

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

## FINAL REPORT

Prepared for  
STATE OF MICHIGAN  
LEGISLATIVE COUNCIL  
CRIMINAL JUSTICE POLICY COMMISSION

By  
HORNBY ZELLER ASSOCIATES, INC.  
■ NEW YORK ■ MAINE ■ PENNSYLVANIA ■ ARKANSAS ■  
[www.hornbyzeller.com](http://www.hornbyzeller.com)

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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 five states to use a lower age, treating 17 year-old offenders as adults. While Michigan is considering raising the maximum age of juvenile court jurisdiction to 17, doing so is likely to have fiscal impacts, positive or negative, on both the State and the counties.

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

Estimates in this report rely on data obtained from the State Court Administrative Office's Judicial Data Warehouse. Specifically, these data tell us what happened to 15 and 16 year olds who were petitioned to court so that projections could be made as to what may happen to 17 year olds currently charged with having committed an offense if Michigan raises the age. *Data were not available to estimate the potential impact associated with non-petitioned cases (those diverted prior to court involvement).* National data predicts that 44 percent of juvenile delinquency cases are not petitioned to court, with youth less likely to be diverted as they age. The absence of data on non-petitioned juvenile cases in Michigan prevents estimation of the number of 17 year olds whose cases might be diverted prior to court involvement, likely over projecting their court involvement and costs to the State.

Focusing on the costs which could be estimated, if Michigan chooses to raise the age to 17, increased costs to the counties are expected to range between \$16.9 million and \$34.1 million annually. Costs to the State will also increase, somewhere between \$9.6 million and \$26.8 million. How much the counties and State will incur is based on the type of residential placement in which juveniles are placed (i.e., state vs. private secure care and secure vs. non-secure placement) and their length of stay. Table E-1 summarizes the net cost changes by county group, as well as the State, using data for 2016.

| Table E-1<br>Net Cost Changes |               |              |
|-------------------------------|---------------|--------------|
| County Group                  | High Estimate | Low Estimate |
| Kent                          | \$3,671,568   | \$1,240,075  |
| Macomb                        | \$1,056,622   | \$498,721    |
| Oakland                       | \$3,341,333   | \$1,109,729  |
| Wayne                         | \$5,469,668   | \$4,136,428  |
| Group 2                       | \$13,280,898  | \$6,846,158  |
| Group 3                       | \$4,829,422   | \$1,766,498  |
| Group 4                       | \$1,495,342   | \$907,782    |
| Group 5                       | \$920,450     | \$392,208    |

| Table E-1<br>Net Cost Changes |               |              |
|-------------------------------|---------------|--------------|
|                               | High Estimate | Low Estimate |
| County Total                  | \$34,065,303  | \$16,897,599 |
| State Total                   | \$26,787,978  | \$9,620,275  |
| Overall Total                 | \$60,853,281  | \$26,517,874 |

A summary of how the costs were calculated follows the highlighted cost changes below which are based on population estimates and costs for 2016.

- Overall, the cost impact to the courts, prosecuting attorneys and jails will cost Michigan \$4.7 million annually, with a decrease in costs for district courts and jails and an increase for circuit courts and prosecuting attorneys.
- For 17 year-olds charged with a felony or misdemeanor, costs for residential care, probation and in-home services will range between \$54.7 million and \$20.4 million, dependent on the level of residential care youth need and the length of time they are in placement. Counties will be responsible for slightly more than half of the costs, ranging between \$28.5 and \$11.3 million, with the balance to be the responsibility of the state.
- Costs for 17 year-olds charged with a traffic offense will cost Michigan \$1.4 million, with counties responsible for close to 60 percent of those costs and the state the remainder.

## 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 charged over calendar years 2014 through 2016, and on Michigan law and past experience in trying juvenile offenders as adults, Table E-2 shows how many 17 year-old offenders would be expected to be treated as juveniles and how many will be waived to adult court. Throughout the report, both cost figures and population figures represent 2016. Included within the table are 17 year-olds who incurred a traffic violation.

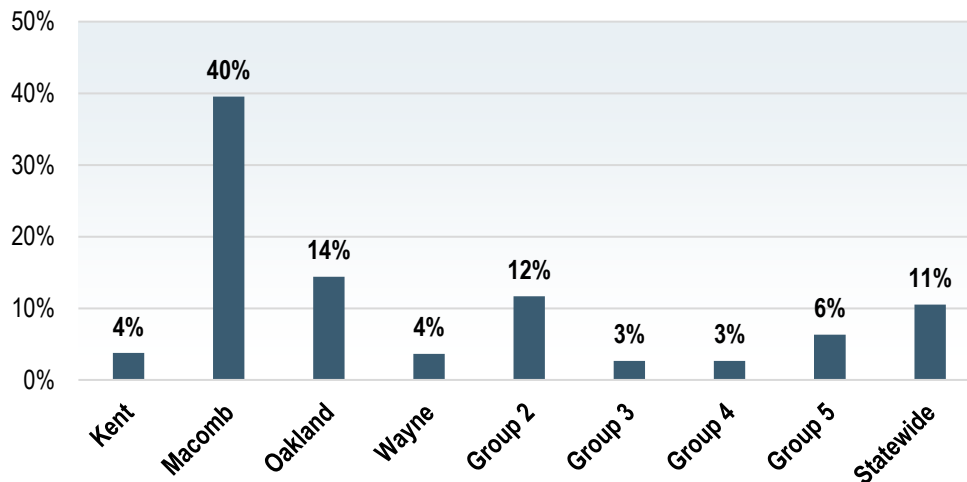
| Table E-2<br>17 Year-olds by Charge and Projected Future Status<br>and by County Group |                    |                   |             |       |
|----------------------------------------------------------------------------------------|--------------------|-------------------|-------------|-------|
| County Group                                                                           | Felony/Misdemeanor | Traffic Violation | Adult Court | Total |
| Kent                                                                                   | 314                | 95                | 16          | 425   |
| Macomb                                                                                 | 127                | 274               | 262         | 663   |

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

| County Group     | Felony/Misdemeanor | Traffic Violation | Adult Court | Total        |
|------------------|--------------------|-------------------|-------------|--------------|
| Oakland          | 251                | 301               | 93          | 645          |
| Wayne            | 892                | 749               | 62          | 1,703        |
| Group 2          | 1,570              | 615               | 289         | 2,474        |
| Group 3          | 551                | 217               | 21          | 789          |
| Group 4          | 291                | 109               | 11          | 411          |
| Group 5          | 85                 | 49                | 9           | 143          |
| <b>Statewide</b> | <b>4,081</b>       | <b>2,409</b>      | <b>763</b>  | <b>7,253</b> |

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

**Figure E-1. Percent of 17 Year-olds Remaining in Adult Court**



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

Of the 4,081 17 year-olds with a felony or misdemeanor offense who are likely to be tried as juveniles, 62 percent will remain in the juvenile system. These juveniles represent 17 year-olds who were found guilty or referred to diversion or probation. The remaining 38 percent will exit the system as they will have been found not guilty of the offense they allegedly committed. Of those with a traffic violation, close to seven percent will proceed further into the juvenile system.

The absence of data from the Department of Health and Human Services made estimation of where juvenile offenders are sent after adjudication, and for how long, difficult at best. On

the assumption that 17 year-old juveniles would be sent to residential care if as adults they had been sentenced to jail or prison, that group was further divided into secure and non-secure residential settings based on the placement history of 15 and 16 year-old juveniles.

Table E-3 summarizes the figures for 17 year-olds charged with a felony or misdemeanor by the county groups. Throughout the Executive Summary and the report, data are provided for the four most populous counties followed by data for population groups 2 through 5. The numbers make clear that about 17 percent of those who are likely to be re-classified as juveniles are likely to go to residential care, the remainder remaining in their own homes.

| <b>Table E-3</b><br><b>Projected 17 Year-Old Juvenile Destinations</b><br><b>by County Group</b> |               |                   |              |              |
|--------------------------------------------------------------------------------------------------|---------------|-------------------|--------------|--------------|
| <b>County Group</b>                                                                              | <b>Secure</b> | <b>Non-secure</b> | <b>Home</b>  | <b>Total</b> |
| Kent                                                                                             | 11            | 48                | 191          | 250          |
| Macomb                                                                                           | 3             | 10                | 53           | 66           |
| Oakland                                                                                          | 12            | 40                | 112          | 164          |
| Wayne                                                                                            | 9             | 20                | 345          | 374          |
| Group 2                                                                                          | 0             | 189               | 886          | 1,075        |
| Group 3                                                                                          | 23            | 41                | 319          | 383          |
| Group 4                                                                                          | 2             | 13                | 156          | 171          |
| Group 5                                                                                          | 4             | 7                 | 23           | 34           |
| <b>Statewide</b>                                                                                 | <b>64</b>     | <b>368</b>        | <b>2,085</b> | <b>2,517</b> |

Of the 162 17 year-olds who were charged with a traffic violation who will remain in the juvenile system, all but one is expected to be placed in residential setting. These same youth had been sentenced to jail when considered adults, with most having been charged with operating a motor vehicle without a license. One juvenile will be placed on probation.

### County Costs

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

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

Table E-4 shows the cost changes across the four court-involved entities for 2016, doing so for each of the large counties and population groups 2 through 5.

| <b>Table E-4</b><br><b>Costs Changes to Courts, Prosecuting Attorneys and Jails</b> |                       |                      |                              |                      |                    |
|-------------------------------------------------------------------------------------|-----------------------|----------------------|------------------------------|----------------------|--------------------|
| <b>County Group</b>                                                                 | <b>District Court</b> | <b>Circuit Court</b> | <b>Prosecuting Attorneys</b> | <b>Sheriff</b>       | <b>Total</b>       |
| Kent                                                                                | (\$6,856)             | \$291,818            | \$100,650                    | (\$290,718)          | \$94,894           |
| Macomb                                                                              | (\$1,586)             | \$202,840            | \$118,950                    | (\$137,020)          | \$183,184          |
| Oakland                                                                             | (\$10,369)            | \$447,408            | \$104,920                    | (\$357,368)          | \$184,591          |
| Wayne                                                                               | (\$42,628)            | \$1,252,412          | \$290,970                    | (\$167,338)          | \$1,333,416        |
| Group 2                                                                             | (\$196,342)           | \$3,338,500          | \$411,750                    | (\$958,706)          | \$2,595,202        |
| Group 3                                                                             | (\$87,710)            | \$418,497            | \$ -                         | (\$243,412)          | \$87,375           |
| Group 4                                                                             | (\$40,257)            | \$234,996            | \$ -                         | (\$98,890)           | \$95,849           |
| Group 5                                                                             | (\$11,406)            | \$177,206            | \$ -                         | (\$35,588)           | \$130,212          |
| <b>Statewide</b>                                                                    | <b>(\$397,153)</b>    | <b>\$6,363,677</b>   | <b>\$1,027,240</b>           | <b>(\$2,289,040)</b> | <b>\$4,704,723</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, several county jails report they are not able to provide sight and sound separation. When asked what it would cost to create that separation, counties reported that they simply could not do it. To the extent county jails are not able to provide sight and sound separation, the most economical means to address the issue is to house youth under the age of 18 sentenced to jail in a detention center.

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

There are multiple possible scenarios for how much Child Care Fund expenditures might increase with the addition of the 17 year-old population to the juvenile system, including the \$1.2 million for those who committed a traffic violation and venture further into the juvenile system. The scenarios consider the extent to which service levels will remain the same, and what type of setting those ordered to a secure setting (state or privately run) will be placed. Table E-5 shows the resulting ranges of Child Care Fund expenditures which might occur as well as costs which will be the sole responsibility of the counties, *i.e.*, for the provision of general probation services.

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

| County Group     | Child Care Fund High | Child Care Fund Low | County Only        |
|------------------|----------------------|---------------------|--------------------|
| Kent             | \$6,765,963          | \$1,902,975         | \$193,693          |
| Macomb           | \$1,552,497          | \$436,695           | \$97,189           |
| Oakland          | \$5,770,630          | \$1,307,423         | \$271,427          |
| Wayne            | \$7,324,138          | \$4,657,658         | \$474,183          |
| Group 2          | \$19,001,980         | \$6,132,500         | \$1,184,706        |
| Group 3          | \$9,233,856          | \$3,108,008         | \$125,119          |
| Group 4          | \$2,528,646          | \$1,353,526         | \$135,170          |
| Group 5          | \$1,398,246          | \$341,763           | \$91,115           |
| <b>Statewide</b> | <b>\$53,575,956</b>  | <b>\$19,240,549</b> | <b>\$2,572,602</b> |

Different counties, and to an extent local municipalities, will experience different impacts from raising the age of juvenile justice, such as those who will handle 17 year-olds charged with a traffic offense in juvenile court instead of district court. On a statewide basis, overall, the county impact is due largely to Child Care Fund expenditures. The statewide decreases in county costs in district courts and jail costs will be offset by increases in circuit court costs and those for prosecuting attorneys. The impact will be softened to some degree because of the state reimbursement for eligible Child Care Fund costs. Table E-6 shows the range of net changes in county day-to-day costs after taking into account the State reimbursement.

