House
Legislative
Analysis
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JUVENILE BOOT CAMPS

House Bill 4723 as passed by the House
Sponsor: Rep. Michael Nye
Committee: Judiciary and Civil Rights

Senate Bill 696 as passed by the House
Sponsor: Sen. Mike Rogers
House Committee: Judiciary and Civil Rights
Senate Committee: Judiciary

Second Analysis (4-22-96)

THE APPARENT PROBLEM:

Reportedly, the number of juvenile delinquency filings in Michigan has increased dramatically in recent years. The ability of the probate courts to tailor punishments which not only fit the crime but fit the criminal is limited by the options provided to judges for placement of juvenile offenders. Options which provide a degree of punishment tempered by efforts at rehabilitation are preferred.

One possible rehabilitation option is the use of "boot camps". In the last decade, 36 state correctional systems and the Federal Bureau of Prisons have implemented more than 47 boot camp programs for adult offenders. Boot camp programs have also been developed for juvenile offenders in six states and in several county jurisdictions. Legislation has been proposed to require the Family Independence Agency to create boot camp programs and to allow the probate court to sentence juvenile offenders to these programs.

THE CONTENT OF THE BILLS:

House Bill 4723 would create the Juvenile Boot Camp Act, which would require the Family Independence Agency (FIA, formerly known as the Department of Social Services) to establish one or more juvenile boot camps and to develop one or more juvenile boot camp programs. Juvenile boot camps would house and train juveniles who had been ordered by the juvenile division of the probate court to participate in the juvenile boot camp programs. In developing boot camp programs, the FIA would be required to create programs, segregated by sex, patterned after military basic training that provide for the participants to be involved in physically strenuous work and exercise, along with other programming as determined by FIA, including, at a minimum, educational and substance abuse programs, and counseling.

Detention in a boot camp program would be for no less than 90 days and no more than 180 days. However, if the juvenile missed more than 5 days of the program due to medical excuse for injury or illness which occurred after his or her entrance in the program, the juvenile's placement in the program could be increased by the number of days he or she missed, beginning with the sixth day he or she was medically excused. The juvenile's detention in the program could be extended on this basis for up to 20 days. If the injury or illness prevented the juvenile's participation in the program for more than 25 days he or she would be returned to the probate court for alternative disposition. Verification of the medical excuse by way of a physician's statement would be required, and a copy of the excuse would have to be forwarded to the probate court that had jurisdiction over the juvenile.

The clerk of the court that had placed the juvenile in the boot camp program would be required to mail a certified copy of the disposition to the FIA within five business days after the juvenile's placement. After the juvenile had been placed in the boot camp program by the court, the FIA would be required to establish that the juvenile was both physically and mentally capable of participating in the program, and that he or she would not pose a danger to the other juveniles in the program. If the FIA determined that the juvenile did not meet those requirements, or if there was not an opening available in a boot camp program, the juvenile would be returned to the probate court for alternative disposition.

A juvenile who failed to perform satisfactorily at the boot camp program would be reported to the probate court for alternative disposition. The FIA would be required to provide the probate court with information certifying whether the juvenile had satisfactorily completed the course of training at the boot camp at least five days prior to his or her expected date of release. Upon completion of the boot camp program the juvenile would remain under the intensive supervision of the FIA in the local community for a period of no less than 120 days and no more than 180 days.

Senate Bill 696 would amend the juvenile code (MCL 712A.18) to add placement in a juvenile boot camp as an option for disposition of a juvenile offender by the juvenile division of the probate court. Specifically, the bill would allow the court to place a juvenile in, and order the juvenile to satisfactorily complete a program of training in, a juvenile boot camp as established under the provisions of House Bill 4723. In order to place a juvenile in a boot camp program, the court would have to determine all of the following: 1) that the juvenile would benefit from placement in the boot camp, 2) that the juvenile was physically able to participate in the program, 3) that the juvenile did not appear to have any mental handicap which would prevent his or her participation in the program, 4) that the juvenile would not be a danger to others in the boot camp, and 5) that there was an opening in a juvenile boot camp program.

The court would be required to authorize the release of the juvenile from the boot camp program upon receipt of a report from the FIA indicating the juvenile's satisfactory performance in the program (which the FIA would have to issue under House Bill 4723). After satisfactorily completing the boot camp program, the juvenile would have to undergo an additional 120 days to 180 days of intensive supervision by the FIA in the local community. If the court received notice from FIA that the juvenile's performance in the program was unsatisfactory, that the juvenile did not meet the program's requirements, that the juvenile was medically unable to meet the demands of the program for more than 25 days, or that there were no available openings in boot camp program, the court would be required to release the juvenile from his or her detention in the boot camp program and enter an alternative order of disposition. A juvenile would not be eligible for placement in a boot camp program more than once. However, a juvenile who had been unable to complete the program due to a medical condition or a juvenile who had been turned away because no openings were available could be placed in the program again after the medical condition had been corrected or when an opening in the program became available.

