

# final minutes

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## **Criminal Justice Policy Commission Meeting**

9:00 a.m. • Wednesday, January 3, 2018

Senate Appropriations Room • 3<sup>rd</sup> Floor State Capitol Building

100 N. Capitol Avenue • Lansing, MI

### **Members Present:**

Senator Bruce Caswell, Chair  
Senator Patrick Colbeck (via teleconference)  
Representative Vanessa Guerra (via teleconference)  
D.J. Hilson (via teleconference)  
Kyle Kaminski  
Sheryl Kubiak  
Barbara Levine  
Sarah Lightner  
Laura Moody  
Sheriff Lawrence Stelma  
Jennifer Strange (via teleconference)  
Judge Paul Stutesman  
Andrew Verheek (via teleconference)

### **Members Excused:**

Senator Bert Johnson  
Representative Jim Runestad  
Judge Raymond Voet

### **I. Call to Order and Roll Call**

**The Chair called the meeting to order at 9:00 a.m. and asked the clerk to take the roll. A quorum was present, and absent members were excused.**

### **II. Approval of December 6, 2017 CJPC Meeting Minutes**

The Chair asked members if there were any corrections to the proposed December 6, 2017 CJPC meeting minutes. There were none. **Commissioner Lightner moved, supported by Commissioner Moody, to approve the minutes of the December 6, 2017 meeting as proposed. There was no further discussion. The minutes were approved by unanimous consent.**

The Chair noted that the terms for Commissioners Kubiak, Lightner, Strange, and Judge Stutesman are set to expire on March 1, 2018. He asked the clerk to contact the Governor's office regarding their reappointment to the Commission and clarified that all will continue to serve until a new appointment or their reappointment is made.

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

Karen Hallenbeck and Margaux Hoaglund from Hornby Zeller Associates, Inc. presented a revised draft report that included revisions based upon the feedback from the last CJPC meeting. She provided an overview of the revisions and updates. See the attached presentation and draft report for more details. After the presentation, the Chair opened a period of question and answer from the Commissioners. Commissioner Levine offered it would be helpful to include a summary explanation of the differences between the juvenile system and an adult system at the beginning of the report and to include more detail on the misdemeanor and felony offenses. Ms. Hoaglund explained that the information Senator Colbeck asked for regarding a breakdown of the cost assumptions associated with the cost per case figures is now included as an appendix starting on page 36 of the revised report. Commissioner Verheek asked if any additional consideration had been given to include the cost differential based upon the type of offense. Ms. Hallenbeck responded that they do not have the details to distinguish this cost differential. Commissioner Kubiak commented that the assumptions in the report are based on JDW data, which are include only petitioned juvenile cases and charged 17-year-olds. She noted that, at the county level, a majority of cases are diverted out of the system so an assumption can be made that many of the 17-year-olds who are treated as juveniles would be diverted as well. Because there is no data on the 15- and 16-year-olds that were diverted and no data on the number of 17-year-olds that would be diverted, the estimates are based on the most severe category of the 15- and 16-year-olds that were petitioned. She feels not having data on that is skewing the number of 17-year-olds that would be diverted and is making the kids look more severe than the whole population of juveniles that are assessed and treated at the county level. She would like that point to be made more explicit in the report. Commissioner Kubiak also inquired about the projected cost increase. She noted that 17-year-olds are currently in the adult system incurring costs and she would expect more of a cost-shift given per usual costs. She also wondered about the increase in county costs reported in the latest revision when there has been a significant

drop in the number of cases reported in the November draft. A discussion of district court cost versus circuit court costs followed. Hornby Zeller will look at the detail, include any additional raw data they have, and will take the points Commissioner Kubiak has made to refine their projections. They also addressed additional questions raised about residential placement, length of stay, and the cost of secure and non-secure placement. Judge Stutesman suggested a correction be made to the age used in the first paragraph of the executive summary and Commissioner Levine suggested figures from the beginning of 2018 be used in the statement referring to the number of states that use a lower age. Hornby Zeller will make those corrections and have another draft of the report in two weeks.

The Chair then read an email he received from Judge Allen which included a memo from Sandy Metcalf (see attachments). He urged members to keep in mind that whatever numbers the Commission receive are going to be in the ballpark and not perfect. A discussion of the report timeline and the inclusion of additional juvenile court administrator survey results followed. Commissioner Kubiak inquired about how feedback from the Commission's consultants will be handled. Grady Bridges shared that he has already sent the draft report to the Commission's consultants and he has received some preliminary comments from Professor Roddy that he will provide to the full Commission when finalized.

#### **IV. Update on Access to Data Recommendation (Follow-up to Uniform Jail Management System Recommendation)**

The Chair called on Commissioner Hilson for an update. He presented a recommendation for the Commission to consider and noted that it is a rewrite of the language proposed by Commissioner Levine. The proposed recommendation reads as follows:

"As the State explores the costs and benefits of a unified system to collect and house criminal justice data, it is important that such a statewide repository of data should be widely available in the spirit of transparency. A transparent system allows information to be obtained by legislators or commissions in order to make sound policy decisions, to state agencies to review their own performance or provide comparison information from other agencies, and to the public or other public entities which will help build and maintain a level of trust of government. The Criminal Justice Policy Commission recommends that access to data and information involving the criminal justice system, including any unified state data system, only be restricted based on the protections of the Freedom of Information Act and should be available to everyone."

**Commissioner Levine made a motion, supported by Commissioner Lightner, to consider this recommendation.** A discussion followed.

Senator Colbeck commented that he continues to have concerns about protecting 4<sup>th</sup> Amendments rights to privacy and proposed the following amendment for consideration:

"The purpose of the criminal justice data system is to provide legislators or commissions with information pertinent to policy decisions, to provide data to state agencies in support of performance assessments, and other public entities seeking to monitor government operations. As the State explores the costs and benefits of a unified system to collect and house criminal justice data, it is important to balance a desire for transparency with the need to protect the privacy of individuals. As such, a statewide repository of data should limit public access to data to aggregate-level data that does not allow prospective users of criminal justice data to use the information to identify specific individuals within the system. In cases where non-aggregate data is required, the information provided must use a generic, unique identifier for an individual that does not enable data users to discern the name of that individual. The Criminal Justice Policy Commission recommends that access to data and information involving the criminal justice system should comply with the aforementioned guidelines and subject to the protections of the Freedom of Information Act."

Commissioner Levine wondered what kind of information, that is not already protected by FOIA, Senator Colbeck is concerned about. A discussion of what prompted the need for a recommendation on this issue followed. Commissioners Hilson, Levine, Kubiak, and Stelma will work with Commissioner Moody and Senator Colbeck to take current FOIA exemptions and protections into consideration and revise the recommendation. Tom Clement, General Counsel to the Michigan Supreme Court, provided information on the process SCAO uses for access to the Judicial Data Warehouse.

**Commissioner Lightner moved, supported by Commissioner Levine, to table the motion to consider the recommendation until next month. There was no objection and the motion to table was approved by unanimous consent.**

**V. Data Subcommittee Update**

No further update was reported.

**VI. Mental Health Subcommittee Update**

The Chair asked that this agenda item be moved to the beginning of the February meeting agenda after the update from Hornby Zeller.

**VII. Commissioner Comments**

The Chair asked if there were any comments from the Commissioners. There were none.

**VIII. Public Comments**

The Chair asked if there were any public comments. There were no public comments.

**IX. Next CJPC Meeting Date**

The next CJPC meeting is scheduled for **Wednesday, February 7, 2018, at 9:00 a.m. in the Senate Appropriations Room, 3<sup>rd</sup> Floor of the State Capitol Building.** After a discussion, the Chair announced that the July 4 meeting will be moved to July 11.

**X. Adjournment**

There was no further business. The Chair adjourned the meeting at 12:03 p.m.

*(Minutes approved at the February 7, 2018 CJPC meeting.)*

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

HORNBY ZELLER ASSOCIATES, INC.

