



**House
Legislative
Analysis
Section**

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JUVENILE GANG BOARD

House Bill 4128 (Substitute H-1) First Analysis (5-7-96)

Sponsor: Rep. Ilona Varga
Committee: Judiciary and Civil Rights

THE APPARENT PROBLEM:

Mounting evidence gathered by federal, state and local law enforcement officials suggests that membership in gangs is growing, especially among children. Reportedly, it is not uncommon to find gangs composed of children as young as eight years old. The growth in the size and number of gangs is occurring in both larger urban areas as well as suburban and rural communities. Much of this growth can be attributed to the increase in drug use and trafficking, as drug dealers and those who sell for them have become more interested in recruiting younger persons to help them in their "trade." An increasing use of minors in the drug trade apparently has two motives: minors can be paid less than adults, which leaves more profit for the leaders; and they are not likely to suffer serious penalties in the event they are caught. And even if juveniles involved in drug trafficking are prosecuted as juvenile offenders, it is difficult to prove others' involvement in their activities. Some gangs with young members, however, are organized simply to give their members a sense of belonging and exist to meet the emotional needs of children who may come from broken homes or suffer from various other social problems. While gangs such as these may be more benign than those organized mainly to peddle drugs, they also contribute to the commission of other crimes such as vandalism, property defacement and destruction, and violence.

Some people believe that the growth in the number and sizes of juvenile gangs throughout the state warrants serious attention and, thus, have proposed creating a special board, composed of the attorney general, other state officials, and people representing the public and various interested groups, to look at what might be done to reverse this disturbing trend.

THE CONTENT OF THE BILL:

The bill would create a new act, the "juvenile gang act," that would create a "juvenile gang board" in the Department of Attorney General to address the issue of juvenile gang violence in Michigan.

Board members. The bill would create a 19-member board consisting of the following members:

- ** the attorney general (or his or her representative), who would chair the board;
- ** the directors (or their representatives) of the Departments of State Police and Community Health, and of the Family Independence Agency;
- ** three people (two of whom were at least 21 years old and one who was younger than 21) representing the interests of the public;
- ** a police officer who performed patrol or investigative functions and who wasn't a supervisor;
- ** a representative of alternative education professionals;
- ** a representative of the Michigan Probate Judges Association;
- ** a representative of the Michigan Council on Crime and Delinquency;
- ** a representative of the University of Michigan Center for the Study of Youth Policy;
- ** a representative of the Boys and Girls Clubs of America--Midwest Region;
- ** a county prosecuting attorney;
- ** an individual appointed by the president or chairperson of the Detroit Urban League;
- ** an individual appointed by the Detroit National Association for the Advancement of Colored People (NAACP);
- ** an individual appointed by the Wolverine Bar Association; and
- ** the chief judges of Detroit's Recorder's Court and the Wayne County Court Juvenile Division.

Except for the attorney general, the department directors, and the Detroit Urban League, NAACP,

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Wolverine Bar Association appointees, and the chief judges, members would be appointed by the governor, with the advice and consent of the Senate. Members would have to be appointed within thirty days after the act took effect and would be appointed for two-year terms. The governor could remove board members for good cause. Vacancies would be filled in the same manner as the original appointment. Board members would serve without compensation, though they could be reimbursed for their actual and necessary expenses in performing their official duties as board members.

Board structure, meetings, and records. The attorney general would chair the juvenile gang board, which could elect from its members any other officers it considered necessary or appropriate. The board would be required to meet within 60 days after the bill took effect. A majority of members would constitute a quorum for transacting business. The board's business would have to be conducted at public meetings held in compliance with the Open Meetings Act, and its records would be subject to the Freedom of Information Act.

Funding and the juvenile gang fund. The juvenile gang board would be funded as provided by appropriation, and would be able to solicit contributions from public and private entities for the "juvenile gang fund" created by the bill as a separate fund in the state treasury. The state treasurer would be required to credit to the fund all money received under the bill, and to invest fund money just as other state surplus funds are invested. Earnings from the fund would be credited to the fund, which could be spent only as provided in the bill.

Board duties. The juvenile gang board would be required to do all of the following:

- (1) Collect data about the incidence of juvenile gang violence in Michigan;
- (2) Investigate the causes of juvenile gang violence in Michigan and determine whether programs exist or could be developed to address those causes;
- (3) Determine whether funding sources other than the juvenile gang fund existed to support public and private efforts to address juvenile gang violence and notify public and private entities that ask about the availability of those funds;
- (4) Solicit funds from public and private entities for contribution to the juvenile gang fund;
- (5) Accept applications from public and private entities for funding programs to address juvenile gang violence in Michigan;

(6) Distribute money from the juvenile gang fund to qualified entities (see below); and

(7) Before January 1 of each year, provide a written report of its activities to the governor, the Secretary of the Senate, and the Clerk of the House of Representatives.

