Michigan Juvenile Waiver Law: Time for Repeal?

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Abstract

The sharp increase in violent juvenile crimes from 1988 to 1994 compelled Michigan and almost every other state in the United States to create harsher laws to make it easier to transfer violent juvenile offenders to the adult criminal court. Michigan’s resolution arrived with the passing of Michigan Compiled Law (MCL) 712A.2d, via Public Act 288 of 1996, which abolished the age limit for juveniles to be waived to criminal court for felony crimes. Since MCL 712A.2d was passed, violent juvenile crimes and the number of juveniles transferred to criminal court have markedly decreased. However, does MCL 712A.2d deter juveniles from committing felony crimes? Is MCL 712A.2d compatible with the rehabilitative goals of juvenile justice? This paper analyzes relevant research to examine the history, procedures, and outcomes of the Michigan Juvenile Waiver Law which leads to the conclusion that MCL 712A.2d is not an effective deterrent and that this law is not compatible with the rehabilitative goals of the juvenile justice system. This conclusion leads to the recommendation for Michigan to repeal MCL 712A.2d.

“Until the early 19th century in the United States, children as young as 7-years old could be tried in criminal court and, if convicted, sentenced to prison or even to death” (McCord, Widom, & Crowell, 2001, p. 157). According to Ullman (2000), juveniles deemed delinquent were locked up with adult criminals in harsh adult prison conditions, which subjected them to further criminal education from experienced criminals. As social and political awareness increased in the late 19th century, citizens became increasingly concerned about the harsh treatment of juveniles and through the Progressive Era reforms; the first juvenile court was established in 1899 in Cook County, Illinois (Ullman, 2000). The goal of the juvenile court is to divert juvenile offenders from the harsher punishments of the criminal court and instead facilitate rehabilitation based on the individual juvenile's needs. Reformers realized that juveniles are developmentally different from adults, are more amenable to rehabilitation, and that they are not criminally responsible for their actions (McCord et al., 2001).
McCord et al. (2001) noted that the very language of the juvenile court underscored the difference between the juvenile court and adult criminal court as “juveniles are not charged with crimes, but rather with delinquencies; they are not found guilty, but rather are adjudicated delinquent; they are not sent to prison, but to training school or reformatory” (p. 154). In addition, it was required that juveniles shall not be incarcerated with adults and that children under the age of twelve shall not be detained in jails (McCord et al., 2001). McCord et al. (2001) reported that by 1925, a functioning juvenile court existed in every state except Maine and Wyoming.

Does MCL 712A.2d deter juveniles from committing felony crimes? Is MCL 712A.2d compatible with the rehabilitative goals of juvenile justice? This paper analyzes information from 30 sources that examine Michigan’s juvenile waiver law and its effects on juvenile offenders to determine whether MCL 712A.2d is an effective deterrent and if it is compatible with the rehabilitative goals of the juvenile justice system.

Along with literature sources that discuss the history, procedure, and outcomes of the Michigan Juvenile Waiver Law, statistics are utilized to compare the number of juvenile waivers in Michigan to the number of juvenile waivers in the United States during a certain time period. Unfortunately, statistics for the number of juvenile waivers in Michigan and the United States, in order to present an identical comparison, could not be located for the years 1997 to 2001 and for the years 2014 to 2015 for the United States. Despite the missing statistics for these particular years, the statistics that are included in this paper are conclusive evidence of the significant decline of the number of juveniles waived to criminal court in Michigan from 2001 to 2015 and in the U.S.A. from 2001 to 2013.

**Michigan Juvenile Waiver Law**

When MCL 712A.2d was passed in 1996, it allowed for juveniles of any age to be transferred to criminal court via the traditional waiver process for felony crimes. During the traditional waiver process, the court must consider six factors, assigning greatest weight to the seriousness of the offense and the juvenile’s prior record, when determining whether the best interests of the juvenile and the public would be served by waiving
the juvenile to criminal court (Michigan Legislature, 2015). The other four factors that are considered in a traditional waiver case are the juvenile’s culpability in committing the offense, the juvenile’s programming history in the juvenile system, the adequacy of punishment or programming available in the juvenile justice system, and the remaining dispositional options available for the juvenile (Michigan Legislature, 2015).