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

| County Group     | High Estimate       | Low Estimate        |
|------------------|---------------------|---------------------|
| Kent             | \$3,671,568         | \$1,240,075         |
| Macomb           | \$1,056,622         | \$498,721           |
| Oakland          | \$3,341,333         | \$1,109,729         |
| Wayne            | \$5,469,668         | \$4,136,428         |
| Group 2          | \$13,280,898        | \$6,846,158         |
| Group 3          | \$4,829,422         | \$1,766,498         |
| Group 4          | \$1,495,342         | \$907,782           |
| Group 5          | \$920,450           | \$392,208           |
| <b>Statewide</b> | <b>\$34,065,303</b> | <b>\$16,897,599</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 \$9.6 and \$26.8 million,



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

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

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

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



## Overview

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While most states now hold the upper boundary of the juvenile court's jurisdiction at 17 years of age, at the beginning of this year Michigan was one of five states to use a lower age. Four states, Louisiana, New York, North Carolina and South Carolina, enacted "raise the age" legislation in 2016 and 2017, with legislation to go into effect in those states between July 2018 and December 2019.<sup>1</sup> Five states will continue to prosecute 17 year-olds as adults, namely Georgia, Michigan, Missouri, Texas and Wisconsin.

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

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

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<sup>1</sup> <http://www.ijgps.org/jurisdictional-boundaries>

<sup>2</sup> Independent Democratic Conference (2016) "The Price of Juvenile Justice: *Why Raising the Age Makes Cents for New York*" page 12.

<sup>3</sup> Justice Policy Institute (2013) "Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth" pages 15, 19–23, 27–28.

<sup>4</sup> Justice Policy Institute (2016) "Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System" page 8.

<sup>5</sup> Illinois Juvenile Justice Commission (2013) "Raising the Age of Juvenile Court Jurisdiction: The Future of 17 year-olds in Illinois' Justice System" pages 30–31.

<sup>6</sup> \$56,270,000/1,092 = \$51,529 per juvenile. Independent Democratic Conference (2016) "The Price of Juvenile Justice: *Why Raising the Age Makes Cents for New York*" page 11.

juveniles, it is important to consider where costs to the State and counties might change before enacting any new legislation.

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>7</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>8</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. Moreover, even the State may not realize a net savings, because it bears half of the cost of a large proportion of the services delivered to juveniles, including those who receive services while remaining at home.

Before the fiscal impact to Michigan can be measured, it is important to understand the state's complex legal system as it pertains to juveniles, as well as adults. Adults — in this case 17 year-olds — in Michigan who face a civil or misdemeanor charge will appear in district court while those charged with a felony will be arraigned in district court and bound over to circuit court for trial. In comparison, cases involving juveniles, i.e., those 16 and younger, are either petitioned (sent to juvenile court) or non-petitioned (diverted prior to court involvement). Decisions to divert a youth from court are made within the community (i.e., by law enforcement or the prosecuting attorney). Petitioned and non-petitioned cases can be either a felony or a misdemeanor. While numbers of non-petitioned cases are not available for inclusion in this study, it is important to note that a portion of adults and juveniles may be diverted away from the courts, with some receiving sanctions and others diversion or supervision services. Petitioned cases are heard in the juvenile or family court division of the circuit court. Depending on the county, juveniles charged with a misdemeanor traffic or status offense might be heard by district court while others might be directed to juvenile court.

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

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

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<sup>7</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>8</sup> *Ibid.*

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>9</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>10</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>11</sup> Michigan continuing to hold these youth in the adult correctional system costs the State an estimated \$105 million annually.

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

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

- 1) the cost to the counties of physically separating 17 year-olds from the adult population;
- 2) the average costs to the county of:
  - a) juvenile probation,
  - b) placement in a custodial facility,
  - c) adult probation and specialty court diversion and
  - d) placement in an adult correctional facility;
- 3) the impact on the Department of Corrections if:
  - e) it is prohibited entirely from housing prisoners under the age of 18 or
  - f) it is prohibited from housing prisoners under the age of 18 in the same facility as older prisoners; and

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<sup>9</sup> Weemoff and Stanley (2014) "Youth Behind Bars" page 10.

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

<sup>11</sup> *Ibid.*

- 4) the financial impact on the Department of Health and Human Services if it becomes responsible for housing in a secure facility everyone under 18 who is currently housed in jails and prisons.

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

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

The second section provides estimates of the number of 17 year-olds who will become known to the juvenile system and the types of services they might receive. The third and fourth sections examine the changes in county- and local-level costs which are likely to occur if the age is raised and the state-level cost changes, respectively. The final section brings all of the results together, including a discussion of the extent to which overall costs may not increase or decrease but rather simply move from one party to another.

## Methodology

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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 receive services from the available options within the juvenile system. The third is the estimated time each of those offenders who will incur an out-of-home placement will spend in the destination setting.

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

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

The second step was to identify the number of 17 year-olds who committed a traffic violation. In some counties across Michigan juveniles who committed a traffic violation, primarily 16 year-olds, are directed to the juvenile court. A third step was taken to address Public Acts 357 and 358 of 2016, which went into effect January 1, 2018, which reduces penalties for first time offenders of the Minor in Possession law from a misdemeanor to a state civil infraction; cases involving 17 year-olds will remain in the district court, thus reducing the estimate of 17 year-olds who will enter the juvenile court system.

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

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

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

Data, maintained within by the Department of Health and Human Services' (DHHS) case management system, known as MiSACWIS, were not made available. HZA had hoped to use those data to determine where juvenile offenders go after sentencing, to detention, to residential treatment, to foster homes, to probation at home or to unsupervised release, as well as for the average time youth spend in those settings as juveniles.

Using the addresses of the destinations of 15 and 16-year old juveniles as reported in the JDW data, HZA calculated the proportion of youthful offenders who are placed in a residential setting using a licensing report of residential facilities and the level of care, *i.e.*, secure or non-secure. It is assumed, for purposes of this report and without access to better data, that 17 year-olds charged with a felony or misdemeanor who were sentenced to jail or prison will be placed in a secure or non-secure residential setting. That still left a smaller gap in which it was not possible to determine whether youth went to foster homes or to their own homes with or without supervision. Without further information, the assumption made here is that all of these youth went to their own homes with supervision. That represents the middle level of the three possible outcomes and almost certainly occurs more frequently than foster home placement.

Answering the question of the length of time 17 year-olds would spend under some type of supervision and/or service is similarly hampered by the absence of MiSACWIS data. The JDW data reveal the length of the sentences for 17 year-olds, but juveniles are not considered to be "sentenced," so their data are not in that system. There are three potential ways to answer the question of the length of time 17 year-olds would spend under supervision. First, the average length of sentences was used to develop one option for measuring the impact of placing 17 year-olds in residential treatment. Average lengths of sentence were calculated for placement in prison separately from jail terms. The length of sentence for 17 year-olds provides an alternative to measure duration; however, this approach does not take into account alternatives which might result from plea deals or for good behavior.



A second option taken into consideration in estimating the cost of residential care came from a study completed in 2012 on Michigan's residential placement of juveniles<sup>12</sup> and a national study.<sup>13</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. A third option was to use data provided in a national study which did not provide concrete information about lengths of stay beyond six months, but it did suggest that older youth spend more time in residential placement than do younger ones. Each of these three options were calculated and allow for a range of cost estimates. No data could be collected on the amount of time youth spend under supervision while at home.

## Cost Estimates

### Sampling

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

The Request for Proposals for this study required that all of the four largest counties be included in the study, and each of these was considered to be its own stratum within a stratified sampling frame. That is to say, each large county represented itself and no one else. The remaining counties were divided into four groups by population size, but HZA divided the counties further by three locations: Upper Peninsula, Northern/Central Lower Peninsula, and Southern Lower Peninsula. In theory this would have resulted in 16 strata from which to select counties, but in fact there 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

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

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

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 online survey, onsite visits to collect budget documents, researching published sources where the onsite data left gaps and collecting data from SCAO. In addition, data from a survey administered to juvenile courts to collect information on the impact of raising the age was also used to inform the analysis. A subsequent request for information was sent to Prosecuting Attorneys whose counties were included in the sample in an attempt to obtain caseload data.

HZA administered an online 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 onsite visits. Sixty percent of the counties in Michigan were represented in the survey responses. A list of those counties who responded are included in Appendix C, and the survey instruments which were administered are included in Appendix D.

Data from a survey administered to the juvenile courts by the Michigan Juvenile Justice Reform Task Force, separate from those conducted by HZA, were also used to inform the analysis. For example, the extent to which juveniles are placed on consent calendar or diverted post-petition were not available within the data received from JDW. Responses to the survey were used to project how 17 year-olds would have been processed within the juvenile court had the age been raised. Data collected from the survey were also used to validate the data which were collected from the courts. More than fifty counties were represented in the responses received (see Appendix C for a complete list). A copy of the survey, administered by members of the Michigan Juvenile Justice Reform Task Force is provided in Appendix F.

HZA conducted onsite visits to the selected counties to collect budget documents from the same groups which it 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 onsite 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 onsite visits are shown in Appendix E, and the list of counties visited can be found in Appendix C. 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' and state agency websites; it also included examining various cost studies done by a variety of groups.

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

### Data Analysis

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

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

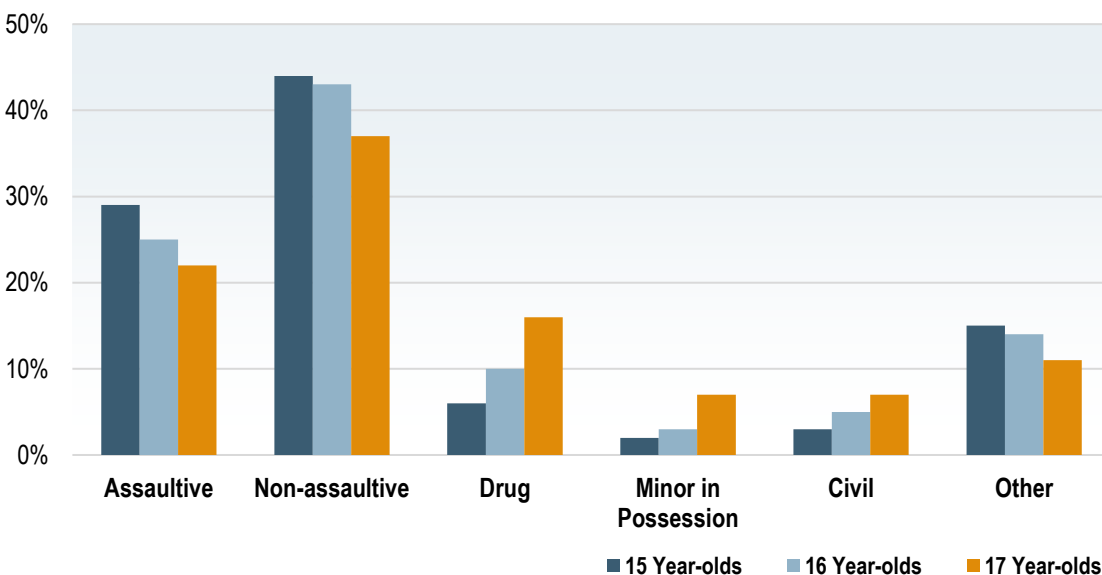


## Population Estimates

Before costs can be applied to measure the projected fiscal impact to the adult and juvenile correctional systems and the courts, there must first be an estimate of need, e.g., how many 17 year-olds would have been tried as juveniles? How many 17 year-olds would have been placed on probation and how many placed into secure detention? Patterns of juvenile justice involvement among 16, and 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.

When the proportions of 15, 16 and 17 year-olds petitioned or charged to court by the highest level of their offenses<sup>14</sup> are examined, a number of similarities emerge. Because 15 year-olds, and to an extent 16 year-olds, are not likely to be charged with a traffic offense, youth with a traffic charge have been excluded for the purpose of comparing offenses across the three age groups. In 2016, 30 percent of the 17 year-olds were petitioned to court for a traffic-related offense. Across the three age groups, youth are most likely to be charged with having committed a non-assaultive crime, followed by one involving a crime against a person, *i.e.*, one which is assaultive.

Figure 1. Proportion of Juveniles by Level of Offense



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

<sup>14</sup> See Appendix A, Section 1.1 for determination of Offense Categories.

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

## Overall Population

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

Michigan's law defines a set number of offenses by which the prosecuting attorney may designate a juvenile to be tried in the same manner as an adult.<sup>15</sup> Using the characteristics of 15 and 16 year-olds, as described in Appendix A, HZA divided the population of 17 year-olds eligible for treatment as juveniles into four parts to estimate the number who would be tried as juveniles: those committing the 12 most serious charges, those committing six additional Direct File charges, those who committed a traffic violation and the rest of the 17 year-old offender population.

