\$2,289,040

While jail costs will decline if 17 year-olds are to be treated as juveniles rather than adults, those costs could rise considerably if county jails must institute sight and sound separation for those juveniles who remain in the adult system. While Michigan reports its ability to satisfy the federal requirements within the Prison Rape Elimination Act of 2003 (PREA), several county jails report they are not able to provide sight and sound separation. When asked what it would cost to create that separation, counties reported that they simply could not do it.

As will be discussed later, to the extent county jails are not able to provide sight and sound separation, the most economical means to address the issue is to house youth under the age of 18 sentenced to jail in a detention center. Data collected during the study indicated that detention centers are often not run at capacity and utilizing them to achieve sight and sound separation would be much less expensive than having the county jails that are not able to satisfy the requirement re-furnished, even if that were possible. A number of individuals knowledgeable of Michigan's detention facilities also note that there are several residential facilities that are no longer in use and could be re-opened to serve counties who are not able to satisfy the sight and sound requirement. This is likely to provide an added benefit of having the ability to provide such juveniles with a set of services eligible for Child Care Fund reimbursement. This would also shift some of the costs to the State to compensate for some of the increased costs the counties will experience as 17 year-olds who are now State responsibility are re-classified as juveniles for whom the counties will bear part of the cost. It will be helpful to produce a map that identifies which detention centers are not filled to their licensed capacity, as well as those that are available to be re-open, to help identify where beds exist.

²⁶ Independent Democratic Conference, "The Price of Juvenile Justice: Why Raising the Age Makes Cents for New York," December 2016, page 3.

The more costly option is to build new or refurbish existing jails. The experience of Delta County in the Upper Peninsula provides some indication of the likely costs of building new jails. A feasibility study for a small jail in that county was estimated to cost between \$17.7 and \$20 million, depending on whether the county simply upgraded its existing facility (the lower cost) or built an entirely new jail.²⁷ As will be discussed in the section on State costs, a somewhat lower cost was estimated for a 50-bed facility in the Upper Peninsula, but it would still amount to around \$13 million. If larger counties undertook the work needed for sight and sound separation, the costs would be higher, although the per bed cost would be lower.

Child Care Fund

The estimated costs of providing services to 17 year-olds takes into account two types of expenditures for which counties are reimbursed through the Child Care Fund.²⁸ The Child Care Fund represents state dollars which are to provide 50 percent reimbursement for the costs of providing services for child welfare and juvenile justice cases, including out-of-home services, whether secure or non-secure, intensive supervision services to youth in their own homes but under court supervision and fee-for-payment services, such as for counseling and transportation. Without data having been received from DHHS, costs for placing 17 year-olds in a family foster care home are not addressed in the cost estimate.

As described earlier, data were not available to measure the average length of stay juveniles are placed in residential treatment. Three options are considered here in determining the cost to the county and the State. First, the report to the Senate Fiscal Agency identifies juveniles spend an average of 395 days in residential care when placed in a state facility and an average of 350 days when placed in a private facility.²⁹ The second option uses data from a national study which examines the average length of time youth spend in residential placement.³⁰ While the study did not provide concrete information about lengths of stay beyond six months, it did suggest that older youth spend more time in residential facilities than do younger juveniles. With nothing definitive to use and recognizing that some counties will end youths' placements at the time they turn 18, thus limiting the amount of time they will spend in residential care, another alternative is to use the study's application of 213 days or seven and one-half months as the average. The last option is to apply the average length of sentence, doing so for the 17 year-olds who were sentenced to probation separately from those sentenced to jail who are predicted to enter the juvenile system. The statewide average is 55 days for juveniles sentenced to jail and 14 and a half years for those sentenced to prison. For juveniles with a traffic offense sentenced to jail, the average sentence is 36 days. As displayed in the table below, the average prison term ranges from just one year for 17 year-olds in Macomb County to a little over 23 years for those in Wayne County.

²⁷ RQAW and Byce & Assoc., Inc. (2016) Delta County Jail & Sheriff's Office Feasibility Study Report Appendix I.

²⁸ See Appendix A, Section 1.17 for assumptions on the Child Care Fund.

²⁹ Frances Carley, "A Comparison of Michigan's Residential Placement Options for Juvenile Delinquency Cases," Senate Fiscal Agency, Lansing, MI, May 2012.

³⁰ Andrea J. Sedlak, "Survey of Youth in Residential Placement: Conditions of Confinement," Westat, Rockville, MD, 2016.

Table 12
Average Lengths of Stay in Prison and Jail by County Group

County	Prison	Jail with Traffic Offense	
		Jail	Jail with Traffic Offense
Kent	-	88 days	51 days
Macomb	1 year	53 days	31 days
Oakland	20.7 years	84 days	42 days
Wayne	23.1 years	32 days	25 days
Group 2	10.4 years	37 days	28 days
Group 3	8.3 years	54 days	83 days
Group 4	10.0 years	107 days	32 days
Group 5	10.0 years	41 days	0 days
Statewide	14.5 years	55 days	36 days

For purposes of estimating the cost of placing 17 year-olds in a secure residential facility, the average prison term is applied, annualizing the overall cost to the State and its counties.

Michigan operates two secure juvenile justice facilities, Bay Pines Center and Shawono Center. The average daily rate for those two facilities, using the rates contained within the report to the Senate Fiscal Agency, is \$429. Based on licensure information published by DHS, there are an additional six county-run secure facilities;³¹ for purposes of this report, secure facilities are defined as those which are not Title IV-E reimbursable. The average rate of stay for those facilities is \$307 per day.

If all of the juveniles identified as requiring a secure placement were placed in one of the two state-run facilities, Michigan would incur an annual total expenditure that ranged between \$5.8 and \$10.8 million, half of which would be reimbursed to the State by the counties. That amount would be reduced to a range between \$4.2 and \$7.2 million if the juveniles were all placed in one of the county run secure facilities, with the State then reimbursing the counties 50 percent.

Table 13 shows the range of costs to place juveniles in a secure facility on an annual basis, taking into account how long 17 year-olds would remain in a residential setting.

Table 13
Costs to Place 17 Year-olds in Secure Residential Treatment by County Group

County	Senate Report		National Study		Annualized Prison Term	
	State	Private	State	Private	State	Private
Kent	\$1,864,005	\$1,181,950	\$1,005,147	\$719,301	\$1,721,947	\$1,232,256
Macomb	\$508,365	\$322,350	\$274,131	\$196,173	\$469,622	\$336,070
Oakland	\$2,033,460	\$1,289,400	\$1,096,524	\$784,692	\$1,875,487	\$1,344,279
Wayne	\$1,525,095	\$967,050	\$822,393	\$588,519	\$1,408,866	\$1,008,209

³¹ A list of the six privately run secure detention centers is provided in Appendix A Section 1.18.

Table 13
Costs to Place 17 Year-olds in Secure Residential Treatment by County Group

County	Senate Report		National Study		Annualized Prison Term	
	State	Private	State	Private	State	Private
Group 2 ³²	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Group 3	\$3,897,465	\$2,471,350	\$2,101,671	\$1,503,993	\$3,600,434	\$2,576,535
Group 4	\$338,910	\$214,900	\$182,754	\$130,782	\$313,081	\$224,046
Group 5	\$677,820	\$429,800	\$365,508	\$261,564	\$628,162	\$448,093
Statewide	\$10,845,120	\$6,876,800	\$5,848,128	\$4,185,024	\$10,018,600	\$7,169,487

Using the average daily rate of \$202 to house a youth in an in-state private facility, Table 14 displays the costs to place youth in non-secure settings, applying the average lengths of stay across the same three options as was done for secure placement.

Table 14
Costs to Place 17 Year-olds in Non-secure Residential Treatment by County Group

County	Senate Report		National Study		Annualized Prison Term	
	State	Private	State	Private	State	Private
Kent	\$3,393,600	\$2,065,248	\$3,538,037	\$2,124,950	\$3,538,037	\$2,124,950
Macomb	\$707,000	\$430,260	\$737,091	\$448,364	\$737,091	\$448,364
Oakland	\$2,828,000	\$1,721,040	\$2,948,364	\$1,747,182	\$2,948,364	\$1,747,182
Wayne	\$1,414,000	\$860,520	\$1,474,182	\$895,218	\$1,474,182	\$895,218
Group 2	\$13,362,300	\$8,131,914	\$13,931,021	\$8,622,073	\$13,931,021	\$8,622,073
Group 3	\$2,898,700	\$1,764,066	\$3,022,073	\$1,851,964	\$3,022,073	\$1,851,964
Group 4	\$919,100	\$559,338	\$958,218	\$595,218	\$958,218	\$595,218
Group 5	\$494,900	\$301,182	\$515,964	\$318,182	\$515,964	\$318,182
Statewide	\$26,017,600	\$15,833,568	\$27,124,950	\$16,833,568	\$27,124,950	\$16,833,568

A licensing report prepared by the Michigan Department of Health and Human Services, with a revision date of November 1, 2017, was used to determine if there were sufficient beds to house the increase in 17 year-olds who might be placed in a secure or non-secure setting. The analysis shows there are more licensed secure and non-secure beds than have been contracted, with that difference larger than the estimated number of 17 year-olds to be placed in a residential facility. When the results are examined for each of the four large counties and then by region, Macomb County is the only county with insufficient capacity to house those who will be placed in a non-secure facility. However, there are sufficient resources within the region to accommodate the need. With limited number of secure facilities available across the State, the county or region in which those facilities are located

³² Based on the analysis of the type of setting where 15 and 16 year-olds were placed when ordered to a residential setting, no 17 year-olds in Group 2 counties are predicted to require a secure placement setting.

were not included in the analysis of keeping juveniles within their home county or geographic location.

Counties are also reimbursed for services provided by probation officers for youth who remain in the community. Reimbursement to the counties through the Child Care Fund is only intended for intensive probation services, not general probation services. As a proxy to estimate the count of juveniles who will receive intensive probation services, the type of offense was taken into account. Those who committed an assaultive offense are considered to be at high risk of services and thus those who will receive intensive probation services. Because the 17 year-olds predicted to enter the juvenile system would likely have received probation as adults, minus those who would have received a prison term, the difference in the costs of a juvenile probation officer from that of an adult probation officer is taken into account for those that would have remained in the community or had been placed in jail. Table 15 shows the projected costs of intensive and general probation services. The state will reimburse counties for half of the costs of providing intensive probation services. Expenditures which counties will incur to provide general probation services will be the sole responsibility of the counties.

Table 15
Projected Probation Costs to 17 Year-olds by County Group

County	Intensive Probation	General Probation	Total Probation Costs
Kent	\$68,052	\$252,948	\$321,000
Macomb	\$62,520	\$86,280	\$148,800
Oakland	\$129,706	\$318,804	\$448,510
Wayne	\$265,844	\$604,072	\$869,916
Group 2	\$340,780	\$1,257,060	\$1,597,840
Group 3	\$47,053	\$136,224	\$183,277
Group 4	\$32,209	\$142,994	\$175,203
Group 5	\$29,708	\$94,446	\$124,154
Statewide	\$975,872	\$2,892,828	\$3,868,700

The Child Care Fund is also intended to provide financial support to juvenile courts in meeting the service needs of juveniles, helping them to remediate their negative behavior and build positive skills. With limited data available to measure the cost of fee-for-service costs, an analysis of the Child Care Fund budgets, in conjunction with the calculated probation costs, were used to estimate the average cost per juvenile to receive services such as counseling and education. The cost estimates are based on the Child Care Fund budgets for 2016, less the amounts budgeted for institutional care and further reduced by an estimate of the probation costs as described above. While the statewide average to provide services to juveniles is \$3,508, those averages vary widely across the counties, as shown here. The two populations which have the lowest per juvenile service cost, namely Macomb and Oakland, have proportionately higher costs budgeted for institutional costs.

- Kent: \$2,748
- Macomb: \$60

- Oakland: \$286
- Wayne: \$10,396
- Group 2: \$1,670
- Group 3: \$4,865
- Group 4: \$6,392
- Group 5: \$3,644

Nothing compels the counties to provide the same level of service to each case when the size of the population rises, and there were some mixed signals from the interview respondents about the results of adding 17 year-olds to the juvenile population. On the one hand, some reported that more intense services would have to be provided to 17 year-olds because they would place greater demands on service providers to prepare the juveniles to exit the system by their 18th birthdays. Others suggested that the circuit courts would discharge youth to the adult system at their 18th birthdays, thus reducing the length of time the juvenile system would normally serve a youth.

Table 16 shows the projected costs of providing community-level services to juveniles who remain in the home, assuming the level of services will remain the same as those currently provided.