## OVERVIEW

- ▶ On-going Costs of Raising the Age
  - ▶ Population Estimates
  - ▶ County Costs
  - ▶ State Costs
- ▶ Sight and Sound Separation

## POPULATION ESTIMATES

### Projected Status of 17 Year-olds

	Juveniles	Adults	Total
Kent	426	15	441
Macomb	498	182	680
Oakland	610	104	714
Wayne	1,707	161	1,868
Group 2	2,309	228	2,537
Group 3	732	151	883
Group 4	365	109	474
Group 5	189	38	227
<b>Statewide</b>	<b>6,836</b>	<b>988</b>	<b>7,824</b>

### 17 Year-olds Predicted to Remain in the Juvenile System

	Remain	Discharge	Total
Kent	326	100	426
Macomb	212	286	498
Oakland	304	306	610
Wayne	714	993	1,707
Group 2	1,512	797	2,309
Group 3	472	260	732
Group 4	226	139	365
Group 5	94	95	189
<b>Statewide</b>	<b>3,860</b>	<b>2,976</b>	<b>6,836</b>

### Destinations of 17 Year-old Juveniles

	Secure	Non-secure	Home
Kent	16	49	261
Macomb	16	21	175
Oakland	25	35	244
Wayne	25	23	666
Group 2	0	278	1234
Group 3	31	43	398
Group 4	2	14	210
Group 5	1	4	89
<b>Statewide</b>	<b>116</b>	<b>467</b>	<b>3,277</b>

## CALCULATED COUNTY COSTS

### Costs per Case

	District Courts	Circuit Courts	Prosecuting Attorneys	Sheriffs
Kent	\$17	\$1,633	\$31	\$247
Macomb	\$8	\$2,002	\$35	\$195
Oakland	\$33	\$3,292	\$31	\$94
Wayne	\$36	\$2,324	\$29	\$105
Group 2	\$93	\$3,209	\$68	\$502
Group 3	\$130	\$1,363	\$57	\$233
Group 4	\$114	\$1,972	\$94	\$159
Group 5	\$101	\$3,798	\$142	\$619



### Overall Impact to Court-related Entities

Entity	Financial Impact
District Courts	(\$463,404)
Circuit Courts	\$14,865,669
Jails	(\$2,289,040)
Prosecuting Attorneys	\$1,579,900
<b>Statewide</b>	<b>\$13,693,125</b>

### Annual Differences

	District Court	Circuit Court	Jails	Prosecuting Attorneys
Kent	(\$7,242)	\$584,614	(\$290,718)	\$134,200
Macomb	(\$3,984)	\$870,870	(\$137,020)	\$152,500
Oakland	(\$20,130)	\$1,820,476	(\$357,368)	\$183,000
Wayne	(\$61,452)	\$3,537,128	(\$167,338)	\$518,500
Group 2	(\$214,737)	\$6,039,338	(\$958,706)	\$591,700
Group 3	(\$95,160)	\$783,725	(\$243,412)	\$ -
Group 4	(\$41,610)	\$587,656	(\$98,890)	\$ -
Group 5	(\$19,089)	\$641,862	(\$35,588)	\$ -
<b>Statewide</b>	<b>(\$463,404)</b>	<b>\$14,865,669</b>	<b>(\$2,289,040)</b>	<b>\$1,579,900</b>

### Estimated Impact to Child Care Fund: Residential Placement

	Costs for Secure	Costs for Non-secure	Overall
Kent	\$1,940,240 - \$2,711,280	\$3,464,300	\$5,404,540 - \$6,175,580
Macomb	\$1,940,240 - \$2,711,280	\$1,484,700	\$3,424,940 - \$4,195,980
Oakland	\$3,031,625 - \$4,236,375	\$2,474,500	\$5,506,125 - \$6,710,875
Wayne	\$3,031,625 - \$4,236,375	\$1,626,100	\$4,657,725 - \$5,862,475
Group 2	\$0	\$19,654,600	\$19,654,600
Group 3	\$3,759,215 - \$5,253,105	\$3,040,100	\$6,799,315 - \$8,293,205
Group 4	\$242,530 - \$338,910	\$989,800	\$1,232,330 - \$1,328,710
Group 5	\$121,265 - \$169,455	\$282,800	\$404,065 - \$452,255
<b>Statewide</b>	<b>\$14,066,740 - \$19,656,780</b>	<b>\$33,016,900</b>	<b>\$47,083,640 - \$52,673,680</b>

### Estimated Impact to Child Care Fund: Probation

	Intensive	General	Total
Kent	\$53,232	\$276,301	\$329,533
Macomb	\$26,545	\$262,135	\$288,681
Oakland	\$48,567	\$692,087	\$740,654
Wayne	\$138,417	\$1,233,359	\$1,371,776
Group 2	\$487,722	\$2,855,883	\$3,343,605
Group 3	\$59,593	\$396,522	\$456,115
Group 4	\$41,194	\$319,252	\$360,446
Group 5	\$17,284	\$290,371	\$307,655
<b>Statewide</b>	<b>\$872,555</b>	<b>\$6,325,909</b>	<b>\$7,198,464</b>

### Estimated Impact to Child Care Fund: In-Home Services

	Total
Kent	\$717,216
Macomb	\$10,582
Oakland	\$69,700
Wayne	\$6,923,474
Group 2	\$2,060,204
Group 3	\$1,936,379
Group 4	\$1,342,220
Group 5	\$324,342
<b>Statewide</b>	<b>\$13,384,118</b>

### Net Cost Impact to Counties

	Child Care Fund High Estimate	Child Care Fund Low Estimate	County Only
Kent	\$6,946,028	\$6,174,988	\$276,301
Macomb	\$4,233,107	\$3,462,067	\$262,135
Oakland	\$6,829,142	\$5,624,392	\$692,087
Wayne	\$12,924,366	\$11,719,616	\$1,233,359
Group 2	\$22,202,526	\$22,202,526	\$2,855,883
Group 3	\$10,289,177	\$8,795,287	\$396,522
Group 4	\$2,712,124	\$2,615,744	\$319,252
Group 5	\$793,881	\$745,692	\$290,371
<b>Statewide</b>	<b>\$66,930,351</b>	<b>\$61,340,311</b>	<b>\$6,325,909</b>

### STATE COSTS

- ▶ Child Care Fund
  - ▶ Increase ranging from \$30.7 million to \$33.5 million
- ▶ Department of Corrections
  - ▶ Decrease of less than \$500,000

### Sight and Sound Separation

- ▶ County
  - ▶ Sheriffs believe it is not possible.
  - ▶ Use juvenile detention centers on a regional basis:
    - ▶ One-time cost to re-open
    - ▶ Ongoing cost per day in a state-run facility: \$407
    - ▶ Ongoing cost per day in a private-run facility: \$307

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

**FINAL REPORT**

**DRAFT**

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

By  
**HORNBY ZELLER ASSOCIATES, INC.  
– NEW YORK – MAINE – PENNSYLVANIA – ARKANSAS –  
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**DECEMBER 22, 2017**

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## 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 nine states to use a lower age, treating 17 year-old offenders as adults. While Michigan is considering raising the 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. These might include reduced costs, increased costs or, perhaps most importantly, shifts in cost between the State and county governments. Specifically, 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
  - d) placement in an adult correctional facility;
- 3) the impact on the Department of Corrections if:
  - a) it is prohibited entirely from housing prisoners under the age of 18 or
  - b) it is prohibited from housing prisoners under the age of 18 in the same facility as older prisoners;
- 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.

There are two kinds of questions here, questions about raising the age and questions about sight and sound separation. The former are also questions about ongoing day-to-day costs, while the latter also considers what it will take to implement such changes. In addition, each question also contains a sub-question about who will bear the increased (or decreased) cost: the counties or the State. This last dichotomy provides the basic structure for this report.

## 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 the calendar years 2014 through 2016 and on Michigan law and past experience in trying juvenile offenders as adults, Table E-1 shows how many 17 year-old offenders would be expected to be treated as juveniles and how many as adults. Throughout the report, both cost figures and population figures represent 2016. 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.

<b>Table E-1 17 Year-Old Arrests by Projected Future Status by County Group</b>			
	<b>Juveniles</b>	<b>Adults</b>	<b>Total</b>
Kent	426	15	441
Macomb	498	182	680
Oakland	610	104	714
Wayne	1,707	161	1,868
Group 2	2,309	228	2,537
Group 3	732	151	883
Group 4	365	109	474
Group 5	189	38	227
<b>Statewide</b>	<b>6,836</b>	<b>988</b>	<b>7,824</b>

The next step in the process was to quantify the number of juveniles who would remain in the juvenile system, e.g., they were found guilty and either imprisoned or ordered to probation. 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-2 summarizes the figures by the county groups. The numbers make clear that about 15 percent of those who are likely to be re-classified as juveniles and remain in the justice system are likely to go to residential care, the remainder remaining in their own homes.

<b>Table E-2 Projected 17 Year-Old Juvenile Destinations by County Group</b>				
<b>County</b>	<b>Secure</b>	<b>Non-secure</b>	<b>Home</b>	<b>Total</b>
Kent	16	49	261	326
Macomb	16	21	175	212
Oakland	25	35	244	304
Wayne	25	23	666	714
Group 2	0	278	1234	1,512
Group 3	31	43	398	472
Group 4	2	14	210	226
Group 5	1	4	89	94

<b>Table E-2 Projected 17 Year-Old Juvenile Destinations by County Group</b>				
<b>County</b>	<b>Secure</b>	<b>Non-secure</b>	<b>Home</b>	<b>Total</b>
<b>Statewide</b>	<b>116</b>	<b>467</b>	<b>3,277</b>	<b>3,860</b>

### COUNTY COSTS

Average costs per case were calculated for district courts, circuit courts, prosecuting attorneys and sheriffs. For the district courts and sheriffs, there are costs savings, while circuit courts and prosecuting attorneys can expect cost increases. Table E-3 shows the reduction in costs for the district courts and the increase for the circuit courts.

