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☞ Details: Information on juvenile justice and the adult criminal system

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Joint

(Assembly, Senate or Joint)

Committee on Audit...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (October 2012)



September 19, 2006

Dear Representative Jeskewitz and Senator Roessler:

I am writing to follow up with each of you on our recent meetings about raising the age of juvenile court jurisdiction from 17 to 18-years-old. As you may remember, I am a policy analyst at the Wisconsin Council on Children and Families, a 125-year-old child advocacy organization. As we discussed in our meetings, the vast majority of 17-year-olds are arrested for adolescent mistakes which could easily be treated as delinquencies. In fact, according to information gathered from the Office of Justice Assistance's Statistical Analysis Center, only about 1.5% of 17-year-olds arrested in 2004 were arrested for violent index crimes (murder, forcible rape, aggravated assault, and robbery). One third of the arrests were for liquor law and disorderly conduct, quintessential adolescent behavior.

As I travel the state, speaking with county human services providers, judges, public defenders and district attorneys, sheriffs and police officers, I am struck by the growing consensus that most 17-year-olds should be in juvenile court. One of the barriers to widespread support, however, has been that people see funding as an issue. When I met with each of you, I spoke of a legislative audit which would in essence uncover how 17-year-olds are currently being handled in the adult system. Since that time, I have learned that from 2002-2004 over 18,500 17-year-olds were processed through the adult jails in Wisconsin. That number is extraordinarily high.

WCCF holds fast to the position that the vast majority of 17-year-olds should be treated through the juvenile court system. We would like to see legislation that would return 17-year-olds to the juvenile system, while still allowing the district attorney the flexibility to file for waiver to adult court in those cases he or she feels warrant waiver.

As promised, I worked closely with the Governor's Juvenile Justice Commission to come up with a list of questions which, if answered, would help us understand the scope of the problem in three general areas: how many 17-year-olds are involved at each stage of the criminal justice system, how much it costs in the short run to treat them as adults, and the long-term costs of adult prosecution, incarceration and criminal records for young people. I am hopeful you will request an audit which would address 17-year-olds in the adult system, including the questions listed below.

If you have any questions, please feel free to contact me. Additionally, I am happy to serve as a resource and contact on this issue. Again, thank you both for your interest in ensuring that young people are treated fairly in Wisconsin. I look forward to hearing from you at your earliest convenience as to whether this request will be made a priority.

Sincerely,

Wendy Paget Henderson
Policy Analyst

Joint Questions with the Governor's Juvenile Justice Commission

A. Systems Utilization Questions - 1995 and 2005

1. How many 17 year olds were taken into custody as adults and arrested during a one year (decide on a time frame) period?
2. How many minors under the age of 17 were waived into adult court or had original jurisdiction in adult court during the same time period?
3. Of those described in sections 1 & 2, how many
 - a. were not charged in adult court;
 - b. were held in jail pending charging decision and for what length of time;
 - c. were charged for the original crime;
 - d. were charged with bail jumping;
 - e. were deferred into adult first offender programs, resulting in no criminal record,
 - f. were convicted through court proceedings/ pled guilty or NC / were found innocent / charges were dismissed;
 - g. were imprisoned and for what crimes;
 - h. were placed on probation with jail time to be served and for what crimes;
 - i. were placed on probation and for what crimes;
 - j. were revoked from probation at what rate compared to non-youth adult offenders;
 - k. were eligible to have their records expunged;
 - l. have had their records expunged.
 - m. committed another crime (criminal failure), how long after the first conviction and of what sort, ie. felony, misdemeanor, violent, against persons.
4. In 2005, how many youth were prosecuted through the Serious Juvenile Offender program at what age and for what crimes?
5. In 2005, how many 18, 19 and 20 year olds were convicted with a previous adult crime from when they were 17 on their record.

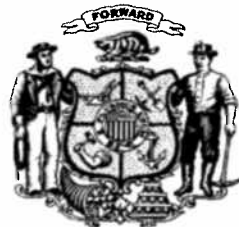
B. Fiscal Questions

What is the cost of 17 year old involvement in the adult system as compared to the cost of older adults at the following stages of the process:

1. Holding a youth (17 or under) in jail, pretrial, including educational and other costs not associated with holding an adult older than 17;
2. Deferred prosecution;
3. Holding a youth in jail, post trial, including educational and other costs not associated with holding an adult older than 17;
4. Supervision by community corrections of the Wisconsin Department of Corrections of the youth, including costs not associated with supervising an adult older than 17 such as educational and housing costs;
5. Imprisonment by the Wisconsin Department of Corrections

C. Outcome Questions

1. What is the impact of a felony record in one's ability to attend school with the help of loans, get a job, a lease, and resulting inability to contribute to the tax base?
2. What is the relative likelihood that a youth will commit another crime if prosecuted as an adult or a juvenile?
3. Taking into account outcomes 1 and 2, how do the costs of services in adult corrections compare to the costs of services in the juvenile system, at the state and local level?