Table 16
Aggregate Costs for In-Home Services

County Group	In-Home Service Costs
Kent	\$524,868
Macomb	\$3,180
Oakland	\$32,032
Wayne	\$3,586,620
Group 2	\$1,479,620
Group 3	\$1,551,935
Group 4	\$997,152
Group 5	\$83,812
Statewide	\$8,259,219

Juvenile serving courts were asked in the subsequent survey if there would be a sufficient availability of services if the age is raised. Close to two-thirds of the counties noted they will need additional services. The most prevalent need for service was residential services, followed by intensive and general probation. Other service needs commonly noted included community services, 24/7 intervention, after hours surveillance, counseling/therapy, mental health services and tether monitoring.

The juvenile courts will incur costs to handle 17 year-olds who committed a traffic violation. Here it is assumed that those who previously were placed in jail will be placed in a non-secure residential setting, serving a length of stay average to the statewide number of days 17 year-olds with a traffic offense were sentenced to jail, i.e., 36 days. Those that remain in

the community will receive general probation and in-home services. Table 17 displays the costs which counties are expected to incur.

Table 17
Costs Incurred to Handle 17 Year-olds with a Traffic Violation by County Group

County Group	Non-secure Residential	General Probation	In-Home Services	Total
Kent	\$58,176	\$10,272	\$ -	\$68,448
Macomb	\$101,808	\$30,198	\$ -	\$132,006
Oakland	\$87,264	\$30,852	\$ -	\$118,116
Wayne	\$189,072	\$60,858	\$10,396	\$260,326
Group 2	\$581,760	\$116,800	\$ -	\$698,560
Group 3	\$130,896	\$8,514	\$ -	\$139,410
Group 4	\$21,816	\$3,021	\$ -	\$24,837
Group 5	\$ -	\$ -	\$ -	\$0
Statewide	\$1,170,792	\$260,515	\$10,396	\$1,441,703

Table 18 shows the total increase in expenditures expected for each population group, distinguishing between those which are eligible for cost sharing with DHHS and those which are the sole responsibility of the juvenile court. The Child Care Fund expenditures are based on the assumption that the level of service juveniles currently receive in the community will remain the same, with the variation driven by the placement of the 17 year-old offenders into either state or county-run secure detention facilities. The high dollar impact to the Child Care Fund applies data contained within the report to the Senate Fiscal Agency while the low dollar impact applies the national standard.

Table 18
Estimated County Expenditures for 17 Year-Olds

County Group	Child Care Fund High	Child Care Fund Low	County Only
Kent	\$5,908,701	\$3,435,645	\$263,220
Macomb	\$1,382,873	\$793,941	\$116,478
Oakland	\$5,110,462	\$2,754,734	\$349,656
Wayne	\$6,991,027	\$5,500,971	\$664,930
Group 2	\$15,764,460	\$10,534,074	\$1,373,860
Group 3	\$8,526,049	\$4,997,943	\$144,738
Group 4	\$2,309,187	\$1,741,297	\$146,015
Group 5	\$1,286,240	\$676,266	\$94,446
Statewide	\$47,278,999	\$30,434,871	\$3,153,343

On a statewide basis, the high estimate would result in a 1.2 percent increase to the Child Care Fund budget for 2015-2016, with the low estimate resulting in an eight percent

increase. It should be noted that half of the Child Care Fund amount is likely to be paid by the counties, with the other half to be reimbursed to the counties by the Department of Health and Human Services.

The subsequent survey administered to the juvenile courts was used to better understand how the courts are funded. Fifty-seven percent of the respondents indicated their courts are reimbursed in full through a combination of Child Care Fund and county general fund expenditures. The other sources which are used to reimburse the courts for the services they provide to juveniles were not identified. When the proportion of Child Care Fund expenditures which are used to reimburse the courts is examined, only 37 percent of the respondents indicated that at least half of their budgets are reimbursed with funding received from DHHS. Table 19 shows the proportion of the courts' budgets that are funded through the Child Care Fund, as reported in the survey. The amount of reimbursement counties receive from DHHS will be impacted by the use of state secure residential placement, in which counties will be responsible to reimburse the State, and by the use of intensive versus general probation, with counties receiving reimbursement only when intensive probation services are provided.

Table 19
Percentage of Court Budgets Reimbursed by the Child Care Fund

Percentage	Number of Courts	Percent of Courts
1 to 10 percent	3	6%
11 to 25 percent	10	20%
26 to 49 percent	19	37%
50 to 75 percent	16	31%
76 to 99 percent	3	6%
Totals	51	100%

Another cost to take into consideration is that incurred to assess the strengths and needs of juveniles. Courts reported using anywhere from one to seven assessments, with the use of some dependent on the type of offense, e.g., sex offender. Forty-four percent of the courts responding to the subsequent survey reported they use four or five surveys to evaluate juveniles. The costs to conduct those assessments were not captured, nor how they are reimbursed.

It should be noted that several courts have problem-solving courts, e.g., drug courts or mental health courts, which serve juveniles. The problem-solving courts are not funded through the Child Care Fund. While federal funding through grant awards is sometimes available to support problem-solving courts, it is assumed here that Michigan's courts are not currently funded with federal dollars. A list of the problem-solving courts that serve juveniles is provided below, as reported by the courts responding to the subsequent survey.

Drug Treatment Court	10 courts
Truancy Court	7 courts
Mental Health Court	4 courts

Teen Court 3 courts
 Family Dependency Court 1 court

REVENUE

There are essentially no changes in county revenue which can be expected if 17 year-old offenders are classified as juveniles rather than adults. During the on-site visits, a number of respondents expressed concern that the courts would lose some of the drunk driving revenues which they now receive. The 17 year-old population, however, comprises such a small percentage of drunk driving offenders that the impact will be negligible. Seventeen year-olds make up 0.4 percent of the drunk driving cases in the 2016 JDW data. Given the \$2.1 million dollars now received by the courts for drunk driving offenses, the total loss of revenue to all counties across the State would be about \$9,000.³³

District courts, however, will experience a decline in revenue if 17 year-olds who are charged with a traffic violation are directed to the juvenile courts. In 2016, fines charged to 17 year-olds who committed a traffic offense amounted to \$454,111. While this amount represents an annual loss of revenue to the district courts, it also represents a source of revenue for the circuit courts, resulting in no overall impact to the counties.

On the other side of the picture, DHHS could conceivably receive additional federal dollars under Title IV-E for those 17 year-olds with dual status, i.e., as both child welfare and juvenile justice cases. However, the proportion of the current juvenile justice population which holds dual status is about three and one-half percent. Moreover, Title IV-E reimbursement would only apply to the relatively small percentage of those placed either in non-secure residential care or in foster homes and not all of those would be federally eligible. Thus, no measurable increase in revenue is likely from this source.

SUMMARY

It is clear from the above discussion that some of the change in raising the age will increase costs for some cost centers while others will decrease. In other words, in some instances, costs are simply shifted from one county fund to another. Table 20 summarizes the net impact to the counties when the increases and decreases involving the courts, jail and prosecuting attorneys are considered.

County Group	Net Impact
Kent	\$102,520
Macomb	\$518,144

³³ See Appendix A, Sections 1.19 and 1.20 for assumptions regarding drunk driving.

County Group	Net Impact
Oakland	\$825,911
Wayne	\$2,197,395
Group 2	\$2,769,999
Group 3	\$188,523
Group 4	\$152,093
Group 5	\$188,281
Statewide	\$6,942,866

Table 21 provides the range of overall net changes in county costs for the counties in each group, after taking into account the changes summarized in Table 20 in conjunction with Child Care Fund expenditures which should, by definition, be reimbursed by the State and those that are not, i.e., general probation.

County Group	High Estimate	Low Estimate
Kent	\$3,520,091	\$2,083,563
Macomb	\$1,326,059	\$1,031,593
Oakland	\$3,730,798	\$2,552,934
Wayne	\$6,357,839	\$5,612,811
Group 2	\$12,026,089	\$9,410,896
Group 3	\$4,596,286	\$2,832,233
Group 4	\$1,452,702	\$1,168,757
Group 5	\$925,847	\$620,860
Statewide	\$33,735,709	\$25,313,645

While different counties will experience different impacts from raising the age of juvenile justice, on a statewide basis the county impact is due almost entirely to the cost of placing juveniles in residential facilities. The statewide decreases in county costs in district courts and jail costs will be offset by increases in circuit court costs, including those for general probation which are borne exclusively by the counties.

STATE COSTS

If the proposed legislation becomes law, state costs will potentially change in at least three ways. First, expenditures in the Child Care Fund will increase in an amount equal to that shown for the counties as a whole, because of the 50 percent match for eligible services. This will impact the Department of Health and Human Services. Second, the costs for the Department of Corrections will decrease, because the 17 year-olds will no longer be the sole responsibility of the State; counties will share in the costs. Third, if the sight and sound separation of offenders under the age of 18 are made more stringent, there will be capital costs that either the Department of Health and Human Services or the Department of Corrections needs to incur. Each of these is discussed below.

CHILD CARE FUND COSTS

The previous section showed the range of increases to the Child Care Fund which counties are likely to experience if the legislation passes. If more expensive forms of secure residential placement are used, costs to Michigan will increase by \$23.6 million, while less expensive forms of secure placement will result in an increase of \$15.2 million.

DEPARTMENT OF CORRECTIONS POPULATION RELATED CHANGES

Based on the population projections shown above, about ten percent of the 17 year-olds petitioned will remain in the adult system. This is about the same number, roughly 800, who have been sentenced to either jail or prison annually during the last three years, and about 1.1 percent, or 86 annually, of those have been sentenced to prison rather than jail. Unlike the jails, therefore, DOC will probably not experience any measurable change in its population due to a re-classification of 17 year-old offenders. This is consistent with the conclusion drawn by the Senate Fiscal Agency in a 2015 report on the marginal cost of corrections in the State.³⁴ The same agency's later analysis showed that the short-term marginal decrease in DOC costs would be \$3,764 per inmate,³⁵ but if there is virtually no change in the number sentenced to prison, the total will be less than half a million dollars per year.

SIGHT AND SOUND SEPARATION COST CHANGES

The same cannot be said if the Department of Corrections is prohibited from housing offenders under the age of 18 or if those youth must be housed in entirely separate facilities. Either of these changes would, according to the Senate Fiscal Agency's 2016 analysis, result in a decrease of \$34,550 per year per inmate, because one of the units in the Thumb Correctional Facility housing those under 18 would have to be closed. Given that there are currently about 60 offenders under 18 in Thumb, that would amount to a decrease

³⁴ John Maxwell, "Marginal Cost of Corrections," Senate Fiscal Agency, August 2015, p. 8.
³⁵ Senate Fiscal Agency, "Juvenile Jurisdiction: 17-Year-Old," October 2016, p. 7.

for DOC of \$2,073,000. However, assuming that the same levels of security and other services were provided, the same marginal costs would presumably be picked up by the Department of Health and Human Services, so, on a marginal cost basis, the State would experience simply a shift in costs from one agency to another rather than an increase or decrease.

The major cost of either option would not be in the day-to-day cost of housing inmates but rather in the cost of new or refurbished construction. A study was undertaken by CRS Inc. to examine the costs of building new jails or re-purposing those previously used in 13 counties in Michigan.³⁶ CRS used data on the costs to build four jails in Tennessee. After adjusting for inflation, going from costs incurred in 2010 to 2016, the per bed cost to build a new facility ranged from \$268,670 for a 50 bed facility to \$156,872 for a 400 bed facility. The costs of building much larger prisons in Alabama³⁷ and Mississippi³⁸ confirmed the reduction in per bed costs, but the cost of building a new facility in Michigan strictly for those under 18, whether borne by DOC or DHHS, would be closer to the estimate for a 50 bed facility and would therefore cost around \$16 million.

³⁶ CRS Incorporated, (2010). Regional Jail Feasibility and Facility Re-Use Study.

³⁷ Alabama Prison Transformation Initiative. (2016). DOC Report on Prison Building Plan.

³⁸ RQAW and Byce & Assoc., Inc. (2016) Delta County Jail & Sheriff's Office Feasibility Study Report

DRAFT

SUMMARY

Two different sets of questions are addressed in this report. The primary question has to do with the costs involved in re-classifying 17 year-old offenders as juveniles rather than adults. The second relates to the costs of ensuring sight and sound separation for offenders under 18 at both the county and state levels.

While the data made available for this study by both the counties and the State left several gaps, reasonable estimates of the cost decreases, increases and shifts from one agency to another could be made in relation to the first question. Costs for district courts and for county jails will decrease, but those decreases will be more than made up for by increases in circuit court, prosecuting attorney and Child Care Fund expenditures. The county share of those costs is expected to range between \$25.3 and \$33.7 million, with much of that increase coming through the Child Care Fund. Because in Michigan the State is responsible for paying for adult offenders and the counties, with state reimbursement provided to support a number of the services, are responsible for juvenile offenders, the increase in county costs should not be a surprise.

What might be more surprising is that the State's costs will also rise. This is due to two factors. First, only a small percentage of 17 year-olds are sentenced to prison, so the overall savings due to fewer days of state incarceration are relatively minimal. Second, the Child Care Fund is an uncapped reimbursement, which means that as the counties take on additional work due to the increase in the number of juvenile offenders, the State will also incur an increase. The estimated State share of the costs is likely to be between \$15.2 and \$23.6 million.