<b>Table E-3 Court Related Cost Changes</b>			
<b>County Group</b>	<b>District Court Cost Reductions</b>	<b>Circuit Court Cost Increases</b>	<b>Prosecuting Attorney Cost Increases</b>
Kent	\$7,242	\$584,614	\$134,200
Macomb	\$3,984	\$870,870	\$152,500
Oakland	\$20,130	\$1,820,476	\$183,000
Wayne	\$61,452	\$3,537,128	\$518,500
Group 2	\$214,737	\$6,039,338	\$591,700
Group 3	\$95,160	\$783,725	\$ -
Group 4	\$41,610	\$587,656	\$ -
Group 5	\$19,089	\$641,862	\$ -
<b>Statewide</b>	<b>\$463,404</b>	<b>\$14,865,669</b>	<b>\$1,579,900</b>

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. Table E-4 shows a break-out of how those days would be divided among the counties and the savings they would generate.

<b>Table E-4 Annual Reductions in Jail Costs</b>		
<b>County</b>	<b>Days</b>	<b>Dollars</b>
Kent	4689	\$290,718
Macomb	2210	\$137,020
Oakland	5764	\$357,368
Wayne	2699	\$167,338
Group 2	15463	\$958,706
Group 3	3926	\$243,412

<b>County</b>	<b>Days</b>	<b>Dollars</b>
Group 4	1595	\$98,890
Group 5	574	\$35,588
<b>Statewide</b>	<b>36920</b>	<b>\$2,289,040</b>

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. Several counties responding to the question of what it would cost to create that separation reported that they simply could not do it. However, data from a licensing report shows there are vacancies in detention and residential facilities, plus a number of representatives across the State indicated that there are detention centers that are not currently in use which could be re-opened to house youthful offenders who would have been placed in a jail setting that does not have sight and sound separation. Ongoing costs will mirror those of residential treatment facilities.

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. 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.

<b>County Group</b>	<b>High</b>	<b>Low</b>
Kent	\$6,946,028	\$6,174,988
Macomb	\$4,233,107	\$3,462,067
Oakland	\$6,829,142	\$5,624,392
Wayne	\$12,924,366	\$11,719,616
Group 2	\$22,202,526	\$22,202,526
Group 3	\$10,289,177	\$8,795,287
Group 4	\$2,712,124	\$2,615,744
Group 5	\$793,881	\$745,692
<b>Statewide</b>	<b>\$66,930,351</b>	<b>\$61,340,351</b>

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.

<b>Table E-6 Net County Cost Changes</b>		
<b>County Group</b>	<b>High Estimate</b>	<b>Low Estimate</b>
Kent	\$2,343,063	\$2,405,035
Macomb	\$3,290,296	\$3,279,403
Oakland	\$9,691,178	\$4,500,006
Wayne	\$20,184,932	\$13,030,425
Group 2	\$20,667,465	\$17,577,126
Group 3	\$4,280,142	\$4,123,158
Group 4	\$3,260,655	\$2,331,085
Group 5	\$1,556,409	\$1,476,683
<b>Statewide</b>	<b>\$65,274,140</b>	<b>\$48,722,921</b>

## 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 \$30.7 and \$33.5 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, only about 13 percent of the 17 year-olds arrested 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.

DRAFT

## 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 nine states to use a lower age. Two states, New York and North Carolina, both of which used 15 as the age limit, enacted "raise the age" legislation this year, leaving seven states which treat youth offenders over 16 as adults.

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.<sup>1</sup> While Michigan's system is different than New York's, it is important to consider where costs might change before enacting any new legislation.

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.<sup>2</sup> 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.<sup>3</sup> 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),<sup>4</sup> the annual cost to Michigan to continue to hold these youth in the adult correctional system cost the State an estimated \$105 million annually.

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.<sup>5</sup> 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.<sup>6</sup> 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 juveniles are processed in the adult system, but those costs are shared with counties when youth 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 much of the services delivered to juveniles, including those who receive services while remaining at home.

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<sup>1</sup> Independent Democratic Conference (2016) "The Price of Juvenile Justice: *Why Raising the Age Makes Cents for New York*" page 12.

<sup>2</sup> Weemoff and Stanley (2014) "Youth Behind Bars" page 10.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> [http://www.mlive.com/news/index.ssf/2016/05/michigan\\_house\\_votes\\_to\\_treat.html](http://www.mlive.com/news/index.ssf/2016/05/michigan_house_votes_to_treat.html)

<sup>6</sup> Ibid.

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 resources required to meet the expected need.

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, 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
  - 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;
- 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 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 four 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 examines the changes in county level costs which are likely to occur if the age is raised, while the third focuses on state level cost changes. The final section brings all of the discussion 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.

DRAFT

## 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 they committed an offense which requires adult prosecution or because the local prosecutor chooses to treat the case that way.

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 which require the case to be heard by the adult criminal system. Then, using court data from calendar years 2014 through 2016, HZA built a statistical model showing how the 15 and 16 year-old offenders’ classifications correlated to 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. 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 be handled in juvenile court.

The estimates of the total number of youth were derived from information in the Judicial Data Warehouse (JDW) managed by the State Court Administrative Office (SCAO). The data warehouse captures court-related 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. The counts are based on 17 year-olds who were petitioned to court during 2016.

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 and the average time youth spend in those settings as juveniles. Using the addresses of the destinations of 15 and 16-year old juveniles, HZA calculated the proportion of youthful offenders who are placed in a residential setting. It is assumed, for purposes of this report, without access to better data, that the proportions of 15 and 16-year olds placed into a secure or non-secure setting is the same as what would have resulted for 17 year-olds. 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, but juveniles are not considered to be "sentenced," so their data are not in that system. No data could be collected on the amount of time youth spend under supervision while at home, and the best information that could be gathered regarding time in residential care came from a study completed in 2012 on Michigan's residential placement of juveniles<sup>7</sup> and a national study.<sup>8</sup> 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. The national study did not provide concrete information about lengths of stay beyond six months, but it did suggest that older youth spend more time in residential placement than do younger ones. Understanding that many of Michigan's residential providers will not accept youth older than 17 years of age but may be willing and able to provide services after juveniles turn 18 as is allowed by the state-run detention centers, it is assumed, in calculating costs, that 17 year-olds will be served 395 days when placed in a secure setting and 350 days when placed in a non-secure residential facility.

## **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

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<sup>7</sup> Frances Carley, "A Comparison of Michigan's Residential Placement Options for Juvenile Delinquency Cases," Senate Fiscal Agency, Lansing, MI, May 2012.

<sup>8</sup> Andrea J. Sedlak, "Survey of Youth in Residential Placement: Conditions of Confinement," Westat, Rockville, MD, 2016.

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 largest four 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 were 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 HZA conducted an additional survey of the courts 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. 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 youth 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 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 a juvenile? 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 even 15, 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.

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

### OVERALL POPULATION

Table 1 provides a summary of 17 year-olds who were petitioned before the court in 2016 who would be tried as juveniles and those who would be waived to the adult criminal court, after excluding those who committed an offense<sup>9</sup> which would directly place them in the hands of the adult court system. Throughout the report, data are provided for the four most populous counties followed by data for population groups 2 through 5. The percent of 17 year-olds to be treated as adults ranged from slightly more than three percent for Kent County to nearly 27 percent for Macomb County. Statewide, 13 percent of the 17 year-olds petitioned to court in 2016 would likely have been tried as adults, with the balance to be tried as juveniles.

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<sup>9</sup> See Appendix A Section 1.1 for a detailed list of case types that require adult prosecution.

	<b>Juvenile Court</b>	<b>Adult Court</b>	<b>Total</b>
Kent	426	15	441
Macomb	498	182	680
Oakland	610	104	714
Wayne	1,707	161	1,868
Group 2	2,309	228	2,537
Group 3	732	151	883
Group 4	365	109	474
Group 5	189	38	227
<b>Statewide</b>	<b>6,836</b>	<b>988</b>	<b>7,824</b>

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. Towards the end of the study, 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, half of the counties estimated a larger impact and half a smaller impact. Only one respondent projected the same number of 17 year-olds as came from the analysis of the 2016 data.

