



MARK BORN

STATE REPRESENTATIVE • 39TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 660

Assembly Committee on Criminal Justice and Public Safety – January 11th, 2018

Chairman Spiros and committee members,

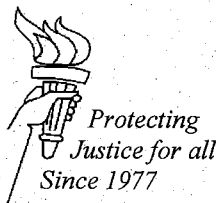
Thank you for providing me with the opportunity to testify in favor of AB 660, which would return first-time, non-violent 17 year-old criminal offenders to the juvenile justice system.

Under current law, 17 year-olds who are alleged to have committed a criminal offense are automatically waived up to adult court and subject to the Criminal Procedure Code and sentencing under the Criminal Code. Wisconsin is currently one of five states that still employs this practice which has been shown to be detrimental to public safety and the workforce, while also increasing recidivism and incarceration costs to taxpayers.

Research shows teens who are sent to the adult prison system do not have access to many of the diversion and rehabilitation services that are available in the juvenile justice system. They are unable to participate in programs such as substance abuse treatment, counselling, and schooling and are therefore more likely to reoffend and get trapped in the prison cycle early in life.

This legislation has been introduced in previous legislative sessions, but has always been opposed by the Wisconsin Counties Association (WCA) since counties would bear the cost of programming for the offenders affected by this bill. Unlike bills in the past, this proposal allocates \$5 million to the Department of Children and Families (DCF) and directs them to develop a reimbursement system with counties to cover the costs they will incur associated with these offenders (an additional \$5 million would be held in the Joint Finance Committee's Supplemental Appropriation in case the first allocation is depleted). As a result of this change, WCA is supportive of this legislation. The bill also directs counties to submit data to DCF so the Legislature can fund this policy change at the appropriate level in the future.

Thank you for your consideration and I will be happy to answer any questions.



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Assembly Committee on Criminal Justice & Public Safety
Assembly Bill 660
Thursday, January 11, 2018

Chairman Spiros and members,

Thank you for holding this hearing on Assembly Bill (AB) 660, raising the age of juvenile court jurisdiction for first-time, non-violent offenders. The State Public Defender (SPD) has long been a supporter of this concept as a more effective response to misconduct by 17-year-olds.

One significant benefit of AB 660 is a reduction in long-term recidivism rates of 17-year-olds by providing the appropriate treatment in the juvenile justice system as opposed to the adult criminal justice system. Providing a second chance to a 17-year-old benefits both the individual child and the broader community, while allowing a community to better allocate resources in the justice system.

Fundamental differences in the services available in the juvenile system and the adult system demonstrate why most 17-year-olds are better handled in the juvenile justice system. Because the juvenile system is focused on holding children accountable for their actions while providing opportunities for rehabilitation, a 17-year-old who finds himself in trouble for the first time in his life will receive appropriate services to help him avoid future missteps. That young person will have the opportunity to finish high school, get a job, and become a productive member of society. In the adult system, that young person will have to attempt to meet these same goals with less support and fewer services while encumbered with a criminal conviction.

The juvenile system, which is designed to support young people, produces better outcomes for young people and the community. Children placed in a Juvenile Correctional Institution (JCI) are required to continue their education. Children in the juvenile system receive age-appropriate mental health, drug and alcohol, and therapeutic services. Children sentenced to jail do not receive age-appropriate services: 17-year-olds are not even eligible to participate in the highly successful Treatment Alternatives and Diversion programs.

Some young people commit crimes that require adult court intervention, but those are not the young people this bill is designed to protect. This bill allows for children who have never been in trouble to be held accountable and to provide them with the tools they need to lead a successful life.

Another key factor to consider is research regarding adolescent development. Automatic adult court jurisdiction at age 17 presumes that children make decisions the same way as adults; in fact, they do not. Brain researchers have demonstrated that the parts of our brains which allow us to accurately weigh risk and make thoughtful, rational decisions are not fully developed until age 25. Therefore, young people are less likely than adults to pause and fully consider the potential consequences of their actions. These differences do not mean that young people cannot make good decisions or tell right from wrong, but it is for these reasons that the U.S. Supreme Court has repeatedly noted in the last few years that children are categorically less culpable than adults. The fact that a person's brain is not fully developed until age 25 does not justify delinquent behavior on the part of children. Rather, the research suggests that the prospect or potential for punishment of a 17-year-old is unlikely to deter impulsive behavior.