The Journey of Michigan’s Juvenile Waiver Law

Michigan’s first juvenile division of the probate court was established in 1907, and in 1915 Michigan’s law was amended to establish a minimum age of fourteen-years old to be eligible to be tried as an adult for felony offenses (Finkelman, Hershock, & Taylor, 2006). Michigan’s law was amended again in 1923 to establish a minimum age of fifteen years old to be eligible to be tried as an adult for felony offenses, increasing the minimum age by one year (Finkelman et al., 2006). Finkelman et al. (2006) reported that from 1923 until 1996 Michigan’s probate court judges held judicial discretion on waiving juveniles to the adult court.

What led to Michigan adopting a “get tough” policy by passing such drastic waiver laws that allowed juveniles of any age to be tried as adults? “From 1988 to 1994, juvenile arrests for violent crimes in general increased 61 percent” (Bernard et al., 2010, p. 142). According to Griffin, Torbet, and Szymanski (1998), the nationwide concern and media focus on the rise in violent juvenile crime, particularly homicides which had
increased by 110 percent, prompted legislatures in nearly every state to revise or rewrite their laws to allow for harsher waiver laws to transfer juveniles to criminal court (Griffin et al., 1998). “This drastic change in juvenile law was rooted in the belief that the juvenile justice system was ‘too soft’ on delinquents, who are thought to be potentially as much a threat to public safety as their adult criminal counterparts” (McCord et al., 2001, p. 155).

By 1997, 47 states and the District of Columbia had adopted harsher juvenile waiver laws (McCord et al., 2001). It was during this time period that Michigan policy makers moved rapidly to strengthen the sanctions and procedures available for handling serious and violent juvenile offenders, ignoring the traditional rehabilitative juvenile court philosophy, while seeking to increase sentencing options, public safety, and offender accountability to victims and the community.

In 1996, Michigan legislatures passed MCL 712A.2d and thereby abolished the minimum age for juvenile offenders to be tried as an adult, granted more power to prosecutorial discretion in juvenile waiver decisions, and established traditional waiver criteria which assigned greater weight in the waiver decision to the seriousness of the offense and prior delinquency record of the juvenile (Michigan Legislature, 2015). Also in 1996, MCL 769.1(1) was amended to include mandatory adult sentencing for juveniles who committed any of the following twelve crimes: 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 conduct, armed robbery, and carjacking (Michigan Legislature, 2015). Two years later, in 1998, the Michigan legislatures amended MCL 712A.2d to MCL 712A.4, which specified that only juveniles fourteen and older were eligible for waiver to criminal court for felony offenses, thereby reinstating an age limit for juvenile waiver eligibility (Michigan Legislature, 2015).

After reaching a peak in 1994, national violent juvenile crime arrests dropped each year from 1995 through 2004. Juvenile arrests for violent crimes increased from 2004 to 2006, then decreased in 2007 and 2008 (Puzzanchera, 2009). Puzzanchera (2009) observed that “the number of juvenile violent crime arrests in 2008 was less than any year in the 1990s, and just 3% greater than the average annual number of such arrests between 2001 and 2007” (p.4). Scott and Steinberg (2003) contend that
Policy reform of the 1990’s was “not simply a coherent response to changing exigencies, rather, it has features of what sociologists describe as a moral panic, in which the media, politicians, and the public reinforce each other in an escalating pattern of alarmed reaction to a perceived social threat” (p. 4). Regardless, the legislative impact of the era of high violent juvenile crime from the mid 1980’s to 1990’s remains today in Michigan, even though there has been a sharp decrease in violent juvenile crimes since the adoption of harsher adult sanctions for violent juvenile offenders.

