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To: Joint Legislative Audit Committee

From: Wendy Henderson, Policy Analyst

**Re: Proposed Audit of the Effects of Criminal Court
Jurisdiction on 17-Year-Olds**

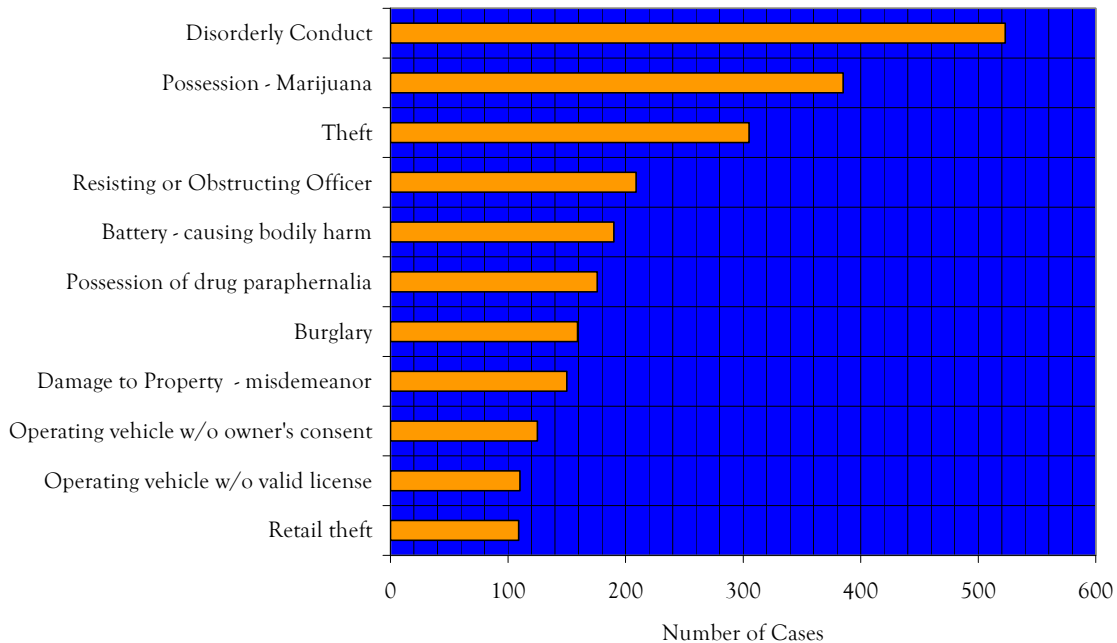
Date: March 8, 2007

Thank you for the opportunity to comment on this important audit proposal. The Wisconsin Council on Children and Families is very interested in the subject of this audit – the effects of criminal court jurisdiction on 17-year-olds – and is supportive of moving this audit forward, as described in the scope report, in a timely fashion. The Council has been actively engaged in trying to return 17-year-olds to the original jurisdiction of the juvenile court for the past several years. Six months ago, the Council joined with the Governor’s Juvenile Justice Commission to recommend an audit on the effects of moving 17-year-olds to the original jurisdiction of the adult court. This audit is vitally important for several reasons:

1. Research in other states have shown very poor outcomes for 17-year-olds who are treated as adults. If that finding holds true in Wisconsin, we may be able to avoid some of those outcomes by removing 17-year-olds from adult court jurisdiction.
2. Nationally, Wisconsin is one of only 13 states that treat kids under 18 as adults. Since the change in the law which excluded 17-year-olds from juvenile court jurisdiction, there has been a significant increase in understanding about adolescent brain development. Specifically, science has now confirmed that adolescents are not adults in the way they make decisions.
3. There is significant momentum to return 17-year-olds to the juvenile court. Many groups support returning 17-year-olds to the juvenile court, as long as there is adequate funding to provide them with the services they need. In addition to understanding the current costs (fiscal and societal) of providing services in the adult system, it is vital to understand what it would cost at the state and county level to serve the 17-year-olds.

The vast majority of 17-year-olds who are arrested in Wisconsin are not arrested for the most serious, violent crimes. The three most common crimes 17-year-olds were prosecuted for in 2005 were disorderly conduct, possession of marijuana and theft. The chart below shows the number of prosecutions for the most common offenses in 2005.

Most Common 17-Year-Old Offenses, 2005



What are the outcomes for these 17-year-olds? It is important to ascertain both the immediate consequences – for example, the consequences of being incarcerated with less educational opportunity than the juvenile system – and then the long term consequences as well. By looking at long term consequences, we may be able to determine some of the impacts of trying 17-year-olds as adults on their educational attainment and their ability to obtain employment in the future. It is important also to look at the disproportionate minority impact of the criminal court jurisdiction on 17-year-olds. Of the 17-year-olds who were sentenced to prison in 2005, 61 percent were youth of color, although youth of color make up only about 10 percent of that age group in Wisconsin.

In the past several months, there has been a substantial effort on the part of several groups to understand what the impact would be of returning 17-year-olds to the juvenile justice system. In the course of this investigation, there has been a sizeable amount of data gathered, by WCCF, by several of the counties, and by the Department of Corrections, which will help move this audit forward in timely fashion.

I am hopeful that the audit committee will approve this audit request. Given the substantial work that has been done in this area, I respectfully request that this audit be allowed to proceed in an expedited manner. The Council would be happy to share research and expertise to move this audit forward. By investigating the relative effectiveness of the juvenile and the adult system, we can have all the information necessary to move forward in treating young offenders in a way that will produce the best outcomes for Wisconsin communities.