State of Wisconsin

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Dear Representative Jeskewitz and Senator Roessler:

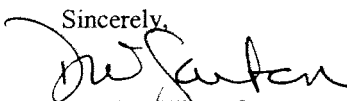
Thank you for your continuing interest in determining whether returning 17 year olds to the juvenile system for purposes of the prosecution of crimes is a cost effective reform for the state. A Legislative Audit Bureau study could go a long way to answering the many questions raised by this proposal.

Since this promises to be a complex project, the Committee may want to limit the collection of data to a representative sample of counties in the state. From preliminary work done by the Wisconsin Council on Children and Families, we know that the highest number of youth arrests in the state tend to be from the following counties: Milwaukee, Dane, Racine, Kenosha, Rock, Brown, Outagamie, Marathon, Eau Claire, LaCrosse, Waukesha, Sheboygan, Winnebago, and Manitowoc. What other more rural counties should be included may be a question for those conducting the study.

Attached are a series of questions that can be divided into three categories. The first, base line data, will collect information about what is actually happening to youth entering the criminal justice system. How does this compare to what happened to similarly situated youth in 1995, before the reforms of 1996. The second, cost data, will tease out actual cost information for incarceration in the counties, educational costs in the counties, costs for imprisonment in state facilities, costs for housing and adult probation and parole workers versus the cost of providing services in the juvenile system. The third, will look at outcomes (criminal failure etc...) for youth prosecuted as adults who would have been processed as juveniles prior to 1996.

Thank you for your continuing interest in pursuing answers to these important questions. Please feel free to contact David Steingraber or myself with comments or questions.

Sincerely,



Deirdre Wilson Garton
Chair, Governor's Juvenile Justice Commission

Proposed Questions for Legislative Audit Bureau Study on Effectiveness of Juvenile Justice Reforms of the 1990's in Wisconsin

Systems Utilization Questions – 1995 and 2005

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4. In 2005, how many youth were prosecuted through the Serious Juvenile Offender program at what age and for what crimes?
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Fiscal Questions

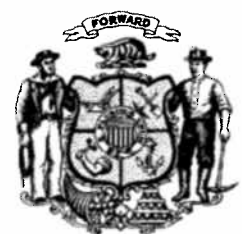
1. What is the cost of 17 year old involvement in the adult system as compared to the cost of older adults at the following stages of the process:
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Outcome Questions

1. What is the impact of a felony record in one's ability to attend school with the help of loans, get a job, a lease, and resulting inability to contribute to the tax base.
2. What is the relative likelihood that a youth will commit another crime if prosecuted as an adult or a juvenile?
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WISCONSIN STATE LEGISLATURE



Cruel and Unusual Punishment: Adolescent Brain Development and its Implications

"Two years after ruling 6 to 3 that the execution of mentally retarded offenders is categorically unconstitutional, the [Supreme] Court appeared deeply divided over whether the reasoning of that decision meant that the death penalty for acts committed while a juvenile should likewise be seen as 'cruel and unusual punishment' in violation of the Eighth Amendment."

The Missouri Supreme Court reached that conclusion by a 4-to-3 decision in August 2003, freeing Christopher Simmons from death row for a murder he committed in 1993 when he was 17. It resented him to life in prison without parole.

Missouri appealed to the United States Supreme Court, arguing that the state court lacked authority to reject the Supreme Court's last decision on the question, a 1989 ruling that upheld capital punishment for 16- and 17-year-olds. A 1988 decision barred the execution of those who killed when they were younger than 16.

Seth P. Waxman, representing Mr. Simmons, argued that not only the increasing rarity of juvenile executions since 1989, but also new medical and psychological understanding of teenage immaturity validated the step the Missouri court took last year.

"These developments change the constitutional calculus," Mr. Waxman, a former United States solicitor general, told the justices. The new scientific evidence, described in briefs filed by the American Medical Association, the American Psychological Association and other professional groups, 'explains and validates the consensus that society has drawn,' he said."

*The New York Times,
October 14, 2004*

The Supreme Court decision referenced in the *Times* article will reflect the justices' opinions about the validity of the arguments presented regarding adolescent brain development. The exact definition of adolescence is difficult to pin down in a few words. Essentially it is marked by the onset of puberty and concludes when adult roles are assumed. In neuroscience, adolescence is considered to conclude when adult brain function is attained. This is generally thought to occur in the early 20s. However, as with most markers of brain development, there are individual differences.

"In adolescence, physical health is approaching its peak. Adolescents are not only bigger and stronger than children, but also show developmental increases in a wide range of mental and physical abilities, including reaction time, reasoning skills, problem solving, immune function, and capacity to cope with many kinds of stresses and challenges. Yet, during this period of

resilient health, burgeoning energy, and new-found capabilities, we witness a dramatic increase in death and disability: soaring rates of serious accidents, suicide, homicide, aggression and violence, use of alcohol and illegal drugs, emotional disorders, and health consequences of risky sexual behavior. Behind this paradox lies the complex story of adolescent development. To understand it, we must consider the maturing adolescent brain, as well as the impact of social context and experience on the development of biological systems."