The question of sight and sound separation has two components. The first relates to a possible provision in legislation either prohibiting DOC from housing offenders under 18 or having to do so in a completely separate facility. Because Michigan continues to meet the federal requirements for sight and sound separation within its prison system, it is expected Thumb will continue to house prisoners under the age of 18 years-old.

The second involves county jails, at least those which are not able to satisfy the sight and sound requirements. Several sheriff offices noted during the interviews with county representatives that it simply could not be done. Counties have two options to consider, either build entire new structures, which would involve up to \$20 million for small counties, and much more for large ones, or create regional jails to house youthful offenders by re-opening unused detention centers across the State to house juveniles sequestered to jail. Other than a one-time cost to re-open those facilities, the cost should be no different than what is needed to house a juvenile in a residential setting.

APPENDIX A: DETAILED METHODOLOGY AND ASSUMPTIONS

POPULATION ESTIMATES

OVERALL POPULATION

1.1. Offense Categories were determined first by matching PACC or Local Offense Codes in JDW to the corresponding offense categories in the MDOC 2016 Statistical Report when available and otherwise were identified by eye. If the offense code started with 257, it was classified as a traffic offense.

The highest level of offense is first defined by severity with felony offense being the highest level followed by high misdemeanor then misdemeanor. In the event multiple offenses categories shared the same severity, the order for offense category is assaultive, non-assaultive, drug, minor in possession, and lastly traffic.

1.2. Case Types That Allow Adult Prosecution

- Arson of a Dwelling
- Assault with Intent to Commit Murder
- Assault with Intent to Maim
- Attempted Murder
- Conspiracy to Commit Murder
- Solicitation to Commit Murder
- First Degree Murder
- Second Degree Murder
- Kidnapping
- First Degree Criminal Sexual Assault
- Armed Robbery
- Carjacking

1.3. Description of the Prediction Model

Two binary logistic regression for the 15 and 16-year-olds were built for two separate populations, 1) youth with one of the 12 charges in 1, 2, and 2) cases where the offense was not in one of the offenses in 1, 2, the offense was not Assault with intent to rob while armed, Assault with intent to commit great bodily harm, Bank/safe robbery, Escape from a juvenile facility, Home invasion, 1st degree, or Possession or delivery of narcotics > 1,000 grams using, or the offense was not a traffic violation. The Juvenile/Adult status is used as the dependent variable and the following predictor variables for the first population:

- Age of the client on the case file date

- Strata
 - Prior involvement up to two years before the case file date.
- And the following predictor variables for the second population:

- Age of the client on the case file date
- Strata
- Prior involvement up to two years before the case file date.
- Gender
- Race
- Offense Type

A bi-directional stepwise generalized linear model was run and confirmed all variables are high risk factors for both populations. The variables with the highest importance for the second population are non-assaultive offenses, prior involvement, assaultive offenses, location, and age. The model generates the probability that each youth could be tried as an adult based on the above variables. The propensity score threshold for what will be classified as a "correct prediction" is constrained to find the same number of predicted youth as actual youth tried as adults. The propensity used in this analysis for the second population is 0.196. The area under the curve analysis showed the true positive rate to be 0.81. Once the correct propensity threshold is found for the 15 and 16-year-olds, the same model and threshold is applied to youth who are 17.

The model generated the probability that a given youth would be tried as an adult and the degree to which each of the variables contributed to that result. Once those figures were generated, they were applied to the 2016 population of 17 year-old offenders who committed crimes not requiring prosecution as an adult to generate the counts, by county, of the number who would have become part of the juvenile justice system.

1.4. Judicial Data Warehouse Assumptions

The estimates of the total number of youth petitioned were derived from information in the Judicial Data Warehouse which is managed by the State Court Administrative Office. They do not account, therefore, for instances in which youth are diverted from the system before reaching court, and no detailed data were available to make that estimate, leaving the estimates of the total population potentially conservative if diversion prior to contact with the court is more likely for juveniles than for adults. While a number of the courts have reiterated that not all their data are contained within the JDW, it does provide the most complete source of data from which to project the impact of raising the age. Additionally, Berrien County is not included in the JDW system and is therefore not included in the analysis. The following are the list of case types for which HZA received data from SCAO.

- Petitioner, Removed/Suspended/Terminated, Petition Dismissed, Traditional Waiver
- (B) Guilty
- Admitted Allegations, Admitted Responsibility, Found Guilty By Judge, Found In Default, Found Responsible, Guilty, Nolo Contendere, Plead Guilty
- (C) Diverted
- Diverted, Referred, Deferred - 7411, Deferred – Hyta
- (D) Probation
- Probation
- (E) Consent Calendar
- Consent Calendar
- (F) Other
- Amended, Bound Over To Circuit, Finalized, Inactive Status, Judgment Rendered, Jury Trial/Verdict, Not Authorized, Not In File, Order Issued Ex Parte, Other, Unknown, Case Type Change, Default, Granted, Designated Granted, Denied, Failure To Appear In Court, Order Issued, Remand, Transfer, Tribal Transfer, Null, Bench Warrant Issued, Competency Evaluation, Prosec Waiver-5day Spec

1.7. Using Facility Addresses to Determine Secure or Non-secure Facilities

HZA made the assumption that any 17 year-old who had been sentenced to prison or jail would be placed in a secure or non-secure setting. To determine if they would be placed in a secure or non-secure setting, the proportions of 15 and 16 year-old offenders placed in a secure or non-secure setting was applied. The youth's address after disposition was matched to a list of addresses of secure and non-secure residential facilities. In total, HZA had a list of 87 addresses and was able to match 58 to addresses in JDW. That still left a gap in which it was not possible to determine whether youth went to foster homes or to their own homes with or without supervision. Without further information, the assumption made here is that all of these youth went to their own homes with supervision. That represents the middle level of the three possible outcomes and almost certainly occurs more frequently than foster home placement.

- (A) Circuit Court Case-Types
 - Appeals
 - Administrative Review, Superintending Control, Extraordinary Writs
 - Criminal
 - Civil Damage Suits
 - Family Division – Proceedings under Juvenile Code
 - Family Division – Proceedings under Adoption Code
 - Family Division – Miscellaneous Proceedings
 - Criminal
- (B) District Court Case-Types
 - Criminal
 - Traffic
 - Nontraffic Civil Infraction and Parking
 - Guardianships and Conservatorships
 - Civil Damage Suits
- (C) Probate Court Case-Types
 - Mental Illness Proceedings and Judicial Admission
 - Civil and Miscellaneous Proceedings

1.5. Severity for an offense is first determined using the JDW system. If the severity is unknown, HZA classified the offense as a misdemeanor unless 1) the unknown offense led to a prison sentence it was classified as a felony, or 2) the unknown severity led to a jail sentence of over 365 days it was considered a high misdemeanor

PROJECTED DESTINATIONS

1.6. Disposition Assumptions

HZA uses the court disposition of the last disposition date for a case in JDW. Below is a detailed list of the JDW dispositions and HZA's definition. Those listed in the "Other" category are predicted to be included in one of the other categories (e.g., Guilty) based on the strata percentage for each category. HZA assumes that a disposition in the "Not Guilty" category will be discharged and the rest will remain in the system.

(A) Not Guilty

Administratively Closed, Case Dismissed, Court Dismissed, Dismissed, Dismissed - Incompetent, Dismissed By Court, Dismissed By Party, Nolle Prosequi, Not Charged, Not Guilty, Withdrawn, Dismissed - 7411, Bench Verdict, Dismissed - Hyta, Dismissed/Denied After Hearing, Found Not Competent, Found Not Responsible, Not Guilty By Jury, Withdrawn By

Additionally, there were no 15 or 16 year-olds in Macomb and Oakland counties that were matched to an address of either a secure or non-secure facility. To determine the placement of 17 year-olds in each facility type for these two counties, HZA used the average for Population Group 1 for these two counties only.

1.8. Highest Level of Offense Assumptions

If a case had multiple offenses, the highest level of offense was used to determine the level of criminal severity, starting with the highest, being felony, and then progressing down to high misdemeanor, misdemeanor and finally unknown. The data were then used to identify the count of youth who would receive intensive probation services (felony or high misdemeanor) from the balance who would receive general probation services.

COUNTY COSTS

COSTS PER CASE

1.9. Budget Cost Compilation

When counties provided their general fund/department budgets, we used the 2016 Actual budget amounts. Where 2016 Actual was not available or a more complete budget available from prior years, we took the most recent year's Actual budget amounts and inflated them to 2016 values. When Actual budget numbers were not available, we used the Adjusted/Amended values for 2016 or the most recent year. When Adjusted/Amended values were not available, we used Budgeted values.

1.10. Budget Cost Inflation

When provided budgets were given for years other than 2016, we used the average inflation rates in the U.S. by year from <http://www.inflation.eu/inflation-rates/united-states/historic-inflation/cpi-inflation-united-states.aspx>

1.11. Budget Fixed/Variable Costs

The items in the county budgets were grouped into either fixed or variable costs. The types of items within each category can be seen in the lists below.

- Fixed Costs:
- Repairs & Maintenance
 - Rent/Land
 - Equipment
 - Equipment Repairs & Maintenance
 - Software

- Capital Outlay
- D&O Liability
- Other Insurance Expenses
- Vehicle Lease/Payment
- Other Automobile Expenses

Variable Costs:

- Utilities (electricity, water and gas)
- Other Building Expenses
- Janitorial Supplies
- Uniforms/Clothing
- Operating Supplies/Expenses/Office Supplies
- Memberships, Subscriptions and Professional Activity, Books & Publications
- Postage/Printing/Copying/Binding
- Telephone/Cell Phone
- Other General Office Expenses
- Grant Matching
- Extractions
- Transfers In
- Transfers Out
- Other Defendant Expenses
- Attorney Fees
- Transcript Fees
- Witness & Jury Fees
- Other Licenses, Fees, Etc.
- Other Services/Special Programs
- Gas, Fuel, Etc.
- Repairs & Maintenance

1.12. Population Groups

- 1.12.1. The population groups were used to address the lack of cohesive county data in one central location.
- 1.12.2. Population groups are based on the total population of the county, not just the 17 year-olds petitioned to court.
- 1.12.3. There had to be at least two counties present in the population group to use the resulting average value.

County	Pop Group		District Courts		Circuit Courts		Sheriffs		Pas	
	Personnel	Variable Expenses	Personnel	Variable Expenses	Personnel	Variable Expenses	Personnel	Variable Expenses	Personnel	Variable Expenses
Kent	1	1	1	1	1	1	1	1	1	1
Macomb	1	1	1	1	1	1	1	1	1	1
Oakland	1	1	1	1	1	1	1	1	1	1
Wayne	1	1	1	1	1	1	1	1	1	1
Pop Group 2	3	3	3	3	2	3	3	4	4	4
Pop Group 3	4	4	4	4	4	5	4	4	4	4
Pop Group 4	2	2	2	2	2	3	2	2	2	2
Pop Group 5	2	2	2	2	2	2	2	2	2	2
Total	15	15	15	14	15	17	18	15	15	15
Alpena	4	4	1	1	1	1	1	1	1	1
Antrim	4	4	1	1	1	1	1	1	1	1
Benzie	5	5	1	1	1	1	1	1	1	1
Branch	3	3	1	1	1	1	1	1	1	1
Cass	3	3	1	1	1	1	1	1	1	1
Chipewa	3	3	1	1	1	1	1	1	1	1
Ionia	3	3	1	1	1	1	1	1	1	1
Kent	1	1	1	1	1	1	1	1	1	1
Macomb	1	1	1	1	1	1	1	1	1	1
Marquette	3	3	1	1	1	1	1	1	1	1
Menominee	4	4	1	1	1	1	1	1	1	1
Midland	2	2	1	1	1	1	1	1	1	1
Missaukee	5	5	1	1	1	1	1	1	1	1
Muskegon	2	2	1	1	1	1	1	1	1	1
Oakland	1	1	1	1	1	1	1	1	1	1
Saginaw	2	2	1	1	1	1	1	1	1	1
Tuscola	3	3	1	1	1	1	1	1	1	1
Washenaw	2	2	1	1	1	1	1	1	1	1
Wayne	1	1	1	1	1	1	1	1	1	1

Table A-1. Counties Included in Budget Calculations

1.13. Weighted Budget Amounts

Personnel and Non-Personnel Variable Expense budget amounts were weighted according to probabilities proportional to the number of their petitioned 17 year olds within their population groups.

The following formula demonstrates the weighting applied:

$$1/(A/(B/C) \text{ or } B/(A*C)) \text{ where:}$$

A = Total # of Petitioned 17yos in County
 B = Total # of Petitioned 17yos in Population Group
 C = # of Sampled Counties in the Population Group

1.14. County Budget Data Included

Budget data are included to the extent the various agencies were able to provide budget data or had data available online for public use. Table A-1 below shows which counties are included in the budget data for each of the District Court, Circuit Court, Sheriff and Prosecuting Attorney agencies. Budget data were further broken out for each agency as either Personnel or Non-Personnel Variable Expenses. Between 14 and 18 counties are included in any given data point in the budget calculations.

