

Bills in Michigan Legislature could help cap school-to-prison pipeline

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(Photo: Evan Vucci, Associated Press)

In his speech before Congress in September, Pope Francis spoke of the need for society to address the corrections system, offering encouragement to those “convinced that a just and necessary punishment must never exclude the dimension of hope and the goal of rehabilitation.”

If the words of Pope Francis are to be taken seriously, then bipartisan legislation awaiting action from the Michigan House of Representatives is a good place to start.

Policies enacted in the mid-1990s brought about a “tough-on-crime” approach, expanding prospects for juveniles to be treated as adults in the criminal justice system. As a result, more juvenile offenders have been shifted into the adult system instead of receiving services that lead toward rehabilitation.

These policies have also done little to repair the harm caused to communities and to victims by crime. But a new “smart-on-crime” approach seeks to improve critical re-entry services to lower recidivism and to offer alternative sentencing when appropriate for low-level, nonviolent offenses.

One common-sense way to integrate the “smart-on-crime” approach is found in House Bills [4947](http://legislature.mi.gov/doc.aspx?2015-HB-4947) (<http://legislature.mi.gov/doc.aspx?2015-HB-4947>) through [4966](http://legislature.mi.gov/doc.aspx?2015-HB-4966) (<http://legislature.mi.gov/doc.aspx?2015-HB-4966>), which are pending before the Michigan House of Representatives. These measures recognize the differences between youth and adults that have been proven through [scientific and academic research](http://sites.nationalacademies.org/cs/groups/dbassesite/documents/webpage/dbasse_083506.pdf) (http://sites.nationalacademies.org/cs/groups/dbassesite/documents/webpage/dbasse_083506.pdf). Youthful offenders under the age of 18 can be impulsive, often succumb to peer pressure, and many have had significant trauma in their lives. Of the youths that are in the adult corrections system today, most have seen a friend or family member killed. A majority have substance abuse issues and are suffering educationally. Many have bounced around the foster care system.

Michigan is only one of nine states that automatically require prosecuting 17-year-olds as adults. [Between 2003 and 2013](http://www.miccd.org/2014/06/ybb/) (<http://www.miccd.org/2014/06/ybb/>), 20,000 Michigan juveniles received an adult sentence, including detention in jail or imprisonment for a crime they committed. There is an increased chance juveniles exposed to adult jails, detention facilities, or prison will feel hopeless and become hardened. [A 2006 study from the Centers for Disease Control](http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm) (<http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm>) shows that youth exiting the adult system are 34% more likely to re-offend, re-offend more quickly and escalate to more violent offenses than youth exiting the juvenile system.

Is this the best way to deal with society’s youthful offenders?

The justice system should hold offenders, including youth, accountable for their crimes, but it also must seek to foster rehabilitation whenever possible. Pope Francis has urged society to help those who have committed crimes to find a more productive path, one that benefits offenders and “elevates the morale of the entire community and society.” House Bills 4947-4966 would encourage rehabilitation, raise the age of juvenile court jurisdiction to 18, prevent juveniles from being housed with adult prisoners, allow a judge flexibility when considering a waiver during sentencing for a juvenile and increase state contributions to the Child Care Fund, which helps counties provide rehabilitative services and programming.

Adding 17-year-olds to the juvenile justice system and providing them with rehabilitative services will add costs. But if Michigan is to be serious about making an impact on rehabilitation, increasing public safety, and reducing crime, it should be reflected in the state’s spending priorities.

Not only is this legislation compassionate, it moves Michigan away from the “tough-on-crime” approach to a more effective “smart-on-crime” approach. In other words, it places a priority on rehabilitation over retribution. House Bills 4947-4966 will help youth become more productive members of society, reduce costs of future victimization, and prove a worthwhile investment for the state.

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