Program grants and loans. Public or private entities could apply to the juvenile gang board, on a form prescribed by the board, for funds to operate one or more programs that addressed juvenile gang violence in Michigan. If the board determined that it was appropriate to disburse funds under the bill, in the form of grants or loans, to entities that had properly applied for funds, it could direct the state treasurer in writing to disburse funds from the juvenile gang fund. The juvenile gang board would be required to consider all of the following in determining whether to disburse funds:

** Whether the program would effectively address a cause of juvenile gang violence;

** Whether the applicant could effectively carry out the program;

** Whether other programs existed or could be created that also addressed or would more effectively address a cause of juvenile gang violence;

** The likelihood of the program's success; and

** Other criteria considered relevant by the board.

Effective date. The bill would take effect on January 1, 1997.

FISCAL IMPLICATIONS:

Fiscal information is not available. (5-6-96)

ARGUMENTS:

For:

The bill aims to lower the incidence of youth involvement in gangs by creating a juvenile gang board charged with collecting data on the incidence of juvenile gang violence in the state, trying to determine why it occurs, and attempting to solicit public and private money to pay for programs that could alleviate the problem. The board also would oversee a special fund that would be created by the bill and determine how money in it would be spent for programs intended to reduce juvenile gang violence. The board -- which would include state officials and people representing law enforcement, education, and the general public --

also could focus attention on the growing problem of gangs in the state and the negative impact of this reality on a very vulnerable segment of Michigan's population: it's youth. Finally, the creation of such a board within the office of the attorney general, moreover, would facilitate the exchange of information and coordination of responses to the increasing incidence of gang-related activities by law enforcement agencies and other juvenile justice professionals with social services agencies and educational professionals

Against:

Although the concept of a state board of professionals and the public devoted to addressing the problem of juvenile gangs is timely, having the majority of its members appointed, directly or indirectly (through the inclusion on the board of state agency directors or their representatives), by the governor (who also would be allowed to remove any board member, not just those he or she appointed) seems counterintuitive. Since the attorney general is the state's chief crime fighter -- and since he or she also would chair the board -- wouldn't it make more sense to have the attorney general appoint the public members, the police officer, and the alternative educational representative? And shouldn't it be the attorney general who should be given the authority to remove members for good cause?

Against:

Given the complex economic and social factors involved in the rise of juvenile gangs and gang violence, it's questionable how much, if anything, creation of a state board of "professionals" could do to reverse the growth of juvenile involvement in gangs. The growth in juvenile gangs and gang-related violence has numerous contributing factors, including dramatic economic and social changes over the past thirty years. Whereas a generation ago most children grew up in stable, two-parent households, today many are raised by a single parent trying to support an entire family at a time when real wages have been declining for years. The growth of the illegal but highly lucrative drug trade -- and the failure of the "war on drugs" -- surely has contributed to the growth of gang activity, both directly and indirectly. And the insecurity of growing up in a family where problems such as child abuse or neglect, alcoholism, or other substance abuse may be present, certainly can contribute to a young person's susceptibility to involvement in gangs. Some people also argue that increasing gang membership and violence is merely symptomatic of a general decline in moral standards in society at large. Simply creating a state board to talk about the problem of juvenile gangs without addressing all of these possible contributing factors seems unlikely to go very far toward solving the problem of juvenile gangs.

Response:

The very complexity of the causes of increased gang activity points toward the need for some kind of ongoing, coordinated effort at dealing with the problem. The fact that the problem is a difficult one to try to solve doesn't mean that solutions shouldn't be attempted. The proposed board, moreover, wouldn't be charged with singlehandedly solving the problem of juvenile gangs, but could well be a valuable piece of a larger, comprehensive approach to current rethinking of related social issues (such as welfare, for example).

POSITIONS:

The Wayne County prosecuting attorney supports the bill. (4-16-96)

The Interim Commission to Prevent Crime, Drugs and Violence (in Detroit) supports the bill. (5-10-94)

The Michigan Association of Community and Adult Education supports the concept of the bill. (5-11-94)

The attorney general's office submitted a letter in support of the bill. (5-10-94)

■ 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.