As a young person's brain continues to develop into early adulthood, that young person will most likely "grow out of" the thinking that got them into trouble. We know that the vast majority of young people who commit a crime will not commit a second one--especially if that young person receives support in the juvenile system. In fact, youth handled as juveniles have a lower recidivism rate than youth charged and punished as adults. Giving children a second chance allows them to make a mistake, be held accountable, receive evidence-based interventions, and mature into successful adults.

Finally, the federal Prison Rape Elimination Act (PREA) requires that youthful populations (defined as under 18 years old) be physically separated from adult prison populations. PREA rules also require that correctional facilities, including county jails, make best efforts to avoid placing 17-year-olds in isolation. Wisconsin's current treatment of 17-year-olds as adults does not relieve county jails and correctional facilities from this requirement. Failure to comply with the rule can lead to civil liabilities and loss of federal correctional funding. While this bill would not eliminate that problem entirely, it will mitigate its impact by reducing the number of 17-year-olds in county jails pending trial or sentenced to a term of confinement in an adult institution.

Thank you again for having this hearing today and to the authors for introducing this important legislation. The SPD looks forward to supporting its progress through the legislative process.



MEMORANDUM

TO: Honorable Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: Ray Przybelski, Vice President, Wisconsin County Human Service Association
Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs, Wisconsin Counties Association

DATE: January 11, 2018

SUBJECT: Support for Assembly Bill 660 – the age at which a person is subject to juvenile court jurisdiction and making appropriations

The Wisconsin Counties Association (WCA) and the Wisconsin County Human Service Association (WCHSA) support Assembly Bill 660, which raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the criminal code if the alleged violation is a nonviolent offense and the person has not been previously convicted of a crime or adjudicated delinquent.

The issue of reversing the decision made in the mid-1990s to treat 17-year-olds as adults in the criminal justice system has been before the Wisconsin State Legislature for many years. Counties have never disagreed with the proposed change in public policy. Counties have, however, opposed all previous versions of this legislation to date as they have failed to recognize the fiscal impact on counties. Assembly Bill 660 is the first piece of legislation introduced in recent history to recognize the financial impact of this public policy change on counties by including a mechanism to reimburse counties for the costs of serving 17-year-old first-time, nonviolent offenders in the juvenile justice system.

Public Policy

The 1990s in Wisconsin can be characterized as a “get tough on crime” era. Criminal penalties were enhanced, new crimes were created, and truth in sentencing was enacted into law. The Juvenile Code was rewritten as well and the philosophy in dealing with juvenile offenders changed from placing a juvenile in the least restrictive environment to one that provides accountability and enhances public safety. One specific change in the juvenile code that occurred at that time was changing the age of adult jurisdiction to 17 from 18.

Current research indicates that juveniles are best served and the interests of the community are best protected from juvenile criminal behavior when the presumptive age for circuit court jurisdiction is age 18. Research shows that providing developmentally appropriate treatment is the best way to reduce future crimes. Incarcerating youth with adults increases the likelihood they will re-offend more quickly and more seriously. Quantitative research studies have found that juveniles handled in juvenile courts that have similar offense records and offenses as comparable juveniles handled in criminal courts in other states, in fact reoffend less often, less speedily, and less severely.

Unfortunately, most 17-year-olds served in the adult court system do not receive the services they or their families need as the adult system is not designed to serve young offenders.

Funding

Assembly Bill 660 appropriates \$5,000,000 in FY19 to the Department of Children and Families (DCF) to reimburse counties for the cost of providing juvenile delinquency-related services to 17-year-olds and requires DCF to work with counties to develop a plan to distribute the funds. The plan must be submitted to the Joint Committee on Finance (JCF) for passive review. If the cost to counties exceeds \$5,000,000, Assembly Bill 660 requires DCF to request up to \$5,000,000 in additional funding from the JCF in FY19. The bill also requires DCF, in collaboration with counties, by no later than October 30, 2019, to submit a report to the JCF on the cost of providing juvenile delinquency-related services to 17-year-olds during the first year of implementation.

