



Policy Brief

Return of 17 Year-Olds to the Youth Justice System

Potential to Return *17-Year-Olds* to the Juvenile Justice System

1. Wisconsin's Current Status:



17 year-old offenders are under the jurisdiction of the adult criminal justice system

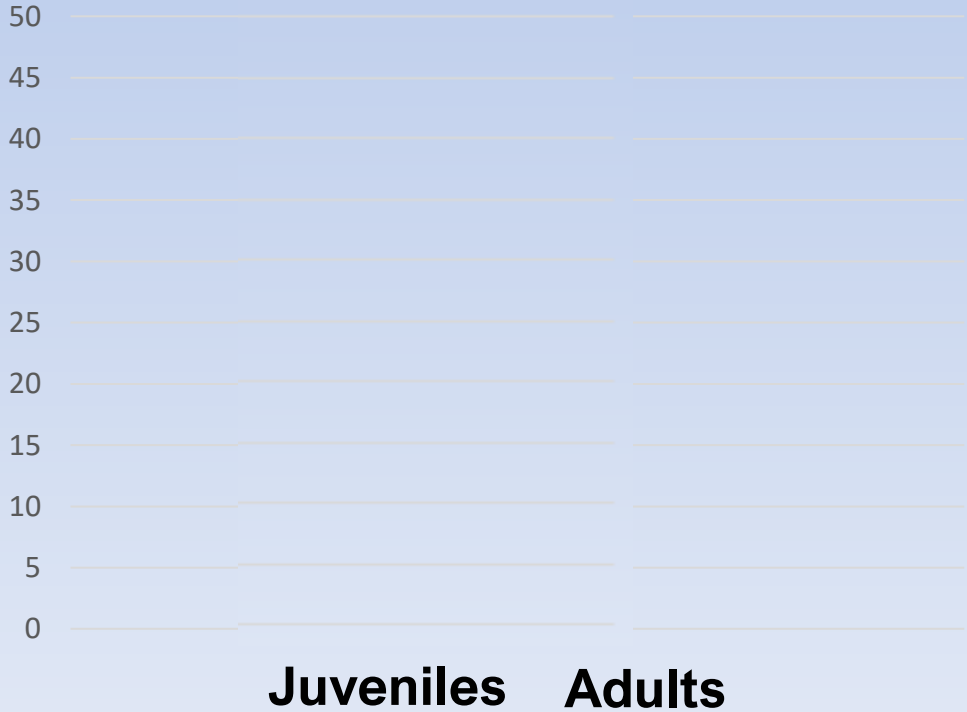
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Number of States Treating 17 Year-Old Offenders as Adults vs. Juveniles