Table 1 identifies the count of 17 year-olds who would have been petitioned to court as juveniles based on allegedly committing a felony or misdemeanor offense or who would be waived to adult court if the age had been raised in 2016. Included in the table are the 2,409 17 year-olds who incurred a traffic violation. While those youth would previously have been seen by a district court, if the maximum age of juveniles is raised, some will now be directed to the juvenile court instead, as discussed in later portions of the report.

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

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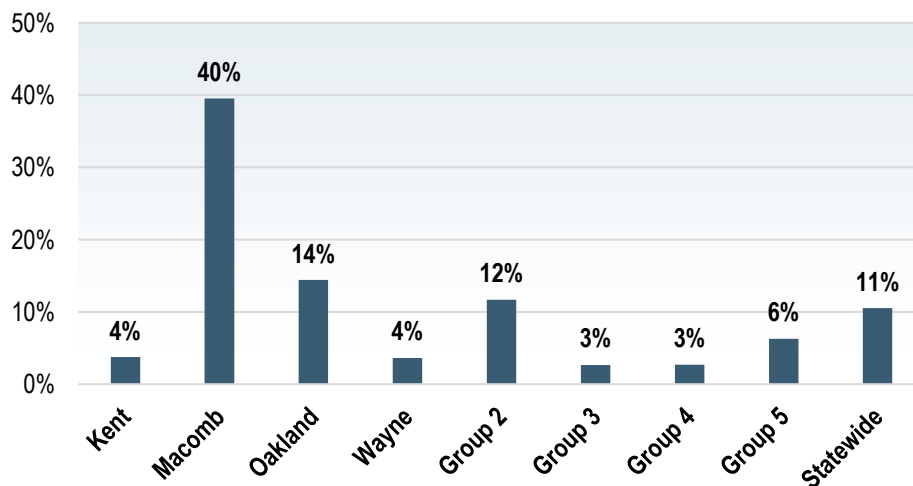
<sup>15</sup> See Appendix A, Section 1.2 for a detailed list of case types in which juveniles can be waived for adult prosecution.

**Table 1**  
**17 Year-olds by Charge and Projected Future Status**  
**and by County Group<sup>16</sup>**

| County Group     | Juvenile Court                   |                   | Adult Court | Total        |
|------------------|----------------------------------|-------------------|-------------|--------------|
|                  | Felony/Misdemeanor <sup>17</sup> | Traffic Violation |             |              |
| Kent             | 314                              | 95                | 16          | 425          |
| Macomb           | 127                              | 274               | 262         | 663          |
| Oakland          | 251                              | 301               | 93          | 645          |
| Wayne            | 892                              | 749               | 62          | 1,703        |
| Group 2          | 1,570                            | 615               | 289         | 2,474        |
| Group 3          | 551                              | 217               | 21          | 789          |
| Group 4          | 291                              | 109               | 11          | 411          |
| Group 5          | 85                               | 49                | 9           | 143          |
| <b>Statewide</b> | <b>4,081</b>                     | <b>2,409</b>      | <b>763</b>  | <b>7,253</b> |

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

**Figure 2. Percent of 17 Year-olds Remaining in Adult Court**



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

<sup>17</sup> See Appendix A, Section 1.5 for a description of offense severity categorization.

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

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. As is discussed at the end of the report, it is difficult to project at what point the number of youth to become involved in the juvenile system will flatten out. In the subsequent survey administered to the courts, juvenile courts were asked how many additional juveniles they expect to add to their caseloads if the age is raised. When compared to the number which are predicted above, 61 percent of the counties estimated a larger impact than predicted using data from the JDW and 23 percent a smaller impact. Seven of the counties projected the same or nearly the same number of 17 year-olds as came from the analysis of the 2016 data.

### Projected Destinations of 17 Year-olds with a Felony or Misdemeanor Charge

Population estimates will first consider 17 year-olds who were charged with committing a felony or misdemeanor offense who will be directed to the juvenile system. Those who were charged with traffic offenses are treated separately and will be addressed later in the report. Before projections can be made as to how the 17 year-olds will be served (*i.e.*, either in a secure or non-secure setting or in the community), the count of those who will not proceed further into the juvenile justice system must first be taken into account, such as those whose charges were dropped or were found not guilty. As detailed in Appendix A, HZA used the disposition status<sup>18</sup> of the 17 year-olds to identify those who will remain in the system and those who will proceed to the dispositional phase.

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

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<sup>18</sup> See Appendix A, Section 1.6 for a list of disposition assumptions.



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

| County Group     | Remain       | Discharge    | Total        |
|------------------|--------------|--------------|--------------|
| Kent             | 250          | 64           | 314          |
| Macomb           | 66           | 61           | 127          |
| Oakland          | 164          | 87           | 251          |
| Wayne            | 374          | 518          | 892          |
| Group 2          | 1,075        | 495          | 1,570        |
| Group 3          | 383          | 168          | 551          |
| Group 4          | 171          | 120          | 291          |
| Group 5          | 34           | 51           | 85           |
| <b>Statewide</b> | <b>2,517</b> | <b>1,564</b> | <b>4,081</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, their own home with supervision, and their own home without supervision. In the absence of data from the Michigan Department of Health and Human Services, it was not possible to measure the number of 17 year-olds who will likely be placed in foster care and those who will remain in their own homes or be placed with a relative. The approach<sup>19</sup> used to estimate the counts of 17 year-olds by destination continues to limit the analysis to the 17 year-olds who will remain in the system who incurred either a felony or misdemeanor, and takes into account the concerns expressed by several counties that the cost burden of raising the age would fall largely on the detention centers.

Seventeen percent of such youth will be placed in a residential setting, *i.e.*, these youth received a sentence that originally placed them in jail or prison. Here, the assumption is made that 17 year-olds who received a prison or jail sentence will continue to require a higher level of supervision necessitating placement in a residential treatment setting. The proportions of 15 and 16 year-old juveniles who were placed in either a secure or non-secure facility were applied to the count of 17 year-olds to be placed in residential care to establish the count of those to be placed in either a secure or non-secure setting. As noted above, data were not sufficient to distinguish between those who will remain in their homes and those who will be placed in foster care; the counts for such youth are combined and 17 year-olds will be considered to be served in the home. Table 3 summarizes the placement figures by the county groups which are used later to calculate and apply costs.

<sup>19</sup> See Appendix A, Section 1.7 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 Group     | Secure    | Non-secure | Home         | Total        |
|------------------|-----------|------------|--------------|--------------|
| Kent             | 11        | 48         | 191          | 250          |
| Macomb           | 3         | 10         | 53           | 66           |
| Oakland          | 12        | 40         | 112          | 164          |
| Wayne            | 9         | 20         | 345          | 374          |
| Group 2          | 0         | 189        | 886          | 1,075        |
| Group 3          | 23        | 41         | 319          | 383          |
| Group 4          | 2         | 13         | 156          | 171          |
| Group 5          | 4         | 7          | 23           | 34           |
| <b>Statewide</b> | <b>64</b> | <b>368</b> | <b>2,085</b> | <b>2,517</b> |

Beyond expected duration of continued involvement in the juvenile system, the last consideration to take into account for 17 year-olds who committed a felony or misdemeanor offense is the level of supervision that will come from the juvenile courts. The courts administer risk assessments to identify the strengths and needs of youth, using the results to determine the level of supervision needed as well as the juveniles' service needs.

In the absence of data which provide the results of the risk assessments administered to 17 year-olds, or even to 15 and 16 year-olds, the level of offense is used to identify juveniles who will require intensive probation services. Those who committed an assaultive offense are assumed to require intensive probation services, with the balance either to receive general probation, case management or only community services, as is described in further detail below.

Table 4 breaks out the seriousness of the charge for the 17 year-olds who will remain in the community, either staying in their own homes or being placed in family foster care settings, as well as those who will be placed in residential settings. Statewide, 23 percent of the 17 year-olds remaining in the juvenile system who committed an offense other than a traffic violation will receive intensive probation services.

**Table 4**  
**Level of Offense<sup>20</sup> of 17 Year-olds by County Group**

| County Group     | Residential Placement |            | Remain in the Home |              | Total      |              |
|------------------|-----------------------|------------|--------------------|--------------|------------|--------------|
|                  | Assaultive            | Other      | Assaultive         | Other        | Assaultive | Other        |
| Kent             | 9                     | 50         | 44                 | 147          | 53         | 197          |
| Macomb           | 2                     | 11         | 24                 | 29           | 26         | 40           |
| Oakland          | 20                    | 32         | 20                 | 92           | 40         | 124          |
| Wayne            | 13                    | 16         | 93                 | 252          | 106        | 268          |
| Group 2          | 36                    | 153        | 178                | 708          | 214        | 861          |
| Group 3          | 21                    | 43         | 74                 | 245          | 95         | 288          |
| Group 4          | 5                     | 10         | 24                 | 132          | 29         | 142          |
| Group 5          | 4                     | 7          | 3                  | 20           | 7          | 27           |
| <b>Statewide</b> | <b>110</b>            | <b>322</b> | <b>460</b>         | <b>1,625</b> | <b>570</b> | <b>1,947</b> |

The 17 year-olds who will remain in the community, who did not commit an offense which was assaultive in nature as categorized within JDW, can further be broken out by how their case would have been handled. How the case was handled helps to establish the level of service juveniles will receive. Youth may be referred for counseling under the Juvenile Diversion Act, if the youth agrees, receive court supervision if the case is placed on a consent calendar, or go to trial if placed on a formal calendar. Here it is assumed that youth who were placed on a formal calendar, who remain in the community and did not commit an assaultive offense, will receive general probation services. While case management and probation are two distinct service types, for purposes of this study, they are not distinguishable. Very few of the courts who provided workload data, in fact, distinguish between probation officers and case managers.

The survey administered to the juvenile courts showed that 20 percent of the cases statewide which were handled during 2016 were processed via the consent calendar, with another 15 percent of the cases diverted post-petition. The extent to which youth were placed on a consent or formal calendar, or even diverted post-petition, varied by county and population group. Table 5 summarizes the counts of 17 year-olds who will receive general probation services (formal calendar) or case management (consent calendar) and those who will only receive community-based services (post-petition diversion).

<sup>20</sup> See Appendix A, Section 1.8 for level of offense assumptions.

**Table 5**  
**Projected Case Handling of 17 Year-olds**  
**Remaining in the Home with a Non-Assaultive Offense**

| County Group     | Formal Calendar |            | Consent Calendar |            | Post-Petition Diversion |            | Total        |
|------------------|-----------------|------------|------------------|------------|-------------------------|------------|--------------|
|                  | Number          | Percent    | Number           | Percent    | Number                  | Percent    | Number       |
| Kent             | 35              | 24%        | 58               | 39%        | 54                      | 37%        | 147          |
| Macomb           | 15              | 50%        | 5                | 19%        | 9                       | 31%        | 29           |
| Oakland          | 55              | 59%        | 7                | 8%         | 30                      | 33%        | 92           |
| Wayne            | 112             | 45%        | 55               | 22%        | 85                      | 34%        | 252          |
| Group 2          | 447             | 63%        | 132              | 19%        | 130                     | 18%        | 708          |
| Group 3          | 143             | 58%        | 61               | 25%        | 41                      | 17%        | 245          |
| Group 4          | 102             | 78%        | 19               | 14%        | 11                      | 8%         | 132          |
| Group 5          | 15              | 74%        | 4                | 21%        | 1                       | 5%         | 20           |
| <b>Statewide</b> | <b>923</b>      | <b>66%</b> | <b>341</b>       | <b>20%</b> | <b>361</b>              | <b>15%</b> | <b>1,625</b> |

### Projected Involvement of 17 Year-olds With a Traffic Offense

Currently, 17 year-olds who are charged with a traffic offense are served by a district court. If the maximum age of juveniles is raised to 17, youth will be served either by the district court or the juvenile court. As illustrated in Table 6 below, it appears there are a number of factors which determine which court will process the juvenile. Within each of the four large counties, using the data contained within the JDW data set for 2016, a portion of the 16 year-olds were heard by a district court and others by a circuit or juvenile court in 2016. Because of the number of 16 year-olds who were charged with a traffic violation in the three smaller population groups total no more than 69 juveniles, an overall percentage was calculated, which mirrors the results statewide.