**Comparison of Michigan and United States Juvenile Waiver Statistics**

According to Juvenile Justice Geography, Policy, Practice and Statistics (2017) and Michigan Courts (2017), juvenile waivers to criminal court in Michigan experienced a 25% decrease between 2001 and 2003, a 37% increase between 2003 and 2005, a 38% decrease between 2005 and 2009, a 9% increase between 2009 and 2010, a 49% decrease between 2010 and 2013, a 27% increase between 2013 and 2014, and a 31% decrease between 2014 and 2015 (see Figure 1). Even though Michigan experienced three periods of increase in juvenile waivers between 2001 and 2015, there was a 70% decrease overall, in the number of juveniles who were waived to criminal court in Michigan during this time period (see Figure 1).
In comparison to Michigan, according to Juvenile Justice Geography, Policy, Practice and Statistics (2017), juvenile waivers to criminal court in the United States experienced an 8% increase between 2001 and 2003, a 7% decrease between 2003 and 2004, a 6% increase between 2004 and 2006, and a steady 42% decrease between 2006 and 2013 (See Figure 2). The United States experienced a 38% decrease overall in the number of juveniles who were waived to criminal court between 2001 and 2013 (see Figure 2).
In comparing Michigan and the United States juvenile waiver statistics, both Michigan and the United States experienced an overall decrease in juvenile waivers since 2001. This correlates with the evidence that the increase in violent juvenile crime from the mid 1980s to mid 1990s that led to the passing of harsher juvenile waiver laws in the United States, was only a temporary increase that no longer applies to current violent juvenile crime numbers.

In addition, it is interesting to compare Michigan and the United States juvenile waiver statistics to the juvenile violent crimes statistics that were reported by Puzzanchera (2009). Michigan juvenile waivers nearly match the increases and decreases of juvenile violent crimes between 2001 to 2009. However, the United States experienced exactly the opposite between 2001 to 2003, with a decrease in the number of juvenile waivers while there was an increase in juvenile violent crimes. Then from 2004 to 2009 the decrease in juvenile waivers mirrored the decrease in juvenile violent crimes in the United States.
Michigan Juvenile Traditional Waiver Procedure

There is a specific adjudication procedure that the juvenile court must follow anytime a traditional waiver petition is filed for a juvenile in Michigan. In making this decision, under MCL 712A.2d, the court must assign the greatest weight to the seriousness of the alleged offense in terms of community protection, including the existence of any aggravating factors, the use of a firearm or other dangerous weapons, victim impact and; the prior delinquency record of the juvenile including, detention records, police records, school records, or any other evidence indicating prior delinquent behavior (Michigan Legislature, 2015). The court must also consider the juvenile’s culpability in committing the alleged offense, including the level of the juvenile's participation and the existence of any aggravating or mitigating factors (Michigan Legislature, 2015). In addition, the court “must consider the juvenile's programming history, including, the juvenile's past willingness to participate meaningfully in available programming; the adequacy of punishment or programming that is available in the juvenile justice system; and the dispositional options available for the juvenile” (Michigan Legislature, 2015).

The possibility of receiving a harsher punishment, such as a prison sentence, is intended to provide serious consequences for violent juvenile offenders and to be a deterrent that discourages juveniles from committing felony crimes. If the juvenile court judge decides the juvenile meets the waiver criteria, the judge can enter an order to waive the juvenile to criminal court. When a juvenile who has committed a felony crime is waived to criminal court, it is possible that the juvenile will receive a prison sentence. Research indicates that the sentence outcome is contingent on offense type, with violent juvenile offenders receiving tougher sentences in the criminal court (Steiner, Hemmens, & Bell, 2006). In addition, Ullman (2000) discovered that juveniles transferred to criminal court received almost twice as long of a sentence as the average sentence for adults convicted of the same crime.
Policy Outcomes

Intended Outcomes. There are three very clear intended outcomes that are included in the language of MCL 712A.2d. The first is to provide serious consequences for juveniles who commit felony offenses. The second intended outcome is to waive serious juvenile offenders, who are deemed to be not amenable to the rehabilitative treatment that is offered in juvenile court, to the criminal court. The third intended outcome is that the possibility of being waived to criminal court will act as a deterrent that discourages juveniles from committing felony crimes. By having a process to waive juveniles to the criminal court, the justice system accomplishes the first two intended outcomes but according to research, MCL 712A.2d is not an effective deterrent.