REVENUE

1.15. Case Counts

- 1.15.1. Case counts for each county came from the 2016 Caseload Summary Reports that can be obtained on the MI.gov website: <http://courts.mi.gov/education/stats/Caseload/Pages/2016-Caseload-Reports.aspx>
- 1.15.2. The total case counts for the Circuit and District Courts were used in their respective 'cost per case' calculations as the denominator. The calculated dollar amounts were divided by the number of cases to derive a cost per case. Sheriff and Prosecuting Attorney 'cost per case' calculations used the sum of the Circuit and District Court cases.
- 1.15.3. The number of juveniles vs. children in the system, used in the Child Care Fund cost per case calculation, came from the Court Caseload Summary Report section titled "Number of Juveniles in the System" and "Number of Children in the System," respectively.

1.16. Kent Prosecuting Attorney Expenses

Insufficient data were available to develop a per case cost for Prosecuting Attorneys in Kent County. An average of the other three population group 1 counties was used instead.

1.17. Child Care Fund Numbers

The Child Care Fund numbers come from the DHHS County Child Care Budget Summary Reports for 2016 that we received through a FOIA request. These are budgeted values, not actual values. In order to obtain actual values, it would be necessary to review each individual county's cost allocation plan.

1.18. A list of the six privately run detention centers is provided below:

- Detroit Capstone
- Muskegon River Youth Home
- Calumet Center
- Lincoln Center
- Vista Maria Specialty Residential
- Wolverine Secure Treatment Center

1.19. Drunk Driving Cases

Cases for the drunk driving analysis were selected based on the age of the offender at the time of the case file, using data from JDW for the calendar year 2016. "Drunk Driving" cases included any PACC or local offense related to impaired operation of a vehicle (a full list of these offenses included below). The 17 year olds made up 0.4 percent of the impaired driving cases in the 2016 JDW data.

- Aircraft - ouil/per se
- Driving while visibly impaired
- Marine safety - operating while impaired
- Marine safety - operating while intoxicated
- Operating - allowing intoxicated person to operate
- Operating - impaired
- Operating - impaired second offense
- Operating - minor with any bac
- Operating - ouil/per se
- Operating - owi - 2nd offense notice
- Operating - owi - 3rd offense notice
- Operating - under the influence
- Operating - under the influence third or subsequent
- Operating - while intoxicated - 3rd offense notice
- Operating - while intoxicated - occupant less than
- Operating - while intoxicated/impaired/with the pr
- Operating blood alcohol content of .10% or more 3r
- Operating while intoxicated
- Orv - impaired
- Orv - ouil
- Ouil/per se 257.6251a
- Snowmobiles - allowing intoxicated person to opera
- Snowmobiles - operating impaired
- Snowmobiles - operating while intoxicated

1.20. Drunk Driving Reimbursement

The amount of annual reimbursement per county for drunk driving cases came from the 2016 amounts provided on the Michigan Courts website in the Drunk Driving Caseflow Assistance Fund Annual Reimbursement document: [http://courts.mi.gov/Administration/SCAO/Offices/Programs/Documents/Finance/DDRHistory.pdf#search="](http://courts.mi.gov/Administration/SCAO/Offices/Programs/Documents/Finance/DDRHistory.pdf#search=)

APPENDIX B: COUNTIES BY SAMPLING STRATUM

County	Population Group	Geographic Group	Stratum	Strata Definition
Alcona	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Alger	5	1	5a	Pop Size 5 Upper Peninsula
Allegan	2	3	2c	Pop Size 2 Southern Lower Peninsula
Alpena	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Antrim	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Arenac	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Baraga	5	1	5a	Pop Size 5 Upper Peninsula
Barry	3	3	3c	Pop Size 3 Southern Lower Peninsula
Bay	2	2	2b	Pop Size 2 Northern/Central Lower Peninsula
Benzie	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Berrien	2	3	2c	Pop Size 2 Southern Lower Peninsula
Branch	3	3	3c	Pop Size 3 Southern Lower Peninsula
Calhoun	2	3	2c	Pop Size 2 Southern Lower Peninsula
Cass	3	3	3c	Pop Size 3 Southern Lower Peninsula
Charlevoix	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Cheboygan	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Chippewa	3	1	3a	Pop Size 3 Upper Peninsula
Claire	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Clinton	3	3	3c	Pop Size 3 Southern Lower Peninsula
Crawford	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Delta	3	1	3a	Pop Size 3 Upper Peninsula
Dickinson	4	1	4a	Pop Size 4 Upper Peninsula
Eaton	2	3	2c	Pop Size 2 Southern Lower Peninsula
Emmet	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Genesee	2	3	2c	Pop Size 2 Southern Lower Peninsula
Gladwin	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Gogebic	5	1	5a	Pop Size 5 Upper Peninsula
Grand Traverse	2	2	2b	Pop Size 2 Northern/Central Lower Peninsula
Gratiot	3	2	3b	Pop Size 3 Northern/Central Lower Peninsula
Hillsdale	3	3	3c	Pop Size 3 Southern Lower Peninsula
Houghton	3	1	3a	Pop Size 3 Upper Peninsula
Huron	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Ingham	2	3	2c	Pop Size 2 Southern Lower Peninsula
Ionia	3	3	3c	Pop Size 3 Southern Lower Peninsula
Iscoco	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Iron	5	1	5a	Pop Size 5 Upper Peninsula
Isabella	3	2	3b	Pop Size 3 Northern/Central Lower Peninsula
Jackson	2	3	2c	Pop Size 2 Southern Lower Peninsula
Kalamazoo	2	3	2c	Pop Size 2 Southern Lower Peninsula
Kalkaska	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Kent	1	3	1c	Pop Size 1 Southern Lower Peninsula
Keweenaw	5	1	5a	Pop Size 5 Upper Peninsula
Lake	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Lapeer	2	3	2c	Pop Size 2 Southern Lower Peninsula

County	Population Group	Geographic Group	Stratum	Strata Definition
Leelanau	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Lenawee	2	3	2c	Pop Size 2 Southern Lower Peninsula
Livingston	2	3	2c	Pop Size 2 Southern Lower Peninsula
Luce	5	1	5a	Pop Size 5 Upper Peninsula
Mackinac	5	1	5a	Pop Size 5 Upper Peninsula
Macomb	1	3	1c	Pop Size 1 Southern Lower Peninsula
Manistee	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Marquette	3	1	3a	Pop Size 3 Upper Peninsula
Mason	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Mecosta	3	2	3b	Pop Size 3 Northern/Central Lower Peninsula
Menominee	4	1	4a	Pop Size 4 Upper Peninsula
Midland	2	2	2b	Pop Size 2 Northern/Central Lower Peninsula
Missaukee	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Monroe	2	3	2c	Pop Size 2 Southern Lower Peninsula
Montcalm	3	2	3b	Pop Size 3 Northern/Central Lower Peninsula
Montmorency	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Muskegon	2	3	2c	Pop Size 2 Southern Lower Peninsula
Newaygo	3	2	3b	Pop Size 3 Northern/Central Lower Peninsula
Oakland	1	3	1c	Pop Size 1 Southern Lower Peninsula
Oceana	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Ogemaw	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Ontonagon	5	1	5a	Pop Size 5 Southern Upper Peninsula
Osceola	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Oscoda	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Otsego	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Ottawa	2	3	2c	Pop Size 2 Southern Lower Peninsula
Presque Isle	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Roscommon	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula
Saginaw	2	2	2b	Pop Size 2 Northern/Central Lower Peninsula
Sanilac	3	2	3b	Pop Size 3 Northern/Central Lower Peninsula
Schoolcraft	5	1	5a	Pop Size 5 Upper Peninsula
Shiawassee	3	3	3c	Pop Size 3 Southern Lower Peninsula
St. Clair	2	3	2c	Pop Size 2 Southern Lower Peninsula
St. Joseph	3	3	3c	Pop Size 3 Southern Lower Peninsula
Tuscola	3	2	3b	Pop Size 3 Northern/Central Lower Peninsula
Van Buren	3	3	3c	Pop Size 3 Southern Lower Peninsula
Washtenaw	2	3	2c	Pop Size 2 Southern Lower Peninsula
Wayne	1	3	1c	Pop Size 1 Southern Lower Peninsula
Wexford	4	2	4b	Pop Size 4 Northern/Central Lower Peninsula

APPENDIX C: INITIAL SURVEY INSTRUMENTS
COURT ADMINISTRATORS

Michigan Study of 17 Year Olds in the Adult Court and Correctional System
Court Administrator Survey

Hornby Zeller Associates, Inc. has been contracted by the Criminal Justice Policy Commission to measure the costs to Michigan and its counties if 17 year olds are to be treated as juveniles. This survey is being conducted to learn about the costs of processing and handling adults, including 17 year olds, and juveniles known to the adult and juvenile justice systems. Additionally, the Mental Health Subcommittee of the Commission has requested HZA collect information from local Courts about the programs and services, including mental health, offered and provided by the courts. The information your county provides will be used to make recommendations to the legislature for criminal justice reform.

Using the results of the survey, Hornby Zeller Associates will conduct a more detailed follow-up with select counties in the near future. Your answers will be maintained in strict confidence and will be aggregated with others for reporting.

Courts

1. For what court(s) are you the administrator? Check all that apply.
 Circuit, Specify Number: _____ District, Specify Number: _____ Probate/Family
 a. What is your title? _____

2. How many locations does your court have? _____
3. In the table below, please identify the number of judges and other staff employed and/or contracted by each court type.

Staff Type	Circuit		District		Probate/Family	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time
Judges						
Magistrates						
Referees						
Administrators						
Clerks						
Court officers						
Probation officers						
Administrative clerical						
Other, please specify						

4. Does your court have a multiple district plan? Yes No
5. Does your court have jurisdiction over civil infractions committed by juveniles under the age of 17? Yes No

¹ Yes should have a value of "1" and No should have a value of "0".

Michigan Study of 17 Year Olds in the Adult Court and Correctional System
Court Administrator Survey

6. Do you have any of the following problem solving courts for each of the specified populations? Check all that apply.

	Juveniles Under Age 17	Adults
Problem Solving Court	<input type="checkbox"/>	<input type="checkbox"/>
Drug Treatment Court	<input type="checkbox"/>	<input type="checkbox"/>
DWI/Sobriety Court	<input type="checkbox"/>	<input type="checkbox"/>
Family Dependency Court	<input type="checkbox"/>	<input type="checkbox"/>
Mental Health Court	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify): _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Case Volume and Processing

7. How many cases, on average, does your court(s) receive each year, and what percentage of those cases involve youth under the age of 18? What percentage of the cases received annually involve 17 year olds?

Court	Number of Cases	Percentage Under 18	Percentage 17 Year Olds
District	_____	_____%	_____%
Circuit	_____	_____%	_____%
Probate/Family	_____	_____%	_____%

8. Which of the services and programs listed below does your court use prior to trial for the specified populations? Check all that apply.

Program	Juveniles Under Age 17	Adults
Pretrial Investigation Services	<input type="checkbox"/>	<input type="checkbox"/>
Drug Screening Program	<input type="checkbox"/>	<input type="checkbox"/>
Probation Services	<input type="checkbox"/>	<input type="checkbox"/>
Supervision of Released Defendants	<input type="checkbox"/>	<input type="checkbox"/>
Electronic Surveillance ("tagging") Program	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify): _____	<input type="checkbox"/>	<input type="checkbox"/>

9. Does your court(s) use any screening and/or assessment tool(s) to identify service needs for individuals placed on probation?
 a. If yes, identify the assessments which are conducted and for which population. Check all that apply.

Michigan Study of 17 Year Olds in the Adult Court and Correctional System
Court Administrator Survey

Assessment	Juveniles Under Age 17	Adults
Education		
Health		
Mental Health		
Other, please specify		

b. If yes, do the assessment tools differ for juveniles under age 17 from those used for adults?
If yes, please describe.

10. Are assessments conducted or ordered by your court(s) to identify the service needs of juveniles under age 17 and adults at other points in the court process?

a. If yes, identify the assessments which are conducted and for which population. Check all that apply.

Assessment	Juveniles Under Age 17	Adults
Education		
Health		
Mental Health		
Other, please specify		

b. At what point in the court process are those assessments conducted? Please describe.
11. Does your court use any of the following technologies in processing the specified populations? Check all that apply.