**Table 6**  
**Percent of 16 Year-olds Handled by District or Juvenile Court**  
**Who Committed a Traffic Violation in 2016**

| County Group      | District Court | Juvenile Court |
|-------------------|----------------|----------------|
| Kent              | 6%             | 94%            |
| Macomb            | 74%            | 26%            |
| Oakland           | 79%            | 21%            |
| Wayne             | 61%            | 39%            |
| Group 2           | 13%            | 88%            |
| Groups 3, 4 and 5 | 43%            | 57%            |
| <b>Statewide</b>  | <b>43%</b>     | <b>57%</b>     |

As noted earlier, 2,409 17 year-olds were charged with having committed a traffic offense in 2016, seven percent of whom would remain in the juvenile system. It is assumed here, for purposes of calculating the fiscal impact to Michigan if the age is raised, that youth who were sentenced to jail would be placed in a residential setting, just as those who committed a felony, high misdemeanor or misdemeanor. Here it is expected that the 161 youth charged

with a traffic offense who were placed in jail would be placed in a non-secure residential setting. Most of the 17 year-olds who were placed in jail after committing a traffic violation were charged with operating a motor vehicle without a license. Those who were sentenced to probation are assumed to remain in their homes; in 2016, one 17 year-old who committed a traffic offense was placed on probation. Table 7 identifies the number of 17 year-olds who will be placed in a residential facility and those who will remain in the home. The balance would not proceed further into the juvenile system, other than to be processed either by the district or juvenile court.

| <b>Table 7</b><br><b>Projected Destinations of 17 Year-olds</b><br><b>Who Were Charged with a Traffic Offense</b><br><b>by County Group</b> |                    |             |                   |              |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|-------------------|--------------|
| <b>County Group</b>                                                                                                                         | <b>Residential</b> | <b>Home</b> | <b>Discharged</b> | <b>Total</b> |
| Kent                                                                                                                                        | 8                  | 0           | 87                | 95           |
| Macomb                                                                                                                                      | 14                 | 0           | 260               | 274          |
| Oakland                                                                                                                                     | 12                 | 0           | 289               | 301          |
| Wayne                                                                                                                                       | 26                 | 1           | 722               | 749          |
| Group 2                                                                                                                                     | 80                 | 0           | 535               | 615          |
| Group 3                                                                                                                                     | 18                 | 0           | 199               | 217          |
| Group 4                                                                                                                                     | 3                  | 0           | 106               | 109          |
| Group 5                                                                                                                                     | 0                  | 0           | 49                | 49           |
| <b>Statewide</b>                                                                                                                            | <b>161</b>         | <b>1</b>    | <b>2,247</b>      | <b>2,409</b> |

## Projected Durations

As noted in the methodology section of this report, no quantitative data were available on the amounts of time youth spend in any of the situations described above. For purposes of estimating costs, as is discussed in the section which follows, there are three options which have been applied to 17 year-olds who are to be placed in residential treatment.

The first option assumes that the average time juveniles will stay in residential care, based loosely on the national study cited above, would be 213 days or seven and one-half months. A second option applies the average length of stay as identified within a report submitted to the Senate Fiscal Agency in 2015 on the use of secure and non-secure detention for juveniles. A third option assumes that 17 year-olds will remain in placement for as long as their sentences dictated for placement in jail or prison. The results of the three options provide a range of costs for 17 year-olds in residential settings. For youth who will remain in their own homes no estimate of duration is available for in-home supervision, but annual costs for such juveniles are included within the discussion of the Child Care Fund.



## County/Local Municipality Costs

### Costs per Case

One focus of the data collection and analysis related to local costs was to develop a cost per case<sup>21</sup> for each of the major entities involved in adult and juvenile justice cases: the district courts, the circuit courts, sheriffs and prosecuting attorneys. The cost to serve adults in the circuit courts was calculated separately from the cost required to serve juveniles.

The costs to the juvenile and adult courts were further broken down into court processing costs and the costs to provide probation, including case management services. HZA collected data on both fixed and variable costs for 2016 for the various court-related entities, but the costs per case were calculated using only the variable costs. For purposes of the study, it is assumed fixed costs, e.g., rent or mortgage payments, are not likely change if the age is raised. All personnel costs were assumed to be variable, although it is clear that minor changes in population are not likely to result in increases or decreases in the number of personnel employed by any of the institutions.

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

### Courts, Prosecuting Attorneys and Sheriffs

Table 8 shows the projected per case costs for the district courts, juvenile and adult circuit courts and their probation officers, prosecuting attorneys and sheriffs. The per case costs are applied to the counts of 17 year-olds who will be served or processed by the various court-related entities.

| Table 8<br>Estimated Costs per Case |                 |                        |                    |                     |                    |                       |          |
|-------------------------------------|-----------------|------------------------|--------------------|---------------------|--------------------|-----------------------|----------|
| County Group                        | District Courts | Juvenile Circuit Court |                    | Adult Circuit Court |                    | Prosecuting Attorneys | Sheriffs |
|                                     |                 | Processing             | Probation Officers | Processing          | Probation Officers |                       |          |
| Kent                                | \$17            | \$1,355                | \$3,202            | \$811               | \$1,918            | \$31                  | \$247    |
| Macomb                              | \$8             | \$1,660                | \$5,376            | \$994               | \$3,219            | \$35                  | \$195    |
| Oakland                             | \$33            | \$2,730                | \$6,409            | \$1,635             | \$3,838            | \$31                  | \$94     |
| Wayne                               | \$36            | \$1,927                | \$5,619            | \$1,154             | \$3,365            | \$29                  | \$105    |
| Group 2                             | \$93            | \$2,850                | \$3,640            | \$1,706             | \$2,180            | \$68                  | \$502    |
| Group 3                             | \$130           | \$1,214                | \$1,179            | \$727               | \$706              | \$57                  | \$233    |
| Group 4                             | \$114           | \$1,314                | \$2,510            | \$787               | \$1,503            | \$94                  | \$159    |

<sup>21</sup> See Appendix A, Sections 1.9 through 1.16 for all assumptions regarding cost per case information.

<sup>22</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.

| Table 8<br>Estimated Costs per Case |                 |                        |                    |                     |                    |                       |          |
|-------------------------------------|-----------------|------------------------|--------------------|---------------------|--------------------|-----------------------|----------|
| County Group                        | District Courts | Juvenile Circuit Court |                    | Adult Circuit Court |                    | Prosecuting Attorneys | Sheriffs |
|                                     |                 | Processing             | Probation Officers | Processing          | Probation Officers |                       |          |
| Group 5                             | \$101           | \$2,857                | \$8,720            | \$1,711             | \$5,222            | \$142                 | \$619    |

There are two notable features of these figures. The first is that the per case costs for districts courts are far lower than those for the circuit courts, not a surprise given their different functions. There is also a difference in the per case costs within the circuit costs for processing adults as compared to juvenile cases. Numerous county agencies reported during the data collection that the costs of handling juveniles are higher than those for handling adults, especially in terms of providing probation. While the information needed to calculate caseload sizes for adult and juvenile probation officers was not available, there are national standards for the differences.<sup>23</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 most realistic way to handle that is probably to assume that at least some of the counties in those categories will not experience any changes in costs in either direction if 17 year-olds are shifted to the juvenile justice system.

Table 9 shows the reduction in costs for the district courts. The reduction is based on processing juveniles who were charged with a felony<sup>24</sup> or misdemeanor offense in juvenile court as opposed to first being handled by the district court and then being processed by the circuit court. The reduction also includes the cost associated with the proportion of 17 year-olds with a traffic offense who will be handled by the juvenile court instead of district court.<sup>25</sup>

| Table 9<br>Aggregate Reductions in District Court Costs<br>by County Group |                    |         |         |
|----------------------------------------------------------------------------|--------------------|---------|---------|
| County Group                                                               | Felony/Misdemeanor | Traffic | Total   |
| Kent                                                                       | \$5,338            | \$1,518 | \$6,856 |
| Macomb                                                                     | \$1,016            | \$570   | \$1,586 |

<sup>23</sup> American Probation and Parole Administration: Caseload Standards for Probation and Parole. (2006).

<sup>24</sup> Costs for 17 year-olds charged with having committed a felony include costs for those charged with committing a high-misdemeanor offense, unless noted otherwise.

<sup>25</sup> Refer to Table 1 for counts of youth by charge and Table 7 for estimated costs per District Court case.



**Table 9**  
**Aggregate Reductions in District Court Costs**  
**by County Group**

| County Group     | Felony/Misdemeanor | Traffic         | Total            |
|------------------|--------------------|-----------------|------------------|
| Oakland          | \$8,283            | \$2,086         | \$10,369         |
| Wayne            | \$32,112           | \$10,516        | \$42,628         |
| Group 2          | \$146,010          | \$50,332        | \$196,342        |
| Group 3          | \$71,630           | \$16,080        | \$87,710         |
| Group 4          | \$33,174           | \$7,083         | \$40,257         |
| Group 5          | \$8,585            | \$2,821         | \$11,406         |
| <b>Statewide</b> | <b>\$306,148</b>   | <b>\$91,005</b> | <b>\$397,153</b> |

Some district courts are funded by local cities, while others are funded through county dollars. The district courts in Wayne County are funded by monies from local municipalities. City and township tax dollars are also used to fund many of the district courts in Oakland, Macomb and Kent counties as well as some of the district courts in Ingham and Washtenaw counties.

Table 10 shows the corresponding increase in costs for the circuit courts. The cost of processing 17 year-olds with a felony or misdemeanor represent the per case cost difference between processing a youth in juvenile court as opposed to adult court.<sup>26</sup> The costs for those charged with a traffic violation represent the juvenile processing costs for the proportion that would be directed to the juvenile court instead of district court. Group 2 counties will realize the greatest burden, which is due primarily to the volume of 17 year-olds charged with a felony or misdemeanor. Group 2 counties also have a high proportion of juveniles with a traffic violation who are handled by the juvenile court.

**Table 10**  
**Aggregate Increases in Circuit Court Costs**  
**by County Group**

| County Group     | Felony/Misdemeanor | Traffic            | Total              |
|------------------|--------------------|--------------------|--------------------|
| Kent             | \$170,816          | \$121,002          | \$291,818          |
| Macomb           | \$84,582           | \$118,258          | \$202,840          |
| Oakland          | \$274,845          | \$172,563          | \$447,408          |
| Wayne            | \$689,516          | \$562,896          | \$1,252,412        |
| Group 2          | \$1,796,080        | \$1,542,420        | \$3,338,500        |
| Group 3          | \$268,337          | \$150,160          | \$418,497          |
| Group 4          | \$153,357          | \$81,639           | \$234,996          |
| Group 5          | \$97,410           | \$79,796           | \$177,206          |
| <b>Statewide</b> | <b>\$3,534,943</b> | <b>\$2,828,734</b> | <b>\$6,363,677</b> |

<sup>26</sup> Refer to Table 1 for counts of youth by charge and Table 7 for estimated costs per Circuit Court case.

In the subsequent survey to juvenile serving courts, court representatives were asked if they were sufficiently staffed to handle the current caseload. Eight percent of the courts, including those from Oakland County, three from Group 2 counties and one from Group 3 counties, noted they are not sufficiently staffed at present. While the data suggest that many of the courts are doing well in managing their current caseloads, overall three-quarters noted they will need additional staff if the age is raised.

Although it is 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 11 shows the projected number of additional Assistant Prosecuting Attorneys which will be needed to manage the increased workload. The estimate of full-time equivalents (FTEs) needed assumes that a) an attorney handles an average caseload size of 200 juvenile cases<sup>27</sup> as compared to an average of 265 adult cases and b) there will not be sufficient attorneys available to handle the increase if at least one half of an FTE is needed based on the number of 17 year-olds predicted to be treated as juveniles in any one county. If the restriction of half an FTE is excluded from the analysis, the number of Assistant Prosecuting Attorneys needed rises from 16.8 to 24.2. The count of additional attorneys needed was less than one-half an FTE in each of the counties included in Groups 3 through 5. A statewide average salary for Assistant Prosecuting Attorneys in Michigan was unavailable, so the cost increases presented below are based on an average salary of \$61,000 for an Assistant Prosecuting Attorney in 2016.<sup>28</sup>

| <b>County Group</b> | <b>Projected FTEs Needed</b> | <b>Cost Increases</b> |
|---------------------|------------------------------|-----------------------|
| Kent                | 1.65                         | \$100,650             |
| Macomb              | 1.95                         | \$118,950             |
| Oakland             | 1.72                         | \$104,920             |
| Wayne               | 4.77                         | \$290,970             |
| Group 2             | 6.75                         | \$411,750             |
| <b>Statewide</b>    | <b>16.84</b>                 | <b>\$1,027,240</b>    |

If, however, only an incremental increase in Assistant Prosecuting Attorneys was needed, taking into account those which are currently available to handle cases involving 17 year-olds tried as adults and assuming they would now be available to handle juvenile cases,

<sup>27</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.

<sup>28</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).

Michigan would need to increase its workforce of prosecuting attorneys by six FTEs statewide.<sup>29</sup> This lowers the fiscal impact to the counties to \$366,000 overall.

