



WISCONSIN COUNCIL ON

**children
& families**

Raising Voices to Make Every Kid Count

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Poll Shows Public Favors Juvenile Rehabilitation over Adult Jail ***WCCF Justice for Wisconsin Youth Working to Return 17-year-olds to Juvenile System***

Madison – A Zogby International poll released today by the National Council on Crime and Delinquency demonstrates public favor for rehabilitation of juvenile offenders over treatment as adults. Major findings from the poll include:

- 9 out of 10 people believed that rehabilitation and treatment for incarcerated youth can help prevent future crimes.
- 7 out of 10 felt that putting young people (under 18) in an adult correctional facility will make them more likely to commit future crime.
- By more than a 15 to 1 margin (92 percent to 6 percent), those polled believe that decisions to transfer youth to adult court should be made on a case by case basis.

Under Wisconsin law 17-year-olds are considered adults for purposes of criminal prosecution. Wisconsin Council on Children and Families plans to work in the upcoming session on legislation to return 17-year-olds to the juvenile system where they can receive developmentally appropriate treatment.

“The latest brain research confirms public opinion, kids are different and they need a response from the justice system that addresses these differences,” said Charity Eleson, executive director of Wisconsin Council on Children and Families. “By providing developmentally appropriate treatment for kids, instead of letting them linger in jails, we can keep communities safer.”

Wisconsin Fact Sheet: 17 Year-Olds in the Adult Justice System

Currently 17-year-olds are automatically tried as adults for *any crime* in Wisconsin.

In 1995, the law was changed to move 17-year-olds from the juvenile system to the adult system. Around that time, 48 states made it easier to try kids as adults, but Wisconsin remains one of only thirteen states that consider all 17-year-olds adults. According to the poll, 92% of the public disagrees with this type of blanket policy.

When a 17-year-old gets arrested, the parents do not need to be called.

Because Wisconsin 17-year-olds are treated as adults, law enforcement is not required to contact their parents when they are arrested and booked into jail.

17-year-olds still need parental permission to get medical treatment, even when in jail.

17-year-olds are not legally adults in Wisconsin. They are not able to have any of the legal privileges of adulthood, and are treated like adults *only* for criminal prosecution.

The vast majority of crimes committed by 17-year-olds are nonviolent.

Of all the arrests of 17-year-olds in 2004, only 1.5% was for violent index crimes (murder, forcible rape, robbery, aggravated assault). 17-year-olds, like younger teens, mostly get arrested for disorderly conduct, liquor law violations, vandalism, petty theft, and other adolescent type behaviors.

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Wisconsin law allows kids to be moved (waived) to adult court for certain violent crimes – therefore, keeping 17-year-olds in the adult system unnecessarily gives adult punishment for juvenile type behaviors.

Currently, there are certain crimes (intentional homicide, for example) which always start in adult court for any juvenile 10 or older. At age 15, the District Attorney can request for a case to be moved to the adult court for any crime, based on the seriousness of the crime. Moving 17-year-olds back to the juvenile system would still retain these safeguards, while giving the vast majority of 17-year-olds treatment.

The juvenile court could accommodate, with ample resources, the cases generated by 17-year-olds in a given year.

The actual number of cases of 17-year-olds which were prosecuted and not dismissed in Wisconsin in 2005 is relatively small, just about 4,500 cases statewide. Only 12 counties would see an influx of more than 100 cases in a year. 45 counties would have an increase of less than 50 cases.

The opportunity for treatment for 17-year-olds will produce safer communities.

Research has shown that kids processed through the juvenile court are safer once released to the community than kids processed through the adult court. In Wisconsin, only 13.8% of kids returned to the community after being in a juvenile correctional placement commit a new crime that results in incarceration within two years. For girls, that percentage drops to around 8%. That means that 92% of the girls and about 86% of the boys released from juvenile corrections will not have a new offense within 2 years which results in a new incarceration.

Kids do better because the juvenile system is designed for treatment and accountability, not just punishment.

In a juvenile correction or detention center, a youth will spend 5 hours per day in class, along with other time spent learning the skills they need to reintegrate into society. Kids may receive anger therapy, addiction treatment and learn a trade, as well as improve on their computer literacy. Classes for kids in the adult system are typically much more limited (3 hours of class per week instead of 5 hours per day).

For more information on efforts to ensure developmentally appropriate treatment of juvenile offenders in the Wisconsin justice system visit Justice for Wisconsin Youth at: www.wccf.org.

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