

The Housing of 17-Year-Olds in Juvenile Facilities

Ratified October 16, 2013 at MJDA Quarterly Meeting

Position Statement

Statement of the Issue:

In Michigan, 17-year-old offenders are regularly housed in adult correctional facilities while awaiting disposition or sentencing in criminal court. Michigan law is silent on the housing of such youth, and thus they can be housed in jails or juvenile facilities at the discretion of the court. Michigan's status as one of only 11 remaining states with the upper age of juvenile court jurisdiction being 17, along with past trends towards tougher juvenile justice law have influenced this housing practice. Recent research shows that this practice denies adolescents from receiving developmentally targeted services and is detrimental to both the youth and their communities.

Nature of the Issue:

- Juvenile detention facilities are designed to offer developmentally appropriate services and programming to youth 11-17 years of age while adult correctional facilities offer adult oriented programming and services.
- Current research in brain development shows that the character of a juvenile is not fully formed until the early to mid twenties and that thus they are more influenced than their adult counterparts by negative as well as positive interventions.
- The long term savings of avoiding a lifetime of repeat offending through early interventions targeting high risk youth greatly outweigh the short term savings of housing 17-year-olds with adults.
- Youth who are held in adult facilities are at the greatest risk of sexual victimization and the leading cause of death among youth in adult facilities is suicide.
- The federally legislated Prison Rape Elimination Act requires sight and sound separation of youthful inmates and adult inmates in adult correctional facilities effective August 1, 2013.

Position Statement:

The Michigan Juvenile Detention Association believes that to the extent possible as determined by the facility, 17-year-old juvenile offenders should be housed in juvenile detention facilities while awaiting disposition/sentencing in criminal court. Further, the MJDA believes that Michigan's current practice of housing youth in adult facilities does not reflect current best and research based practice in juvenile justice. The MJDA believes that youth should be housed in facilities that meet the following criteria:

1. The facility should be designed to offer developmentally appropriate treatment and youth specific services, including research based cognitive behavioral programming and year-round school programming for all youthful offenders under the age of 18.
2. Facility operational practices should be youth specific, while still addressing public safety needs in the context of a maximum security locked facility.
3. The facility should not increase the potential for harm to the youth under the age of 18 by collocating them with adult offenders.
4. Facilities housing youth under the age of 18 should provide developmentally targeted programming and services that aim to reduce future and escalating delinquent/criminal activity.
5. Facility must have sufficient operational and structural capacity to effectively manage programming for a full range of developmental and safety needs of all residents in the facilities' care.