

A RESOLUTION SUPPORTING PLACEMENT OF WASHTENAW COUNTY 17-YEAR-OLD ARRESTEES IN THE WASHTENAW COUNTY YOUTH CENTER INSTEAD OF THE JAIL IN ACCORDANCE WITH AGREED UPON CRITERIA, THROUGH LAWFUL ORDER OF THE COURT, AND IN ALIGNMENT WITH PENDING RAISE THE AGE LEGISLATION AS PRESENTED IN THE “YOUTH IN PRISON” LEGISLATIVE PACKAGE, INCLUSIVE OF HOUSE BILL 4744

Washtenaw County Board of Commissioners

April 4, 2018

WHEREAS, Michigan remains one of five states in the U.S. that automatically prosecutes 17-year-olds as adults regardless of the severity of the crime, which is unaligned with national best practice, recent U.S. Supreme Court decisions, and Michigan’s other governing laws that define “youth” as any individual under the age of 18; and

WHEREAS, national research found the majority of 17-year-olds entering the criminal justice system are arrested for nonviolent, misdemeanor offenses, of which many would be eligible for diversion in the juvenile justice system (Michigan Council on Crime and Delinquency, [Youth Behind Bars, 2014](#)); and

WHEREAS, national research on adolescent brain development shows that teenagers are more inclined to take risks, act impulsively, and succumb to peer pressure, which may lead to delinquent behavior, yet are very responsive to rehabilitative programs and behavior modification during these formative years (Michigan Council on Crime and Delinquency, [Youth Behind Bars, 2014](#)); and

WHEREAS, national research by the Campaign for Youth Justice found youth in adult facilities to be at increased risk of physical and sexual victimization, as well as a 36% increased risk of suicide than their juvenile counterparts (Michigan Council on Crime and Delinquency, [Youth Behind Bars, 2014](#)); and

WHEREAS, national research by the Centers for Disease Control and Prevention found that youth exiting from adult facilities are 34% more likely to re-offend, re-offend sooner, and escalate to more violent offenses than their counterparts in the juvenile system (Michigan Council on Crime and Delinquency, [Youth Behind Bars, 2014](#)); and

WHEREAS, current Michigan law conflicts with federal law under the [Prison Rape Elimination Act \(PREA\) of 2003](#), and with the U.S. Department of Justice 2012 implementation of [PREA Prisons and Jail Standards](#) which already requires sight and sound separation of incarcerated youth under the age of 18 from adult inmates in jails and prisons; and

WHEREAS, the [“Youth In Prison” legislative package](#), inclusive of House Bill 4744 prohibiting the placement of youth under the age of 18 in adult jails and prisons was presented to the Michigan Legislature in the 2017-18 session; and

WHEREAS, the Washtenaw County Youth Center prioritizes developmentally appropriate programs and services designed to educate, rehabilitate and encourage family involvement in ways that are not accessible to 17-year-olds in jail; and

WHEREAS, the age of compulsory school attendance in Michigan is 18, and middle and high school education provided by the Washtenaw Intermediate School District is a primary program component of the Washtenaw County Youth Center; and

WHEREAS, despite the longstanding practice of placing 17-year-old adult court arrestees in jail while awaiting sentencing, Michigan law is ambiguous ([MCL 712A.16](#), [MCL 764.27a](#), [MCL 750.139](#), [MCL 712A.16\(2\)\(c\)](#)) with regard to *where* 17-year-old arrestees must be held prior to sentencing; and

WHEREAS, the Washtenaw County Youth Center is licensed by the State of Michigan Department of Health and Human Services Division of Child Welfare Licensing as a secure Child Caring Institution as defined in section 1(b) of [1973 PA 116](#), [MCL 722.111](#) for individuals age 11-17 inclusive; and

NOW THEREFORE BE IT RESOLVED THAT the Washtenaw County Board of Commissioners hereby supports placement of Washtenaw County 17-year-old arrestees awaiting sentencing in the Washtenaw County Youth Center instead of the jail in accordance with agreed upon criteria, through lawful Order of the Court and in alignment with Michigan’s pending Raise the Age legislation as presented in the “Youth in Prison” legislative package, inclusive of House Bill 4744.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Brabec	X			LaBarre	X			Smith	X		
Deatrick	X			Martinez-Kratz	X						
Jamnack	X			Morgan	X						
Jefferson	X			Ping			X				

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE:

8 0 1

STATE OF MICHIGAN)

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on April 4th, 2018, as it appears of record in my office.

COUNTY OF WASHTENAW)^{SS}.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 5th day of April, 2018.

LAWRENCE KESTENBAUM, Clerk/Register

BY: _____ Deputy Clerk



Res. No. 18-063