Dr. Ron Dahl (emphasis added)

According to Dr. Ruben C. Gur, director of the Brain Behavior Laboratory at the University of Pennsylvania, the adolescent brain continues to mature in those regions that "govern control of impulsivity, judgment, planning for the future, foresight of consequences, and other characteristics that make people morally culpable. Indeed

(continued on page 7)



Cruel and Unusual Punishment *(continued from page 6)*

age 21 or 22 would be closer to the 'biological' age of maturity. If the neural substrates of these behaviors have not reached maturity before adulthood, it is unreasonable to expect the behaviors themselves to reflect mature thought processes."

Obviously, behaviors that are driven primarily by gut feelings, largely mediated by the limbic region of the brain, can place some teens at risk for negative outcomes.

What scientists do know is that the amygdala (limbic region) is particularly active during adolescence and the amygdala is closely linked to emotionally-laden responses. Male amygdala seem to be undergoing a growth spurt during adolescence that is more pronounced than in females. "One of the most robust differences found between males and females, from rats to humans, is the level of rough-and-tumble play. Males simply do more of it. And males running high on androgens [male hormones] engage in more rough play than males on the low side," according to Marc Breedlove of Michigan State University.

Brain changes that include a combination of a highly active limbic system, an under-developed prefrontal cortex, and changes in neurotransmitter levels is a prescription for volatility, at least for some youth.

As stated by Ron Dahl in *The Primal Teen*, "Changes in adolescent brain development that are specific to puberty have their primary effects on motivation and emotion. These changes manifest as mood swings, increased conflict with parents, a greater tendency for risk-taking and rule-breaking, an increased draw toward novel experiences and strong sensations, alterations in sleep/arousal regulation, and an increased risk of emotional disorders (particularly depression in adolescent girls). Last, but certainly not least, are the alteration in romantic and sexual interest, which are also more closely linked to puberty than to age."

Among the changes in the brain, those that occur on an age-related timeline (rather than with the onset of puberty) in the dorsolateral prefrontal cortex are among the most important. It is this part of the

brain that has been linked to the ability to call upon working memory to "put events in context, to make sense of the incoming reality, and hold a thought." Working memory is linked to impulse control. The brain becomes, among other things, an inhibition machine.

Dahl continues, "The world gets more complex, school gets harder, social relationships get more obtuse. Adolescents have bigger passions, too. They need to be independent from their parents; they want to be adults and they're exposed to a semiadult culture. But they don't have the prefrontal cortex to regulate those adult behaviors; they drink and they drive without seatbelts, all of that.' Or as Giedd puts it: 'They have the passion and the strength, but no brakes and they may not get good brakes until they are twenty-five.'"

Affect Regulation (AF)

Adult Affect Regulation includes a combination of cognitive skills (using learned rules, strategies, and plans in the pursuit of long-term goals) and emotional self-regulation (ability to navigate strong feelings, desires, and competing motivations) that fosters mature judgment, social skills, the attainment of one's goals, and behavioral/emotional health. This ability does not fully mature, according to the scientists, until the early 20s.

According to Dahl, early adolescence (early teens through age 18) is a time of "special opportunities/vulnerabilities." There are neurodevelopmental underpinnings for the mature skills involved in affect regulation. In particular, there is a late-developing dimension of AF "that includes cognitive-emotional integration... [a] combination of cognitive skills (e.g. using learned rules, strategies, and plans in the pursuit of long-term goals) and emotional self-regulation (e.g. abilities to navigate strong feelings, desires, and competing motivations) in the development of mature judgment, social skills, and behavioral/emotional health in adults. Early adolescence is clearly associated with new cognitive abilities, emotional and motivational changes as well as the need to self-regulate feelings while navigating increasingly complex social situations and may represent a sensitive period in

the development of cognitive-emotional integration."

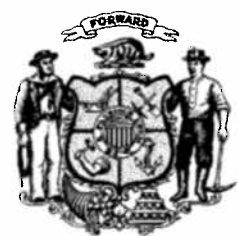
Obviously the intimation that adolescence may comprise yet another "sensitive period" in brain development brings home the need to provide a proper environment for teens to traverse this complex and dangerous period in life. The need for adult guidance is clear. Teens need boundaries as well as direction as they deal with contemporary adolescent social contexts filled with complex, ambiguous, and emotionally arousing situations.

"Was Simmons thinking and acting like an adult when he murdered Shirley Ann Crook? That's a question science can't answer. As the A.M.A. and the psychiatrists write in their brief, scientists can 'shed light on certain measurable attributes' related to teenagers' culpability. But 'science cannot, of course, gauge moral culpability.' That is what the Supreme Court must do."

