



POLICY BRIEF

Returning 17-year-olds to the Juvenile Justice System: A Smart Choice for our Communities and our Youth

A decade of research clarifies that trying youth in adult court has a detrimental impact on community safety as well as on many 17-year-olds. Current state law excludes all 17-year-olds from the juvenile court and the services available through that venue. Even if prosecutors and judges wanted to include a 17-year-old in an appropriate juvenile service or program, they would be unable to do so. Therefore, one way to improve community safety and better serve youth in Wisconsin is to increase the likelihood that 17-year-old offenders will receive more appropriate and effective services in the juvenile system than in the adult criminal justice system.

The issue of how best to both meet the needs of 17-year-old offenders and promote greater public safety has been studied nationally and in Wisconsin. Researchers have found that:

1. Trying youth as adults is counterproductive as a means to protect the community;
2. Youth tried as adults committed, on average, 37 percent more repeat offenses than youth retained in juvenile court; and
3. In a recently completed Wisconsin study, 17-year-olds dealt with in the adult system had a 70 percent recidivism rate. The highest recidivism rate, 80 percent, was among those 17-year-olds sent to jail for part of their sentence.

The Solution:

- Return 17-year-olds to the original jurisdiction of the juvenile court while maintaining current provisions that allow courts to move 17-year olds (by using existing waiver and transfer provisions) to the adult system when deemed necessary.
- Give critical juvenile justice system partners time to prepare for the return by setting an effective date of January 1, 2012 for the change.
- Create a process to determine the amount of additional funds required, upon implementation, to meet expanded service needs at the local and state level and commit to allocating those funds. For example, the Wisconsin Counties Human Services Association (WCHSA) has estimated that counties will need an additional \$76.5 million annually to fully meet the demands created by the return of 17-year olds.
- Create a statutorily mandated implementation committee to finalize the fiscal allocations and the disbursement plan and report to the Joint Committee on Finance on their final allocations by January 15, 2011.

In these economic times, we cannot continue to pay for policies that have proven ineffective.

Processing youth in the adult system has not helped either our communities or the youthful offenders. Investments in the development of effective juvenile justice programs can move us together toward

Returning 17-year olds to juvenile court can reduce crime, help ensure youth are held accountable, and provide youth with the skills needed to become productive citizens.

safer communities, a more employable workforce, and better outcomes for youth and families.

Who are the 17-year-olds?

The vast majority of 17-year-olds arrested are accused of minor crimes. In 2007, over half of the arrests of 17-year-olds were for a small number of non-violent crimes: liquor law violations, drug possession, disorderly conduct, theft and curfew violations.

What about the violent or repeat offenders?

The way violent and repeat offenders are treated would remain unchanged. A 17-year-old charged with certain crimes would automatically be tried in adult court, and any 17-year-old could be moved to adult court through the waiver process.

What would the new statutory scheme look like compared to the old scheme?

Under the proposal, 17-year-olds would be treated the same way 16-year-olds are now. They would be provided services in juvenile court unless they commit a very serious crime (mandatory original adult court jurisdiction), or a judge decides that adult court would be more appropriate and effective.

What is the difference between juvenile and adult court?

The main difference is the ability in the juvenile system to provide education and other needed services on an individual basis. There are very limited services available for 17-year-olds in adult court, and they are often barred from obtaining services because they are too young.

Mandatory Original Adult Court Jurisdiction		
Current Law	Proposal	Crimes
<i>Ages</i> 17 years old	<i>Ages</i> 18 years old	Always Original Adult Court Jurisdiction First degree intentional homicide; First degree reckless homicide; Second degree intentional homicide Juvenile who commits assault or battery while in a secure correctional facility
<i>In addition:</i> 10 to 16	10 to 17	
10 to 16	10 to 17	
Waiver to Adult Court		
Current Law	Proposal	Crimes
<i>Ages</i> 14 to 16	<i>Ages</i> 14 to 17	Felony Murder; Kidnapping; Second degree reckless homicide; First or second degree sexual assault; Taking hostages; Burglary; Robbery with a dangerous weapon; Manufacturing or distributing controlled substances; Commission of a felony at request of a gang
15 to 16	15 to 17	
		Violation of any state criminal law

What is the impact on the workforce?

People with adult criminal records are significantly more likely to be unemployed than those without criminal records. In this economy, we need to ensure that adolescent mistakes do not become permanent workforce barriers.

What is the impact on the community?

Effectively reducing the likelihood of re-offending behavior by 17-year-olds reduces victimization, and the trauma and costs associated with it, and increases the benefits to the community resulting from having those youth productively engaged in school and in the workforce. It also provides greater stability for their families.