Technology	Juveniles Under Age 17	Adults
Videoconference arraignment		
Videoconference trial		
Videoconference sentencing		

Services

12. Which of the following programs or services do you provide in your county?
- Case Management Services
 - Cognitive Behavioral Programming
 - Community Service
 - Crisis Management
 - Domestic Violence Programming
 - Educational Programming (e.g., GED)
 - Testing/Prep, High School Completion
 - Employment Training / Vocational Education
 - Intensive Supervision
 - Mental Health Programming
 - Pretrial Services
 - Psychiatric Care
 - Public Health Programming
 - Religious Programming
 - Sex Offender Treatment Programming
 - Substance Abuse Programming
 - Work Crew

Michigan Study of 17 Year Olds in the Adult Court and Correctional System
Court Administrator Survey

13. Of the programs that you provide, which ones do you consider to be evidence based?
- Case Management Services
 - Cognitive Behavioral Programming
 - Community Service
 - Crisis Management
 - Domestic Violence Programming
 - Educational Programming (e.g., GED)
 - Testing/Prep, High School Completion
 - Employment Training / Vocational Education
 - Intensive Supervision
 - Mental Health Programming
 - Pretrial Services
 - Psychiatric Care
 - Public Health Programming
 - Religious Programming
 - Sex Offender Treatment Programming
 - Substance Abuse Programming
 - Work Crew

14. Do you track the following for the program participants:

- a. Re-arrest Recidivism Yes No
- b. Re-conviction Recidivism Yes No
- c. Re-incarceration Recidivism Yes No

15. For services that your county does not provide, do counties adjacent to you offer such services?
- a. If yes, which counties? Yes No
 - b. Would you be willing to partner with these counties to offer such services? Yes No

Mental Health Services

16. A mental health screening is a brief process that indicates whether an individual likely has a mental health disorder.
- a. Do you provide mental health screenings? (if no, skip to 17) Yes No
 - b. Who pays for the mental health screening services? CMH County Other?
 - c. Who provides the mental health screening services? (if CMH or County Employed, skip to 17) CMH County Employed County Contracted
 - d. If County Contracted, who do you contract with to provide mental health screenings? (please specify) _____

17. A mental health assessment is an in-depth process which occurs after screening and consists of gathering information, mutually conceptualizing the problem, and treatment planning.
- a. Do you provide mental health assessments? (if no, skip to 18) Yes No
 - b. Who pays for the mental health assessment services? CMH County Other
 - c. Who provides the mental health assessment services? (if CMH or County Employed, skip to 18) CMH County Employed County Contracted
 - d. If County Contracted, who do you contract with to provide the mental health assessments? (please specify) _____

² CMH should have a value of "1," County or County Employed should have a value of "2," County Contracted should have a value of "3" and Other should have a value of "4."

Michigan Study of 17 Year Olds in the Adult Court and Correctional System
 Court Administrator Survey

18. Which of the following **mental health services** do you provide in your County? Yes No

a. Mental health medication? (if no, skip to 18e) Yes No

b. Who pays for the mental health medication services? CMH County Other

c. Who provides the mental health medication services? (if CMH or County Employed, skip to 18g) CMH County Employed County Contracted

d. If County Contracted, who do you contract with to provide the mental health medication for juveniles under age 17? (please specify) _____ Yes No

e. Mental health group sessions? (if no, skip to 18h) Yes No

f. Who pays for the mental health group sessions services? CMH County Other

g. Who provides the mental health group sessions services? (if CMH or County Employed, skip to 18i) CMH County Employed County Contracted

h. If County Contracted, who do you contract with to provide the mental health group sessions? (please specify) _____ Yes No

i. Mental health individual sessions? (if no, skip to 19) Yes No

j. Who pays for the mental health individual sessions services? CMH County Other

k. Who provides the mental health individual sessions services? (if CMH or County Employed, skip to 19) CMH County Employed County Contracted

l. If County Contracted, who do you contract with to provide the mental health individual sessions? (please specify) _____ Yes No

19. Do you have jail diversion efforts related to mental health in your County? Yes No

a. If yes, please describe your jail diversion efforts _____

Detention Centers

20. Does your county operate a detention center for juveniles? Yes No

a. If yes, do you operate a secure facility? Yes No

i. What is the facility's bed capacity? _____ %

ii. What was the facility's average occupancy rate in state fiscal year 2016? _____ %

b. If yes, do you operate a non-secure facility? Yes No

i. What is the facility's bed capacity? _____ %

ii. What was the facility's average occupancy rate in state fiscal year 2016? _____ %

Budget Data

21. What was the overall budget for your court(s) in state fiscal year 2016?

District	\$ _____
Circuit	\$ _____
Probate/Family	\$ _____
Total	\$ _____

a. Is part of your overall budget assigned to cover the costs of sending cases to another court? Yes No

i. If yes, how much of your budget pays the costs of another court? _____

Thank you for taking the time to complete this survey.

Michigan Study of 17 Year Olds in the Adult Court and Correctional System
 Court Administrator Survey

22. Are budget data available for release for this study?

District court	<input type="checkbox"/> Yes <input type="checkbox"/> No
Circuit court	<input type="checkbox"/> Yes <input type="checkbox"/> No
Probate/Family	<input type="checkbox"/> Yes <input type="checkbox"/> No

23. Do the budgets break down costs by personnel, capital and non-personnel costs?

District court	<input type="checkbox"/> Yes <input type="checkbox"/> No
Circuit court	<input type="checkbox"/> Yes <input type="checkbox"/> No
Probate/Family	<input type="checkbox"/> Yes <input type="checkbox"/> No

24. Do the budgets identify revenue streams and amounts of reimbursement?

District court	<input type="checkbox"/> Yes <input type="checkbox"/> No
Circuit court	<input type="checkbox"/> Yes <input type="checkbox"/> No
Probate/Family	<input type="checkbox"/> Yes <input type="checkbox"/> No

Barriers/Challenges/Additional Comments

25. What are the barriers and/or challenges you anticipate the courts will encounter if 17-year-olds are redirected to the family court and juvenile justice systems? What benefits are anticipated?

26. What financial constraints do you anticipate the court will encounter if 17-year-olds are redirected to the family court and juvenile justice systems? What benefits are anticipated?

27. Please provide any additional information you feel should be shared.

PROSECUTING ATTORNEYS

Michigan Study of 17-Year-Olds in the Adult Court and Correctional System
 Prosecuting Attorney Online Survey

Hornby Zeller Associates, Inc. has been contracted by the Criminal Justice Policy Commission to measure the costs to Michigan and its counties if 17-year-olds are to be treated as juveniles. This survey is being conducted to learn about the costs of processing and handling adults, including 17-year-olds, and juveniles known to the adult and juvenile justice systems. At this time, we are collecting preliminary data from all counties and will conduct a more detailed follow-up with select counties in the near future. Your answers will be maintained in strict confidence and will be aggregated with others for reporting.

Population Characteristics

- Does your district office handle criminal cases with juvenile defendants under the age of 17? Yes No
 (If no, suppress all following questions regarding juveniles)
 - If no, please provide the name of the agency that is responsible for prosecuting juvenile defendants under the age of 17 in your district.
- Since the start of the calendar year, what proportion of the defendants against whom you filed charges were age:
 - 16 or younger _____%
 - 17 _____%
 - 18 or older _____%

Staff and Caseload

- How many Assistant Prosecuting Attorneys are working in your district? _____
- How many of those Assistant Prosecuting Attorneys work with defendants who are:
 - juveniles under the age of 17 _____
 - adults _____

Processes to File Charges

- Are any formal assessment tools used by the Prosecuting Attorney to decide when to file charges against an individual charged with committing a non-violent crime? Yes No
 - If yes, do the assessment tools differ for juveniles under the age of 17 versus an adult? Yes No
 - If yes, please describe.
- Are any other special considerations taken into account by the Prosecuting Attorney when deciding to file charges against a juvenile under the age of 17 versus an adult? Yes No
 - If yes, please describe the special considerations taken into account.

Investigating Cases

- Are there any differences that impact the cost of investigating a case involving a juvenile defendant under the age of 17 as compared to an adult defendant? Yes No
 - If yes, please describe.

Michigan Study of 17-Year-Olds in the Adult Court and Correctional System
 Prosecuting Attorney Online Survey

Prosecuting Cases

- Are formal assessments or evaluations used to help make a sentencing recommendation for juveniles under the age of 17? Yes No
 - If yes, please list.
- Who is responsible for paying for assessments/evaluations of juveniles under the age of 17?
 - The defendant or family pays the full cost for outside assessments/evaluations. Yes No
 - Is this payment by the defendant paid through court fines/costs or paid directly to the service provider? Court fines/costs Service Provider
 - The Prosecuting Attorney's Office pays the full cost for outside assessments/evaluations. Yes No
 - The defendant and Prosecuting Attorney's Office each pay a proportion of the outside assessments/evaluations. Yes No

Please identify the proportion each is responsible to pay.

Defendant _____%
 Prosecuting Attorney's Office _____%

 - Is the payment by the defendant paid through court fines/costs or paid directly to the service provider? Court fines/costs Service Provider
- When a juvenile defendant under the age of 17 is ordered to pay fines/costs, does a portion of these monies go to the Prosecuting Attorney's Office? Yes No
 - If yes, what proportion does the Prosecuting Attorney's Office receive? _____%
- Are formal assessments or evaluations used to help make a sentencing recommendation for adults? Yes No
 - If yes, please list.
- Who is responsible for paying for the adults' assessments/evaluations?
 - The defendant pays the full cost for outside assessments/evaluations. Yes No
 - Is this payment by the defendant paid through court fines/costs or paid directly to the service provider? Court fines/costs Service Provider
 - The Prosecuting Attorney's Office pays the full cost for outside assessments/evaluations. Yes No
 - The defendant and Prosecuting Attorney's Office each pay a proportion of the outside assessments/evaluations. Yes No

Please identify the proportion each is responsible to pay.

Defendant _____%
 Prosecuting Attorney's Office _____%

 - Is the payment by the defendant paid through court fines/costs or paid directly to the service provider? Court fines/costs Service Provider
- When an adult defendant is ordered to pay fines/costs, does a portion of those monies go to the Prosecuting Attorney's Office? Yes No
 - If yes, what proportion does the Prosecuting Attorney's Office receive? _____%

SHERIFFS

**Michigan Study of 17-Year-Olds in the Adult Court and Correctional System
 Prosecuting Attorney Online Survey**

Appeals Cases

- 14. Are appeals available for cases involving juvenile defendants under the age of 17? Yes No
- 15. Please describe the proportion of appeals the DA Office handles by age of the defendant:
 - a. juveniles under the age of 17 _____ %
 - b. adults _____ %
- 16. How many appeals cases were initiated in state fiscal year 2016 by age of the defendant:
 - a. juveniles under the age of 17 _____
 - b. adults _____

General Fiscal Questions

- 17. Does your office maintain a separate budget from the courts? Yes No
 - a. If yes, does the budget distinguish between personnel and non-personnel costs? Yes No
 - b. Does the budget identify revenue sources used to support county costs? Yes No
- 18. Are records maintained of the hours Prosecuting Attorneys and Assistant Prosecuting Attorneys spend on cases, i.e., are "billable" hours tracked? Yes No
 - a. If yes, are "billable" hours broken out by the phase of the case (investigation, prosecution, and appeal)? Yes No
- 19. What are the barriers and/or challenges the Prosecuting Attorney's Office anticipates facing if 17-year-olds are redirected to the family court and juvenile justice systems? What benefits are anticipated?
- 20. What financial constraints do you anticipate the Prosecuting Attorney's Office will encounter if 17-year-olds are redirected to the family court and juvenile justice systems? What benefits are anticipated?

Additional Comments

- 21. Please provide any additional information you feel should be shared.
- Thank you for taking the time to complete this survey.*

**Michigan Study of 17 Year Olds in the Adult Court and Correctional Systems
 County Sheriff Survey**

Hornby Zeller Associates, Inc. has been contracted by the Criminal Justice Policy Commission to measure the costs to Michigan and its counties if 17 year olds are to be treated as juveniles. This survey is being conducted to learn about the costs of processing and handling adults, including 17 year olds, and juveniles known to the adult and juvenile justice systems. Additionally, the Mental Health Subcommittee of the Commission has requested HZA collect information from local Sheriffs about the programs and services, including mental health, offered and provided by county jails. The information your county provides will be used to make recommendations to the legislature for criminal justice reform.

Using the results of the survey, Hornby Zeller Associates will conduct a more detailed follow-up with select counties in the near future. Your answers will be maintained in strict confidence and will be aggregated with others for reporting.

You will be able to save the survey periodically so you do not have to complete it all at once. Click on the "Save Survey and Finish Later" button, found at the bottom of all pages, to save the survey as you complete it. When the entire survey has been completed, click the "Submit Survey" button, found on page 7, to submit your final response.

If your web browser does not accept/support cookies or you are using private web browsing, please contact our Help Desk for instruction on how to save this survey by calling the number at the bottom of this page.