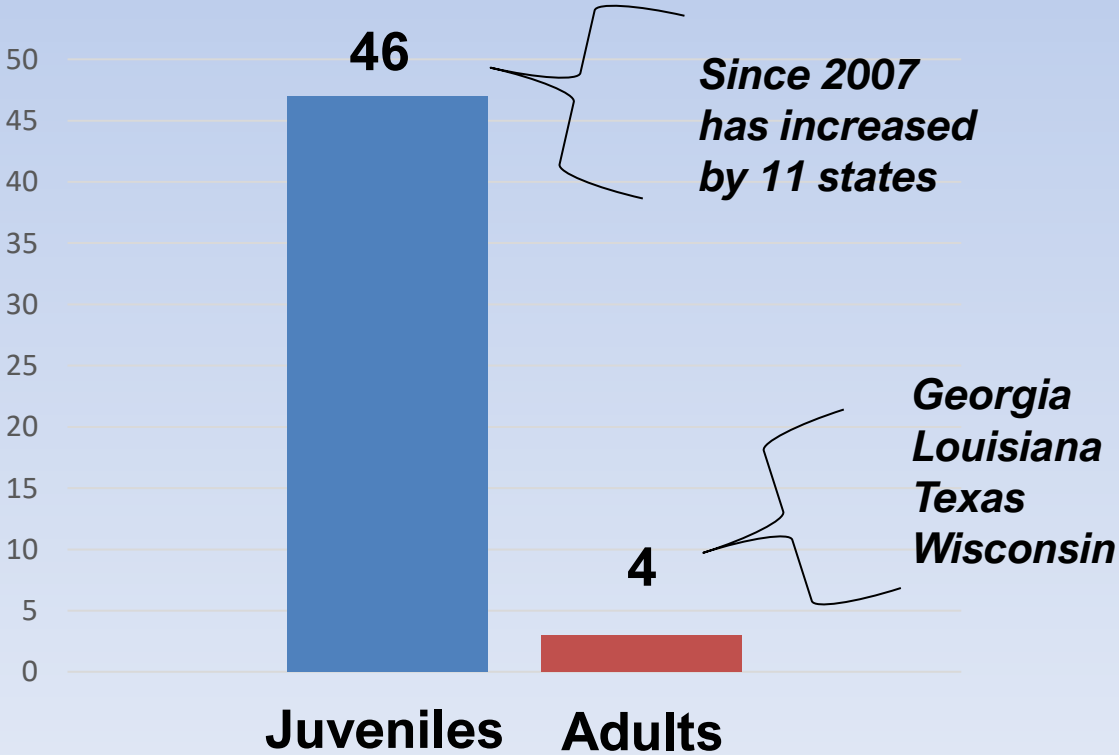
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2. History of Wisconsin and 17-Year-Old Adult Jurisdiction

- *In 1995 Wisconsin passed legislation moving 17 year-olds to adult court jurisdiction (effective January 1, 1996)*
- *The motivation was savings resources and improve community safety under a theory of “adult crime, adult time”*
- *Recent years have seen attempts, without success to return 17 year-olds to juvenile court jurisdiction (most recently an attempt limited to “first time offenders”)*



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3. What's So Compelling about the Case to Return 17 Year-Olds?

*(so compelling that the number of states treating 17 year-old offenders as adults has **shrunk from 14 in 2007 to the current 4**)*

a. Community safety argument as been proven false

i. Studies have shown trying 17 year-olds as adults has **no deterrent effect**.

> *A Georgia study showed no significant change in juvenile arrest rates following enacted of legislative changes where 17 year-olds were tried as adults for certain offenses.*

> *A New York study found arrest rates for most offenses remained constant or increased following passage of similarly-minded legislation.*

ii. Other studies have shown that trying 17 year-olds as adults **produces very high recidivism rates** and therefore compromises community safety.

> *A Federal Government Study found that youth under 18 who are transferred from the juvenile court system to the adult criminal system are 34 percent more likely to be rearrested than youth retained in the juvenile court system.*

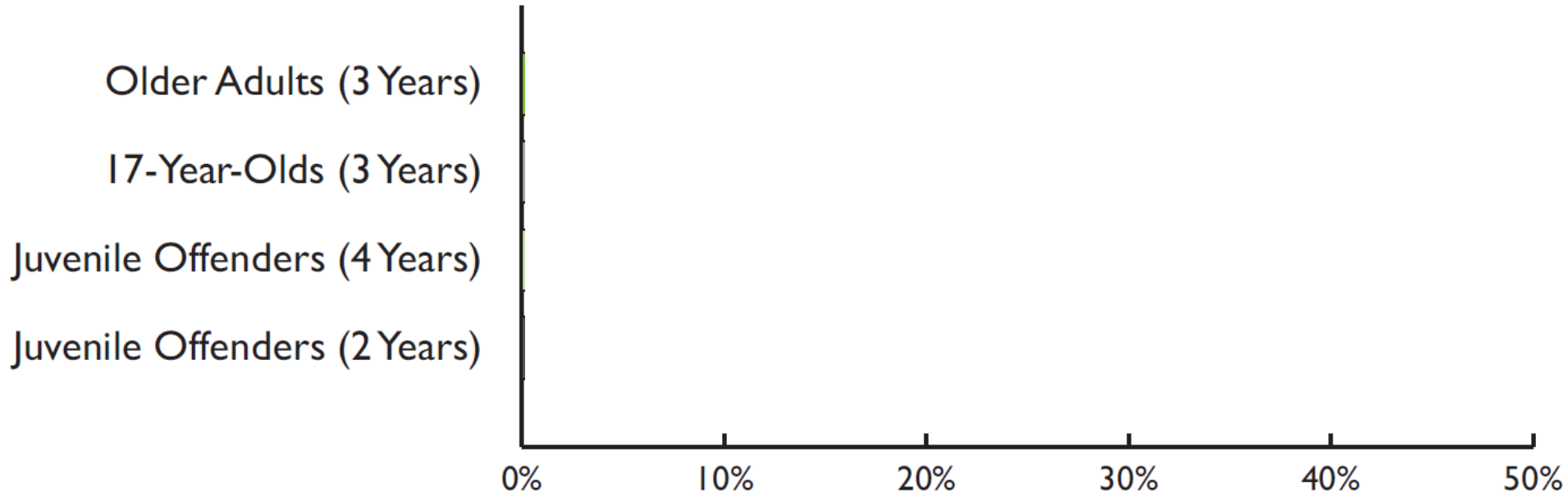
What's So Compelling about the Case to Return 17-Year-Olds? (continued)

