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WCCF Applauds Legislation to “Raise the Age”

Bill to Return 17-Year-Olds to Juvenile System Would Undo a Wrongheaded Policy Rooted in 1990s “Tough on Crime” Posturing

The Wisconsin Council on Children and Families today welcomed the introduction by Rep. Fred Kessler (D-Milwaukee) of legislation that would raise the age at which persons are treated as adults for purposes of criminal prosecution from 17 to 18.

“It’s become increasingly clear that treating youth as adults by default is bad policy on several levels.” said WCCF Executive Director Ken Taylor. “It does not make communities safer. And it makes it much harder for kids who get in trouble to turn their lives around. Nobody is benefiting.”

The legislation unveiled today by Rep. Kessler effectively reverses a policy change made in 1996 mandating that 17-year-olds be treated as adults, even for relatively minor, nonviolent offenses. Since then, a wealth of evidence has emerged indicating that the 1996 change was a mistake, and that it has in fact had a negative impact on both community safety and the well-being of youth in Wisconsin’s justice system.

For example, a 2008 report from the Legislative Audit Bureau found that:

- 17-year-olds in the adult system are in limbo with regard to receiving the treatment and services they need. They are too old to receive the services available to younger offenders through the juvenile corrections system, but too young to access adult services such as AODA treatment, vocational training, and diversion programs.
- Recidivism is higher among 17-year-olds in the adult system than it is for either younger youth in the juvenile system or older teens in the adult system.
- The vast majority of 17-year-olds in the adult system are there for relatively minor, nonviolent offenses like truancy and underage drinking. Under the proposed legislation, officials would still have the flexibility to try the small minority of adolescents accused of violent crimes as adults.

A 2007 report from the Centers for Disease Control and Prevention (CDC) echoed those conclusions, and also noted that treating youth offenders as adults does not appear to have a deterrent effect. Meanwhile, according to the CDC, youth in adult jails are at much greater risk of suicide and of becoming victims of assault by adult inmates.

(more)

Evidence from scientific research also supports returning 17-year-olds to the juvenile system. Neuroscientists studying development of the adolescent brain have repeatedly reported that the brain structures governing impulsive behavior, risk-taking and the understanding of long-term consequences are not fully developed by age 17. This research underscores the importance of providing young offenders access to developmentally appropriate remedial services—services NOT available in the adult criminal system.

“The 1996 law requiring that we treat 17-year-olds as adults even for minor offenses was the misguided product of a ‘tough-on-crime’ political climate,” said WCCF Deputy Director Jim Moeser, a nationally recognized juvenile justice expert. “There was never much evidence to support the policy. Well, the evidence is now in, and it points clearly toward undoing our previous mistake.”

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