Physical Setting

- 1. How many beds does your jail have?
 - a. How many beds does your jail have for 17 year old males? _____
 - b. How many beds does your jail have for 17 year old females? _____
 - c. How many beds does your jail have for special populations of 17 year olds (e.g., those with mental illness)? _____
 - d. How many beds does your jail have for male juveniles under the age of 17? _____
 - e. How many beds does your jail have for female juveniles under the age of 17? _____
 - f. How many beds does your jail have for special populations of juveniles under the age of 17 (e.g., those with mental illness)? _____
- 2. In the table below, please identify the number of juveniles under the age of 17 and 17 year olds housed in your jail between January and March, 2017, and whether your jail is able to maintain sight and sound separation between juveniles under the age of 17 and adults and between 17 year olds and other adults.

Juvenile Males #	Juvenile Females #	17 year old Males #	17 year old Females #
Sight and Sound Separation	Sight and Sound Separation	Sight and Sound Separation	Sight and Sound Separation
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Does your jail house detainees from other counties?
 a. If yes, which counties and what is the approximate proportion of detainees from those counties? Yes No

County: _____

 Percent of Detainees _____

4. Do you house prisoners from other counties?
 a. If yes, which counties and what is the approximate proportion of prisoners from those counties? Yes No

County: _____

 Percent of Prisoners _____

5. Do you house detainees in another county?
 a. If yes, which county(ies) and what is proportion of detainees are housed in another county? Yes No

County: _____

 Percent of Detainees _____

¹ Yes should have a value of "1" and No should have a value of "0."
² A drop-down list of counties should be provided.
³ A drop-down list of counties should be provided.
⁴ A drop-down list of counties should be provided.

6. Do you house prisoners in another county?
 a. If yes, which county(ies) and what is proportion of prisoners are housed in another county? Yes No

County: _____

 Percent of Prisoners _____

Staffing

7. How many Deputies does your county employ in?

- a. Jail supervision _____
- b. Road patrol _____
- c. Investigation _____
- d. Administrative support (e.g., clerical) _____
- e. Services (e.g., food) _____
- f. Other (please specify) _____

8. How many support staff are employed by the sheriff's office?

- a. The jail _____
- b. Road patrol _____
- c. Investigation _____
- d. Administrative support (e.g., clerical) _____
- e. Services (e.g., food) _____
- f. Other (please specify) _____

9. How many of your staff have completed the Managing Youthful Offenders training?

- a. Sheriff _____
- b. Deputies _____
- c. Jail supervision _____
- d. Administrative support (e.g., clerical) _____
- e. Other (please specify) _____

Statistics

10. Since the start of this calendar year, what proportion of arrests between January and March of 2017 were of 17-year-olds? _____ %

11. What proportion of arrests between January and March of 2017 involve juveniles under the age of 17 waived to the adult court? _____ %

12. What is the total number of arrests which were made between January and March of 2017? _____

⁵ A drop-down list of counties should be provided.

13. As of April 30, 2017, how many:
 a. detainees were housed in your jail? _____
 b. prisoners were housed in your jail? _____

14. On April 30, 2017, what proportion of the:
 a. detainees housed in your jail were 17-year-olds? _____
 b. prisoners housed in your jail were 17-year-olds? _____

Process

15. Does your jail use videoconferencing for court hearings?
 a. If yes, what proportion of court hearings do you estimate are conducted via video conferencing? Yes No _____ %

16. Aside from handling criminal cases, what other major duties does the sheriff's office have? Please describe. _____

17. What assessments of juveniles under the age of 17, if any, are conducted by your office to identify their service needs? Check all that apply.
 a. Education _____
 b. Health _____
 c. Mental health _____
 d. Other _____
 Please specify _____

18. What assessments of adults, if any, are conducted by your office to identify their service needs? Check all that apply.
 a. Education _____
 b. Health _____
 c. Mental health _____
 d. Other _____
 Please specify _____

Services

19. Are services provided to juveniles under the age of 17 that are not provided to adult prisoners/detainees?
 a. If yes, please describe. Yes No

20. Are there services that are provided to 17-year-olds that are not provided to other adult prisoners/detainees?
 a. If yes, please describe. Yes No

21. Which of the following programs or services do you provide in your county?
 Case Management Services Mental Health Programming
 Cognitive Behavioral Programming Pretrial Services
 Community Service Psychiatric Care
 Crisis Management Public Health Programming
 Domestic Violence Programming Religious Programming
 Educational Programming (e.g., GED Sex Offender Treatment Programming
 Testing/Prep, High School Completion) Substance Abuse Programming
 Employment Training / Vocational Education Work Crew
 Intensive Supervision

22. Of the programs that you provide, which ones do you consider to be evidence based?
 Case Management Services Mental Health Programming
 Cognitive Behavioral Programming Pretrial Services
 Community Service Psychiatric Care
 Crisis Management Public Health Programming
 Domestic Violence Programming Religious Programming
 Educational Programming (e.g., GED Sex Offender Treatment Programming
 Testing/Prep, High School Completion) Substance Abuse Programming
 Employment Training / Vocational Education Work Crew
 Intensive Supervision

23. Do you track the following for the program participants:
 a. Re-arrest/Recidivism Yes No
 b. Re-conviction/Recidivism Yes No
 c. Re-incarceration/Recidivism Yes No

24. For services that your county does not provide, do counties adjacent to you offer such services?
 a. If yes, which counties? Yes No
 b. Would you be willing to partner with these counties to offer such services? Yes No

Mental Health Services

25. A mental health screening is a brief process that indicates whether an individual likely has a mental health disorder.
 a. Do you provide mental health screenings? (If no, skip to 26) Yes No
 b. Who pays for the mental health screening services? (If CMH or County Employed, skip to 26) CMH# County Other
 c. Who provides the mental health screening services? (If CMH or County Employed, skip to 26) CMH County Employed County Contracted
 d. If County Contracted, who do you contract with to provide mental health screenings? (Please specify) _____

⁶ CMH should have a value of "1," County or County Employed should have a value of "2," County Contracted should have a value of "3," and Other should have a value of "4."

32. Are prisoners required to reimburse the sheriff's office for services received? Yes No
 a. If yes, what proportion of that reimbursement do you estimate your office receives? _____ %
 b. What is the daily rate your jail charges prisoners? \$ _____
33. Are detainees required to reimburse the sheriff's office for services received? Yes No
 a. If yes, what proportion of that reimbursement do you estimate your office receives? _____ %
 b. What is the daily rate your jail charges detainees? \$ _____

Barriers/Challenges

34. What are the systemic barriers and/or challenges that you anticipate your office will encounter if 17-year-olds are redirected to the family court and juvenile justice systems? What benefits do you anticipate?
35. What are the financial barriers and/or challenges that you anticipate your office will encounter if 17-year-olds are redirected to the family court and juvenile justice systems? What benefits do you anticipate?

Thank you for taking the time to complete this survey.

26. A **mental health assessment** is an in-depth process which occurs after screening and consists of gathering information, mutually conceptualizing the problem, and treatment planning.
- a. Do you provide mental health assessments? (if no, skip to 27) Yes No
 b. Who pays for the mental health assessment services? CMH County Other
 c. Who provides the mental health assessment services? (if CMH or County Employed, skip to 27) CMH County Employed County Contracted
 d. If County Contracted, who do you contract with to provide the mental health assessments? (please specify) _____

27. Which of the following **mental health services** do you provide in your County?
- a. Mental health medication? (if no, skip to 27c) Yes No
 b. Who pays for the mental health medication services? CMH County Other
 c. Who provides the mental health medication services? (if CMH or County Employed, skip to 29c) CMH County Employed County Contracted
 d. If County Contracted, who do you contract with to provide the mental health medication for juveniles under age 17? (please specify) _____
 e. Mental health group sessions? (if no, skip to 27f) Yes No
 f. Who pays for the mental health group sessions services? CMH County Other
 g. Who provides the mental health group sessions services? (if CMH or County Employed, skip to 29f) CMH County Employed County Contracted
 h. If County Contracted, who do you contract with to provide the mental health group sessions? (please specify) _____
 i. Mental health individual sessions? (if no, skip to 28) Yes No
 j. Who pays for the mental health individual sessions services? CMH County Other
 k. Who provides the mental health individual sessions services? (if CMH or County Employed, skip to 30) CMH County Employed County Contracted
 l. If County Contracted, who do you contract with to provide the mental health individual sessions? (please specify) _____

28. Do you have jail diversion efforts related to mental health in your County? Yes No
 a. If yes, please describe your jail diversion efforts _____

Budget Data

29. What was the overall budget for the sheriff's office in state fiscal year 2016? \$ _____
30. What is the average cost per day to house:
 a. a detainee in your county jail? \$ _____
 b. a prisoner in your county jail? \$ _____
31. Are budget data available for release for this study?
 a. If yes, does the budget break down costs by personnel, capital and non-personnel costs? Yes No
 Yes No

APPENDIX D: ON-SITE DATA COLLECTION INSTRUMENTS
CIRCUIT COURTS

Michigan 17 Year Old Study
Onsite Data Collection – Circuit Courts

County: _____ Date: ____/____/____
 Court Number: _____ Interviewer: _____
 Contact Information: _____ Name: _____ Phone: _____
 Title: _____ Email: _____

Background: Hornby Zeller Associates, Inc. has been contracted by the Michigan Legislative Council's Criminal Justice Policy Commission to calculate the costs of increasing the maximum age of juveniles to 17. To help with that effort, we are requesting data from the circuit courts for the most recently completed fiscal year. To avoid confusion, the term "juvenile" means an individual aged 16 or younger and the term "adult" means an individual aged 17 or older.

1. What are the start and end dates of the circuit court's fiscal year?
 - a. Is financial data for the most recently completed fiscal year currently available? _____
 - b. If not, when will it become available? _____
2. In making our calculations, we are looking at financial and workload/caseload data. Are there other types of data we should be considering? _____

STATISTICAL DATA

3. How many cases did your court hear during the most recently completed fiscal year? _____
4. Did your court process juveniles? (If yes, ask all parts of 5-7. If no, skip gray questions.) _____
 5. Are you able to break out workload/caseload data for:
 - a. 15- and 16-year-olds from other juveniles? _____
 - i. If not, what proportion of your workload do you estimate involves 15- and 16-year-olds? _____
 - b. 17-year-olds from other adults? _____
 - i. If not, what proportion of your workload do you estimate involves 17-year-olds? _____
 6. What was the average number of each personnel title employed by the circuit court on any given day during the most recently completed fiscal year? _____

7. How many staff in each of the personnel titles:
 - a. Work exclusively with juvenile delinquents? _____
 - i. If so, approximately what percentage of their time is spent working with juvenile delinquents? _____
 - b. Work exclusively with juveniles who are charged or being tried as adults? _____
 - c. Work with both juvenile and adult offenders? _____
 - i. Approximately what percentage of their time is spent working with juveniles? _____

BUDGET AND REVENUE DATA

8. We have divided the kinds of financial information we need into revenue, personnel costs (salaries and fringe), non-personnel operating costs and capital costs that the circuit court might incur because of the change in the maximum age of juveniles. Are there any other costs we should be thinking about? _____
9. Can you send us a copy of the rules and/or policies governing salaries and fringe benefits (including current pay ranges for each job title)? _____
 - Yes No (specify agency/individual that can) _____
 - Yes, with exception(s) and/or caveats (specify) _____
10. Does this circuit court use the Court Calculator? _____
 - a. If yes, could you provide us with the per person cost by category of charges? _____
 - Yes No (specify agency/individual that can) _____
 - Yes, with exception(s) and/or caveats (specify) _____
11. For personnel costs, we need to obtain the actual salary and fringe costs incurred in the most recently completed fiscal year broken down by job title, distinguishing between staff who worked with adults, juveniles, or both.
 - a. Can you provide this data for us? _____
 - Yes No (specify agency/individual that can) _____
 - Yes, with exception(s) and/or caveats (specify) _____
12. If the minimum age of juveniles is raised to 17, will your court have sufficient resources to manage the increased caseload? _____
 - a. If not, based on the number of 17 year olds involved in the system currently or last year, how many additional staff do you think you will need? _____
 - i. Can you outline that staff need by position? _____
13. In what form can we obtain the most detailed non-personnel operating costs (e.g. splitting out building/rent, maintenance, phone, utilities, office supplies, postage, travel, etc.)? _____

DATA RECEIPT

Taking into consideration the budget and statistical data we discussed today, what is the best way for us to access the data from this circuit court? (Options: Data transfer-secure ftp server, Flashdrive, Email, Hardcopy, Mail/FedEx/Fax (to Troy))

OTHER

- 18. Other than the potential impact on personnel discussed above, what impact do you think raising the age of juveniles to 17 will have on this court, if any?
- 19. What specifically will need to change that will either cost or save the court money?
- 20. What other considerations, costs or processes do we need to take into consideration when considering the impact of raising the age of juveniles to 17?

a. Do you have an itemized budget spreadsheet available that shows these items and their respective cost?

b. Can you provide this data for us?