To understand why funding for this public policy position is so important to counties, it is important to understand the county role in the juvenile justice system.

Chapter 938 of the Wisconsin Statutes (Juvenile Justice Code) requires county boards to “authorize the county department or the court, or both, to provide intake services under s. 938.067 and the staff needed to provide dispositional services under s. 938.069...”

Sec. 938.067 Wis. Stats. lists the powers and duties of intake workers. These duties include:

- Providing intake services 24 hours a day, 7 days a week.
- Interviewing, if possible, any juvenile who is taken into physical custody and not released and, if appropriate, other available concerned parties.
- Determining whether the juvenile shall be held in physical custody.
- Determining where a juvenile shall be held, if not released.
- Providing any necessary crisis counseling.
- Receiving referral information, conducting intake inquiries, requesting that a petition be filed and entering into deferred prosecution agreements.
- Providing information and notices to and conferring with victims.
- Making referrals of cases to other agencies if their assistance is needed or desirable.

- Making interim recommendations to the court concerning juveniles awaiting final disposition.
- Taking juveniles into custody.
- Performing any other functions ordered by the court.

The statutes then go on to list the powers and duties of disposition staff:

- Supervise and assist a juvenile under a deferred prosecution agreement, a consent decree or an order of the court.
- Offer individual and family counseling.
- Make an affirmative effort, and investigate and develop resources, to obtain necessary or desired services for the juvenile and the juvenile's family.
- Prepare reports for the court recommending a plan of rehabilitation, treatment and care.
- Provide aftercare services for a juvenile released from a juvenile correctional facility or a secured residential care center for children and youth.
- Take juveniles into custody.
- Perform any other court-ordered functions.

Also under current law, counties are financially responsible for the costs of juvenile delinquency-related services, including out-of-home placements (foster care, residential care centers, juvenile corrections), as well as community-based services for juveniles and their families.

The youth aids program was implemented statewide in 1981 and provides each county with an annual allocation of state and federal funds from which a county may pay for juvenile delinquency-related services. In 2010, counties reported spending over \$217.6 million on juvenile justice services. Of that amount, \$100.6 million was funded by youth aids and \$116.9 million came from other county funding sources, primarily property tax revenue. Since that time, state youth aids funding to counties was cut by 10 percent, or approximately \$10 million annually. Counties currently receive approximately \$90 million in youth aids funding.

The actual cost to counties for serving the population targeted in the bill is difficult, if not impossible, to estimate. While counties can approximate the cost of providing services to juvenile offenders, the number of juveniles affected by this bill is unknown. That is why the legislation creates a separate funding mechanism for serving 17-year-old offenders. Counties have been accused in the past of padding their estimates of the cost of serving 17-year-old offenders. To avoid counties receiving more than is needed, this bill reimburses counties for their actual costs of serving 17-year-old offenders. While some believe it is easier to just throw funding in the youth aids allocation and call it a day, counties oppose that approach for two reasons. First, counties are only interested in receiving funding for the actual costs of serving this new population in the juvenile justice system. Second, counties want to ensure that the counties incurring the costs receive the funding. If the funding is run through the youth aids formula, the revenue will not get to the counties incurring expenses.

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While counties are uncertain as to whether or not the \$10 million allocated in the legislation will sufficiently cover county costs, counties across the state are grateful for the recognition in the legislation that counties will, indeed, incur additional expenses and are comfortable with \$10 million as an initial figure. With the required study and reimbursement mechanism, the state and counties will have a very good idea moving forward of the costs of serving first-time, nonviolent 17-year-old offenders which then gives us a basis for adjustments to the appropriation moving forward.

WCA and WCHSA are happy to lend its support to Assembly Bill 660.

Thank you for considering our comments.

RAISING THE AGE OF JUVENILE COURT FOR 17 YEAR OLDS A MAKES SENSE FOR WISCONSIN BECAUSE IT....