In addition, the bill would require the court to order a juvenile offender's parent or guardian to personally participate in treatment reasonably available where the family resides.

The bill would replace references to the Department of Social Services in the act with references to the Family Independence Agency. The bill would also change the terms "child" or "children" to "juvenile" or "juveniles".

Tie-bars, effective date. The bills are tie-barred to each other and to Senate Bill 681, which would require the construction and/or operation of a juvenile prison. The bills would take effect August 1, 1996.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bills would have an indeterminate fiscal impact. (3-6-96)

ARGUMENTS:

For:

Boot camps would provide another sentencing option for probate judges in their efforts to deal with ever increasing numbers of juvenile arrests. Granted, the strenuous physical environment of most boot camp programs would not be effective for all juveniles, but that is no reason not to have it available for those individuals that it could truly help. Further, most boot camp programs are less costly than other forms of incarceration and with the long after-care aspect included in the bills, these programs are more likely to have positive results.

The use of a highly structured, physically demanding environment provides an excellent opportunity for rehabilitation of certain juveniles. The structure and discipline provided by boot camp programs would be particularly effective for juveniles whose parents have not offered adequate discipline and structure. These programs would offer an opportunity for juveniles to be placed in an environment that could teach them a degree of self-discipline and respect for others that had not previously been part of their lives. Further, physical well-being and improvement through exercise increases individuals' overall sense of self worth. The bills also provide for an extended period of after-care, rather than simply releasing the juvenile back to the same environment without any further supervision, which significantly increases the likelihood of successful rehabilitation.

Finally, the boot camp environment is tough and physically demanding enough that few would argue that placement in such a program amounts to coddling the

juvenile offender.

Against:

A boot camp environment is not the best model for dealing with juvenile delinquents. Most juveniles have come from home environments where they have been deprived and mistreated. As a result, the authoritarian nature of a boot camp could cause more harm than good in many cases. While structure and discipline are undeniably important in dealing with juvenile offenders, bullying and abuse will not help and indeed could exacerbate the juvenile's malicious behavior. For example, military basic training teaches the recruits to depend on one another; while this is a good idea when dealing with recruits, it is not such a good idea when dealing with a group of juvenile offenders. Where the military recruit is being trained to follow his fellow soldiers, the juvenile offender needs to be taught to make and be responsible for his or her own decisions.

Successful treatment of juveniles requires early intervention on an individual level. The money to be spent on boot camps would be better spent providing for more active involvement by judges and caseworkers when juveniles first enter the system either through protective services or as offenders.

Response:

It should be noted that there are two types of boot camp models: the drill instructor model -- which is what most people think of when they think of boot camps and is confrontational and possibly abusive; and the platoon model -- which involves the same level of physical demands but centers on group activities and emphasizes group involvement. It is unlikely that the drill instructor model would be adopted by the FIA unless the bills required it.

Even though some juveniles might not respond well to either model, others clearly would respond well to the level of discipline and structure provided; the program should be available to help those that can be helped. Obviously, this program will not be a panacea; it merely provides judges with another sentencing option which in some cases may provide better results.

Against:

The bills do not provide enough direction on how the program should be developed. At present the bills only require that the FIA develop a program that involves "physically strenuous work and exercise, patterned after military basic training". The most important components of these programs will be the educational and counseling aspects. In order to be effective the program should include, among other things, requirements for education; family involvement; group, individual, and family therapy; and community service requirements. By failing to provide specific direction to include such items in the program there are no guarantees that the program will contain those aspects that are most important in effectively rehabilitating the juvenile offender.

Furthermore, the bill has an effective date of July 1, 1996, this provides an inadequate time frame for the FIA to create and implement a program.

POSITIONS:

The Family Independence Agency supports the bills. (4-11-96)

The Prosecuting Attorneys Association of Michigan supports the bills. (4-23-96)

The Michigan Probate Judges Association supports the concept of the bills. (4-10-96)

The Michigan Council on Crime and Delinquency opposes the bills. (4-10-96)

The Michigan Coalition for Juvenile Justice Reform opposes the bills. (4-10-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.