Unintended Outcomes. Along with intended outcomes, there are also several unintended outcomes of Michigan’s juvenile waiver law. Incarcerating juveniles with adults places the juvenile at risk of physical and sexual assault (Flesch, 2004; Mulvey & Schubert, 2012; Wood, 2012; Heaney, 2016), can cause mental health issues (Heaney, 2016; Steiner et al., 2006; Murrie, 2009; Ullman, 2000; Ng et al., 2011; Ng et al., 2012), often leads to increased recidivism (Steiner et al., 2006; Myers, 2001; Flesch 2004; Ullman, 2000; Redding, 2010), does not deter juveniles from committing further crimes (Myers, 2016; Redding, 2010; Scott & Steinberg, 2008; Redding & Fuller, 2004; Fagan, 2008; McGowan et al., 2007), and causes long-term collateral damage (Berson, 2013; Pinard, 2010; Myers, 2003; Mulvey & Schubert, 2012).

Assault. Research indicates that juveniles placed in adult correctional institutions, compared to those placed in juvenile institutions, “have a 500 percent higher sexual assault rate, are 200 percent more likely to be beaten by guards, and are 50 percent more likely to be attacked with a weapon” (Flesch, 2004, p. 590). Mulvey and Schuber (2012) found that placing relatively inexperienced and immature juveniles into a prison environment requires the juvenile to develop a tough exterior in order to survive, thus increasing the juvenile’s “chances of being involved in a physical confrontation, either through efforts to establish a reputation or to resist assaults or sexual advances” (Mulvey & Schuber, 2012, p. 5).

Overall, studies have shown that the risk of assault for a juvenile in an adult facility is substantially greater than the risk for an adult in the same facility (Mulvey & Schubert, 2012). Wood (2012) declares that placing
juveniles in adult prisons is in fact cruel and unusual punishment, a violation of the Eighth Amendment of the United States Constitution, because juveniles face significant dangers to their safety and well-being, including alarmingly high rates of physical abuse and sexual assault when confined with adults in jails and prisons. “The many physical, developmental, and psychological differences between juveniles and adults, already recognized by the Supreme Court in numerous decisions, make incarceration with adults an unconstitutional punishment for children under the age of eighteen” (Wood, 2012, p. 1487). Thus, research has clearly established that allowing juveniles to mix with the general adult prison population puts juveniles at greater risk of physical and sexual assaults (Heaney, 2016).

**Mental health issues.** On the other hand, the alternative of mixing juveniles in with the general adult population in prison is to place them in isolation for up to twenty-three hours a day, which can lead to the worsening of any existing mental health conditions, the development of depression and anxiety, and an increased risk of committing suicide (Heaney, 2016). According to Steiner et al. (2006), when juveniles are placed in the general population, “It has been well documented that juveniles who are sentenced to adult correctional facilities are victimized more often and suffer from psychological problems more frequently than other inmates in prison and juveniles sent to training schools” (p. 50). Heaney (2016) stated, “Youth are thirty-six times more likely to commit suicide in adult jails than are youth housed in juvenile detention facilities” (p. 416). For juveniles placed in prison, “In terms of suicide ideation, 32% reported sufficient symptoms to warrant clinical attention (caution range), and 20% warranted intense attention (warning range)” (Murrie, Henderson Vincent, Rockett, & Mundt, 2009). To make matters worse, the quality of counseling programs and efforts to improve family relations in an adult prison are extremely inadequate in comparison to programs offered through the juvenile court system (Ullman, 2000).

Overall, the odds of being depressed rather than not depressed for the juveniles who have been incarcerated in adult prisons “was 64 times that of community youths, 22 times that of minor offenders, and 37 times that of serious offenders in juvenile placements” (Ng et al., 2011, p. 27). More than 50% of Michigan juveniles who were incarcerated in adult prisons experienced depression; this percentage is slightly higher than that of Michigan juveniles who were detained in juvenile facilities and much
higher than juveniles who remained in the community (Ng et al., 2011). Juveniles who were placed in adult prisons in Michigan received fewer counseling services than juveniles who were placed in juvenile facilities (Ng et al., 2012). Therefore, depressed juvenile prisoners will have tremendous difficulty reintegrating into society upon release from prison in comparison to juveniles who are placed in juvenile facilities (Ng et al., 2011).