Is a Good Investment in Reducing Crime: The research is very clear that 17-year olds dealt with in the juvenile system are less likely to reoffend than similar youth dealt with in the adult system. In fact, both state and national results point to a 1/3 decline in reoffense rates for youth in the juvenile system compared to the adult system. *There is no evidence that prosecuting youth in adult court plays a role in reducing overall youth crime.*

Builds on Evidence about What Works with Youthful Offenders: Brain and developmental research confirms that youth at this age are capable of learning new ways of thinking and behaving. Counties all around the state are implementing evidence-based practices that are proving to be successful in getting youth back on track.

Keeps Parents Involved: Under current law parents of 17-year olds have no legal role or responsibility if their 17-year old is arrested. Law enforcement does not have to contact a parent if your child is arrested or put in jail, parents are not considered legal parties to the court process, they have no financial responsibility for attorney or service costs, and they cannot be required to pay restitution if their child fails to do so. *Dealing with 17 year olds in the juvenile system puts parents back into the process where they belong.*

Contributes to Our Workforce and Economy: Reducing overall criminal offense rates by 1% yields an estimated \$10 million increase in our state's economic productivity each year. *Reducing the number of youth that are unnecessarily pushed into the adult system and more likely to reoffend will benefit Wisconsin's economic future.*

Has Worked in Other States: Since 2007, Connecticut, Illinois, Massachusetts, Mississippi, New Hampshire, South Carolina, New York, North Carolina, and Louisiana have all passed laws to "Raise-the-Age" so that most young people will be in the juvenile justice system – not the adult justice system. This leaves *Wisconsin as one of only five states that sets the age of criminal responsibility lower than age 18 for all youth.*

Takes Advantage of the Existing Capacity in the Juvenile Justice System: Juvenile crime is decreasing across the country and in most Wisconsin counties the caseloads of juvenile justice staff have declined significantly. *Juvenile arrests in Wisconsin (including arrests of 17-year olds) have declined by over 35% since 2012, and the number of new juvenile cases filed each year in court has declined by nearly 30%.*

Pays for Itself and Then More: Reduced costs for the adult justice system (law enforcement, courts, and corrections) exceed initial costs associated with providing additional services in the juvenile system. Prior to Raising-the-Age, juvenile justice stakeholders in Connecticut, Illinois, Massachusetts said taking on responsibility for 16-year-old and 17-year-old youth would come with multi-million dollar price-tags. Instead, in Connecticut, costs now are lower than when before they raise the age for both 16 and 17 year olds. In Illinois the projected 35 percent increase in youth in

the juvenile justice system because of Raise-the-Age never materialized, and the costs of new courtrooms and new States Attorney positions were not needed: there was “no sudden surge” of additional probation or court caseloads in Illinois’ juvenile justice system, and no additional costs associated with Raise-the-Age. In Massachusetts, the projected costs of Raising-the-Age dropped from \$40 million, to \$20 million, to \$15 million.

Is More Efficient than the Adult System: Imposing consequences and getting services to youth/families in a timely way is important. *The time limits and processes of the juvenile system are much faster than the adult system.*

Has Broad Support: There is support across the political spectrum that we should no longer invest in ineffective correctional policies that do not reduce crime. *We can hold youth accountable while at the same time allow them to become contributing members of our community.*



STATE BAR OF WISCONSIN

Leaders in the Law. Advocates for Justice.

To: Members, Assembly Criminal Justice and Public Safety Committee
From: State Bar of Wisconsin
Date: January 11, 2018
Re: Support for AB 660 – Juvenile Court Jurisdiction

The State Bar of Wisconsin supports Assembly Bill 660, which would return first-time, nonviolent 17-year-old offenders to juvenile court jurisdiction.

This legislation is an important opportunity for the legislature to reverse portions of current law – enacted in 1996 – which requires that any 17-year-old who is alleged to have committed a crime be treated as an adult. At this time, all 17-year-olds are considered adults for the purposes of criminal prosecution with no ability to be waived into juvenile court. Wisconsin is one of only five remaining states that sets the age of criminal responsibility at 17 years, a trend that has been rapidly reversing nationwide.