- > *A Wisconsin Legislative Audit Bureau study found that the reincarceration rate for 17 year-olds incarcerated in adult prison was nearly double that of younger teens treated in the juvenile system.*

What's So Compelling about the Case to Return 17-Year-Olds? (continued)

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Chart 7: Recidivism in the Corrections Populations



Source: Reproduction of LAB Graph, p.7 Audit Report

What's So Compelling about the Case to Return 17-Year-Olds? (continued)

b. Neurobiological research has raised moral concerns

i. A 17 year-old's **brain is still developing**.

> Researchers have determined, through magnetic resonance imaging, that the prefrontal cortex – the area of the brain that controls impulsive behavior and rational thought – is not fully developed until individuals are in their early 20s.

> A developing brain has a lesser ability to make sound judgements or to determine that a certain choice is a bad one.

ii. Research has driven **federal legal precedent** treating 17 year-olds differently.

> In Roper v. Simmons, the U.S. Supreme Court ruled it unconstitutional to use the death penalty on an offender under the age of 18 years-old

> The majority's opinion referenced scientific research and stated, "from a moral standpoint it would be misguided to equate the failings of a minor with the failings of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed."

What's So Compelling about the Case to Return 17-Year-Olds? (continued)

c. Troubling evidence has raised **safety concerns**

- > *Juveniles held in adult facilities have a 50 percent higher likelihood of being assaulted by an inmate using a weapon.*
- > *Juveniles, while comprising less than one percent of jail inmates, represented 21 percent of sexual victimizations.*
- > *One study found youths 36 times more likely to commit suicide in an adult jail than in a juvenile facility.*

d. The evidence on **cost savings** has flipped

- > *Between 1980 and 2006, the number of adults in Wisconsin corrections facilities increased by 445 percent (from 3,980 to 22,069) with corresponding spending increasing by 467 percent (from \$221 million to \$1.03 billion).*
- > *Recidivism rates for 17 year-olds in the adult criminal justice system suggests we are paying for bad outcomes.*

What's So Compelling about the Case to Return 17 Year-Olds? (continued)



SUMMARY

- a. Community safety argument as been proven false
- b. Neurobiological research has raised moral concerns
- c. Troubling evidence has raised safety concerns
- d. The evidence on cost savings has flipped

In October of 2015, Governor Walker's Juvenile Justice Commission ***voted unanimously to recommend the return of all 17-year-olds*** to the juvenile justice system.



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4. *Governor Evers' 2019-21, 2021-23 & 2023-25 Biennial Budget Proposals would have*:*

- *Returned 17 year-old offenders to the jurisdiction of the juvenile court for acts committed on or after January 1, 2021*
- *Provided sum sufficient funding to Wisconsin counties to cover eligible costs for serving these youth*

Questions & Discussion





Thank you!