### **PROJECTED DESTINATIONS**

Before projections can be made as to how 17 year-olds who will be tried as juveniles will be served, i.e., either in secure or non-secure settings 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 status<sup>11</sup> of the 17 year-olds to identify those who will remain in the system and those who will exit. Those that will remain in the system were either found guilty, or referred to diversion or probation. Of the 6,836 17 year-olds who are likely to be tried as juveniles, 56 percent will remain in the juvenile system. (See Table 2).

<sup>10</sup> See Appendix A Sections 1.2 and 1.3 for a description of the model and input data.

<sup>11</sup> See Appendix A Section 1.4 for a list of disposition assumptions.

<b>Table 2 17 Year-Olds Petitioned to Court by Further Involvement by County Group</b>			
	<b>Remain</b>	<b>Discharge</b>	<b>Total</b>
Kent	326	100	426
Macomb	212	286	498
Oakland	304	306	610
Wayne	714	993	1,707
Group 2	1,512	797	2,309
Group 3	472	260	732
Group 4	226	139	365
Group 5	94	95	189
<b>Statewide</b>	<b>3,860</b>	<b>2,976</b>	<b>6,836</b>

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. While court costs will be incurred for all the 17 year-olds who enter the juvenile system, the costs for services will vary dependent on where those who remain are served. The approach<sup>12</sup> used to estimate the counts of 17 year-olds by destination takes into account the concerns expressed by several counties that the cost burden of raising the age would fall largely on the detention centers. The total number of youth who will be placed in a residential setting is 15 percent of the total number of 17 year-olds who are likely to remain in the juvenile system; these youth include those who would have been sent to jail or prison. Table 3 summarizes the figures by the county groups which are used later to calculate costs.

<sup>12</sup> See Appendix A Section 1.5 for detailed methodology on determining placement of juveniles into secure and non-secure facilities.

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

County	Secure	Non-secure	Home	Total
Kent	16	49	261	326
Macomb	16	21	175	212
Oakland	25	35	244	304
Wayne	25	23	666	714
Group 2	0	278	1234	1,512
Group 3	31	43	398	472
Group 4	2	14	210	226
Group 5	1	4	89	94
<b>Statewide</b>	<b>116</b>	<b>467</b>	<b>3,277</b>	<b>3,860</b>

The last consideration to take into account is the level of supervision that will be needed to support the juveniles who will remain in the community. Here it is expected that juveniles whose highest level of offense was a felony or high misdemeanor will require intensive probation services, while the remainder will only need general probation. The amount of reimbursement counties receive from the State is impacted by the level of supervision juveniles receive. Table 4 breaks out, by percentage, 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 a family foster care setting. Overall, it is expected that 12 percent of the 17 year-olds who will remain in the community will receive intensive probation services.

**Table 4**  
**Highest Level of Offense<sup>13</sup> of 17 Year-Olds**  
**Who Will Remain in the Community**

County	Felony	High Misdemeanor	Misdemeanor	Unknown	Total
Kent	12%	4%	73%	11%	100%
Macomb	8%	1%	91%	0%	100%
Oakland	7%	0%	92%	2%	100%
Wayne	10%	0%	76%	13%	100%
Group 2	14%	1%	84%	1%	100%
Group 3	12%	1%	87%	0%	100%
Group 4	11%	1%	89%	0%	100%
Group 5	6%	0%	94%	0%	100%
<b>Statewide</b>	<b>11%</b>	<b>1%</b>	<b>84%</b>	<b>4%</b>	<b>100%</b>

<sup>13</sup> See Appendix A Section 1.6 for Highest Level of Offense assumptions.

## 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 and savings, HZA assumed that the average time in residential care, based on a study prepared for the Senate Fiscal Agency referenced in the Methodology section, would be 395 days for juveniles placed in a secure setting and 350 days for those placed in a non-secure setting. 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 in the next section.

## COUNTY COSTS

### COSTS PER CASE<sup>14</sup>

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. In addition, the cost of providing services to juveniles was also calculated, because that will result in an increase in costs to both the counties and the State if the age is raised. HZA collected data on both fixed and variable costs, 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.

Using the data collected from a small sample of counties for the cost analysis, the costs reported here reflect the weighted average costs for the counties in each population group. Where the most complete cost data from different counties represented different years,<sup>15</sup> all costs were adjusted to 2016 dollars, and that is the standard for all dollar amounts which appear throughout the report.

Table 5 shows the projected per case costs for the district courts, circuit courts, prosecuting attorneys and sheriffs. The estimated cost per case for the Circuit Courts includes that incurred for probation officers.

### Courts, Prosecuting Attorneys and Sheriffs

<b>County Group</b>	<b>District Courts</b>	<b>Circuit Courts</b>	<b>Prosecuting Attorneys</b>	<b>Sheriffs</b>
Kent	\$17	\$1,633	\$31	\$247
Macomb	\$8	\$2,002	\$35	\$195
Oakland	\$33	\$3,292	\$31	\$94
Wayne	\$36	\$2,324	\$29	\$105
Group 2	\$93	\$3,209	\$68	\$502
Group 3	\$130	\$1,363	\$57	\$233
Group 4	\$114	\$1,972	\$94	\$159
Group 5	\$101	\$3,798	\$142	\$619

<sup>14</sup> See Appendix A Sections 1.7 through 1.14 for all assumptions regarding Cost Per Case information.

<sup>15</sup> 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. That difference is due, at least in part, to the fact that probation officers are included in the circuit court costs, meaning that it is not just the court processing costs which are at issue.

Numerous county agencies reported during the data collection that the costs of handling juveniles are higher than those for handling adults. This is particularly true for the costs of providing probation. While the information needed to calculate caseload sizes for adult and juvenile probation officers was not available specifically for Michigan, there are national standards for the differences.<sup>16</sup> 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.

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 fiscal impact to the local entities which are likely to be impacted by raising the age to 17 year-olds are examined. Table 6 shows the reduction in costs for the district courts as 17 year-olds are shifted out of the district courts and into the juvenile division of the circuit courts. Table 7 shows the corresponding increase in costs for the circuit courts resulting from that shift. Each of these estimates is based on the projected population of 17 year-olds anticipated to move into the juvenile system. It should be noted that those who committed felonies are already served by the circuit courts, so their numbers have been subtracted from the circuit court counts for projecting the fiscal impact to the courts.

<b>County Group</b>	<b>Cost Reductions</b>
Kent	\$7,242
Macomb	\$3,984
Oakland	\$20,130
Wayne	\$61,452
Group 2	\$214,737
Group 3	\$95,160

<sup>16</sup> American Probation and Parole Administration: Caseload Standards for Probation and Parole. (2006).



<b>Table 6</b>	
<b>Aggregate Reductions in District Court Costs</b>	
<b>County Group</b>	<b>Cost Reductions</b>
Group 4	\$41,610
Group 5	\$19,089
<b>Statewide</b>	<b>\$463,404</b>

<b>Table 7</b>	
<b>Aggregate Increases in Circuit Court Costs</b>	
<b>County Group</b>	<b>Cost Increases</b>
Kent	\$584,614
Macomb	\$870,870
Oakland	\$1,820,476
Wayne	\$3,537,128
Group 2	\$6,039,338
Group 3	\$783,725
Group 4	\$587,656
Group 5	\$641,862
<b>Statewide</b>	<b>\$14,865,669</b>

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 the 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 8 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 cases<sup>17</sup> 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 25.9 to 34.2. A statewide average salary for Assistant Prosecuting Attorneys in Michigan was

<sup>17</sup> 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.

unavailable, so the cost increases presented below are based on an average salary of \$61,000 for an Assistant Prosecuting Attorney in 2016.<sup>18</sup>

<b>County Group</b>	<b>Projected FTEs Needed</b>	<b>Cost Increases</b>
Kent	2.2	\$134,200
Macomb	2.5	\$152,500
Oakland	3.0	\$183,000
Wayne	8.5	\$518,500
Group 2	9.7	\$591,700
<b>Statewide</b>	<b>25.9</b>	<b>\$1,579,900</b>

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 level of prison costs and equal to the amount that New York reports for its jail costs.<sup>19</sup> 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.

<b>County</b>	<b>Days</b>	<b>Dollars</b>
Kent	4,689	\$290,718
Macomb	2,210	\$137,020
Oakland	5,764	\$357,368
Wayne	2,699	\$167,338

<sup>18</sup> 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](https://www.payscale.com/research/US/Job=Assistant_District_Attorney/Salary).

<sup>19</sup> Independent Democratic Conference: "The Price of Juvenile Justice: Why Raising the Age Makes Cents for New York." December 2016, page 3.