The New York Times,
October 17, 2004

It is likely that the Court will announce its opinion sometime this spring. ■





FACT SHEET

Views from the National Council on Crime and Delinquency

Youth Under Age 18 in the Adult Criminal Justice System

Christopher Hartney

Negative Impacts on Youth Processed in the Adult System

- Youth tried as adults are subject to harsher adult penalties than youth processed in the juvenile system. In most states this includes life without parole.
- Youth convicted in the adult system receive little or no rehabilitative programming, which is mandated in the juvenile system.
- Youth convicted as adults cannot as easily expunge their criminal record, which affects their future opportunities in education and employment.
- Youth are at greater risk of victimization and death in adult jails and prisons than in juvenile facilities.
- The practice of sentencing youth as adults most seriously impacts African American, Latino, and Native American youth.¹
- Youth convicted in the adult system may be disenfranchised and denied military service.
- Youth held in adult facilities are more likely to recidivate than similar offenders remaining in the juvenile system.²

In abolishing the death penalty for persons under age 18 in 2005, the US Supreme Court noted "...our society views juveniles...as 'categorically less culpable than the average criminal.'"³ Research shows that youth under age 18 can benefit from the rehabilitative nature of the juvenile justice system.⁴

This fact sheet presents statistics and issues related to persons under the age of 18 involved in the adult criminal justice system in the US, regardless of whether their state considers them adults or juveniles. In all cases, the latest available data is represented.

Minimum Age and Transfer Provisions Vary By State

At the threshold age of 18, youth are automatically under the jurisdiction of the adult criminal justice system in most states.

- Persons aged 16 are considered adults in three states—Connecticut, New York, and North Carolina.
- Persons aged 17 are considered adults in ten states—Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas, and Wisconsin.

Most decisions to send a case to adult court are by legislative statute or the decision of the prosecutor (85%) rather than judicial discretion (15%), and the trend is for state legislators to further expand the ways in which youth may be transferred to the adult system.⁶

Regardless of the threshold age, all states have provisions for processing youth under age 18 in the adult system, usually depending on the severity of the offense and the youth's offense history.

- Twenty-three states have no minimum age for transferring youth to adult court.
- For all other states, the minimum age is from 10 to 15.

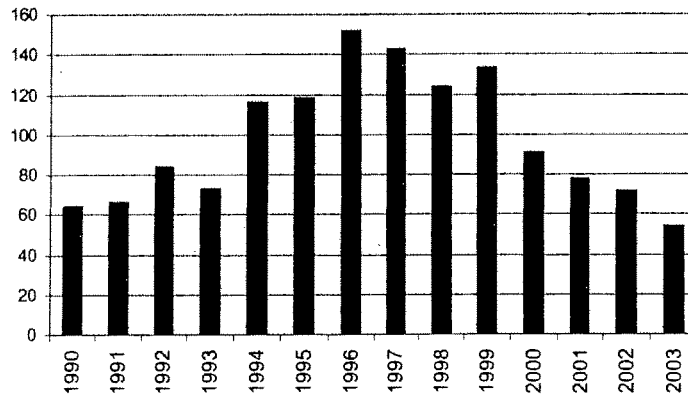
States use various combinations of statutes to transfer youth under age 18 to adult court.

- In 38 states there are certain cases, usually violent felonies, that *must* be transferred (Mandatory Judicial Waivers and Statutory Exclusions).
- Almost all states (45) allow Discretionary Judicial Waiver transfers (discretion of the judge).
- There are 15 states that allow Direct Filing (discretion of the prosecutor).
- In 15 states, certain cases are designated as Presumptive Waivers, in which a youth has to show cause in order to avoid transfer.
- More than half of states (26) allow some form of Blended Sentencing (a joint juvenile/adult disposition usually with the adult sentence suspended).⁵

Life Without Parole

There were an estimated 2,225 youth under age 18 serving sentences of life without parole in 2002. In each year from 1990 to 2003, an average of 98 youth under age 18 were admitted to prison with a sentence of life without parole. Most of these youth serve their time in adult facilities.⁷

Youth Under Age 18 Admitted to Prison with a Sentence of Life Without Parole

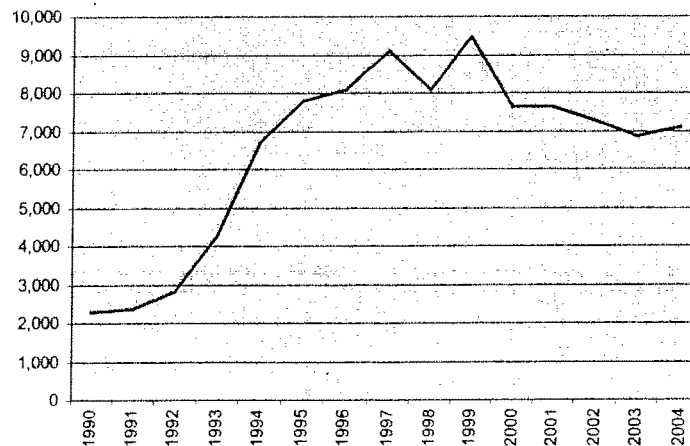


Source: Adapted from Amnesty International, Human Rights Watch (2005).

Incarceration in State Jails

There was a 208% increase in the number of youth under age 18 serving time in adult jails on any given day between 1990 and 2004. The number of youth under age 18 in adult jails rose sharply through the 1990s to a high of almost 9,500 in 1999 and then leveled off to an average of just over 7,200 since 2000.

State Jail Inmates Under Age 18



Source: Snyder, H.N. & Sickmund, M. (2006).