Costs to provide legal representation to indigent 17 year-olds appear to be negligible. Few counties have a public defender, with most counties contracting for the delivery of such service when needed. According to the Washtenaw County Office of Public Defender, public defenders are paid an amount which is similar to that of prosecuting attorneys. Hence, the per case costs would not be any more than that for prosecuting attorneys, with cost increases to be the result of an increased workload. The U.S. Census Bureau reports that 15 percent of persons in Michigan live in poverty, suggesting a small percentage of 17 year-olds would likely qualify for representation, reducing the fiscal impact to a sizeable degree. In some counties, such as Wayne, the public defender's office only represents juveniles waived to adult court, while in others public defenders represent juvenile delinquency cases and those involving neglect and abuse. While data are not available to examine the concern that a higher percentage of court-involved individuals are living in poverty, the data which were collected demonstrates very few 17 year-olds, or juveniles in general, are served by public defenders.

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 data to calculate the daily cost of housing an individual in jail for this study were sparse, but a few counties did provide that information (for a complete list of the counties that provided prisoner cost data see Appendix C). 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>30</sup> Using that figure, Table 12 shows the annual decrease in days each county or group of counties should be expected to experience, along with the estimated reduction in costs.

| Table 12<br>Annual Reductions in Jail Costs |        |             |
|---------------------------------------------|--------|-------------|
| County Group                                | Days   | Dollars     |
| Kent                                        | 4,689  | (\$290,718) |
| Macomb                                      | 2,210  | (\$137,020) |
| Oakland                                     | 5,764  | (\$357,368) |
| Wayne                                       | 2,699  | (\$167,338) |
| Group 2                                     | 15,463 | (\$958,706) |

<sup>29</sup> Muskegon County uses a caseload size of 265 cases per Assistant Prosecuting Attorney for non-homicide cases, which has been applied here to project resource need.

<sup>30</sup> Independent Democratic Conference: "The Price of Juvenile Justice: Why Raising the Age Makes Cents for New York." December 2016, page 3.

| Table 12<br>Annual Reductions in Jail Costs |               |                      |
|---------------------------------------------|---------------|----------------------|
| County Group                                | Days          | Dollars              |
| 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> |

Table 13 provides a summary of the costs across the four court-involved entities, doing so for each of the large counties and population groups 2 through 5.

| Table 13<br>Costs Changes to Courts, Prosecuting Attorneys and Jails |                    |                    |                       |                      |                    |
|----------------------------------------------------------------------|--------------------|--------------------|-----------------------|----------------------|--------------------|
| County Group                                                         | District Court     | Circuit Court      | Prosecuting Attorneys | Sheriff              | Total              |
| Kent                                                                 | (\$6,856)          | \$291,818          | \$100,650             | (\$290,718)          | \$94,894           |
| Macomb                                                               | (\$1,586)          | \$202,840          | \$118,950             | (\$137,020)          | \$183,184          |
| Oakland                                                              | (\$10,369)         | \$447,408          | \$104,920             | (\$357,368)          | \$184,591          |
| Wayne                                                                | (\$42,628)         | \$1,252,412        | \$290,970             | (\$167,338)          | \$1,333,416        |
| Group 2                                                              | (\$196,342)        | \$3,338,500        | \$411,750             | (\$958,706)          | \$2,595,202        |
| Group 3                                                              | (\$87,710)         | \$418,497          | \$ -                  | (\$243,412)          | \$87,375           |
| Group 4                                                              | (\$40,257)         | \$234,996          | \$ -                  | (\$98,890)           | \$95,849           |
| Group 5                                                              | (\$11,406)         | \$177,206          | \$ -                  | (\$35,588)           | \$130,212          |
| <b>Statewide</b>                                                     | <b>(\$397,153)</b> | <b>\$6,363,677</b> | <b>\$1,027,240</b>    | <b>(\$2,289,040)</b> | <b>\$4,704,723</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-furnished, even if that were possible. A number of individuals knowledgeable of Michigan's detention facilities also note that there are several residential facilities that are no longer in use and could be re-opened to serve counties who are not able to satisfy the sight and sound requirement. This is likely to provide an added benefit of having the ability to provide such juveniles with a set of services eligible for Child Care Fund reimbursement. This would also shift some of the costs to the State to

compensate for some of the increased costs the counties will experience as 17 year-olds who are now State responsibility are re-classified as juveniles for whom the counties will bear part of the cost.

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>31</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 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>32</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.

As described earlier, data were not available to measure the average length of stay juveniles are placed in residential treatment. Three options are considered here in determining the cost to the county and the State. First, the report to the Senate Fiscal Agency identifies juveniles spend an average of 395 days in residential care when placed in a state facility and an average of 350 days when placed in a private facility.<sup>33</sup> The second option uses data from a national study which examines the average length of time youth spend in residential placement.<sup>34</sup> While the study did not provide concrete information about lengths of stay beyond six months, it did suggest that older youth spend more time in residential facilities than do younger juveniles. With nothing definitive to use and recognizing that some counties will end youths' placements at the time they turn 18 (thus limiting the amount of time they will spend in residential care) another alternative is to use the study's application of 213 days or seven and one-half months as the average.

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<sup>31</sup> RQAW and Byce & Assoc., Inc. (2016) Delta County Jail & Sheriff's Office Feasibility Study Report Appendix I.

<sup>32</sup> See Appendix A, Section 1.17 for assumptions on the Child Care Fund.

<sup>33</sup> Frances Carley, "A Comparison of Michigan's Residential Placement Options for Juvenile Delinquency Cases," Senate Fiscal Agency, Lansing, MI, May 2012.

<sup>34</sup> Andrea J. Sedlak, "Survey of Youth in Residential Placement: Conditions of Confinement," Westat, Rockville, MD, 2016.

The last option is to apply the average length of sentence, doing so for the 17 year-olds who were sentenced to probation separately from those sentenced to jail who are predicted to enter the juvenile system. The statewide average is 55 days for juveniles sentenced to jail and 14 and a half years for those sentenced to prison. For juveniles with a traffic offense sentenced to jail, the average sentence is 36 days. As displayed in the table below, the average prison term ranges from just one year for 17 year-olds in Macomb County to a little over 23 years for those in Wayne County.

| <b>Table 14</b><br><b>Average Lengths of Stay in Prison and Jail by County Group</b> |                   |                |                                  |
|--------------------------------------------------------------------------------------|-------------------|----------------|----------------------------------|
| <b>County Group</b>                                                                  | <b>Prison</b>     | <b>Jail</b>    | <b>Jail with Traffic Offense</b> |
| Kent                                                                                 | -                 | 88 days        | 51 days                          |
| Macomb                                                                               | 1 year            | 53 days        | 31 days                          |
| Oakland                                                                              | 20.7 years        | 84 days        | 42 days                          |
| Wayne                                                                                | 23.1 years        | 32 days        | 25 days                          |
| Group 2                                                                              | 10.4 years        | 37 days        | 28 days                          |
| Group 3                                                                              | 8.3 years         | 54 days        | 83 days                          |
| Group 4                                                                              | 10.0 years        | 107 days       | 32 days                          |
| Group 5                                                                              | 10.0 years        | 41 days        | 0 days                           |
| <b>Statewide</b>                                                                     | <b>14.5 years</b> | <b>55 days</b> | <b>36 days</b>                   |

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

Michigan operates two secure juvenile justice facilities, Bay Pines Center and Shawono Center. The average daily rate for those two facilities, using the rates contained within the report to the Senate Fiscal Agency, is \$429. Based on licensure information published by DHHS, there are an additional six county-run secure facilities;<sup>35</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.

If all of the juveniles identified as requiring a secure placement were placed in one of the two state-run facilities, Michigan would incur an annual total expenditure that ranged between \$2.2 and \$10.8 million, half of which would be reimbursed to the State by the counties, with the amount dependent on the 17 year-olds' lengths of stay. That amount would be reduced to a range between \$1.6 and \$6.9 million if the juveniles were all placed in one of the county run secure facilities, with the State then reimbursing the counties 50 percent.

Table 15 shows the range of costs to place juveniles in a secure facility on an annual basis, taking into account how long 17 year-olds would remain in a residential setting.<sup>36</sup>

<sup>35</sup> A list of the six privately run secure detention centers is provided in Appendix A Section 1.18.

<sup>36</sup> Refer to Table 3 for counts of youth in secure and non-secure settings.

**Table 15**  
**Costs to Place 17 Year-olds in Secure Residential Treatment by County Group**

| County Group          | Senate Report       |                    | National Study     |                    | Annualized Prison/Jail Term |                    |
|-----------------------|---------------------|--------------------|--------------------|--------------------|-----------------------------|--------------------|
|                       | State               | Private            | State              | Private            | State                       | Private            |
| Kent                  | \$1,864,005         | \$1,181,950        | \$1,005,147        | \$719,301          | \$376,537                   | \$269,457          |
| Macomb                | \$508,365           | \$322,350          | \$274,131          | \$196,173          | \$102,692                   | \$73,488           |
| Oakland               | \$2,033,460         | \$1,289,400        | \$1,096,524        | \$784,692          | \$410,768                   | \$293,953          |
| Wayne                 | \$1,525,095         | \$967,050          | \$822,393          | \$588,519          | \$308,076                   | \$220,465          |
| Group 2 <sup>37</sup> | \$ -                | \$ -               | \$ -               | \$ -               | \$ -                        | \$ -               |
| Group 3               | \$3,897,465         | \$2,471,350        | \$2,101,671        | \$1,503,993        | \$787,305                   | \$563,409          |
| Group 4               | \$338,910           | \$214,900          | \$182,754          | \$130,782          | \$68,461                    | \$48,992           |
| Group 5               | \$677,820           | \$429,800          | \$365,508          | \$261,564          | \$136,923                   | \$97,984           |
| <b>Statewide</b>      | <b>\$10,845,120</b> | <b>\$6,876,800</b> | <b>\$5,848,128</b> | <b>\$4,185,024</b> | <b>\$2,190,762</b>          | <b>\$1,567,748</b> |

Using the average daily rate of \$252 to house a youth in an in-state private facility, which represents the average county *per diem* rate of non-secure licensed facilities across Michigan, Table 16 displays the costs to place youth in non-secure settings, applying the average lengths of stay across the same three options as was done for secure placement.

**Table 16**  
**Costs to Place 17 Year-olds in Non-secure Residential Treatment by County Group**

| County Group     | Senate Report       | National Study      | Annualized Prison/Jail Term |
|------------------|---------------------|---------------------|-----------------------------|
| Kent             | \$4,233,600         | \$2,576,448         | \$965,161                   |
| Macomb           | \$882,000           | \$536,760           | \$201,075                   |
| Oakland          | \$3,528,000         | \$2,147,040         | \$804,301                   |
| Wayne            | \$1,764,000         | \$1,073,520         | \$402,150                   |
| Group 2          | \$16,669,800        | \$10,144,764        | \$3,800,320                 |
| Group 3          | \$3,616,200         | \$2,200,716         | \$824,408                   |
| Group 4          | \$1,146,600         | \$697,788           | \$261,398                   |
| Group 5          | \$617,400           | \$375,732           | \$140,753                   |
| <b>Statewide</b> | <b>\$32,457,600</b> | <b>\$19,752,768</b> | <b>\$7,399,565</b>          |

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

<sup>37</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.



house those who will be placed in a residential setting. However, there are sufficient resources within the region to accommodate the need.

| <b>Table 17</b><br><b>Availability of Residential Beds to House 17 Year-olds</b> |                              |                        |                      |                    |
|----------------------------------------------------------------------------------|------------------------------|------------------------|----------------------|--------------------|
| <b>County/Location</b>                                                           | <b>Licensed Bed Capacity</b> | <b>Contracted Beds</b> | <b>Net Available</b> | <b>Needed Beds</b> |
| Kent                                                                             | 567                          | 380                    | 187                  | 59                 |
| Macomb                                                                           | 15                           | 15                     | 0                    | 13                 |
| Oakland                                                                          | 523                          | 166                    | 357                  | 52                 |
| Wayne                                                                            | 1,955                        | 1,047                  | 908                  | 29                 |
| Upper Peninsula                                                                  | 80                           | 60                     | 20                   | 11                 |
| Northern/Central Lower Peninsula                                                 | 1,944                        | 634                    | 1,310                | 57                 |
| Southern Lower Peninsula                                                         | 1,556                        | 553                    | 1,003                | 211                |
| <b>Totals</b>                                                                    | <b>6,640</b>                 | <b>2,855</b>           | <b>3,785</b>         | <b>432</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 type of offense was taken into account. Those who committed an assaultive offense are considered to be at high risk of services and thus those who will receive intensive probation services. General probation is comprised of those who committed a non-assaultive offense and were placed in a residential setting and those who committed a non-assaultive offense, remained in the home, but were handled on the formal calendar, as well as consent calendar.<sup>38</sup>

Because the 17 year-olds predicted to enter the juvenile system would likely have received probation as adults, minus those who would have received a prison or jail term, the difference in the costs of a juvenile probation officer from that of an adult probation officer is taken into account for those that would have remained in the community. The cost for probation services for the 17 year-olds who had been sentenced to prison or jail represent new costs to be incurred by the counties as such services were previously the fiscal responsibility of the state. Table 18 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.