<b>Table 9 Annual Reductions in Jail Costs</b>		
<b>County</b>	<b>Days</b>	<b>Dollars</b>
Group 2	15,463	\$958,706
Group 3	3,926	\$243,412
Group 4	1,595	\$98,890
Group 5	574	\$35,588
<b>Statewide</b>	<b>36,920</b>	<b>\$2,289,040</b>

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-furbished, 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, shifting 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.

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.<sup>20</sup> 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

<sup>20</sup> RQAW and Byce & Assoc., Inc. (2016) Delta County Jail & Sheriff's Office Feasibility Study Report Appendix I.

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.<sup>21</sup> 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.

Michigan operates two secure juvenile justice facilities, Bay Pines Center and Shawono Center. The average daily rate for those two facilities is \$429, with the average length of stay being 395 days.<sup>22</sup> Based on licensure information published by DHHS, there are an additional six county-run secure facilities;<sup>23</sup> 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. Referring to the report noted earlier about residential placement options for juvenile delinquency cases, the length of stay for juveniles placed in private, i.e., non-secure, facilities averages 350 days.

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 of almost \$19.6 million, half of which would be reimbursed to the State by the counties. That amount would be reduced to \$14 million if the juveniles were placed in one of the county run secure facilities, with the State then reimbursing the counties 50 percent. Using the average daily rate of \$202 to house a youth in an in-state private facility, according to the report drafted for the State Fiscal Agency, an additional \$33 million would be incurred by Michigan to place youth in non-secure settings.

Table 10 shows the range of costs to place juveniles in secure and non-secure facilities.

<b>County</b>	<b>Secure Costs</b>	<b>Non-Secure Costs</b>	<b>Total Residential Costs</b>
Kent	\$1,940,240 - \$2,711,280	\$3,464,300	\$5,404,540 - \$6,175,580
Macomb	\$1,940,240 - \$2,711,280	\$1,484,700	\$3,424,940 - \$4,195,980

<sup>21</sup> See Appendix A Section 1.15 for assumptions on the Child Care Fund.

<sup>22</sup> Frances Carley, "A Comparison of Michigan's Residential Placement Options for Juvenile Delinquency Cases," Senate Fiscal Agency, Lansing, MI, May 2012.

<sup>23</sup> A list of the six privately run secure detention centers is provided in Appendix A Section 1.16.

Oakland	\$3,031,625 - \$4,236,375	\$2,474,500	\$5,506,125 - \$6,710,875
Wayne	\$3,031,625 - \$4,236,375	\$1,626,100	\$4,657,725 - \$5,862,475
Group 2	\$0 <sup>24</sup>	\$19,654,600	\$19,654,600
Group 3	\$3,759,215 - \$5,253,105	\$3,040,100	\$6,799,315 - \$8,293,205
Group 4	\$242,530 - \$338,910	\$989,800	\$1,232,330 - \$1,328,710
Group 5	\$121,265 - \$169,455	\$282,800	\$404,065 - \$452,255
<b>Statewide</b>	<b>\$14,066,740 - \$19,656,780</b>	<b>\$33,016,900</b>	<b>\$47,083,640 - \$52,673,680</b>

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 level of offense of juveniles who will remain in the home is used as an indicator. It is assumed that juveniles with a felony or high misdemeanor charge will require this higher level of probation. Table 11 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.

<b>County</b>	<b>Intensive Probation</b>	<b>General Probation</b>	<b>Total Probation Costs</b>
Kent	\$53,232	\$276,301	\$329,533
Macomb	\$26,545	\$262,135	\$288,681
Oakland	\$48,567	\$692,087	\$740,654
Wayne	\$138,417	\$1,233,359	\$1,371,776
Group 2	\$487,722	\$2,855,883	\$3,343,605
Group 3	\$59,593	\$396,522	\$456,115
Group 4	\$41,194	\$319,252	\$360,446
Group 5	\$17,284	\$290,371	\$307,655
<b>Statewide</b>	<b>\$872,555</b>	<b>\$6,325,909</b>	<b>\$7,198,464</b>

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

<sup>24</sup> 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.

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 eighteenth birthdays. Others suggested that the circuit courts would be able to move youth to the adult system at their 18<sup>th</sup> birthdays, thus reducing the length of time the juvenile system would normally serve a youth.

Table 12 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.

<b>Table 12 Aggregate Costs for In-Home Services</b>	
<b>County Group</b>	<b>In-Home Service Costs</b>
Kent	\$717,216
Macomb	\$10,582
Oakland	\$69,700
Wayne	\$6,923,474
Group 2	\$2,060,204
Group 3	\$1,936,379
Group 4	\$1,342,220
Group 5	\$324,342
<b>Statewide</b>	<b>\$13,384,118</b>

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.

Table 13 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.

<b>County Group</b>	<b>Child Care Fund High</b>	<b>Child Care Fund Low</b>	<b>County Only</b>
Kent	\$6,946,028	\$6,174,988	\$276,301
Macomb	\$4,233,107	\$3,462,067	\$262,135
Oakland	\$6,829,142	\$5,624,392	\$692,087
Wayne	\$12,924,366	\$11,719,616	\$1,233,359
Group 2	\$22,202,526	\$22,202,526	\$2,855,883
Group 3	\$10,289,177	\$8,795,287	\$396,522
Group 4	\$2,712,124	\$2,615,744	\$319,252
Group 5	\$793,881	\$745,692	\$290,371
<b>Statewide</b>	<b>\$66,930,351</b>	<b>\$61,340,311</b>	<b>\$6,325,909</b>

On a statewide basis, the high estimate would result in a 17 percent increase to the Child Care Fund budget for 2015-2016, with the low estimate resulting in a 15 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 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 14 shows the proportion of the courts' budgets that are funded through the Child Care Fund, as reported in the survey.

<b>Percentage</b>	<b>Number of Courts</b>	<b>Percent of Courts</b>
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%
<b>Totals</b>	<b>51</b>	<b>100%</b>

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.<sup>25</sup>

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

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<sup>25</sup> See Appendix A Sections 1.17 and 1.18 for assumptions regarding drunk driving.



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 15 summarizes the net impact to the counties when the increases and decreases involving the courts, jail and prosecuting attorneys are considered.

<b>Table 15 Net County Cost Changes Involving Courts, Jails and Prosecuting Attorneys</b>	
<b>County Group</b>	<b>Net Impact</b>
Kent	\$420,854
Macomb	\$882,366
Oakland	\$1,625,978
Wayne	\$3,826,838
Group 2	\$5,457,595
Group 3	\$445,153
Group 4	\$447,156
Group 5	\$587,185
<b>Statewide</b>	<b>\$13,693,125</b>

Table 16 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 15 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.

<b>Table 16 Net County Cost Changes</b>		
<b>County Group</b>	<b>High Estimate</b>	<b>Low Estimate</b>
Kent	\$2,343,063	\$2,405,035
Macomb	\$3,290,296	\$3,279,403
Oakland	\$9,691,178	\$4,500,006
Wayne	\$20,184,932	\$13,030,425
Group 2	\$20,667,465	\$17,577,126
Group 3	\$4,280,142	\$4,123,158
Group 4	\$3,260,655	\$2,331,085
Group 5	\$1,556,409	\$1,476,683
<b>Statewide</b>	<b>\$65,274,140</b>	<b>\$48,722,921</b>

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 because of the 50 percent match for qualifying 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 the counties are likely to experience if the legislation passes. After taking into account the cost of services which the Child Care Fund does not reimburse counties, and assuming DHHS will reimburse counties 50 cents for each dollar spent on all Child Care Fund expenditures to be incurred for 17 year olds, the range of the additional State expenditures is expected to be between \$30.7 and \$33.5 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.

### DEPARTMENT OF CORRECTIONS POPULATION RELATED CHANGES

Based on the population projections shown above, about 13 percent of the 17 year-olds petitioned to court will remain in the adult system. However, the number who have been sentenced to either jail or prison annually, roughly 800, is not anticipated to change with about 11 percent, or 86 annually, sentenced to prison or 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.<sup>26</sup> The same agency's later analysis showed that the short-term marginal decrease in DOC costs would be \$3,764 per inmate,<sup>27</sup> 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.

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<sup>26</sup> John Maxwell, "Marginal Cost of Corrections," Senate Fiscal Agency, August 2015, p. 8.

<sup>27</sup> Senate Fiscal Agency, "Juvenile Jurisdiction: 17-Year-Old," October 2016, p. 7.

## 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, DOC would experience a decrease 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.<sup>28</sup> 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 Alabama<sup>29</sup> and Mississippi<sup>30</sup> 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.