**Recidivism.** Recidivism occurs when a convicted criminal reoffends by committing a new crime after receiving punishment or sanctions from another crime. Research has proven that transferring juveniles to criminal court actually increases their recidivism rate. According to Steiner et al. (2006), juveniles who are waived to adult criminal court have been found to recidivate at much higher rates and reoffend quicker and more often than those youth who are retained in the juvenile system. In a comparison of juvenile and adult justice systems, based upon data from 557 youths transferred to criminal court in Pennsylvania in 1994, Myers (2001) concluded that transferring juveniles to criminal court increases the likelihood of recidivism.

Furthermore, waiving a juvenile to adult criminal court is likely to increase the adult crime rate because adult prisons are more violent than juvenile correctional facilities, which leads to juvenile offenders being released from adult facilities with newly learned criminal skills and behaviors that are more likely to result in recidivism (Flesch, 2004). According to Flesch (2004), within two years of release from adult prisons, “Fifty-eight percent of juveniles waived to the adult court commit additional crimes, whereas 42 percent of juveniles who remain in the juvenile systems commit additional crimes” (p. 590). Further, a 1987 study revealed that upon release, juveniles incarcerated in adult facilities had higher rates of rearrest, committed more serious rearrest offenses, and were rearrested more promptly than those housed in juvenile facilities (Ullman, 2000). Studies also show that not only are there higher recidivism rates among juveniles who have been incarcerated with adults, but also for waived juveniles who were not incarcerated and only received a sentence of probation in the community from the criminal court (Redding, 2010).

**Deterrence.** Policy makers believed that the threat of being waived to criminal court would have a deterrent effect to prevent juveniles from committing violent offenses. There are two types of deterrence; general
deterrence and specific deterrence. General deterrence occurs when the justice system threatens punishment, and consequently, there is less overall crime than would otherwise occur if no penalties existed (Myers, 2016). Specific deterrence occurs when sanctions or punishment in the criminal justice system discourages future criminal behavior in a criminal who has already been convicted of a crime (Myers, 2016).

**General deterrence.** The theory of general deterrence assumes that the rate of crime will decrease when the probability of punishment increases. However, “the bulk of the empirical evidence suggests that transfer laws have little or no general deterrent effect on would-be violent juvenile offenders” (Redding, 2010, p. 2). Studies have revealed that adolescents are less future-oriented than adults and are less likely to consider the long-term consequences of their behavior in the same manner as adults (Scott & Steinberg, 2008). In fact, Redding and Fuller (2004) found that most juveniles are not aware that they could be transferred to the criminal court if they commit a felony crime and, of the juveniles who are aware, most do not believe they will be transferred to the criminal court, even if they were to commit a felony offense. Overall, “the great majority of the evidence agrees that young offenders seem unresponsive to sharp changes in the risk of harsher penalties and that the age at which they are exposed to these penalties seems to matter little if at all” (Fagan, 2008, p. 103).

**Specific Deterrence.** The Task Force on Community Preventive Services concluded that transferring juveniles to the adult justice system is counterproductive as a strategy for specific deterrence in deterring subsequent violence (McGowan et al., 2007). Recent research on transferred juveniles revealed that, for juveniles with comparable individual characteristics and correctional experiences, recidivism rates were either the same or significantly higher for transferred juveniles than for juveniles retained in the juvenile court system, which demonstrates that waiving juveniles to criminal court does not have any specific deterrent effect (McGowan et al., 2007). Additionally, Fagan (2008) reported that studies on the specific deterrent effects of criminal court sanctions have shown no evidence of public safety benefits from transferring juveniles to the criminal court. (Fagan, 2008).