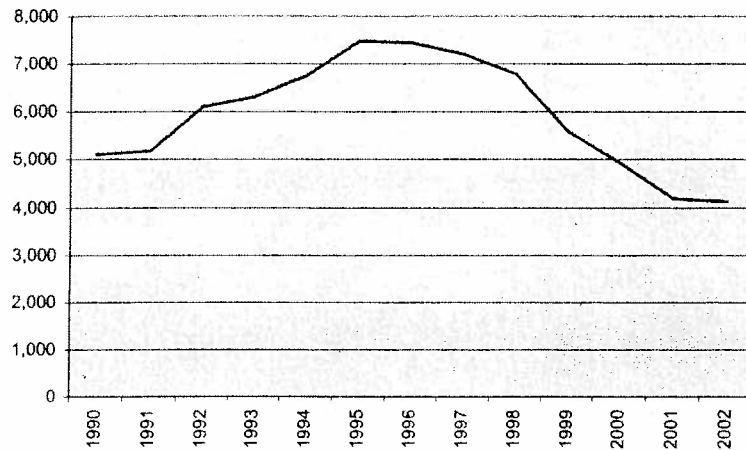
Federal prisons held 39 inmates under age 18 in 1990, but none in 2004. Federal law requires that all persons under age 18 convicted of a federal offense be placed in suitable juvenile facilities, NOT in adult facilities.

The proportion of youth under age 18 among total jail populations is dropping. Youth under age 18 accounted for 1.4% of the total population of state jails in 1994, 1.2% in 2000, and 1% in 2004.⁸

Incarceration in State Prisons

New admissions of youth under age 18 to state prisons have been dropping since the mid-1990s.⁹

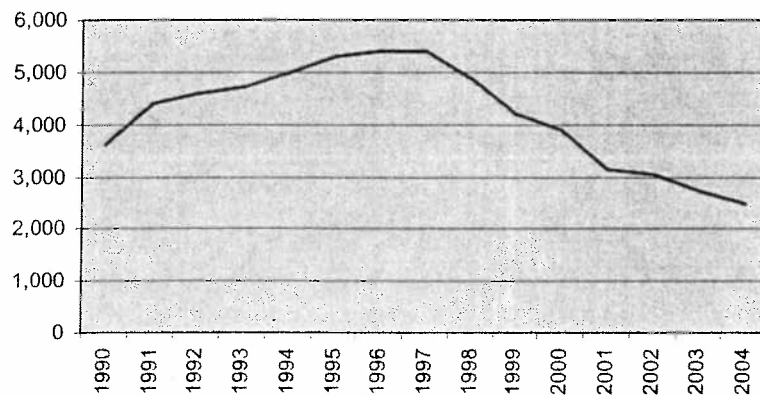
New Admissions to State Prisons of Youth Under Age 18



"One in ten juveniles incarcerated on any given day in the US will be sent to an adult jail or prison."¹¹

The number of youth under age 18 incarcerated in state prisons has been dropping since the mid-1990s. Girls account for approximately 4% of youth under 18 in adult prisons.

Youth Under Age 18 in State Prisons (One Day Count)



Source: Snyder, H.N. & Sickmund, M. (2006).

The proportion of youth under age 18 among total prison populations is also dropping. Youth under age 18 accounted for 2.3% of the total population of state prisons in 1996, which is more than double the proportion (1.1%) in 2002.

Since 1995, the total prison population has risen 16%, while the number of persons under age 18 in prison has dropped 45%. The large increases in the overall prison populations probably account for the drop in proportion of youth under age 18 in state prisons.¹⁰

The Juvenile Justice and Delinquency Prevention Act

The Juvenile Justice and Delinquency Prevention Act, originally passed in 1974, prevents youth under age 18 from being held in adult facilities unless the state defines "adult" as younger than 18, or if the youth was convicted of a felony or is awaiting trial for a felony offense. In certain circumstances for which the Act makes exceptions, such as for short periods in rural areas or while awaiting a court appearance, juvenile inmates are to be kept completely separate from adults.

Notes

¹ Building Blocks for Youth, Transfer Of Youth To The Adult Criminal Justice System. Accessed 04/09/2006 at <http://www.buildingblocksforyouth.org/ycat/transfacts.html>.

² Redding, R.E. (2000). Recidivism rates in juvenile versus criminal court. Juvenile Justice Fact Sheet. Charlottesville, VA: Institute of Law, Psychiatry, & Public Policy, University of Virginia.

³ US Supreme Court, Roper v. Simmons, 2005.

⁴ Mendel, D. (Spring, 2003). A Matter of Choice. Forks in the Road for Juvenile Justice. Advocasey, 5, 1. Baltimore, MD: Annie E. Casey Foundation.

⁵ Griffin, P. (2003). Trying and Sentencing Juveniles as Adults: An Analysis of State Transfer and Blended Sentencing Laws. Pittsburgh, PA: National Center for Juvenile Justice. Accessed 04/06/2006 at <http://ncjj.servehttp.com/NCJJWebsite/pdf/transferbulletin.pdf>.