As noted earlier, a number of individuals knowledgeable of Michigan's detention facilities indicate that there are several residential facilities that are no longer in use and could be re-opened. This provides an opportunity to achieve sight and sound separation for county jails that are not able to satisfy sight and sound separation for those 17 years-old or younger. While it is uncertain how much would be incurred to re-open the facilities, ongoing costs are likely to be equal to what is currently incurred to house juveniles in a secure detention setting, i.e., \$407 in a state detention center and \$307 in a private detention center. These per day per inmate costs are certainly higher than those currently incurred by jails; however, given that some jails are able to satisfy the sight and sound requirement and others are not, a regional approach to opening unused detention centers might be worth consideration to support those who cannot satisfy the requirement.

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<sup>28</sup> CRS Incorporated. (2010). Regional Jail Feasibility and Facility Re-Use Study.

<sup>29</sup> Alabama Prison Transformation Initiative. (2016). DOC Report on Prison Building Plan.

<sup>30</sup> RQAW and Byce & Assoc., Inc. (2016) Delta County Jail & Sheriff's Office Feasibility Study Report.

## SUMMARY

Two different sets of questions are addressed in this report. The first 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 and Child Care Fund expenditures. The county share of those costs is expected to range between \$48.7 and \$65.3 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 \$30.7 and \$33.5 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. Case Types That Require 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

##### 1.2. Description of the Prediction Model

A binary logistic regression for the 15 and 16-year-olds was built using Juvenile/Adult as the dependent variable and the following predictor variables:

- Whether the client was tried as a Juvenile or Adult
- Age of the client on the case file date
- Gender
- Race
- Strata
- The severity of the charges (felony/ high misdemeanor/ misdemeanor/ unknown)
- Prior involvement up to two years before the case file date.

A bi-directional stepwise generalized linear model was run and confirmed all variables are high risk factors. The variables with the highest importance are severity of the offense, prior involvement, and county size and location. 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 is 0.288. The area under the curve analysis showed the true positive rate to be 0.925. 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.

### 1.3. 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.

#### (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

## PROJECTED DESTINATIONS

### 1.4. 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 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

### 1.5. 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.

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.

### 1.6. 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

### 1.7. 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.



### 1.8. 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>

### 1.9. 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
- Extraditions
- 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

#### 1.10. Population Groups

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

#### 1.11. 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:

$1/(A/(B/C))$  or  $B/(A*C)$  where:

A = Total # of Petitioned 17yos in County

B = Total # of Petitioned 17yos in Population Group

C = # of Sampled Counties in the Population Group

#### 1.12. 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.

**Table A-1. Counties Included in Budget Calculations**

Budgets County	District Courts			Circuit Courts		Sheriffs		PAs	
	Pop Group	Personnel Expenses	Non- Personnel Variable Expenses	Personnel Expenses	Non- Personnel Variable Expenses	Personnel Expenses	Non- Personnel Variable Expenses	Personnel Expenses	Non- Personnel Variable Expenses
Kent	1	1	1	1	1	1	1		
Macomb	1	1	1	1	1	1	1	1	1
Oakland	1	1	1	1	1	1	1	1	1
Wayne	1	1	1	1	1	1	1	1	1
Pop Group 2		3	3	2	3	3	4	4	4
Pop Group 3		4	4	4	4	5	5	4	4
Pop Group 4		2	2	2	2	3	3	2	2
Pop Group 5		2	2	2	2	2	2	2	2
<b>Total</b>		<b>15</b>	<b>15</b>	<b>14</b>	<b>15</b>	<b>17</b>	<b>18</b>	<b>15</b>	<b>15</b>
Alpena	4					1	1		
Antrim	4	1	1	1	1	1	1	1	1
Benzie	5	1	1	1	1	1	1	1	1
Branch	3	1	1	1	1	1	1	1	1
Cass	3								
Chippewa	3					1	1		
Ionia	3	1	1	1	1	1	1	1	1
Kent	1	1	1	1	1	1	1		
Macomb	1	1	1	1	1	1	1	1	1
Marquette	3	1	1	1	1	1	1	1	1
Menominee	4	1	1	1	1	1	1	1	1
Midland	2				1		1	1	1
Missaukee	5	1	1	1	1	1	1	1	1
Muskegon	2	1	1	1	1	1	1	1	1
Oakland	1	1	1	1	1	1	1	1	1
Saginaw	2	1	1	1	1	1	1	1	1
Tuscola	3	1	1	1	1	1	1	1	1
Washtenaw	2	1	1			1	1	1	1
Wayne	1	1	1	1	1	1	1	1	1

### 1.13. Case Counts

- 1.13.1. 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>
- 1.13.2. 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.
- 1.13.3. 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.

### 1.14. 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.

### 1.15. 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.

### 1.16. 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

## REVENUE

### 1.17. 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 subsequen
- 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

#### 1.18. 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/OfficesPrograms/Documents/finance/DDRHistory.pdf#search=""](http://courts.mi.gov/Administration/SCAO/OfficesPrograms/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
Clare	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	3	3c	Pop Size 3 Southern 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	2	3b	Pop Size 3 Northern/Central Lower Peninsula
Iosco	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

County	Population Group	Geographic Group	Stratum	Strata Definition
Lake	5	2	5b	Pop Size 5 Northern/Central Lower Peninsula
Lapeer	2	3	2c	Pop Size 2 Southern Lower Peninsula
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	2	3	2c	Pop Size 2 Southern Lower Peninsula
Schoolcraft	3	3	3c	Pop Size 3 Southern Lower Peninsula
Shiawassee	3	2	3b	Pop Size 3 Northern/Central Lower Peninsula
St. Clair	5	1	5a	Pop Size 5 Upper 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





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

Problem Solving Court	Juveniles Under Age 17	Adults
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 ("Tethering") 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?  Yes  No  
 a. If yes, identify the assessments which are conducted and for which population. *Check all that apply.*

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Assessment	Juveniles Under Age 17	Adults
Education	<input type="checkbox"/>	<input type="checkbox"/>
Health	<input type="checkbox"/>	<input type="checkbox"/>
Mental Health	<input type="checkbox"/>	<input type="checkbox"/>
Other, please specify _____	<input type="checkbox"/>	<input type="checkbox"/>

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?  Yes  No

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

Assessment	Juveniles Under Age 17	Adults
Education	<input type="checkbox"/>	<input type="checkbox"/>
Health	<input type="checkbox"/>	<input type="checkbox"/>
Mental Health	<input type="checkbox"/>	<input type="checkbox"/>
Other, please specify _____	<input type="checkbox"/>	<input type="checkbox"/>

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	<input type="checkbox"/>	<input type="checkbox"/>
Videoconference trial	<input type="checkbox"/>	<input type="checkbox"/>
Videoconference sentencing	<input type="checkbox"/>	<input type="checkbox"/>

**Services**

12. Which of the following programs or services do you provide in your county?

- |   |   |
|---|---|
| <input type="checkbox"/> Case Management Services   | <input type="checkbox"/> Mental Health Programming          |
| <input type="checkbox"/> Cognitive Behavioral Programming   | <input type="checkbox"/> Pretrial Services                  |
| <input type="checkbox"/> Community Service  | <input type="checkbox"/> Psychiatric Care                   |
| <input type="checkbox"/> Crisis Management  | <input type="checkbox"/> Public Health Programming          |
| <input type="checkbox"/> Domestic Violence Programming  | <input type="checkbox"/> Religious Programming              |
| <input type="checkbox"/> Educational Programming (e.g., GED Testing/Prep, High School Completion) | <input type="checkbox"/> Sex Offender Treatment Programming |
| <input type="checkbox"/> Employment Training / Vocational Education                               | <input type="checkbox"/> Substance Abuse Programming        |
| <input type="checkbox"/> Intensive Supervision  | <input type="checkbox"/> Work Crew                          |

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13. Of the programs that you provide, which ones do you consider to be evidence based?

- |  |   |
|--|---|
| <input type="checkbox"/> Case Management Services  | <input type="checkbox"/> Mental Health Programming          |
| <input type="checkbox"/> Cognitive Behavioral Programming  | <input type="checkbox"/> Pretrial Services                  |
| <input type="checkbox"/> Community Service   | <input type="checkbox"/> Psychiatric Care                   |
| <input type="checkbox"/> Crisis Management   | <input type="checkbox"/> Public Health Programming          |
| <input type="checkbox"/> Domestic Violence Programming   | <input type="checkbox"/> Religious Programming              |
| <input type="checkbox"/> Educational Programming (e.g., GED<br>Testing/Prep, High School Completion) | <input type="checkbox"/> Sex Offender Treatment Programming |
| <input type="checkbox"/> Employment Training / Vocational Education                                  | <input type="checkbox"/> Substance Abuse Programming        |
| <input type="checkbox"/> Intensive Supervision   | <input type="checkbox"/> Work Crew                          |

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

- |                                |  |
|--------------------------------|--|
| a. Re-arrest Recidivism        | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Re-conviction Recidivism    | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| c. Re-incarceration Recidivism | <input type="checkbox"/> Yes <input type="checkbox"/> No |

15. For services that your county does not provide, do counties adjacent to you offer such services?

- |  |  |
|--|--|
|  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| a. If yes, which counties? _____   |  |
| b. Would you be willing to partner with these counties to offer such services? | <input type="checkbox"/> Yes <input type="checkbox"/> 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<sup>2</sup>
- 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) \_\_\_\_\_

<sup>2</sup> 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."

