



# MICHIGAN SHERIFFS' ASSOCIATION

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June 16, 2023

To All Concerned Legislators:

Please allow this communication to serve as a memorialization of the positions of the Michigan Sheriffs' Association (MSA) regarding bills that are associated with changes to the Juvenile Justice System. As the bills currently stand, the MSA has taken the following positions:

**HB4624:** Support – particularly for the following 2 reasons: (1) because it provides funding for programs that should create better outcomes for juveniles and (2) because it requires the adoption of a validated risk screening tool and a validated detention screening tool.

**HB4626:** Support – particularly because the proposed 3-month diversionary period is subject to an extension, if this is deemed necessary.

**HB4627:** Support – particularly because it requires a risk and needs assessment of each juvenile prior to a disposition.

**HB4628:** Support – particularly because a court must consider the results of the risk and mental health screening tools when deciding whether to place a matter on the consent calendar.

**HB4629:** Support – particularly because it requires the use of a Detention Screening Tool when making decisions regarding detention.

**HB4631:** Support – because this bill supports the expansion of MIDC services to include the provision of legal representation for juveniles.

**HB4632:** Support – particularly because it provides that the department may make changes to provider service agreements to respond to bed shortages, staff retention, and service needs.

**HB4633:** Support – particularly because the MSA recognizes the value of additional factors that a court must take into consideration: amenability to treatment, developmental maturity, and the emotional and mental health of the juvenile in deciding the manner in which the juvenile will be tried.

The MSA is appreciative of the changes that will be brought about as a result of the passage of HB 4624, 4626, 4627, 4628, and 4629. The MSA has long been a proponent of using screening tools as an objective means for making decisions.

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It believes the use of these tools leads to objective, replicable assessments, those devoid of subjective emotions, and that they enable correctional staff to make determinations as to the risk an inmate may pose to themselves, other inmates, jail staff, and to the security of a jail facility. These determinations prove valuable when they are used to reach decisions as to where an inmate should be housed and whether it is appropriate to colocate that inmate with certain other inmates. Sheriffs are able to mitigate risk through the use of objective measurements, and the MSA encourages the use of screening tools throughout the juvenile justice system.

Despite its support of the aforementioned bills, the MSA is in opposition to HB4625. This bill eliminates specific assaultive crimes that currently serve as disqualifiers to a juvenile being eligible for diversion. Specifically, the bill proposes eliminating the following offenses:

1. Manslaughter (MCL 750.321)

2. Mayhem (MCL 750.397):

This offense involves a person who, with malicious intent to maim or disfigure, shall cut out or maim the tongue, put out or destroy an eye, cut or tear off an ear, cut or slit or mutilate the nose or lip, or cut off or disable a limb, organ or member, of any other person, and every person privy to such intent, who shall be present, aiding in the commission of such offense.

3. Felonious Assault in a School Zone (MCL 750.82):

This offense involves a person who assaults another person with a gun, revolver, pistol, knife, iron bar, club, brass knuckles, or other dangerous weapon without intending to commit murder or to inflict great bodily harm less than murder in a school zone.

4. Assault w/intent to do Great Bodily Harm/Suffocation, (MCL 750.84)

5. Assault to Commit a Felony (MCL 750.87)

6. Robbery Not Armed (MCL 750.88)

7. Prisoner taking person as hostage (MCL750.349a):

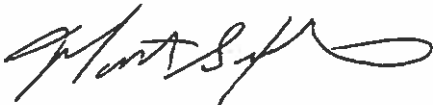
This offense involves a person imprisoned in any penal or correctional institution located in this state who takes, holds, carries away, decoys, entices away or secretes another person as a hostage by means of threats, coercion, intimidation or physical force

Each of these offenses involves an intentional act involving the use or threatened use of force or violence against an innocent victim. Each of these offenses has the potential for causing physical injury and harm to the victim. The offense of Manslaughter results in the death of a victim, and Mayhem results in a person suffering great pain as they are maimed or mutilated by an offender.

The MSA will not support HB4625 based on the proposed elimination of these disqualifiers. The MSA supports a juvenile system that creates outcomes that result in a balanced approach, one that takes into account the *best interests of the child philosophy* but not to the detriment of public safety. MSA believes the HB4625 is counterproductive to public safety and that it discounts the trauma experienced by victims and the additional potential adverse impacts that could have occurred. MSA believes the bills it has chosen to support bring about a positive balance to the system.

MSA is thankful to have its voice heard in this process, as we believe our role in the system is holistic, one that takes into account the offender, the victim, the men and women that serve in law enforcement and corrections, and the safety of the public at large. Please reach out if you should desire any additional information or clarification on any of our positions. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Matthew Saxton", with a large, stylized flourish at the end.

Matthew Saxton  
Executive Director  
Michigan Sheriff's Association