⁶ Juszkiewicz, J. (2000). Youth Crime/Adult Time: Is Justice Served? Pretrial Services Resource Center. Accessed 04/06/2006 at <http://www.buildingblocksforyouth.org/ycat/index.html>.

⁷ Adapted from Amnesty International, Human Rights Watch (2005). The Rest of Their Lives: Life Without Parole for Child Offenders in the United States. Accessed 04/06/2006 at <http://www.amnestyusa.org/countries/usa/clwop/report.pdf>.

⁸ Snyder, H.N. & Sickmund, M. (2006). Juvenile Offenders and Victims: 2006 National Report. Washington, DC: US DOJ, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. Accessed 04/06/2006 at <http://www.ojjdp.ncjrs.gov/ojstatbb/nr2006>.

⁹ Ibid.

¹⁰ Ibid.

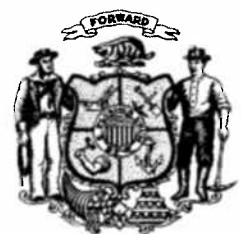
¹¹ Jones, G. & Connelly, M. (2001). Update on Blended Sentences. State Commission on Criminal Sentencing Policy. Accessed 04/09/2006 at <http://www.msccsp.org/publications/blended.html>.

¹² Hughes, T. (2002). National Corrections Reporting Program, 2002. US DOJ OJP Bureau of Justice Statistics. Accessed 04/09/2006 at <http://www.ojp.usdoj.gov/bjs/data/ncrpm02.zip>

¹³ DeFrances, C. (2002). Felony Defendants in Large Urban Counties, 2002. US DOJ OJP Bureau of Justice Statistics. Accessed 04/09/2006 at <http://www.ojp.usdoj.gov/bjs/abstract/fdluc02.htm>.



WISCONSIN STATE LEGISLATURE



The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Adult Criminal Court

Adolescent
Development
and Juvenile
Justice

Through much of the 20th century, the juvenile court was the primary legal forum to respond to children who broke the criminal laws. With the rise in youth crime beginning in the late 1970s, legislators and commentators spoke ominously of a nation under siege by a rising generation of violent young criminals. These fears led many Americans to blame the juvenile court and demand that legislators "get tough" with violent and chronic young offenders.

In response to recurring epidemics of youth violence over the past three decades, 46 states made significant changes in laws that lowered the age and broadened the circumstances under which young defendants could be prosecuted in the criminal courts. Prosecution in the criminal court was designed to punish young offenders more harshly and for longer periods of time, thereby deterring them and other youths from further crimes.

But have these efforts been effective? Does the prospect of harsher sentences and adult time deter youth from committing crimes? Although there are strong proponents on each side of the argument, new evidence has raised questions about the effectiveness of the new laws.

Network researchers have examined whether the prosecution of adolescents as adults reduces crime and recidivism. Their research capitalizes on unique conditions in the New York City region, where the laws of two states, New York State and New Jersey, span the border of a single metropolitan area. On the New York side of the border, juveniles as young as 13 are charged in adult court, while on the New Jersey side, nearly all cases of juvenile offenders below the age of 18 are processed in juvenile court. By comparing similar offenders in the two settings who were arrested and charged with the same felony offenses during the same time period, the researchers were able to determine whether treating juveniles as adults in the legal system is an effective deterrent to crime.

They find that adolescents processed in the New York adult courts were more likely to be re-arrested, they were re-arrested more often and more quickly and for more serious offenses, and they were re-incarcerated at higher rates than those in the New Jersey juvenile courts. The results suggest that harsher sentences and adult punishment are ineffective deterrents to crime among the juveniles in this sample.

Teens Prosecuted in Adult Courts at Greater Risk of Repeat Offenses

The study examined more than 2,000 adolescents who committed one of three types of serious crimes (aggravated assault, armed robbery, burglary) during 1992 and 1993. The youth were tracked through 1999 to determine re-arrest rates for several types of crimes. By using the two groups from the same metropolitan area, with similar economic opportunity, access to weapons, drug use, gang influences, and other influences on crime, any differences in re-arrest between the two groups can be assumed to be due to the different court systems. The re-arrest rates were calculated after controlling for time on the street.

Table 1 shows that youth prosecuted in the adult courts in New York were 85% more likely to be re-arrested for violent crimes than those prosecuted in the New Jersey juvenile courts, and 44% more likely to be re-arrested for felony property crimes. The odds of re-arrest

were greatest for those youths with no prior arrest record who were prosecuted and sentenced as adults. Only for one type of crime, drug offenses, were youths in the adult courts less likely to be re-arrested. The chances of being re-incarcerated were 26% greater for youths prosecuted as adults. When the researchers compared the number of each type of offense during the follow-up period, the results were nearly identical.

Youths who received lighter sanctions – those whose cases were either dismissed or who received lighter sentences – also were less likely to be re-arrested; this was true in both states. In other words, teens whose cases are diverted from court or dismissed are less likely to be arrested again. More work is needed to determine whether this stems from the courts' ability to identify those youth at greater risk for reoffending and give them a sanction, or if the mere fact of a sanction causes an adolescent to feel more like a criminal and then act more like one after release.