A key element of AB 660, not included in past legislation, is the appropriation of \$5,000,000 in FY 18-19 to DCF to reimburse counties for juvenile related services to 17 year olds. The reimbursement funding will assist counties with jurisdiction change and provide them with the necessary funding to implement programs for these non-violent offenders.

Studies show over and over again that youth placed in an adult prison reoffend after release at higher rates than young people placed in a juvenile institution. If treated as juveniles, teens have a better chance to learn from the situation and take steps to find success in the future. By keeping 17-year-olds in adult court, we are preventing them from getting the treatment they need to reduce the risk they will reoffend.

The juvenile system is more likely to provide services that require a youth to make restitution and/or community service; offers victims the opportunity to participate in victim-offender dialogue if they choose to do so; and requires youth to participate in treatment services that reduce the likelihood of reoffending.

By implementing AB 660, Wisconsin is making the wise decision to give young people a second chance. This legislation couples the results of contemporary research with real experience to offer the smartest, most efficient and effective solutions possible. It's time for Wisconsin to look forward and truly give nonviolent 17-year-olds a second chance. For these reasons, the **State Bar of Wisconsin requests support from the members of the Assembly Criminal Justice Committee on AB 660.**

For more information, please do not hesitate to contact the State Bar lobbyists, Cale Battles, cbattles@wisbar.org or (608) 695-5686, or Lynne Davis, ldavis@wisbar.org or (608) 852-3603.

Testimony in Support of AB 660

My name is Phyllis Greenberger and I am here today, representing Disability Rights Wisconsin, to testify in support of AB 660. Disability Rights Wisconsin is the state and federally mandated protection and advocacy system for people with disabilities for the State of Wisconsin. Thank you for the opportunity today to provide input on this important bill to return some 17 year olds to the juvenile justice system. While DRW believes that there are many policy reasons to treat seventeen year olds as juveniles when it comes to criminal prosecution, today I will focus on the specific issues that affect youth with disabilities, especially those with mental health concerns who are not and cannot be adequately served in the adult criminal justice system.

Many of the youth who find themselves involved in the justice system have significant mental health needs and have a higher risk of suicide than other teens. Wisconsin's adult criminal justice system is already burdened beyond its capacity to provide mental health treatment, leaving juveniles who fall into this system even more vulnerable due to a lack of services, staff, and treatment to address the juvenile's mental health needs.

I have seen these inadequacies firsthand. As a disability advocate, I sometimes visit adolescent clients in adult county jails. On more than one occasion I have encountered a very frightened youth who, after feeling suicidal and crying out for help, has been put in solitary confinement or segregation to minimize risk, without the provision of much needed treatment. I have even been told that at least in solitary they are not in constant fear of older inmates. I have also had more than one teen client with significant mental health needs, whose medications were not given to them correctly by jail staff, and at least one where medications were not given at all, resulting in an avoidable increase in symptoms. In another situation, my young client, whose condition had improved, was about to be released from an adolescent mental health unit when her case went to court. Although the offense was relatively minor, she deteriorated rapidly when moved to an adult coed forensic unit. At the time of the move to the adult unit, she had been on the verge of discharge; due to this decompensation, she ended up spending close to two years on that adult coed forensic unit in ongoing fear of the adult male residents.

The reality is that a youth's ability to access mental health treatment is enhanced within the juvenile system. They have a better chance of receiving mental health treatment to help them deal with issues, including the risk of suicide, since more adolescent focused services are available. The reverse is true in the adult system; if a youth ends up in an adult jail, there is a higher risk of suicide.

MADISON	MILWAUKEE	RICE LAKE	
131 W. Wilson St. Suite 700 Madison, WI 53703	6737 West Washington St. Suite 3230 Milwaukee, WI 53214	217 West Knapp St. Rice Lake, WI 54868	disabilityrightswi.org
608 267-0214 608 267-0368 FAX	414 773-4646 414 773-4647 FAX	715 736-1232 715 736-1252 FAX	800 928-8778 consumers & family

Current research on brain development shows that at 17, the part of the brain that helps control impulsive behaviors is still maturing. Many 17 year olds who commit a first non-violent offense, as this bill addresses, will not go on to commit further offenses if they get the right services and opportunities. This bill includes an appropriation which will financially support these services.