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18. Which of the following **mental health services** do you provide in your County?
- 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 18e)  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 18i)  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) \_\_\_\_\_
  - 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) \_\_\_\_\_
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?

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

b. Do you receive reimbursement from another court for handling their caseload?  Yes  No

i. If yes, how much of your budget is paid by another court?

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

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.

*Thank you for taking the time to complete this survey.*

## 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

1. 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]*
  - a. If no, please provide the name of the agency that is responsible for prosecuting juvenile defendants under the age of 17 in your district.
  - b.
2. Since the start of the calendar year, what proportion of the defendants against whom you filed charges were age:
  - a. 16 or younger \_\_\_\_\_%
  - b. 17 \_\_\_\_\_%
  - c. 18 or older \_\_\_\_\_%

#### Staff and Caseload

3. How many Assistant Prosecuting Attorneys are working in your district? \_\_\_\_\_
4. How many of those Assistant Prosecuting Attorneys work with defendants who are:
  - a. juveniles under the age of 17 \_\_\_\_\_
  - b. adults \_\_\_\_\_

#### Processes to File Charges

5. 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
  - a. If yes, do the assessment tools differ for juveniles under the age of 17 versus an adult?  Yes  No
    - i. If yes, please describe.
6. 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
  - a. If yes, please describe the special considerations taken into account.

#### Investigating Cases

7. 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
  - a. If yes, please describe.

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

**Prosecuting Cases**

8. Are formal assessments or evaluations used to help make a sentencing recommendation for juveniles under the age of 17?  Yes  No  
a. If yes, please list.
9. 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.  
a. 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.  
 The defendant and Prosecuting Attorney's Office each pay a proportion of the outside assessments/evaluations.  
*Please identify the proportion each is responsible to pay.*  
Defendant \_\_\_\_\_%  
Prosecuting Attorney's Office \_\_\_\_\_%  
a. Is the payment by the defendant paid through court fines/costs or paid directly to the service provider?  Court fines/costs  Service Provider
10. When a juvenile defendant under the age of 17 is ordered to pay fines/costs, does a portion of those monies go to the Prosecuting Attorney's Office?  Yes  No  
a. If yes, what proportion does the Prosecuting Attorney's Office receive? \_\_\_\_\_%
11. Are formal assessments or evaluations used to help make a sentencing recommendation for adults?  Yes  No  
a. If yes, please list.
12. Who is responsible for paying for the adults' assessments/evaluations?  
 The defendant pays the full cost for outside assessments/evaluations.  
a. 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.  
 The defendant and Prosecuting Attorney's Office each pay a proportion of the outside assessments/evaluations.  
*Please identify the proportion each is responsible to pay.*  
Defendant \_\_\_\_\_%  
Prosecuting Attorney's Office \_\_\_\_\_%  
a. Is the payment by the defendant paid through court fines/costs or paid directly to the service provider?  Court fines/costs  Service Provider
13. 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  
a. If yes, what proportion does the Prosecuting Attorney's Office receive? \_\_\_\_\_%

**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.*



## SHERIFFS

### 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 <sup>1</sup>	___	<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?  Yes  No  
 a. If yes, which counties and what is the approximate proportion of detainees from those counties?

<u>County<sup>2</sup></u>	<u>Percent of Detainees</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

<u>County<sup>3</sup></u>	<u>Percent of Prisoners</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

<u>County<sup>4</sup></u>	<u>Percent of Detainees</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

<sup>1</sup> Yes should have a value of "1" and No should have a value of "5."  
<sup>2</sup> A drop-down list of counties should be provided.  
<sup>3</sup> A drop-down list of counties should be provided.  
<sup>4</sup> A drop-down list of counties should be provided.

6. Do you house prisoners in another county?  Yes  No

a. If yes, which county(ies) and what is proportion of prisoners are housed in another county?

<u>County<sup>5</sup></u>	<u>Percent of Prisoners</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**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? \_\_\_\_\_

<sup>5</sup> 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?  Yes  No
- a. If yes, what proportion of court hearings do you estimate are conducted via video conferencing? \_\_\_\_\_%

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?  Yes  No

- a. If yes, please describe.

20. Are there services that are provided to 17-year-olds that are not provided to other adult prisoners/detainees?  Yes  No

- a. If yes, please describe.

21. Which of the following programs or services do you provide in your county?

- |   |   |
|---|---|
| <input type="checkbox"/> Case Management Services   | <input type="checkbox"/> Mental Health Programming          |
| <input type="checkbox"/> Cognitive Behavioral Programming   | <input type="checkbox"/> Pretrial Services                  |
| <input type="checkbox"/> Community Service  | <input type="checkbox"/> Psychiatric Care                   |
| <input type="checkbox"/> Crisis Management  | <input type="checkbox"/> Public Health Programming          |
| <input type="checkbox"/> Domestic Violence Programming  | <input type="checkbox"/> Religious Programming              |
| <input type="checkbox"/> Educational Programming (e.g., GED Testing/Prep, High School Completion) | <input type="checkbox"/> Sex Offender Treatment Programming |
| <input type="checkbox"/> Employment Training / Vocational Education                               | <input type="checkbox"/> Substance Abuse Programming        |
| <input type="checkbox"/> Intensive Supervision  | <input type="checkbox"/> Work Crew                          |

22. Of the programs that you provide, which ones do you consider to be evidence based?

- |   |   |
|---|---|
| <input type="checkbox"/> Case Management Services   | <input type="checkbox"/> Mental Health Programming          |
| <input type="checkbox"/> Cognitive Behavioral Programming   | <input type="checkbox"/> Pretrial Services                  |
| <input type="checkbox"/> Community Service  | <input type="checkbox"/> Psychiatric Care                   |
| <input type="checkbox"/> Crisis Management  | <input type="checkbox"/> Public Health Programming          |
| <input type="checkbox"/> Domestic Violence Programming  | <input type="checkbox"/> Religious Programming              |
| <input type="checkbox"/> Educational Programming (e.g., GED Testing/Prep, High School Completion) | <input type="checkbox"/> Sex Offender Treatment Programming |
| <input type="checkbox"/> Employment Training / Vocational Education                               | <input type="checkbox"/> Substance Abuse Programming        |
| <input type="checkbox"/> Intensive Supervision  | <input type="checkbox"/> Work Crew                          |

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

- |                                |  |
|--------------------------------|--|
| a. Re-arrest Recidivism        | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Re-conviction Recidivism    | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| c. Re-incarceration Recidivism | <input type="checkbox"/> Yes <input type="checkbox"/> No |

24. For services that your county does not provide, do counties adjacent to you offer such services?

- |  |  |
|--|--|
|  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| a. If yes, which counties? _____   |  |
| b. Would you be willing to partner with these counties to offer such services? | <input type="checkbox"/> Yes <input type="checkbox"/> 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)   | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| b. Who pays for the mental health screening services?   | <input type="checkbox"/> CMH <sup>6</sup> <input type="checkbox"/> County <input type="checkbox"/> Other         |
| c. Who provides the mental health screening services? (if CMH or County Employed, skip to 26)                 | <input type="checkbox"/> CMH <input type="checkbox"/> County Employed <input type="checkbox"/> County Contracted |
| d. If County Contracted, who do you contract with to provide mental health screenings? (please specify) _____ |  |

<sup>6</sup> 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."

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 27e)  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 29e)  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 27i)  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 29i)  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?  Yes  No
- a. If yes, does the budget break down costs by personnel, capital and non-personnel costs?  Yes  No

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.*

**CIRCUIT  
COURTS**

**APPENDIX D: ON-SITE DATA COLLECTION INSTRUMENTS**

**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/caseflow 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/caseflow 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.)?

- 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) \_\_\_\_\_

**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?

## 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/caseflow 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/caseflow 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?

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)?
- What capital costs are expected?
  - 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.
- Can you tell what percentage of fees and fines charged is actually collected?
  - 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?
  - 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?
- 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 this 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?

## 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'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 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/caseflow 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) \_\_\_\_\_  
 Yes, with exception(s) and/or caveats (specify) \_\_\_\_\_
4. Are you able to break out workload/caseflow data for:
  - a. 15- and 16-year-olds from other juveniles?
  - b. 17-year-olds from other adults? Yes     No (specify agency/individual that can) \_\_\_\_\_  
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) \_\_\_\_\_

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-old?