**Collateral consequences.** Collateral consequences are rights and privileges that are lost upon conviction that can affect a juvenile’s employment opportunities, access to government benefits, and program participation; including student loans, housing, contracting, and other
forms of participation in civic life (Berson, 2013). Other consequences of an adult felony conviction include ineligibility for jury duty and disenfranchisement while incarcerated, and in some states, even while on probation and parole (Pinard, 2010). Another consequence for a juvenile who is transferred to criminal court is public labeling, which leads to exclusion from conventional activities, such as jobs, school, and other social functions (Myers, 2003). Myers (2003) also noted that the processing of juveniles in the criminal system leads to lower employment rates in the future, especially when a prison sentence is imposed.

Moreover, time in prison diminishes an adolescent’s ability to develop certain skills and competencies. “Learning about job-related expectations, gaining résumé-building skills, discovering qualities in a potential life partner, learning how to spend unstructured time, and learning to manage a household are not easily acquired behavioral repertoires—they require some trial and error” (Mulvey & Schubert, 2012, p. 6). Consequently, prison environments reduce opportunities for juveniles to develop lasting romantic relationships, identify career interests, and develop work skills (Mulvey & Schubert, 2012).

**Discussion and Recommendations**

The juvenile court system was created in 1899 because society realized that juveniles are different than adults and should therefore be treated as juveniles with a rehabilitative model, instead of as adults with a punitive model. Due to the conflicts in the goals of juvenile and adult justice systems, it could be stated that juvenile waivers should never be allowed because many juvenile offenders are too immature and incompetent to appreciate the nature of their crimes (Flesch, 2004). The juvenile justice system is a more appropriate place to rehabilitate juvenile offenders because the goal is rehabilitation, where the juvenile receives educational and counseling programs with placement in the community or in juvenile facilities, whereas the goal of the adult criminal justice system is punishment. Juveniles who are sentenced to adult correctional facilities do not receive adequate educational or counseling services (Flesch, 2004). Therefore, the use of juvenile waivers is incompatible to the overarching goal of rehabilitation for juveniles.

Psychological research indicates that adolescents lack the adult metacognitive skills to be able to reflect or monitor their thought
processes, they are less likely to think about the consequences of their actions, and they are more likely to act impulsively (Flesch, 2004). Research in developmental psychology has revealed that there are several characteristics of adolescence that distinguish juvenile offenders from adults in ways that lessen their culpability, including “deficiencies in decision-making ability, greater vulnerability to external coercion, and the relatively unformed nature of adolescent character” (Scott & Steinberg, 2008, p. 19). Scientific evidence indicates that teens are simply less competent decision makers than adults, that youthful involvement in crime is a natural part of the youthful process of exploration and experimentation, and that youthful indiscretions are often motivated by factors unique to adolescence which are not reliable indicators of a juvenile's eventual development into an adult criminal (Heaney, 2016). According to Scott and Steinberg (2008), “Developmental research clarifies that adolescents, because of their immaturity, should not be deemed as culpable as adults” (p. 19).

Further support for the undeniable differences between adolescents and adults is found in Roper v. Simmons, the 2005 U.S. Supreme Court decision that banned the execution of offenders who are younger than eighteen-years old, which made its ruling based on both social science research and anatomically based evidence of “concrete differences between juveniles and adults” (Fagan, 2008, p.92). The research and evidence that was presented in Roper v. Simmons led to the Supreme Court’s understanding that juveniles are less culpable because they are more vulnerable and susceptible to negative peer influences and outside pressures, in addition to being comparatively immature, reckless, and irresponsible (Fagan, 2008). With respect to the Supreme Court’s findings in Roper vs. Simmons, Fagan (2008) noted that “behavioral science and natural science are nearly perfectly aligned to show that the average adolescent cannot be expected to act with the same control or foresight as a mature adult” (p. 92). Due to these findings, juvenile waiver laws are “sharply at odds with evidence that full maturity in culpability and blameworthiness comes later than eighteen, not earlier” (Fagan, 2008, p. 92-93).