Additionally, seventeen year olds with disabilities who need special education and other services and supports are much more likely to receive those services if they stay in the juvenile system. Adult programs are simply not equipped to evaluate an adolescent's needs or provide that kind of specialized programming.

Again, these crucial services are just not available in the over-burdened adult corrections system. In fact, youth treated as adults are more likely to reoffend than those treated as juveniles. Therefore, it is actually safer for the community and less expensive in the long run to treat seventeen year olds as the youth that they are and keep them in the juvenile justice system.

Finally, keeping these youth in the juvenile system will also prevent them from having an adult criminal record that can interfere with their ability to get post-secondary education and employment. A seventeen year old, first time, non-violent offender surely deserves another chance.

Disability Rights Wisconsin applauds this bipartisan effort to keep juvenile offenders in the juvenile justice system where they are able to receive the necessary supports and services they need and to keep them out of the adult correctional system. We urge you to support AB 660 and return non-violent, first time 17 year old offenders to the juvenile justice system.



TO: The Honorable Members of the Assembly Committee on Criminal Justice and Public Safety
FROM: Kathy Markeland, Associate Director
DATE: January 11, 2018
RE: **WAFCA Support for Assembly Bill 660**

The Wisconsin Association of Family & Children's Agencies (WAFCA) supports Assembly Bill 660 to return certain 17-year-old offenders to the juvenile justice system.

WAFCA is a statewide association that represents over fifty child and family serving agencies and leaders in the field and advocates for the more than 250,000 individuals and families that they serve each year. Our members' services include family, group and individual counseling; chemical dependency treatment; crisis intervention; outpatient mental health therapy; and foster care programs, among others.

For adjudicated youth, our member agencies provide a variety of services including: treatment foster care, residential and group home care, alternative education, wraparound, mental health and AODA treatment, family counseling, day treatment services, mentoring, vocational training, community monitoring, and intensive in-home therapy. Our members serve youth from pre-disposition through aftercare services. Providers use evidence-based and evidence-informed practices such as trauma-focused cognitive behavioral therapy, motivational interviewing and restorative justice to promote sustained change in delinquent youth and their family systems.

Data show that the majority of youth offenders are non-violent offenders. Data also show that African-American youth are disproportionately represented in adult jails and prisons. Research on neurodevelopment is increasingly confirming what we have long known – that 17-year-old brains lack the capacities of fully-formed, adult brains. Youth who land in the youth justice system often arrive with substantial trauma histories and untreated mental health diagnoses. Investing in rehabilitative, age-appropriate services for youth has been proven to generate long-term taxpayer savings.

The funding proposed in AB 660 is a critical component for moving this legislation forward. As major service delivery agents for youth services for counties, WAFCA has shared the concerns of our county partners regarding the state responsibility for adequately funding this important policy change. Local county taxpayer dollars fund almost half of the annual expenditures on youth adjudicated through the juvenile system. For many counties the local overmatch is two or three times their state Youth Aids appropriation.

Nearly 25 years ago, Wisconsin made the right choice in adopting Youth Aids to shift the service delivery focus from institutions to the community. Youth Aids made Wisconsin a leader in structuring funding to

encourage community-based care and reduce high-cost institutional expenditures. This community-oriented funding has been critical to the reduction in need for juvenile correctional placements. While community-based services are less costly than institutional care, it is still not financially feasible for counties to absorb 17-year-olds into these systems without continued partnership from the state.

Thank you for the opportunity to speak to this important proposal. This is the right time for Wisconsin to move forward with a common-sense approach to serving youth and giving them an opportunity for treatment, restitution, healing and a hopeful future.



WISCONSIN CATHOLIC CONFERENCE

TESTIMONY IN SUPPORT OF ASSEMBLY BILL 660: JUVENILE JUSTICE
Presented to the Assembly Committee on Criminal Justice and Public Safety
By Barbara Sella, Associate Director
January 11, 2018

The Wisconsin Catholic Conference (WCC) strongly supports Assembly Bill 660, which would return first-time, nonviolent 17-year-old offenders to the juvenile justice system.