- Yes No (specify agency/individual that can) _____
- Yes, with exception(s) and/or caveats (specify) _____

14. When a defendant is ordered to have an assessment completed, e.g., a psychological evaluation, who is responsible for the costs incurred to have that assessment done?

- a. How much of those costs does your court incur?
- b. How much of those costs are reimbursed to the court, and by whom?

15. Are there likely to be any capital costs the circuit court will incur as a result of raising the maximum age of juveniles (e.g., additional equipment or facility improvements)?

- a. What capital costs are expected?
- b. Could you provide estimates for what that may cost?

- Yes No (specify agency/individual that can) _____
- Yes, with exception(s) and/or caveats (specify) _____

16. In what form is your revenue data available (e.g., an itemized spreadsheet that breaks down revenue by source)? Revenues include state, federal, county, and/or city reimbursements; grants; fees or fines paid to the court, etc.

- a. Is there any break-out of revenues based on the offenders' status as an adult or a juvenile, or is there no distinction for revenue purposes?
- b. Can you tell what percentage of fees and fines charged is actually collected, distinguishing between juveniles and adults?
- c. If this court only tracks what is supposed to be received from the defendant and not what is actually recovered, is it possible to know what proportion of the revenues are recovered, doing so by adults and separately for juveniles?
- d. Can you provide this data for us?

- Yes No (specify agency/individual that can) _____
- Yes, with exception(s) and/or caveats (specify) _____

17. Does this court use the Ability to Pay Assessment or another tool to determine fees and fines?

- a. If yes, could you provide us with the per person cost by category of charges?

- Yes No (specify agency/individual that can) _____
- Yes, with exception(s) and/or caveats (specify) _____

DISTRICT COURTS

**Michigan 17 Year Old Study
 Onsite Data Collection – District Courts**

County: _____ Date: ____/____/____
 Court Number: _____ Interviewer: _____
 Contact Information: _____ Name: _____ Phone: _____
 Title: _____ Email: _____

Background: Hornby Zeller Associates, Inc. has been contracted by the Michigan Legislative Council's Criminal Justice Policy Commission to calculate the costs of increasing the maximum age of juveniles to 17. To help with that effort, we are requesting data from the district courts for the most recently completed fiscal year. To avoid confusion, the term "juvenile" means an individual aged 16 or younger and the term "adult" means an individual aged 17 or older.

1. What are the start and end dates of the district court's fiscal year?
 - a. Is financial data from the most recently completed fiscal year currently available?
 - b. If not, when will it become available?
2. In making our calculations, we are looking at financial and workload/caseload data. Are there other types of data we should be considering?

STATISTICAL DATA

3. Does this district court process juveniles? (If yes, ask all parts of 4-6. If no, skip gray questions.)
 4. Are you able to break out workload/caseload data for:
 - a. 15- and 16-year-olds from other juveniles?
 - i. If not, what proportion of your workload do you estimate involves 15- and 16-year-olds?
 - b. 17-year-olds from other adults?
 - i. If not, what proportion of your workload do you estimate involves 17-year-olds?
 5. What was the average number of each personnel title employed by the district court on any given day during the most recently completed fiscal year?
 6. How many staff in each of the personnel titles:
 - a. Work exclusively with juvenile delinquents?
 - i. If so, approximately what percentage of their time is spent working with juvenile delinquents?
 - b. Work exclusively with juveniles who are charged or being tried as adults?
 - c. Work with both juvenile and adult offenders?
 - i. Approximately what percentage of their time is spent working with juveniles?

BUDGET AND REVENUE DATA

7. We have divided the kinds of financial information we need into revenue, personnel costs (salaries and fringe), non-personnel operating costs and capital costs that the district court might incur because of the change in the maximum age of juveniles. Are there any other costs we should be thinking about?
 8. Can you send us a copy of the rules and/or policies governing salaries and fringe benefits (including current pay ranges for each job title)?
 - Yes No (specify agency/individual that can) _____
 - Yes, with exception(s) and/or caveats (specify) _____
 9. We understand a number of district courts use a Court Calculator to develop per person costs, even being able to break out those person costs by charge category. Does your court use the Court Calculator?
 - a. If yes, could you provide us with the per person cost by category of charges?
 - Yes No (specify agency/individual that can) _____
 - Yes, with exception(s) and/or caveats (specify) _____
 10. For personnel costs, we need to obtain the actual salary and fringe costs incurred in the most recently completed fiscal year broken down by job title. Can you provide this data for us?
 - Yes No (specify agency/individual that can) _____
 - Yes, with exception(s) and/or caveats (specify) _____
 11. In what form can we obtain the most detailed non-personnel operating costs (e.g., splitting out building/rent, maintenance, phone, utilities, office supplies, postage, travel, etc.)?
 - a. Do you have an itemized budget spreadsheet available that shows these items and their respective cost?
 - b. Can you provide this data for us?
 - Yes No (specify agency/individual that can) _____
 - Yes, with exception(s) and/or caveats (specify) _____
 12. When a defendant is ordered to have an assessment completed, e.g., a psychological evaluation, who is responsible for the costs incurred to have that assessment done?
 - a. How much of those costs does your court incur?
 - b. How much of those costs are reimbursed to the court, and by whom?

PROSECUTING ATTORNEYS

**Michigan 17 Year Old Study
 Onsite Data Collection – Prosecuting Attorneys**

County: _____ Date: ____/____/____
 Court Number: _____ Interviewer: _____
 Contact Information: _____ Name: _____ Phone: _____
 Title: _____ Email: _____

Background: Hornby Zeller Associates, Inc. has been contracted by the Michigan Legislative Council & Criminal Justice Policy Commission to calculate the costs of increasing the maximum age of Juveniles to 17. To help with that effort, we are requesting data from prosecuting attorneys' offices for the most recently completed fiscal year. To avoid confusion, the term "juvenile" means an individual aged 16 or younger and the term "adult" means an individual aged 17 or older.

1. What are the start and end dates of the prosecuting attorney's office fiscal year?
 - a. Is financial data from the most recently completed fiscal year currently available?
 - b. If not, when will it become available?
2. In making our calculations, we are looking at financial and workload/caseload data. Are there other types of data we should be considering?

STATISTICAL DATA

3. Do you have data on how many cases the prosecuting attorney's office received, how many were diverted, completed or otherwise disposed of and how many were active on the last day of the fiscal year?

Yes No (specify agency/individual that can) _____
 4. Are you able to break out workload/caseload data for:
 - a. 15- and 16-year-olds from other juveniles? _____
 - b. 17-year-olds from other adults? _____
- If no, what proportion of your workload do you estimate involved 15- and 16-year-olds? _____
- If no, what proportion of your workload do you estimate involved 17-year-olds? _____
- Yes, with exception(s) and/or caveats (specify) _____

13. Are there likely to be any capital costs the district court will incur as a result of raising the maximum age of Juveniles (e.g. additional equipment or facility improvements)?
 - a. What capital costs are expected? _____
 - b. Could you provide estimates for what that may cost? _____

Yes No (specify agency/individual that can) _____

Yes, with exception(s) and/or caveats (specify) _____
14. In what form is your revenue data available (e.g. an itemized spreadsheet that breaks down revenue by source)? Revenues include state, federal, county, and/or city reimbursements; grants; fees or fines paid to the court, etc.
 - a. Can you tell what percentage of fees and fines charged is actually collected?
 - b. If this court only tracks what is supposed to be received from the defendant and not what is actually recovered, is it possible to know what proportion of the revenues are recovered?
 - d. Can you provide this data for us? _____

Yes No (specify agency/individual that can) _____

Yes, with exception(s) and/or caveats (specify) _____
15. Does this court use the Ability to Pay Assessment or another tool to determine fees and fines?
 - a. If yes, could you provide us with the per person cost by category of charges? _____

Yes No (specify agency/individual that can) _____

Yes, with exception(s) and/or caveats (specify) _____

DATA RECEIPT

Taking into consideration the budget and statistical data we discussed today, what is the best way for us to access the data from this district court? (Options: Data transfer-secure ftp server, Flashdrive, Email, Hardcopy, Mail/FedEx/Fax to Troy).

OTHER

16. What impact do you think raising the age of Juveniles to 17 will have on the court?
17. What specifically will need to change that will either cost or save money?
18. What other considerations, costs or processes do we need to take into consideration when considering the impact of raising the age of Juveniles to 17?

5. What was the average number of each personnel title employed by the prosecuting attorney's office on any given day during the most recently completed fiscal year?
6. How many staff in each of the personnel titles:
- a. Work exclusively with juvenile delinquents?
 - i. Do any of these staff also work with non-delinquent juveniles?
 - ii. If so, approximately what percentage of their time is spent working with juvenile delinquents?
 - b. Work exclusively with juveniles who are charged or being tried as adults?
 - c. Work with both juvenile and adult offenders?
 - i. Approximately what percentage of their time is spent working with juveniles?
 - ii. Approximately what percentage of their time is spent working with 17-year-old offenders?

BUDGET AND REVENUE DATA

7. We have divided the kinds of financial information we need into revenue, personnel costs (salaries and fringe), non-personnel operating costs and capital costs that the prosecuting attorney's office might incur because of the change in the maximum age of juveniles. Are there any other costs we should be thinking about?
8. Can you send us a copy of the rules and/or policies governing salaries and fringe benefits (including current pay ranges for each job title)?
- Yes No (specify agency/individual that can) _____
- Yes, with exception(s) and/or caveats (specify) _____
9. For personnel costs, we need to obtain the actual salary and fringe costs incurred in the most recently completed fiscal year broken down by job title, distinguishing between staff who worked with adults, juveniles, or both.
- a. Can you provide this data for us?
- Yes No (specify agency/individual that can) _____
- Yes, with exception(s) and/or caveats (specify) _____

10. In what form can we obtain the most detailed non-personnel operating costs (e.g., splitting out building/rent, maintenance, phone, utilities, office supplies, postage, travel, etc.)?
- a. Do you have an itemized budget spreadsheet available that shows these items and their respective cost?
 - b. Can you provide this data for us?
- Yes No (specify agency/individual that can) _____
- Yes, with exception(s) and/or caveats (specify) _____

11. When an offender is ordered to have an assessment completed, e.g., a psychological evaluation, who is responsible for the costs incurred to have that assessment done?
- a. How much of those costs does the prosecuting attorney's office incur?
 - b. How much of those costs are collected or reimbursed?
 - i. Who pays the cost or reimbursement (e.g., defendant, county, etc.)?
 - ii. What agency collects the payment or reimbursement?
 - c. To what extent – in type and/or volume – do the assessments completed for juveniles differ from those completed for adults (e.g., are there more completed, are they more or less expensive, does payment to have those assessments differ)?

12. Are there likely to be any capital costs the circuit court will incur as a result of raising the maximum age of juveniles (e.g., additional equipment or facility improvements)?
- a. What capital costs are expected?
 - b. Could you provide estimates for what that may cost?

Yes No (specify agency/individual that can) _____

Yes, with exception(s) and/or caveats (specify) _____

13. In what form is your revenue data available (e.g., an itemized spreadsheet that breaks down revenue by source)? Revenues include state, federal, county, and/or city reimbursements; grants; fees or fines paid to the court; etc.

- a. Is there any break-out of revenues based on the offenders' status as an adult or a juvenile, or is there no distinction for revenue purposes?
- d. Can you provide this data for us?

Yes No (specify agency/individual that can) _____

Yes, with exception(s) and/or caveats (specify) _____

DATA RECEIPT

Taking into consideration the budget and statistical data we discussed today, what is the best way for us to access the data from this prosecuting attorney's office? (Options: Data transfer-secure ftp server, Flashdrive, Email, Hardcopy, Mail/FedEx/Fax (to Troy).

OTHER

- 14. What impact do you think raising the age of juveniles to 17 will have on the prosecuting attorney's office?
- 15. What specifically will need to change that will either cost or save money?
- 16. What other considerations, costs or processes do we need to take into consideration when considering the impact of raising the age of juveniles to 17?

SHERIFFS

**Michigan 17 Year Old Study
 Onsite Data Collection – Sheriff's Offices**

County: _____ Date: ____/____/____
 Contact information: _____ Interviewer: _____
 Name: _____ Phone: _____
 Title: _____ Email: _____

Background: Hornby Zeller Associates, Inc. has been contracted by the Michigan Legislative Council's Criminal Justice Policy Commission to calculate the costs of increasing the maximum age of juveniles to 17. To help with that effort, we are requesting data from the sheriff's offices for the most recently completed fiscal year. To avoid confusion, the term "juvenile" means an individual aged 16 or younger and the term "adult" means an individual aged 17 or older.

1. What are the start and end dates of the fiscal year for the sheriff's office?
 - a. is financial data from the most recently completed fiscal year currently available?
 - b. if not, when will it become available?
2. In making our calculations, we are looking at financial and workload/caseload data. Are there other types of data we should be considering?