The research also showed that longer sentences did not reduce the likelihood of rearrest either in the juvenile or the adult court. But, the research did show that a history of prior arrests and re-arrests is a reliable predictor of future re-arrests. So too are several demographic factors: males are more likely to be re-arrested than females, and African-Americans are more likely to be re-arrested than other race-ethnicities. More study is needed to determine whether these differences stem from different behaviors of the individuals in the groups or from different arrest policies.

Table 1. Odds of Re-Arrest and Re-Incarceration for Adolescents in Adult Court Relative to the Juvenile System*

Recidivism Measure	Statistical Significance	Odds Ratio Relative to Juvenile System
Any Rearrest	ns	–
Violence	.001	1.85
Property	.001	1.44
Weapon	ns	–
Drug	.001	0.65
Re-incarceration	.05	1.26

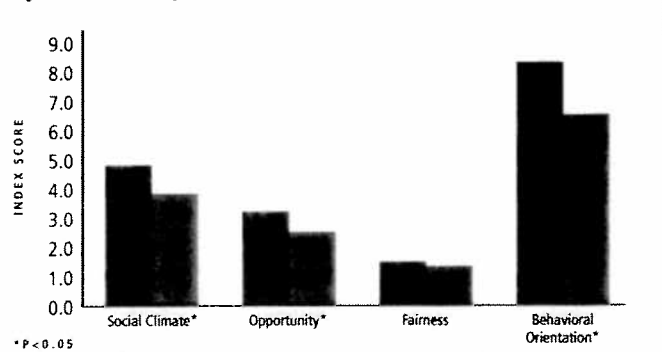
* Log odds of 1.0 indicates no difference.

Teens in Adult Corrections Face Harsher Settings and Experience More Developmental Problems

In a related study, network researchers compared the correctional experiences of 425 adolescents placed in juvenile versus adult correctional facilities in 2000-2001. This research sought clues that might explain why adolescents adjudicated and sentenced in the criminal courts often have higher re-arrest rates and are more often returned to jail or prison. The research used a similar design in which youth in juvenile corrections were compared with matched samples of youths in nearby states where they were incarcerated as adults. The incarcerated youths were interviewed within three months of their scheduled release date and asked about their correctional experiences, the therapeutic and rehabilitative services they received, and their mental health and social outcomes. Four states were included in the study, each with varying programs and facilities where teenage offenders were incarcerated. The experiences of youth in juvenile correctional facilities in New Jersey and California were compared with those of similar groups of youth placed in adult correctional facilities in New York and Arizona.

The results suggest clear differences in the therapeutic and service contexts of each of these settings. Figure 1 shows that youths placed in adult correctional settings reported significantly weaker correctional climates along four critical dimensions: fairness, counseling and therapeutic services, educational and job training services, and program structure, compared with matched groups of youths placed in juvenile facilities. At the same time, the juvenile facilities were more chaotic. Adolescents in the juvenile programs reported higher rates of witnessing violence and violent victimization. They also reported higher rates of involve-

Figure 1. Institutional Climate by Correctional System



ment in several types of crimes while incarcerated as well as more drug use. Despite these unruly settings, they reported greater feelings of safety compared with youths placed in adult settings. This paradox may reflect the social networks that were dominant in the two different types of placements: older criminal offenders in more organized prison gangs were the dominant social group in the adult facilities, compared to the loosely organized groups of peers that populated the juvenile facilities.

This greater sense of danger, then, perhaps explains the higher rates of mental health problems reported by youths in the adult facilities. Figure 2 shows that the current levels of mental health symptoms of youths in adults corrections were significantly worse on two dimensions of mental health functioning compared with rates reported by youths in juvenile facilities. The significant dimension includes the important Global Severity Index, a scale that spans all of the dimensions of mental health in this assessment tool.

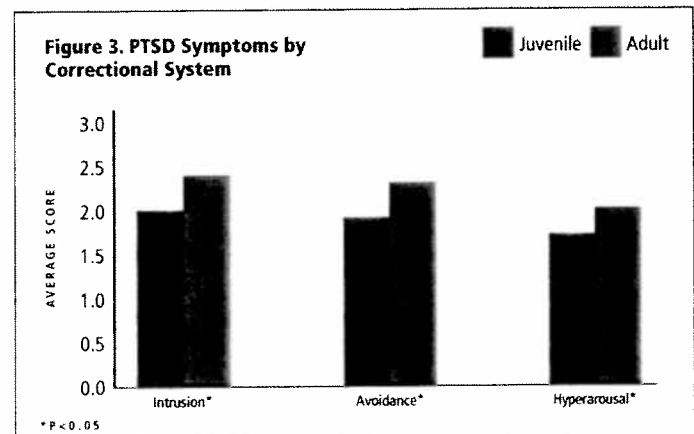
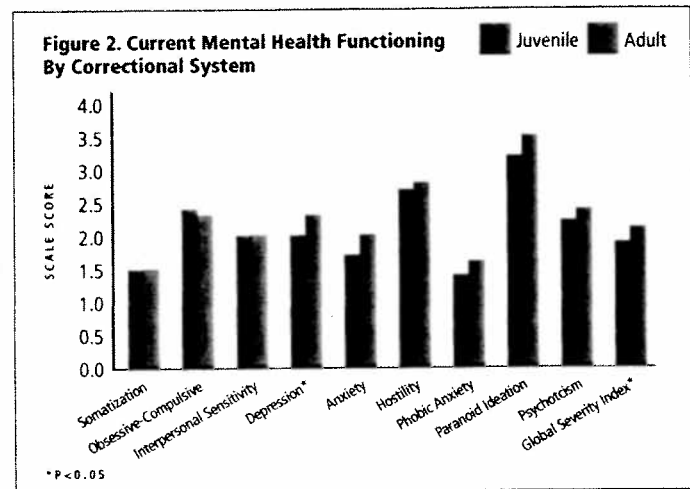
The same youths also reported higher rates of three dimensions of post-traumatic stress disorder. Figure 3 shows that youths in adult corrections had higher rates the same types of mental health problems experienced by soldiers returning from war and survivors of natural disasters.

