

## POLICY BRIEF

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### Return Jurisdiction over Non-Violent 17-year-olds to Juvenile Court: Improve community safety and change lives

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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 return 17-year-olds to the juvenile system, where they would receive more appropriate and effective services than they do in the adult criminal justice system.

Researchers have studied how best to promote public safety **and** meet the needs of 17-year-olds, both nationally and in Wisconsin. They 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.
3. In a Wisconsin-based 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 (only 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 2013 for the change.
- Create a process to determine the amount of additional funds required to meet expanded service needs at the local and state level, and commit to allocating those funds. For example, in 2009 the Wisconsin Counties Human Services Association (WCHSA) 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 1, 2012.

***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.***

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

### **What crimes do 17-year-olds commit?**

The vast majority of 17-year-olds arrested (approximately 16,000 per year) are accused of minor crimes. Over half of these arrests are 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?**

In 2009, less than 8% of juvenile arrests were for crimes classified as serious or violent. The way violent and repeat offenders are treated would remain unchanged. 17-year-olds charged with certain serious crimes would automatically be tried in adult court or could be waived to adult jurisdiction by the court.

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

Seventeen-year-olds should be treated the same way 16-year-olds are now. They should 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.

### **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. It would increase 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. Cost-benefit analysis indicates that for every youth who is redirected from a life of crime, there is a net benefit of \$2.4-\$5.7 million to the economy.

### **What else can be done?**

Raising the age of adult court to 18 will also mean that youth who are arrested for local civil/municipal/ordinance violations will not be treated as adults. This change could affect eight to ten thousand teens each year and has essentially no cost associated with it since they are not referred to the formal juvenile court process.

Additionally, state law should be changed to prohibit anyone under the age of 18 from being held in an adult facility until convicted of an adult criminal charge.