<sup>38</sup> Refer to Table 4 for counts of youth with assaultive & non-assaultive charges.



**Table 18**  
**Projected Probation Costs to 17 Year-olds by County Group**

| County Group     | Intensive Probation | General Probation  | Total Probation Costs |
|------------------|---------------------|--------------------|-----------------------|
| Kent             | \$85,314            | \$183,421          | \$268,735             |
| Macomb           | \$57,144            | \$66,991           | \$124,135             |
| Oakland          | \$89,874            | \$240,575          | \$330,449             |
| Wayne            | \$248,955           | \$413,325          | \$662,280             |
| Group 2          | \$270,800           | \$1,067,906        | \$1,338,706           |
| Group 3          | \$37,360            | \$116,605          | \$153,965             |
| Group 4          | \$24,168            | \$132,149          | \$156,317             |
| Group 5          | \$19,214            | \$91,115           | \$110,329             |
| <b>Statewide</b> | <b>\$832,829</b>    | <b>\$2,312,087</b> | <b>\$3,144,916</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 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.

**Table 19**  
**Annual Aggregate Costs per County/Group for In-Home Services**

| County Group | In-Home Service 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 18<sup>th</sup> birthdays. Others suggested that the circuit courts would discharge 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 20 shows the projected costs of providing community-level services to juveniles who remain in the home,<sup>39</sup> assuming the level of services will remain the same as those currently provided.

| Table 20<br>Aggregate Costs for In-Home Services |                       |
|--------------------------------------------------|-----------------------|
| County Group                                     | In-Home Service Costs |
| Kent                                             | \$524,868             |
| Macomb                                           | \$3,180               |
| Oakland                                          | \$32,032              |
| Wayne                                            | \$3,586,620           |
| Group 2                                          | \$1,479,620           |
| Group 3                                          | \$1,551,935           |
| Group 4                                          | \$997,152             |
| Group 5                                          | \$83,812              |
| <b>Statewide</b>                                 | <b>\$8,259,219</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.

The juvenile courts will incur costs to handle 17 year-olds who committed a traffic violation. Here it is assumed that those who previously were placed in jail will be placed in a non-secure residential setting, serving a length of stay average to the statewide number of days 17 year-olds with a traffic offense were sentenced to jail, *i.e.*, 36 days. Those that remain in the community will receive general probation and in-home services. Table 21 displays the costs which counties are expected to incur.<sup>40</sup>

<sup>39</sup> Refer to Table 3 for counts of youth remaining in the home and Table 18 for in-home service costs.

<sup>40</sup> Refer to Table 6 for counts of youth with traffic offenses and their projected destinations.

**Table 21**  
**Costs Incurred to Handle 17 Year-olds with a Traffic Violation**  
**by County Group**

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

Table 22 shows the total increase in expenditures expected for each population group, distinguishing between those which are eligible for cost sharing with DHHS and those which are the sole responsibility of the juvenile court. The Child Care Fund expenditures are based on the assumption that the level of service juveniles currently receive in the community will remain the same, with the variation driven by the placement of the 17 year-old offenders into either state or county-run secure detention facilities. The high dollar impact to the Child Care Fund applies data contained within the report to the Senate Fiscal Agency while the low dollar impact applies the national standard.

**Table 22**  
**Estimated County Expenditures for 17 Year-Olds**

| County Group     | Child Care Fund High | Child Care Fund Low | County Only        |
|------------------|----------------------|---------------------|--------------------|
| Kent             | \$6,765,963          | \$1,902,975         | \$193,693          |
| Macomb           | \$1,552,497          | \$436,695           | \$97,189           |
| Oakland          | \$5,770,630          | \$1,307,423         | \$271,427          |
| Wayne            | \$7,324,138          | \$4,657,658         | \$474,183          |
| Group 2          | \$19,001,980         | \$6,132,500         | \$1,184,706        |
| Group 3          | \$9,233,856          | \$3,108,008         | \$125,119          |
| Group 4          | \$2,528,646          | \$1,353,526         | \$135,170          |
| Group 5          | \$1,398,246          | \$341,763           | \$91,115           |
| <b>Statewide</b> | <b>\$53,575,956</b>  | <b>\$19,240,549</b> | <b>\$2,572,602</b> |

On a statewide basis, the high estimate would result in a 14 percent increase to the Child Care Fund budget for 2015–2016, with the low estimate resulting in a five percent increase. It should be noted that half of the Child Care Fund amount is likely to be paid by the counties, with the other half to be reimbursed to the counties by the Department of Health and Human Services.

The subsequent survey administered to the juvenile courts was used to better understand how the courts are funded. Fifty-seven percent of the respondents indicated their courts are reimbursed in full through a combination of Child Care Fund and county general fund expenditures. The other sources which are used to reimburse the courts for the services they provide to juveniles were not identified. When the proportion of Child Care Fund expenditures which are used to reimburse the courts is examined, only 37 percent of the respondents indicated that at least half of their budgets are reimbursed with funding received from DHHS. Table 23 shows the proportion of the courts' budgets that are funded through the Child Care Fund, as reported in the survey. The amount of reimbursement counties receive from DHHS will be impacted by the use of state secure residential placement, in which counties will be responsible to reimburse the State, and by the use of intensive versus general probation, with counties receiving reimbursement only when intensive probation services are provided.

| <b>Table 23</b><br><b>Percentage of Court Budgets Reimbursed by the Child Care Fund</b> |                         |                          |
|-----------------------------------------------------------------------------------------|-------------------------|--------------------------|
| <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.

|                                |                  |
|--------------------------------|------------------|
| <b>Drug Treatment Court</b>    | <b>27 courts</b> |
| <b>Mental Health Court</b>     | <b>19 courts</b> |
| <b>Family Dependency Court</b> | <b>8 courts</b>  |
| <b>Truancy Court</b>           | <b>5 courts</b>  |
| <b>Teen Court</b>              | <b>3 courts</b>  |

## Revenue

There are minimal changes in county revenue which can be expected if 17 year-old offenders are classified as juveniles rather than adults. During the onsite 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>41</sup>

Circuit courts will realize a small increase in revenue for handling 17 year-olds whose cases are placed on consent calendar and for those who are diverted post-petition. Those who are placed on consent calendar are charged a one-time fee of \$350, and those who agree to post-petition diversion are charged a one-time fee of \$200.<sup>42</sup> Based on the projected numbers of 17 year-olds who are likely to be handled in one of these less formal manners of court participation, statewide revenues are expected to increase by \$119,347 for consent calendar participation and \$72,180 for participation in diversion, post-petition.

District courts, however, will experience a decline in revenue to the extent 17 year-olds who are charged with a traffic violation are directed to the juvenile courts. In 2016, fines charged to 17 year-olds who committed a traffic offense amounted to \$454,111. Referring to the percentages applied earlier to identify the proportion of juveniles who would be handled by the juvenile court instead of district court, juvenile courts would likely see an increase in revenue of \$241,067. This same amount represents an annual loss of revenue to the district courts for not continuing to be responsible for processing 17 year-olds charged with a traffic violation.

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

## Summary

It is clear from the above discussion that some of the change in raising the age will increase costs for some cost centers while others will decrease. In other words, in some instances, costs are simply shifted from one county fund to another. Table 24 summarizes the net impact to the counties when the increases and decreases involving the courts, jail and prosecuting attorneys are considered.

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<sup>41</sup> See Appendix A, Sections 1.19 and 1.20 for assumptions regarding drunk driving.

<sup>42</sup> [https://www.livgov.com/courts/juvenile/Pages/diversion\\_program.aspx](https://www.livgov.com/courts/juvenile/Pages/diversion_program.aspx)

**Table 24**  
**Net Within County Cost Changes Involving**  
**Courts, Jails and Prosecuting Attorneys**

| County Group     | Net Impact         |
|------------------|--------------------|
| Kent             | \$94,894           |
| Macomb           | \$183,184          |
| Oakland          | \$184,591          |
| Wayne            | \$1,333,416        |
| Group 2          | \$2,595,202        |
| Group 3          | \$87,375           |
| Group 4          | \$95,849           |
| Group 5          | \$130,212          |
| <b>Statewide</b> | <b>\$4,704,723</b> |

Table 25 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 24 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.

**Table 25**  
**Net Within County Cost Changes**

| County Group     | High Estimate       | Low Estimate        |
|------------------|---------------------|---------------------|
| Kent             | \$3,671,568         | \$1,240,075         |
| Macomb           | \$1,056,622         | \$498,721           |
| Oakland          | \$3,341,333         | \$1,109,729         |
| Wayne            | \$5,469,668         | \$4,136,428         |
| Group 2          | \$13,280,898        | \$6,846,158         |
| Group 3          | \$4,829,422         | \$1,766,498         |
| Group 4          | \$1,495,342         | \$907,782           |
| Group 5          | \$920,450           | \$392,208           |
| <b>Statewide</b> | <b>\$34,065,303</b> | <b>\$16,897,599</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

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

### Child Care Fund Costs

The previous section showed the range of increases to the Child Care Fund which counties are likely to experience if the legislation passes. If more expensive forms of secure residential placement are used, costs to Michigan will increase by \$26.8 million, while less expensive forms of secure placement will result in an increase of \$9.6 million.

### Department of Corrections Population Related Changes

Based on the population projections shown above, about ten percent of the 17 year-olds petitioned will remain in the adult system. This is about the same number, roughly 800, who have been sentenced to either jail or prison annually during the last three years, and about 11 percent, or 86 annually, of those have been sentenced to prison rather than jail. Unlike the jails, therefore, DOC will probably not experience any measurable change in its population due to a re-classification of 17 year-old offenders. This is consistent with the conclusion drawn by the Senate Fiscal Agency in a 2015 report on the marginal cost of corrections in the State.<sup>43</sup> The same agency's later analysis showed that the short-term marginal decrease in DOC costs would be \$3,764 per inmate,<sup>44</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.

A cost savings could potentially result for supervision following discharge from a correctional facility for the 21 17 year-olds who were committed to prison who would now be placed in residential care. It currently cost DOC an average of \$3,600 annually to provide supervision to an offender. While this appears to offer Michigan a savings of \$75,600 annually, the small number of 17 year-olds affected would not impact the number of field or supervision staff needed, resulting in no fiscal impact to DOC.

Supervision or probation services are often provided to detainees following their discharge from jail. Here the fiscal impact is likely to be a reduction in state costs because supervision of those discharged from jail is the responsibility of the state (a variable cost) while counties are responsible for providing office space for the state's probation staff (a fixed cost). Utilizing the approach applied to measure the number of probation officers needed by the counties to supervise juveniles, it is assumed a savings will result to the state if the number

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<sup>43</sup> John Maxwell, "Marginal Cost of Corrections," Senate Fiscal Agency, August 2015, p. 8.

<sup>44</sup> Senate Fiscal Agency, "Juvenile Jurisdiction: 17-Year-Old," October 2016, p. 7.



of probation officers within a county can be reduced by at least one half an FTE. Overall, three fewer probation officers will be needed, 1.2 FTEs in Kent County, 0.9 FTE in Oakland County and 0.8 FTE in Genesee County.

### Sight and Sound Separation Cost Changes

The same cannot be said if the Department of Corrections (DOC) 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 the Thumb Correctional Facility, that would amount to a decrease for DOC of \$2,073,000. However, assuming that the same levels of security and other services were provided, the same marginal costs would presumably be picked up by the Department of Health and Human Services, so, on a marginal cost basis, the State would experience simply a shift in costs from one agency to another rather than an increase or decrease.

The major cost of either option would not be in the day-to-day cost of housing inmates, but rather in the cost of new or refurbished construction. A study was undertaken by CRS Inc. to examine the costs of building new jails or re-purposing those previously used in 13 counties in Michigan.<sup>45</sup> CRS used data on the costs to build four jails in Tennessee. After adjusting for inflation, 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>46</sup> and Mississippi<sup>47</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. Referring to the research completed by Delta County, as discussed earlier, an examination of the cost to upgrade the existing structure was also examined. The resulting estimate showed that the cost to upgrade the structure would be impacted, at least in part, by the current condition of the site's infrastructure (e.g., plumbing, electricity). When Delta County compared the cost to refurbish the existing structure to that of building a new structure in the same area, the difference was approximately \$2 million more to build an entirely new facility.

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<sup>45</sup> CRS Incorporated. (2010). Regional Jail Feasibility and Facility Re-Use Study.

<sup>46</sup> Alabama Prison Transformation Initiative. (2016). DOC Report on Prison Building Plan.

<sup>47</sup> RQAW and Byce & Assoc., Inc. (2016) Delta County Jail & Sheriff's Office Feasibility Study Report.