The bill is consistent with the principles outlined in 1999 by Wisconsin's Catholic bishops in their statement, *Public Safety, the Common Good, and the Church: A Statement on Crime and Punishment in Wisconsin*, respect for the human person, common good, option for the poor and marginalized, restoration, and solidarity.

Furthermore, in their 2000 statement, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, the U.S. bishops were explicit in their opposition to treating young offenders as adults:

The actions of the most violent youth leave us shocked and frightened and therefore they should be removed from society until they are no longer dangerous. But society must never respond to children who have committed crimes as though they are somehow equal to adults – fully formed in conscience and fully aware of their actions. Placing children in adult jails is a sign of failure, not a solution. In many instances, such terrible behavior points to our own negligence in raising children with a respect for life, providing a nurturing and loving environment, or addressing serious mental or emotional illnesses.

Adult institutions are simply not appropriate places for nonviolent juveniles. The risk of abuse at the hands of adult inmates is too high, as is the risk of re-offending.

Juvenile offenders must be held accountable, but in a way that serves to rehabilitate them in an age-appropriate manner and eventually re-integrate them into the community.

We therefore strongly urge you to support Assembly Bill 660.

Thank you.

Scott Walker
Governor



Mishelle O'Shasky
Chair

Karen Iverson Riggers
Vice-Chair

Inshirah Farhoud
Second Vice-Chair

State of Wisconsin

Wisconsin Council on Mental Health

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**Testimony in Support of AB660
Assembly Committee on Criminal Justice and Public Safety
January 11, 2018**

The Wisconsin Council on Mental Health appreciates this opportunity to submit testimony in support of AB660, the "Second Chance" bill, on returning jurisdiction over first-time non-violent 17-year-old offenders to the juvenile court and providing funding for the purpose. Youth with mental health challenges are over-represented in the juvenile justice system in comparison to the general population, hence the interest of the Wisconsin Council on Mental Health in this proposal.

With the adoption of Wisconsin's 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 9 states in which youth under age 18 are automatically treated as adults. 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 legislation would return original jurisdiction over 17-year-old first time offenders arrested for non-violent crimes to the juvenile court.

According to Kids Forward (formerly the Wisconsin Council on Children and Families), research in the 20-plus years since the adoption of the current system 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.

Our understanding of human brain development has advanced in the past 20-plus years as well; we now understand that impulse control in young people takes longer to develop than was previously recognized. In fact, brain development is not complete until approximately age 25. Providing a second chance to first-time, non-violent 17-year old offenders will help forestall the harmful effects of a youth having an adult criminal record on the basis of a single thoughtless decision. Having an adult record leads to increased difficulty in complete high school, obtaining gainful employment, and getting student aid to attend higher education programs.

We appreciate that AB660 includes the funding that previous similar proposals were lacking. The time is right to take this step, to the benefit of our youth with mental health challenges and the state of Wisconsin as a whole. We urge the Assembly Committee on Criminal Justice and Public Safety and the legislature as a whole to pass AB660 into state statute.

For further information, please contact Mishelle O'Shasky, Chair of the Wisconsin Council on Mental Health at mishelle@thereentryassociates.com.



January 11, 2018

To: The Honorable John Spiros and Assembly Committee on Criminal Justice and Public Safety

Regarding: AB 660

Dear Chairman Spiros and Committee Members,

I am representing the Lutheran Office for Public Policy, a statewide advocacy ministry of the Evangelical Lutheran Church in America. We advocate for just policies, especially related to hunger and poverty based on our social statements and Christian scripture.

We speak in favor of AB 660 to help 17-year-old Youth Offenders Receive a Better Chance to Change. We believe that engaging with these young people in the juvenile rather than adult justice system will increase their chances of finding a better future. Before our neighbors in Illinois passed the same type of bill, they paid attention to research that showed reduced recidivism among 17-year-old offenders tried in juvenile courts.

I believe that this bill has identified a group of people in our population who would have an easier time remaining connected to their families, rehabilitating, and finding a better future if they go through the juvenile justice system. We hope that will be the case for this bill.