- 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?
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?
11. How many staff in each of the personnel titles:
  - 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?
    - 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).

**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?



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. *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.*

From: Dorene Allen <[doreneallen@co.midland.mi.us](mailto:doreneallen@co.midland.mi.us)>  
To: "[bcaswell@frontier.com](mailto:bcaswell@frontier.com)" <[bcaswell@frontier.com](mailto:bcaswell@frontier.com)>  
Cc: Sandra Metcalf <[SMetcalf@miottawa.org](mailto:SMetcalf@miottawa.org)>  
Sent: Tuesday, January 2, 2018 6:02 PM  
Subject: Progress Report

Good evening Senator Caswell. I thought I would give you a progress report on how our report to the Commission and the judges is going. The great news is that Wayne County did report all the answers to the survey which we developed. So, Sandi has been pulling those numbers and answers and adding that to our report. We do have a next draft, but I am thinking that it would be a bit premature. I feel very strongly that we need to do a follow up survey to the judges. I want to be able to come up with a price tag if you will for the juvenile courts and I do not feel comfortable at this point that we have the right questions out there. Because of the holidays, I did not send anything out. Many courts were closed and this is a family time that the judges and administrators do enjoy. And, quite frankly, it took a while to get the Wayne County data included into the report.

Sandi and I will be developing a follow up survey for the courts and sending it out as soon as possible. I will keep you posted.

You should be aware that the concern that some of the CCF numbers were off ended up being accurate. Luckily Sandi is good at ferreting out the issues. One of the counties had been entered with a decimal point at the wrong spot, so our follow up report will include the revised numbers. But, by way of summary so that you have this for tomorrow, the answers to Questions 17 - 19 are as follows:

17. What is your court's total FY 2015 -2016 budget
  - total cost for all respondent courts = \$314,449,014
  - You will remember this number had previously been almost a billion. So, the good news is that it is not a billion dollars.
18. How much of your court's total budget was 50% reimbursed by the Child Care Fund in FY 2015 - 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

So, that gives you an idea of the magnitude of the fiscal impact.

Additionally, I have spent time with the HZ report as has Sandi. I will say that this is an improvement but certainly not where it needs to be in calculating the juvenile court/circuit courts additional expense. Sandi will be directly emailing you a list of the issues that we have seen. A good single example is that there is an "assumption" that is given that the most serious crimes (i.e. felonies) are correlated to higher CCF expenditures. This is simply not accurate. There is reimbursement from CCF if there is a possibility of removal from the home. Many times it can be the "lower" crimes that have that result. Domestic violence is an example. There continues to be profound issues with the HZ report. I am appreciative that there has been an effort to remediate, but would caution the Commission that the work is definitely not done as it relates to the juvenile courts/circuit courts.

Once again, I so appreciate your openness to the process here. Thank you.

Dorene S. Allen  
Midland County Probate & Juvenile Judge

# Memo

**To:** Senator Bruce Caswell  
**From:** Sandi Metcalf  
**cc:** Hon. Dorene Allen; Tom Clement; Laura Hutzell; Meghann Keit, Ben Bodkin  
**Date:** January 2, 2018  
**Re:** Honrby Zeller Associates, Inc. Report Comments/Concerns

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Dear Sen. Caswell,

Thank you for the opportunity for Judge Allen and I to review the most recent "The Cost of Raising the Age of Juvenile Justice in Michigan" by Hornby Zeller Associates, Inc. (HZA) As you know, we are interested in the outcome of this Report and how it might be used to inform the decision-making process regarding the Raise the Age/Youth in Prison legislative initiative. We are also trying to help HZA and the Commission in their endeavor through the submission of the Juvenile Court Administrator Survey Preliminary Data Findings & "Raise the Age" Recommendations report.

The latest HZA report is improved but several concerns remain. The following is a short summary for consideration:

- 1) The questions posed to HZA by the Commission did not include the **potential costs for increased assessments and the development/implementation of programs/services in the juvenile courts**. This is a significant part of the court/county budgets, and although there were questions asked about the types of services the courts broker on the revised survey, HZA does not include this into their Report. (Perhaps because they were not asked to do so?)
- 2) The HZA Report assumes a cost-sharing relationship with the counties as it relates to the RTA initiative. I'm not sure this is a fair assumption, given the **Headlee issue** still seems to be of concern among the counties. Perhaps this has been settled in other discussions, but if not, it is important to not lose sight of this potential barrier.

- 3) There are a few references to the absence of MDHHS data, e.g., to estimate where juvenile offenders are sent after *disposition* and for how long, and other areas of concern. **To assume MDHHS is withholding this data and/or that they have this data is unfortunate.** It is not my belief they have this data except for the CCF expenditure data which would be very difficult to determine because they would only have dates around when placement payments start and end. However, they may not have the case name, only the number in the MiSACWIS system. Dispositional data is reported to the Michigan State Police and SCAO, but the most accurate placement length of stay data is usually only recorded on a local level.
- 4) **As a general formatting issue, throughout the document, there are few or no references to documents or information included in the Appendix.** This makes following the "logic" in the Report very challenging and confusing. Also, when formulas were used to determine costs, e.g., "cost per case", **the formula is not included nor was the data source.** So it is very difficult to understand how these numbers were established and the lack of sources makes fact-checking very difficult.
- 5) The stratification of the counties/courts in Michigan probably makes logical sense to HZA, but **Group 2 is consistently higher in all tables which suggests the stratification process may need reconsideration.** Not sure, but the distribution seems odd, and again, assumptions are made based on this process. I mention this but recognize I am not a statistician so perhaps my observations are just that.
- 6) **A statement regarding vacancies in detention and residential facilities in lieu of addressing issues of sight and sound in the jails was made along with a reference to "unused detention centers" which could be "re-opened".** I would be very interested in knowing where these facilities are located and how much it would cost to "re-open" them.

Further, **many jails currently have agreements with other jails to take juveniles needing to be separated by sight and sound. If they don't, that could be another option HZA did not mention.**

- 7) **Terminology appears confusing and assumptions around the meaning of terms confuses the findings and conclusions in the Report.** For instance, there are references to "secure" and "non-secure" settings but no definition as to how these terms are being used; there are also assumptions and conclusions made based HZA's assumed definition of these terms. "Secure" and "non-secure" placements mean very specific things in juvenile court business, but the HZA report uses them much differently than the courts which causes misleading conclusions.

A reference to "service-oriented residential facilities" was made, also, but with no definition. Not sure what is being referenced by this term.

**Using the term "intensive probation" and assuming this is linked to the level of offense in the courts is inaccurate. "Intensive probation" is a Child Care Fund term that refers to criteria established for CCF reimbursement and the level of service provides, not the seriousness of an offense.**

- 8) The HZA report lacks a depth of understanding of a very complex system. They have tried but time is too limited for them to fully gain an understanding. Thus, due to the lack of quality data, and the limited level of understanding of the juvenile system, **assumptions are being made which require caution in interpretation and blind acceptance that the assumption is a reality.** As stated repeatedly, the data warehouses and databases used do not contain data based on common definition and not all the counties enter data into the databases. Also, **Berrien is not the only county that doesn't input data into the JDW as stated in the HZA Report nor is it the largest county that doesn't input data into the JDW.**
- 9) The **statement that HZA "conducted an additional survey of the courts to collect information on the impact of raising the age" is inaccurate.** The Juvenile Justice Reform Task Force re-wrote the survey, vetting it through HZA, and the Task Force conducted the additional survey, sending the data to HZA.

Although the intent of the HZA report is to inform the legislative process, several concerns about the HZA report remain. Some concerns are inherent to contracting with a vendor who doesn't know the complex court system in Michigan and other concerns are rooted in making so many assumptions to get to a conclusion due to absent or marginal data. HZA isn't necessarily to blame for this. However, good research is good research, and it must clearly state the caveats associated with the data and with other limitations inherent in the research. Such caveats often need explanation to inform and educate the reader; it seems this report could have provided a clearer understanding of the limitations of the research, recognizing this is in the "eye of the researcher" to some extent.

Raise the Age legislation is a huge step for Michigan to take, and unfortunately, it appears there is little solid, quality, and complete data on which to base the decision or measure the fiscal impact of such legislation. Perhaps the logical approach is to implement a juvenile justice data sharing system and after a couple to three years of quality data collection, the issue of Raise the Age can be re-visited and decisions made on valid, quality research as Rep. Santana stated in a meeting on Dec. 4, 2017 in Lansing.

This is the best summary I could do with limited time, and the list is not exhaustive. Please let me know if you have any questions, and thank you for the opportunity to offer feedback.