STATISTICAL DATA

3. How many beds does your jail have?
 - a. What was the overall occupancy rate for last year?
4. For the most recently completed fiscal year, we are looking for information on how many detainees (pre-sentence) and prisoners (sentenced) your jail received, how many were released and how many were housed on the last day of the fiscal year. Can you provide that data, or at least a portion of that data?
 - Yes (this is something we compile yearly anyway)
 - No (specify agency/individual that can) _____
 - Yes, with exception(s) and/or caveats (specify) _____
 - a. Do you know how many of your detainees and prisoners are 17-year-olds?
 - i. If not, what proportion of your detainees and prisoners do you estimate are 17-year-olds?
 - ii. Are you able to provide sight and sound separation of 17-year-olds?
 - b. Do you know how many of your detainees and prisoners are 15- or 16-year-olds?

- i. If not, what proportion of your detainees and prisoners do you estimate are 15- or 16-year-olds?
 - ii. Are you able to provide sight and sound separation of juveniles charged or being tried as adults?
5. Does your jail house detainees and prisoners from other counties?
 - a. If so, what counties house detainees and prisoners in your jail?
 - b. How many detainees and prisoners from each of these counties are housed in your jail currently?
 6. Do you house detainees and prisoners in other counties?
 - a. If so, in what other counties do you house detainees and prisoners?
 - b. How many detainees and prisoners are housed in each of these counties?
 7. What is the average number of days:
 - a. detainees spend in your jail?
 - b. prisoners spend in your jail?
 8. Of the youth 15 to 16 year olds who were involved in some type of criminal behavior during the last year, either as a misdemeanor or a more serious charge, how many were released to their parents or other responsible adult without having to incur jail time?
 - a. What proportion of juvenile involved incidents would you say result in a youth being diverted from the justice system?
 9. How often does your county divert youth away from the justice system, e.g., not press charges when parents are able and willing to take responsibility for their youth's behavior?
 - a. What proportion of juvenile involved incidents would you say result in a youth being diverted from the justice system?
 10. What was the average number of each personnel title employed by the sheriff's office on any given day during the most recently completed fiscal year?
 - a. Work exclusively with juvenile delinquents?
 - b. Work exclusively with juveniles who are charged or being tried as adults?
 - c. Work with both juvenile and adult offenders?
 11. How many staff in each of the personnel titles:
 - i. Approximately what percentage of their time is spent working with juveniles?
 - ii. Approximately what percentage of their time is spent working with 17-year-old offenders?

BUDGET AND REVENUE DATA

12. We have divided the kinds of financial information we need into personnel costs (salaries and fringe), non-personnel operating costs and capital costs that the sheriff's office might incur because of the change in the maximum age of juveniles. We are also asking for revenues you might receive to support the jail and your local programs. Are there any other costs we should be thinking about?

13. Can you send us a copy of the rules and/or policies governing salaries and fringe benefits (including current pay ranges for each job title)?

- Yes No (specify agency/individual that can) _____
- Yes, with exception(s) and/or caveats (specify) _____
- a. Could you provide us with the per person cost of housing detainees and prisoners in jail by category of charges and/or by age?

Yes No (specify agency/individual that can) _____

Yes, with exception(s) and/or caveats (specify) _____

14. For personnel costs, we need to obtain the actual salary and fringe costs incurred in the most recently completed fiscal year broken down by job title. Can you provide these data for us?

Yes No (specify agency/individual that can) _____

Yes, with exception(s) and/or caveats (specify) _____

15. In what form can we obtain the most detailed non-personnel operating costs (e.g., splitting out building/rent, maintenance, phone, utilities, office supplies, postage, travel, etc.)?

- a. Do you have an itemized budget spreadsheet available that shows these items and their respective cost?
- b. Can you provide these data for us?

Yes No (specify agency/individual that can) _____

Yes, with exception(s) and/or caveats (specify) _____

16. Are there likely to be any capital costs the sheriff's office will incur as a result of raising the maximum age of juveniles (e.g., additional equipment or facility improvements)?

- a. What capital costs are expected?
 - b. Could you provide estimates for what that may cost?
- Yes No (specify agency/individual that can) _____
- Yes, with exception(s) and/or caveats (specify) _____

17. In what form is your revenue data available (e.g., an itemized spreadsheet that breaks down revenue by source)? Revenues include state, federal, county, and/or city reimbursements; grants; fees or fines, etc.

- a. Are revenues tracked separately for the jail, investigations and other departments or divisions?
- b. If the sheriff's office only tracks what is supposed to be received from the detainee or prisoner and not what is actually recovered, is it possible to know what proportion of the revenues are recovered?
- c. Is it possible to break-out revenues based on the status as an adult or juvenile, or is there no distinction for revenue purposes?
- d. Can you provide these data for us?

Yes No (specify agency/individual that can) _____

Yes, with exception(s) and/or caveats (specify) _____

18. To what extent are offenders required to reimburse your office for tests or assessments that are administered or for damages they might cause?

- a. Does this vary by the offender's status, e.g., juvenile, under 17 treated as an adult, 17 or older?
- b. How much are the offenders required to pay and, if there is a difference between actual costs and what they are able to pay, who is responsible for the difference?
- c. Are there a prescribed set of assessments which are administered to juveniles as compared to adults? What are the factors that cause you to order an assessment or test be completed?

DATA RECEIPT

Taking into consideration the budget and statistical data we discussed today, what is the best way for us to access the data from this sheriff's office? (Options: Data transfer-secure ftp server, Flashdrive, Email, Hardcopy, Mail/FedEX/Fax to Troy)

DRAFT

OTHER

- 19. What impact do you think raising the age of juveniles to 17 will have on this sheriff's office?
- 20. What specifically will need to change that will either cost or save money?
- 21. What other considerations, costs or processes do we need to take into consideration when considering the impact of raising the age of juveniles to 17?

APPENDIX E: SUPPLEMENTARY SURVEY INSTRUMENT

Michigan Study of 17 Year Olds Juvenile Court Administrator Survey

This survey is being disseminated by the Michigan Association for Family Court Administration to provide more accurate juvenile court data to Hornby Zeller Associates, Inc., the contract agency hired by the Criminal Justice Policy Commission to measure the costs to Michigan counties of 17 year olds are to be treated as juveniles. **The information you provide is very important to us and will be used to make recommendations to the legislature for criminal justice reform. Your answers will be maintained in strict confidence and will be aggregated with others for reporting.**

Please print the Survey; answer the questions noting any variance or items for clarification purposes on the survey; and email it to:

Thank you for taking the time to complete this survey.

- For what court(s) are you the administrator? Check all that apply.
 Circuit, Specify Number: ____ Probate/Family
 a. Recognizing there are combined circuit courts representing multiple counties, etc., please specify the county for which you are answering: _____
 b. What is your title? _____
- How many locations does your court have including a court-operated juvenile detention facility? _____
- Please identify the number of judges and other staff employed and/or contracted by the court in the juvenile division for which you are answering in the table below.

Staff Type	Circuit Court		Probate/Family Court	
	Full-time	Part-time	Full-time	Part-time
Judges	_____	_____	_____	_____
Referred Administrators	_____	_____	_____	_____
Clerks	_____	_____	_____	_____
Probation officers	_____	_____	_____	_____
Administrative, clerical	_____	_____	_____	_____
Other, please specify	_____	_____	_____	_____
Other, please specify	_____	_____	_____	_____

- Is your court sufficiently staffed for the current caseload? Yes No
- If raise the age legislation is passed, how many additional 17 yr. old youth do you anticipate will be added to your court's total caseload? _____
- Is your court sufficiently staffed to meet the needs of 17 year olds if they are added to the caseload? Yes No
 a. If no, how many additional staff resources of each type will be needed?
 a. If yes, please identify youth are served by the problem-solving court.

1

Problem-Solving Court	Yes		Serves Juveniles	
	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Drug Treatment Court	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Family Dependency Court	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Mental Health Court	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other (please specify): _____	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Case Volume and Processing (Please note: The following questions should correlate with the same fiscal time period as questions 17 – 19. Also, this information has been provided to HZA by SCAO, but it is important to cross reference the data for this purpose.)

- How many petitions were filed in your court in the calendar year of 2016? _____
- How many cases were handled on the Formal calendar in the calendar year of 2016? _____
- How many cases were handled on the Consent calendar in the calendar year of 2016? _____
- How many cases were diverted during the calendar year of 2016? _____

12. Please identify the assessments of juveniles your court uses below. Check all that apply and add as necessary.

Assessment Type	Yes
Criminogenic Risk/Needs	<input type="checkbox"/>
Education	<input type="checkbox"/>
Health	<input type="checkbox"/>
Mental Health	<input type="checkbox"/>
Substance Abuse	<input type="checkbox"/>
Sex Offender	<input type="checkbox"/>
Other (please specify): _____	<input type="checkbox"/>
_____	<input type="checkbox"/>

Services

- In the table that follows, please identify the programs/services available to juveniles/families within your county. Check all that apply.
 For each of the services/programs brokered by your court, identify which ones you consider to be evidence-based and which are gender specific. Please select the gender for which the programs/services are intended if gender specific or mark N/A if not gender specific.

2

Please record the average cost per youth for each service/program your court brokers for court-involved youth and, if possible, how many youth received each service during 2016.

Program/Service	Currently Available	Evidence-based	Gender Specific	Average Cost per Youth	Number Served
24 Hour/ Days/Week Crisis Intervention	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
After Hour Surveillance	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Aggression Replacement Training	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Art/Music Programming	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Cognitive Behavioral/Counseling Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Community Service Program	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Community-based Educational Program	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Dental Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Domestic Violence Programming	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Drug Testing	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Educational Programming	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Electronic Tether	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Employment Training/Vocational Education	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
EPICS	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Family Therapy	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Intensive Supervision	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Juvenile Detention	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Mental Health Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Multi-Systemic Therapy	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Probation Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Psychiatric Services	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Public Health/Medical Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Regular Probation	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Religious/Faith Based Support	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Residential Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Sex Offender Assessment/Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Substance Abuse Assessment/Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Thinking 4 a Change	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Trauma-based Treatment	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Truancy Programming	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	
Other	<input type="checkbox"/>	<input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/> NA <input type="checkbox"/>	\$	

14. Will there be sufficient availability of the services/programs your court brokers if the age is raised to 17?

Yes No

a. If no, which services/programs will be in short supply? Please list

- i. _____
- ii. _____
- iii. _____

3

15. If your court is unable to provide needed services to juveniles, are there sufficient services/programs to meet those needs in neighboring counties from which your court can realistically obtain services/programs?

Yes No Not Applicable. Our county has sufficient services/programs to meet our juveniles' needs.

Detention Centers

16. Does your county/court operate a juvenile detention facility?

Yes Please answer questions a, b and c. No Skip to question c.

a. If yes, is the facility secure? Yes Continue No Skip to b.

- i. What is the secure facility's bed capacity? _____
- ii. What was the secure facility's average occupancy rate in state fiscal year 2016? _____%
- iii. What is the per diem rate you charge per youth? \$ _____

b. If yes, do you operate a non-secure facility? Yes Continue No Skip to c.

- i. What is the non-secure facility's bed capacity? _____
- ii. What was the non-secure facility's average occupancy rate in state fiscal year 2016? _____%
- iii. What is the per diem rate you charge per youth? \$ _____

c. In addition to providing detention beds, does your facility also provide residential treatment programming?

Yes Continue No Skip to 17.

- i. What is the bed capacity of the residential treatment program? _____
- ii. What was the facility's average occupancy rate in state fiscal year 2016? _____%
- iii. What is the per diem rate you charge per youth? \$ _____

Budget Data

- 17. What is your court's total FY 2015 - 2016 budget? \$ _____
- 18. How much of your court's total budget was 50% reimbursed by the Child Care Fund in FY2015 - 2016? \$ _____
- 19. How much of your court's total budget was supported by the County General Fund in FY2015 - 2016? \$ _____

Barriers/Challenges/Additional Comments

20. What are the barriers and/or challenges you anticipate the courts will encounter if 17-year-olds are redirected to the family court and juvenile justice systems? What benefits are anticipated?

21. What financial constraints do you anticipate the court will encounter if 17-year-olds are redirected to the family court and juvenile justice systems? What benefits are anticipated?

4

22. Please provide any additional information you feel should be shared.

*We appreciate you taking the time to complete this survey.
Thank You.*

SCAO proposed CJPC recommendation regarding access to statewide database:

The state of Michigan is exploring the costs and benefits of a unified system to collect and house criminal justice data for the purpose of facilitating sound public policy determinations, allowing state agencies to conduct performance assessments, and for other entities to monitor government operations. Towards that end, and for the benefit of the public and all contributing agencies, a unified system must balance data availability and individual privacy interests. A proper balance permits contributing government agencies, the legislature, and the Governor access to system data, in either identified or de-identified form as appropriate, for the purpose of conducting particularized analyses and generating necessary reports while affording outside entities access to those reports and analyses containing de-identified data. Furthermore, nothing in this policy is intended to supersede any other statute or rule pertaining to data availability, including but not limited to the Freedom of Information Act.