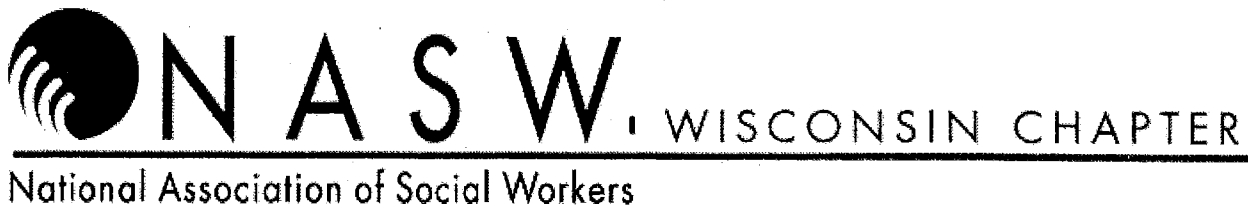
Please vote in favor of AB 660.

Sincerely,



Pastor Cindy Crane, Director

Let justice roll on like a river, righteousness like a never-failing stream! Amos 5:24



NATIONAL ASSOCIATION OF SOCIAL WORKERS, WISCONSIN CHAPTER
TESTIMONY IN SUPPORT OF ASSEMBLY BILL 660 BEFORE THE ASSEMBLY
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY ON JANUARY 11,
2018

The National Association of Social Workers, Wisconsin Chapter, strongly supports Assembly Bill 660, also known as "Second Chance" legislation.

Jane Addams, the "mother" of the social work profession and the founder of the famous Settlement House called Hull House, knew instinctively in 1899 what we know from research today-that children are different than adults and should be treated as such when they commit non-violent crimes. In 1899 as a result of lobbying by Jane Addams and her Hull House colleagues the first juvenile court was established in the country. Within ten years similar laws were passed in 22 other states.

Jane Addams and the other Settlement House workers at Hull House knew at the turn of the century that children could be rehabilitated and made into productive citizens. They saw the damage that was done to children put into adult prisons and court.

Today over 100 years later we have research that shows that the portion of the child's brain that relates to judgment is not fully formed until the mid-20's. Teenagers, including 17 year olds make mistakes and use poor judgment at times. The current law that excludes 17 year olds from juvenile court can turn an impulsive act of poor judgment into a permanent mark on their record that can restrict their ability to obtain employment, housing and student loans.

Aside from an adult arrest report and in many cases an adult criminal record, numerous studies indicate that transferring 17 year olds to the adult system results in higher levels of recidivism compared to youth treated in the juvenile correction system. The Centers for Disease Control has stated that handling youth in juvenile court would reduce reoffending by 34 percent. (Wisconsin Council on Children and Families, "Risking their Futures: Why trying nonviolent 17-year-olds as adult is bad policy for Wisconsin, 2008, http://kidsforward.net/assets/risking_their_futures.pdf) (Kids Forward, "Returning 17-Year-Olds to the Juvenile Justice system: Reducing Crime and Saving Money" May 6, 2015 <http://kidsforward.net/publication/returning-17-year-olds-to-the-juvenile-justice-system-reducing-crime-and-saving-money/>)

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The reasons for the different outcomes for 17 year olds referred to juvenile court versus adult court are clear. The juvenile system provides individual assessment and services and is specifically set up to reduce recidivism among youth. The adult prison system is not set up to understand adolescent development or provide the services needed by adolescents. Putting a youth in an adult prison also exposes the youth to adult offenders, to rape and other violence and trauma that decrease the chances that these youth will ever be able to successfully reintegrate in society. It can also lead to a higher level of suicide among youth in adult prisons. Finally as mentioned above an adult "record" also provides a major barrier to employment and housing, which are key components to successfully reintegrating in society. (Kids Forward, May 6, 2015)

Although there is an initial cost to the State for the implementation of this bill in order for the counties to hire caseworkers for the 17 year old offenders, over time this change in the law should save the State of Wisconsin millions of dollars through reduced law enforcement costs, court costs and losses to victims. One could also expect that this policy change would help Wisconsin's GDP as crime is reduced and additional youth contribute to our economy. (Kids Forward, May 6, 2015)

We urge you to support Assembly Bill 660

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Executive Director

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