Scientific, psychological, and sociological research on adolescent development has not only proven that imprisoning juveniles with adult criminals is a disservice for juveniles, but also that such practices have a negative effect on society because juveniles in adult prisons are statistically
more likely to recidivate than those sentenced to juvenile facilities (Heaney, 2016, p. 418-419). Juveniles need more than just punishment for their crimes; they need rehabilitation and education so that when they reenter society, they will have the necessary skills to become productive, law-abiding citizens (Flesch, 2004). To emphasize this point, a survey of juvenile court judges, prosecutors, public defenders, court administrators, and chief probation officers from the United States' 300 most populated counties formed a consensus that the most effective juvenile justice policies and practices are the ones that focus on individualized treatment and rehabilitation, administer graduated sanctions, and utilize risk and needs assessment tools, whereas transfer to criminal court is ineffective (Myers, 2016). Therefore, based on the totality of research that proves the ineffectiveness of the juvenile waiver law and its incompatibility with the overarching goal of rehabilitation for juveniles, it is therefore recommended that Michigan shall repeal MCL 712A.2d law and instead all juveniles through the age of eighteen should be retained in the juvenile court.

**Areas for Further Research**

Future research of Michigan juvenile waiver law should focus on juvenile designation cases that receive blended sentences, in order to determine definitive results of the specific deterrent effectiveness or ineffectiveness of juvenile waiver laws in Michigan. Blended sentencing occurs when a juvenile receives a designated sentence whereby the juvenile is placed on probation in the juvenile court, but if the juvenile commits a new offense or violates the terms and conditions of probation, the threat of being transferred to the adult court hangs in the balance. Thus, the juvenile is clearly aware of the consequence of being transferred to criminal court for further criminal activity or a violation of probation. This research should concentrate on designated cases in Michigan from 1997 to present in order to determine how many juveniles reoffended after their case was designated. These numbers should then be compared to the recidivism rates of juveniles in Michigan who were placed on probation in the juvenile court during the same time period to determine whether the threat of being transferred to criminal court has any specific deterrent effect for juveniles who received designated
sentences. These results should also be compared with the recidivism rate of designated cases in the United States to determine whether there are any differences in the specific deterrent effect for juveniles in Michigan compared to juveniles in the United States. This comprehensive research would provide more concise evidence regarding the effectiveness or ineffectiveness of specific deterrence for juveniles in Michigan who have received a blended designated sentence.

In addition, further consideration should be given to the fluctuation in the number of juveniles waived to criminal court in Michigan between 2001 and 2015. Future research should be directed toward looking for trends in the fluctuation of these numbers by conducting a careful study of social trends, history, news stories, review of waiver offenses, review of police reports, and a review of court waiver reports. Research in these areas will be beneficial in determining whether there were defining trends in juvenile felony offenses that were waived to the criminal court or if there is absolutely no rhyme or reason to the fluctuation in the number of juveniles waived to the criminal court in Michigan between 2001 and 2015.

Overall, it is certainly positive news that Michigan experienced a 70% decrease in juvenile waivers between 2001 to 2015, almost twice the percentage of decrease in juvenile waivers in comparison to national statistics. It would be beneficial for the future of juvenile justice in Michigan to understand the reasons behind this major decrease during that time period, to know what has been effective and what has been ineffective in deterring juveniles from committing felony crimes that would place them at risk of being waived to the criminal court.
References


Debra Barnum is an alumna of Grand Valley State University where she obtained a Bachelor of Science degree in Criminal Justice with emphasis in Juvenile Justice in 1998 and a Master of Public Administration degree with concentration in Public Management in 2017. Debra is a Returned Peace Corps Volunteer where she taught English to high school and middle school students from 1999-2001 in Pecica, Romania. Upon returning from Romania, Debra utilized her Criminal Justice degree as a Juvenile Probation Officer at Berrien County Trial Court – Family Division, where she wrote numerous juvenile waiver and designation reports with recommendations for the court. Since then, Debra has taught English in South Korea and her most recent work was as a Community Services Assistant for the Area Community Services and Training Council (ACSET) - Community Action Program.

Debra’s career focus and passion has been centered on working with juveniles and adults in various capacities in the community to facilitate growth, education, accountability, independence, responsibility, and empowerment. Debra took her passion for helping others to new heights in January 2011 when she resigned from her job at ACSET in order to provide full-time care for her Mom, who became severely disabled from a rare disease called Paraneoplastic Cerebellar Degeneration.