

Returning 17 Year Olds to the Juvenile Justice System: Reducing Crime and Saving Money

Objective: To return jurisdiction over first-time, non-violent 17-year-old offenders to the juvenile court, making our communities safer and resulting in substantial savings from reduced costs of law enforcement, court processing, and losses to victims.

Background: With the adoption of the Juvenile Code in 1996, the age of adult court jurisdiction was lowered to age 17 for all youth, regardless of the nature of the offense or prior history. Wisconsin is currently one of only nine states in which youth under age 18 are automatically treated as adults. Even if prosecutors and judges wanted to include a 17-year-old in an appropriate juvenile service or program, they are unable to do so. Every year there are approximately 15,000 17-year-olds arrested in Wisconsin, with only 2% of those arrests being for violent offenses. Since 1996 over 250,000 17-year-olds have been arrested, resulting in an adult arrest record and in many cases an adult criminal court record.

The proposed Second Chance legislation would return original court jurisdiction over 17-year-old first time offenders arrested for non-violent crimes. Violent and/or repeat 17-year-old offenders would remain under the original jurisdiction of the criminal court, and the Second Chance proposal leaves existing options for judicial waiver to adult court on a case-by-case basis for any 17-year-old who may start in juvenile court.

A Second Chance for the vast majority of 17-year-olds is more effective at reducing crime:

- *Research over the past twenty years confirms that youth are less likely to reoffend if they go through the juvenile justice system than similar youth processed in adult court. It is estimated for Wisconsin, for every 1,000 17-year-olds dealt with in the juvenile court vs. the adult system, there would be 122 fewer youth reoffending, meaning 122 fewer victims.*
- *A review of literature done by the MacIver Institute and Texas Public Policy Foundation includes and is consistent with findings of the Centers for Disease Control (CDC) finds that handling youth in juvenile court would reduce reoffending by 34 percent.*

- Conversely, a review conducted by the UCLA School of Lawⁱ published in 2010 concluded that *transfer policies [those that push juveniles to the adult system] have demonstrated no proven deterrent effect and have caused sharp increases in recidivism across several jurisdictions.*
- The juvenile justice system does a better job of *holding young people accountable and reinforcing parental involvement and responsibility.* This includes that in juvenile court, a 17-year-old is much more likely to be mandated to attend school, make restitution to victims and participate in available rehabilitative programs. In addition, the juvenile court keeps parents involved while in the adult court system parents have no role or standing.
- There is substantial research indicating that the *harmful effects of a youth having an adult criminal record* lead to increased difficulty in completing high school, obtaining gainful employment, and getting student aid to attend higher education programs.

A Second Chance for Youth Makes Fiscal Sense for Wisconsin

- *Non-partisan studies find gains in public safety and economic vitality outweigh short-term costs of raising juvenile jurisdiction to age 18.* Based on Wisconsin data and research in reduced reoffending, for every 1,000 youth returned to the juvenile system there will be \$5.8 million in direct savings each year through reduced law enforcement costs, court costs, and losses to victims. This does not include savings from reduced costs of potential multiple re-offenses or the economic benefits of increased earnings over time.
 - *Wisconsin's economy stands to gain with every crime prevented by handling 17-year-olds in juvenile court.* The National Council on Crime and Delinquency has calculated that for every 1% reduction in overall crime, Wisconsin's GDP increases by \$10.6 million, whereas every 1% increase in overall crime slows job growth. Wisconsin cannot afford to have additional youth less able to contribute to our economy.
 - *Youth in the adult system are at increased risk of harm.* Research has shown that youth in adult populations are more likely to commit suicide and to be victims of violence and sexual assaults. The proposed change would help bring Wisconsin into compliance with the Prison Rape Elimination Act and reduce local jail costs and the risk of liability suits.
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