## Projections to 2020

A linear projection, using the JDW data for 2014 through 2016, was used to calculate the number of 17 year-olds who are likely to become involved in the juvenile justice system in future years if the maximum age is raised. A lower bound of one-third of the cases from January 2014 was used as part of the projection to avoid predicting negative counts; when the projected count was more than a third of the count for the baseline month, the actual number of cases was applied and if the count was less than a third, then one third of the count for January 2014 was used. Limiting the analysis to those who will commit a traffic violation or a felony or misdemeanor, the table below shows the projected counts of 17 year-olds who are predicted to enter the juvenile justice system between 2018 and 2020.

| Table 26<br>Projected Counts of 17 Year-olds to Enter the Juvenile System |              |              |              |
|---------------------------------------------------------------------------|--------------|--------------|--------------|
| Category of Offense                                                       | 2018         | 2019         | 2020         |
| Traffic violation                                                         | 2,508        | 2,598        | 2,688        |
| Felony or misdemeanor                                                     | 3,335        | 2,965        | 2,684        |
| <b>Totals</b>                                                             | <b>5,843</b> | <b>5,563</b> | <b>5,372</b> |

The per case costs for 2016 which were used as part of the study were adjusted for inflation. Projected inflation rates were applied for 2018, 2019, and 2020 to account for growth in the average statewide costs for each involved agency or service.<sup>48</sup> The count of days juveniles incur a stay in a state secure facility and in a non-secure facility, as published in the Senate Fiscal Report, were applied to estimate the costs for residential services. The study showed that 15 percent of the 17 year-olds would have been placed in a secure setting in 2016, which was also applied here in projecting costs for residential care. The percentages of 17 year-olds who incurred an assaultive, non-assaultive or other-related offense who would have remained in the system in 2016, e.g., found guilty, were applied in projecting the numbers and thus the costs for probation and in-home services.

When the costs for district and circuit courts, prosecuting attorneys, probation, residential care and in-home services are taken into account, statewide, Michigan is projected to incur an increase in expenditures ranging from \$36.3 million in 2018 to \$29.6 million in 2020. Because the number of youth, including 17 year-olds, has demonstrated a continual decline in recent years, it is not surprising the costs to the state should also decline. A summary of the costs, breaking them out by those which will be incurred by county and local municipalities and the state, is provided below.

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<sup>48</sup> Projected Inflation rates were pulled from <http://www.inflation.eu/inflation-rates/united-states/historic-inflation/cpi-inflation-united-states.aspx> and <https://www.statista.com/statistics/244983/projected-inflation-rate-in-the-united-states/>

**Table 27**  
**Project Costs of Serving 17 Year-olds in the Juvenile System**

|                                   | 2018                | 2019                | 2020                |
|-----------------------------------|---------------------|---------------------|---------------------|
| <b>County Expenditures</b>        |                     |                     |                     |
| Court-related <sup>49</sup>       | \$3,334,284         | \$3,162,608         | \$3,042,188         |
| Child Care Fund                   |                     |                     |                     |
| Residential care                  | \$12,240,940        | \$9,726,217         | \$9,179,180         |
| Intensive Probation               | \$593,569           | \$ 567,764          | \$539,072           |
| In home Services                  | \$2,895,987         | \$2,718,078         | \$2,523,918         |
| General Probation                 | \$2,518,514         | \$2,299,768         | \$2,161,701         |
| <b>County Total Expenditures</b>  | <b>\$20,599,164</b> | <b>\$18,265,236</b> | <b>\$17,329,766</b> |
| <b>State Total Expenditures</b>   | <b>\$15,730,497</b> | <b>\$13,012,059</b> | <b>\$12,242,170</b> |
| <b>Overall Total Expenditures</b> | <b>\$36,329,660</b> | <b>\$31,277,294</b> | <b>\$29,571,936</b> |

<sup>49</sup> Includes amounts for district and circuit courts, as well as prosecuting attorneys.

## Summary

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

While the data made available for this study by both the counties and the State left several gaps, reasonable estimates of the cost decreases, increases and shifts from one agency to another could be made in relation to the first question. Costs for district courts and for county jails will decrease, but those decreases will be more than made up for by increases in circuit court, prosecuting attorney and Child Care Fund expenditures. The county share of those costs is expected to range between \$16.9 and \$34.1 million, using data from 2016, 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 \$9.6 and \$26.8 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 Correctional Facility 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 entirely 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.

## Limitations

As the results of the study are considered, it may be helpful to consider some of the limitations of the study. The first involves the limitation of the data available to examine the full costs to Michigan. The calculations are limited to 17 year-olds who were charged to court and thus omit the costs of working with 17 year-olds who may have been diverted and never reached the court. National juvenile court statistics for 2014 show that 44 percent of

juvenile delinquency cases are handled informally, i.e., youth are not petitioned to court.<sup>50</sup> The lack of formal processing of these cases is dependent upon the type of offense and age of the juvenile. Statistics for 2014 show that nationally 26 percent of aggravated assaults; 48 percent of simple assaults; 25 percent of burglaries/motor vehicle thefts; 55 percent of cases involving larceny, theft and/or trespassing; and 51 percent of drug offenses committed by a juvenile were not petitioned to court. The data for 2014 also show that 47 percent of delinquency cases were not petitioned to court when they involved a youth under the age 16, while 41 percent were not petitioned when they involved a youth 16 and older.

In Michigan, data are not available to predict the number of juveniles, and thus 17 year-olds, who will be diverted away from the courts if the age is raised. This is further complicated by the differences among counties in making decisions to dismiss or refer youth for diversion services in lieu of a court petition. For instance, based on data collected by the University of Michigan Child & Adolescent Data Lab, approximately 28 percent of youth in Wayne County are not petitioned to court. In Muskegon County, the estimate is closer to 25 percent.

A second consideration is the large variation in the calculated per case cost for the courts, prosecuting attorneys and sheriffs. While the ranges can be large, e.g., \$8 to \$130 for district courts or \$94 to \$619 for the sheriff offices, the sampling plan used to collect budget data grouped counties which are similar in size to help combat the differences and provides credibility and confidence in the resulting costs for population groups 2 through 5. In instances where costs per case had been calculated by agencies in Michigan, such as per case costs for the circuit courts by SCAO, the average percent difference between the rates calculated for this study and the mid-point of SCAO's rates were no more than five percent.

The variance in per case costs will also have an impact in measuring the cost for diversion services provided prior to court involvement. If the per case costs for in-home services are any indication of the extent to which they will vary, they could be as low as \$60 per juvenile and as high as \$10,396.

A third limitation involves the projected costs for future years. The continued decreasing number of youth, including 17 year-olds, entering the justice system in recent years is undeniably good, indicating the efforts which Michigan and its counties have implemented to reduce crime are working. It, however, presents an issue in knowing when the impact of those efforts will bottom out. It is not reasonable to expect that no youth at some future point will become involved in the justice system. As discussed earlier, a lower bound was applied to avoid predicting zero or even negative youth presence in the system. Access to data on a statewide basis, for youth as well as adults, will play an important role in future years in being able to monitor the efforts of the courts and their local partners and ultimately the fiscal impact to Michigan, regardless if the age is raised or not.

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<sup>50</sup> Hockenberry, S. and Puzzanchera, C. *Juvenile Court Statistics 2014*. National Center for Juvenile Justice. April 2017. pages 37 – 39

## Appendix A: Detailed Methodology and Assumptions

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### Population Estimates

#### Overall Population

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

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

- 1.2. Case Types That Allow Adult Prosecution

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

- 1.3. Description of the Prediction Model

Two binary logistic regression for the 15 and 16 year-olds were built for two separate populations, 1) youth with one of the 12 charges in 1.2, and 2) cases where the offense was not in one of the offenses in 1.2, the offense was not Assault with intent to rob while armed, Assault with intent to commit great bodily harm, Bank/safe robbery, Escape from a juvenile facility, Home invasion, 1st degree, or Possession or delivery of narcotics > 1,000 grams using, or the offense was not a traffic violation. The Juvenile/Adult status is used as the dependent variable and the following predictor variables for the first population:

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

And the following predictor variables for the second population:

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

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

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

#### 1.4. Judicial Data Warehouse Assumptions

The estimates of the total number of youth petitioned were derived from information in the Judicial Data Warehouse which is managed by the State Court Administrative Office. They do not account, therefore, for instances in which youth **are diverted from the system before reaching court (non-petitioned cases), 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
- Non-traffic Civil Infraction and Parking
- Guardianships and Conservatorships
- Civil Damage Suits

(C) Probate Court Case-Types

- Mental Illness Proceedings and Judicial Admission
- Civil and Miscellaneous Proceedings

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

## Projected Destinations

1.6. Disposition Assumptions

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

(A) Not Guilty

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

(B) Guilty

Admitted Allegations, Admitted Responsibility, Found Guilty By Judge, Found In Default, Found Responsible, Guilty, Nolo Contendere, Plead Guilty

(C) Diverted

Diverted, Referred, Deferred - 7411, Deferred – Hyta

(D) Probation

Probation

(E) Consent Calendar

Consent Calendar

(F) Other

Amended, Bound Over To Circuit, Finalized, Inactive Status, Judgment Rendered, Jury Trial/Verdict, Not Authorized, Not In File, Order Issued Ex Parte, Other, Unknown, Case Type Change, Default, Granted, Designated Granted, Denied, Failure To Appear In Court, Order Issued, Remand, Transfer, Tribal Transfer, Null, Bench Warrant Issued, Competency Evaluation, Prosec Waiver-5day Spec

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

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

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



## 1.8. Highest Level of Offense Assumptions

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

## County Costs

### Costs per Case

#### 1.9. Budget Cost Compilation

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

#### 1.10. Budget Cost Inflation

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

#### 1.11. Budget Fixed/Variable Costs

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

Fixed Costs:

- Repairs & Maintenance
- Rent/Land
- Equipment
- Equipment Repairs & Maintenance
- Software
- Capital Outlay
- D&O Liability
- Other Insurance Expenses
- Vehicle Lease/Payment
- Other Automobile Expenses

Variable Costs:

- Utilities (electricity, water and gas)

- Other Building Expenses
- Janitorial Supplies
- Uniforms/Clothing
- Operating Supplies/Expenses/Office Supplies
- Memberships, Subscriptions and Professional Activity, Books & Publications
- Postage/Printing/Copying/Binding
- Telephone/Cell Phone
- Other General Office Expenses
- Grant Matching
- 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

#### 1.12. Population Groups

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

#### 1.13. Weighted Budget Amounts

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

The following formula demonstrates the weighting applied:

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

A = Total # of Petitioned 17yos in County

B = Total # of Petitioned 17yos in Population Group

C = # of Sampled Counties in the Population Group

#### 1.14. County Budget Data Included

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

Table A-1. Counties Included in Budget Calculations

| Budgets      |           | District Courts    |                                 | Circuit Courts     |                                 | Sheriffs           |                                 | PAs                |                                 |
|--------------|-----------|--------------------|---------------------------------|--------------------|---------------------------------|--------------------|---------------------------------|--------------------|---------------------------------|
| County/Group | 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                               |

### 1.15. Case Counts

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

### 1.16. Kent Prosecuting Attorney Expenses

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

### 1.17. Child Care Fund Numbers

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

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

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

## Revenue

### 1.19. Drunk Driving Cases

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

- Aircraft - ouil/per se
- Driving while visibly impaired
- Marine safety - operating while impaired
- Marine safety - operating while intoxicated
- Operating - allowing intoxicated person to operate
- Operating - impaired
- Operating - impaired second offense
- Operating - minor with any bac
- Operating - ouil/per se
- Operating - owi - 2nd offense notice
- Operating - owi - 3rd offense notice
- Operating - under the influence
- Operating - under the influence third or 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

### 1.20. Drunk Driving Reimbursement

The amount of annual reimbursement per county for drunk driving cases came from the 2016 amounts provided on the Michigan Courts website in the Drunk Driving Caseflow Assistance Fund Annual Reimbursement document:

<http://courts.mi.gov/Administration/SCAO/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                | 2                | 3b      | Pop Size 3 Northern/Central Lower Peninsula |
| Hillsdale      | 3                | 3                | 3c      | Pop Size 3 Southern Lower Peninsula         |
| Houghton       | 3                | 1                | 3a      | Pop Size 3 Upper Peninsula                  |
| Huron          | 4                | 2                | 4b      | Pop Size 4 Northern/Central Lower Peninsula |
| Ingham         | 2                | 3                | 2c      | Pop Size 2 Southern Lower Peninsula         |
| Ionia          | 3                | 3                | 3c      | Pop Size 3 Southern Lower Peninsula         |
| 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                  |
| Lake           | 5                | 2                | 5b      | Pop Size 5 Northern/Central Lower Peninsula |
| Lapeer         | 2                | 3                | 2c      | Pop Size 2 Southern Lower Peninsula         |

