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WCCF Study: Trying Nonviolent 17-Year-Olds as Adults is Not Working

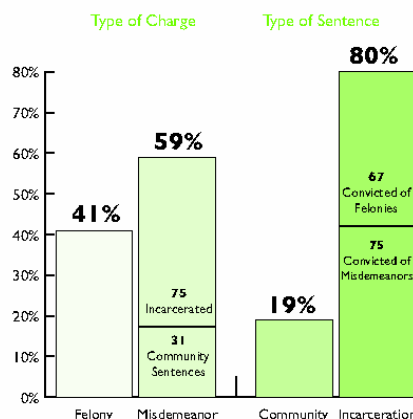
A new issue brief from the Wisconsin Council on Children and Families (WCCF) provides new data on outcomes for 17-year-old youth in the adult criminal justice system. The brief, “Risking their Futures: Why Trying Nonviolent 17-Year-Olds as Adults is Bad Policy for Wisconsin,” analyzes the results of a WCCF study of 1,000 17-year-old offenders in the state. The results strongly suggest a policy change.

WCCF examined the records of 1,000 youth convicted in 2001. The findings regarding recidivism were troubling. The review found that 70 percent of the youth studied were convicted of another crime by September of 2007. The highest recidivism rate (80%) was found among youth who had received a jail sentence for the offense they were convicted of in 2001. Deferred prosecution yielded the lowest recidivism rate (37%).

“It’s become increasingly clear that trying youth as adults does not make communities safer; in fact, it appears to have the opposite effect” said WCCF Executive Director Charity Eleson. “Young offenders need treatment and services they can’t get in adult jail. Trying them as adults puts their futures at risk, and increases the likelihood that they will become repeat offenders.”

The study also found disturbing racial disparities in the disposition of cases. African American youth were much more likely to be incarcerated than youth of other ethnicities, even when one controls for the severity of the crime. Nearly three-quarters of the African American youth who were charged with misdemeanors were sentenced to incarceration. Among African American youth who were incarcerated, more than half had been charged with misdemeanors. (See chart below.)

**Chart 5: Charges and Sentencing
Among African Americans**



Source: WCCF Analysis of 1,000 17-year-olds

The WCCF findings are consistent with the conclusions outlined in a report released earlier this month by the U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP).

That report conclude that treating youth in the adult corrections system was not a deterrent to crime, and in fact increased recidivism. The OJJDP report is available online at:

<http://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>

Current state law mandates that all 17-year-olds be treated as adults in the justice system, regardless of the severity of the crime. WCCF has been advocating for legislation that would return 17-year-olds to the original jurisdiction of the juvenile court, while giving prosecutors and judges the flexibility to treat youth charged with serious, violent crimes as adults.

“The 1996 law requiring that we treat 17-year-olds as adults even for relatively minor, nonviolent offenses was a misguided product of a political climate the emphasized getting tough on crime, with little or no real evidence to support the policy,” said WCCF Policy Analyst Wendy Henderson, author of the report. “The evidence is now in, and it points clearly toward undoing our previous mistake.”

“Risking their Futures: Why Trying Nonviolent 17-Year-Olds as Adults is Bad Policy for Wisconsin” is available on the WCCF website at: http://wccf.org/pdf/risking_their_futures.pdf