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



## Appendix C: County Responses

| County         | Initial Survey |           |           | Site Visit | Subsequent Survey | Prisoner Cost Data |
|----------------|----------------|-----------|-----------|------------|-------------------|--------------------|
|                | Courts         | PAs       | Sheriffs  |            |                   |                    |
| <b>Total</b>   | <b>22</b>      | <b>28</b> | <b>20</b> | <b>19</b>  | <b>52</b>         | <b>11</b>          |
| Alcona         |                |           |           |            | 1                 |                    |
| Alger          |                |           |           |            |                   |                    |
| Allegan        |                | 1         |           |            | 1                 |                    |
| Alpena         |                | 1         | 1         | 1          | 1                 |                    |
| Antrim         |                |           |           | 1          | 1                 |                    |
| Arenac         |                |           |           |            | 1                 |                    |
| Baraga         |                |           |           |            |                   |                    |
| Barry          | 1              |           |           |            | 1                 |                    |
| Bay            | 1              |           |           |            |                   |                    |
| Benzie         |                |           | 1         | 1          |                   | 1                  |
| Berrien        | 1              |           | 1         |            |                   |                    |
| Branch         |                |           |           | 1          |                   |                    |
| Calhoun        | 1              |           |           |            | 1                 |                    |
| Cass           |                | 1         | 1         | 1          | 1                 |                    |
| Charlevoix     |                |           |           |            | 1                 |                    |
| Cheboygan      |                |           |           |            | 1                 |                    |
| Chippewa       |                |           |           | 1          |                   |                    |
| Clare          |                |           |           |            |                   |                    |
| Clinton        |                |           |           |            | 1                 |                    |
| Crawford       |                | 1         |           |            | 1                 |                    |
| Delta          |                |           |           |            |                   |                    |
| Dickinson      |                |           |           |            |                   |                    |
| Eaton          | 1              | 1         |           |            | 1                 |                    |
| Emmet          |                |           |           |            |                   |                    |
| Genesee        | 1              | 1         |           |            | 1                 |                    |
| Gladwin        |                |           |           |            | 1                 |                    |
| Gogebic        | 1              |           |           |            | 1                 |                    |
| Grand Traverse |                | 1         |           |            | 1                 |                    |
| Gratiot        |                |           |           |            |                   |                    |
| Hillsdale      | 1              |           |           |            |                   |                    |
| Houghton       |                | 1         |           |            |                   |                    |
| Huron          |                | 1         |           |            |                   |                    |
| Ingham         | 1              | 1         |           |            | 1                 | 1                  |
| Ionia          |                |           | 1         | 1          | 1                 |                    |

| County       | Initial Survey |     |          | Site Visit | Subsequent Survey | Prisoner Cost Data |
|--------------|----------------|-----|----------|------------|-------------------|--------------------|
|              | Courts         | PAs | Sheriffs |            |                   |                    |
| Iosco        |                |     |          |            | 1                 |                    |
| Iron         |                | 1   | 1        |            |                   | 1                  |
| Isabella     | 1              | 1   |          |            |                   |                    |
| Jackson      |                |     | 1        |            | 1                 | 1                  |
| Kalamazoo    | 1              | 1   |          |            |                   |                    |
| Kalkaska     |                |     |          |            |                   |                    |
| Kent         | 1              | 1   | 1        | 1          | 1                 | 1                  |
| Keweenaw     |                |     |          |            |                   |                    |
| Lake         |                |     |          |            | 1                 |                    |
| Lapeer       |                |     | 1        |            | 1                 | 1                  |
| Leelanau     |                | 1   |          |            | 1                 |                    |
| Lenawee      |                |     |          |            | 1                 |                    |
| Livingston   |                | 1   | 1        |            | 1                 | 1                  |
| Luce         |                |     |          |            |                   |                    |
| Mackinac     | 1              |     | 1        |            |                   | 1                  |
| Macomb       | 1              | 1   |          | 1          | 1                 |                    |
| Manistee     |                |     | 1        |            |                   |                    |
| Marquette    |                |     | 1        | 1          | 1                 |                    |
| Mason        |                |     |          |            |                   |                    |
| Mecosta      | 1              |     |          |            | 1                 |                    |
| Menominee    |                | 1   |          | 1          | 1                 |                    |
| Midland      |                | 1   |          | 1          | 1                 |                    |
| Missaukee    |                |     |          | 1          |                   |                    |
| Monroe       | 1              |     |          |            | 1                 |                    |
| Montcalm     |                | 1   | 1        |            | 1                 |                    |
| Montmorency  |                |     |          |            | 1                 |                    |
| Muskegon     | 1              | 1   | 1        | 1          | 1                 | 1                  |
| Newaygo      |                | 1   |          |            |                   |                    |
| Oakland      | 1              |     |          | 1          | 1                 |                    |
| Oceana       |                | 1   |          |            |                   |                    |
| Ogemaw       |                |     |          |            | 1                 |                    |
| Ontonagon    |                |     | 1        |            | 1                 | 1                  |
| Osceola      |                |     | 1        |            | 1                 |                    |
| Oscoda       |                |     |          |            |                   |                    |
| Otsego       |                | 1   |          |            | 1                 |                    |
| Ottawa       | 1              |     | 1        |            | 1                 |                    |
| Presque Isle |                |     |          |            | 1                 |                    |
| Roscommon    |                |     |          |            |                   |                    |
| Saginaw      |                | 1   |          | 1          | 1                 |                    |

| County      | Initial Survey |     |          | Site Visit | Subsequent Survey | Prisoner Cost Data |
|-------------|----------------|-----|----------|------------|-------------------|--------------------|
|             | Courts         | PAs | Sheriffs |            |                   |                    |
| Sanilac     | 1              |     |          |            | 1                 |                    |
| Schoolcraft |                |     |          |            |                   |                    |
| Shiawassee  |                |     | 1        |            | 1                 | 1                  |
| St. Clair   |                | 1   |          |            | 1                 |                    |
| St. Joseph  |                |     |          |            | 1                 |                    |
| Tuscola     | 1              |     |          | 1          | 1                 |                    |
| Van Buren   |                |     |          |            | 1                 |                    |
| Washtenaw   |                | 1   | 1        | 1          | 1                 |                    |
| Wayne       | 1              | 1   |          | 1          |                   |                    |
| Wexford     |                |     |          |            | 1                 |                    |



## Appendix D: Initial Survey Instruments

### Court Administrators

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

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

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

#### Courts

1. For what court(s) are you the administrator? *Check all that apply.*  
☐ Circuit, Specify Number: \_\_\_\_\_ ☐ District, Specify Number: \_\_\_\_\_ ☐ Probate/Family  
a. What is your title? \_\_\_\_\_
2. How many locations does your court have? \_\_\_\_\_
3. In the table below, please identify the number of judges and other staff employed and/or contracted by each court type.

| Staff Type                  | Circuit   |           | District  |           | Probate/Family |           |
|-----------------------------|-----------|-----------|-----------|-----------|----------------|-----------|
|                             | Full-time | Part-time | Full-time | Part-time | Full-time      | Part-time |
| Judges                      | _____     | _____     | _____     | _____     | _____          | _____     |
| Magistrates                 | _____     | _____     | _____     | _____     | _____          | _____     |
| Referees                    | _____     | _____     | _____     | _____     | _____          | _____     |
| Administrators              | _____     | _____     | _____     | _____     | _____          | _____     |
| Clerks                      | _____     | _____     | _____     | _____     | _____          | _____     |
| Court officers              | _____     | _____     | _____     | _____     | _____          | _____     |
| Probation officers          | _____     | _____     | _____     | _____     | _____          | _____     |
| Administrative, clerical    | _____     | _____     | _____     | _____     | _____          | _____     |
| Other, please specify _____ | _____     | _____     | _____     | _____     | _____          | _____     |
4. Does your court have a multiple district plan? ☐ Yes ☐ No<sup>1</sup>
5. Does your court have jurisdiction over civil infractions committed by juveniles under the age of 17? ☐ Yes ☐ No

<sup>1</sup> Yes should have a value of "1" and No should have a value of "5."

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

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

| 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.*

**Michigan Study of 17 Year Olds In the Adult Court and Correctional System  
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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                          |

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

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

- |                                                                                                   |                                                             |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <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                          |

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?

- |                                                                                |                                                          |
|--------------------------------------------------------------------------------|----------------------------------------------------------|
| a. If yes, which counties? _____                                               | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 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."



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

18. Which of the following **mental health services** do you provide in your County?
- 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?

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

|                |          |
|----------------|----------|
| 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.*



### 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.
- Do you provide mental health assessments? (if no, skip to 27) ☐ Yes ☐ No
  - Who pays for the mental health assessment services? ☐ CMH ☐ County ☐ Other
  - Who provides the mental health assessment services? (if CMH or County Employed, skip to 27) ☐ CMH ☐ County Employed ☐ County Contracted
  - 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?
- Mental health medication? (if no, skip to 27e) ☐ Yes ☐ No
  - Who pays for the mental health medication services? ☐ CMH ☐ County ☐ Other
  - Who provides the mental health medication services? (if CMH or County Employed, skip to 29e) ☐ CMH ☐ County Employed ☐ County Contracted
  - If County Contracted, who do you contract with to provide the mental health medication for juveniles under age 17? (please specify) \_\_\_\_\_
  - Mental health group sessions? (if no, skip to 27i) ☐ Yes ☐ No
  - Who pays for the mental health group sessions services? ☐ CMH ☐ County ☐ Other
  - Who provides the mental health group sessions services? (if CMH or County Employed, skip to 29i) ☐ CMH ☐ County Employed ☐ County Contracted
  - If County Contracted, who do you contract with to provide the mental health group sessions? (please specify) \_\_\_\_\_
  - Mental health individual sessions? (if no, skip to 28) ☐ Yes ☐ No
  - Who pays for the mental health individual sessions services? ☐ CMH ☐ County ☐ Other
  - Who provides the mental health individual sessions services? (if CMH or County Employed, skip to 30) ☐ CMH ☐ County Employed ☐ County Contracted
  - 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
- 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 detainee in your county jail? \$ \_\_\_\_\_
  - a prisoner in your county jail? \$ \_\_\_\_\_
31. Are budget data available for release for this study? ☐ Yes ☐ No
- 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.*

## Appendix E: Onsite Data Collection Instruments

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### Circuit Courts

#### Michigan 17 Year Old Study Onsite Data Collection – Circuit Courts

County: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Court Number: \_\_\_\_\_ Interviewer: \_\_\_\_\_  
Contact Information: \_\_\_\_\_  
Name: \_\_\_\_\_ Phone: \_\_\_\_-\_\_\_\_-\_\_\_\_  
Title: \_\_\_\_\_ Email: \_\_\_\_\_

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

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

- What impact do you think raising the age of juveniles to 17 will have on this court?
- What specifically will need to change that will either cost or save money?
- 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/caseload data. Are there other types of data we should be considering?

#### STATISTICAL DATA

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

☐ Yes    ☐ No (specify agency/individual that can) \_\_\_\_\_

☐ Yes, with exception(s) and/or caveats (specify) \_\_\_\_\_

4. Are you able to break out workload/caseload data for:

- a. 15- and 16-year-olds from other juveniles?
- b. 17-year-olds from other adults?

☐ 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?
- How much of those costs does the prosecuting attorney's office incur?
  - How much of those costs are collected or reimbursed?
    - Who pays the cost or reimbursement (e.g., defendant, county, etc.)?
    - What agency collects the payment or reimbursement?
  - 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)?
- 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) \_\_\_\_\_

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.
- 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?
  - 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?

### 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-years-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?



## Appendix F: Supplementary Survey Instrument

### Michigan Study of 17 Year Olds Juvenile Court Administrator Survey

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

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

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

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

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

4. Is your court sufficiently staffed for the current caseload? ☐ Yes ☐ No
5. If raise the age legislation is passed, how many additional 17 yr, old youth do you anticipate *will be added* to your court's total caseload? \_\_\_\_\_
6. Is your court sufficiently staffed to meet the needs of 17 year olds if they are added to the caseload? ☐ Yes ☐ No  
a. If no, how many additional staff resources of each type will be needed?
7. Does your court have any of the following problem-solving courts? *Check all that apply.*  
a. If yes, please identify youth are served by the problem-solving court.

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

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

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

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

### Services

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

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

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

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

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

☐ Yes ☐ No

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_



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

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

#### Detention Centers

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

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

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

i. What is the secure facility's bed capacity?

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

iii. What is the per diem rate you charge per youth? \$ \_\_\_\_\_

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

i. What is the non-secure facility's bed capacity?

ii. What was the non-secure facility's average occupancy rate in state fiscal year 2016? \_\_\_\_\_%

iii. What is the per diem rate you charge per youth? \$ \_\_\_\_\_

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

☐ Yes *Continue* ☐ No *Skip to 17.*

i. What is the bed capacity of the residential treatment program?

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

iii. What is the per diem rate you charge per youth? \$ \_\_\_\_\_

#### Budget Data

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

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

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

#### Barriers/Challenges/Additional Comments

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

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



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

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



## Appendix G: Reference Resources

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