There were also differences across the juvenile corrections facilities. Youths placed in larger juvenile justice facilities with a wider age range of inmates had similar outcomes to youths placed in the adult facilities. Youths sentenced as adults who spent some time in juvenile facilities before being administratively transferred to adult placements experienced fewer mental health problems and reported better service environments. These differences suggest that the size and diversity of populations in correctional placements are important dimensions of the correctional experience that interacts with the broader adult-juvenile legal categories to shape the correctional experiences of youths punished as adults.

Policy Implications

Policymakers and others advocating for harsher youth sentences argue that the threat of "adult time for adult crime" is a sound deterrent. The first study, however, shows the opposite: recidivism among 15- and 16-year-olds prosecuted in adult courts in New York is actually more common and more serious than it is in New Jersey, which refers adolescents who have committed similar offenses to juvenile courts. Youths sentenced in the criminal courts in New York were more likely to be re-arrested, their re-arrests were more frequent and their new offenses more serious, and they were more likely to be re-incarcerated within a few years.

The study also suggests that the longer sentences in adult courts are not responsible for the differences in re-arrest rates or in correctional outcomes. Rather, the second study finds that the adult courts may expose adolescents to harsher incarceration settings



and less effective probation supervision in the criminal justice system. One reason may be that a felony conviction has a more harmful effect on subsequent employment, citizenship, or other positive adult roles, factors that otherwise could lessen the tendency to return to crime. Another possibility is that prosecution in an adult court communicates to the adolescent that he or she is unsalvageable, and hence repeat offenses become a self-fulfilling prophecy. A third reason is the stark differences in correctional experiences for those youths who are incarcerated as adults. Not only do they receive fewer and weaker services, but they are confined with adult offenders during the critical developmental period of the transition from adolescence to adulthood. This environment obviously has its effects on mental health. But also, teens in adult corrections have limited exposure during this critical developmental stage to a broader set of social norms and a more diverse behavioral toolkit from the wider social networks of family, school or work, and community. Network researchers are not the only ones to reach these conclusions. Studies in Florida, for example, show similarly elevated risks of re-arrest for juveniles in adult court, and similarly toxic environments for those youths placed in adult correctional facilities.

Network researchers recommend that authority for making transfer decisions be returned to court judges who can consider criteria other than age and offense in determining how to prosecute an adolescent. Policies that result in a wholesale transfer of adolescents from juvenile to adult courts often fail to deter repeated instances of serious and violent crime. Although some of the most extreme cases may still need to be prosecuted in adult court, these should be the exception and not the rule. However, return of decision-making authority to judges must be accompanied by new models for decision-making. In the past, judges have not been able to consistently identify the most serious offenders, and there has been a tendency toward harsher sentencing that often reflected racial discrimination. If new models are not offered to judges, the same problems will recur. What is needed is a better method to distinguish between cases in which the community must be protected from predatory youth and those in which delinquent youth must be protected from negative effects of incarceration.

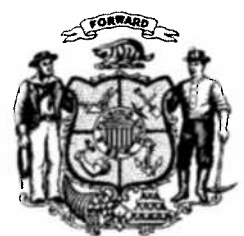
For more information

MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice
Temple University, Department of Psychology
Philadelphia, PA 19122
www.adjj.org

The Research Network on Adolescent Development and Juvenile Justice is an interdisciplinary, multi-institutional program focused on building a foundation of sound science and legal scholarship to support reform of the juvenile justice system. The network conducts research, disseminates the resulting knowledge to professionals and the public, and works to improve decision-making and to prepare the way for the next generation of juvenile justice reform.



WISCONSIN STATE LEGISLATURE



- Dorise Luoma
→ incoming
Wanda
→ Gen. Kehl
603-214-5434

7/26/06

John Keckhaver - WI Council C/F - Jobs-Tech Coll. - Coord.

- once an adult, always an adult
- Audit - 17 yr. olds in adult
- ↳ Studies in FL
- US DOS - Taycheda - Mental Hlth histories - No meds/ services
- Foster kids → So. Oaks → Taycheda
- ↳ usually for battery ...

looking at...

LAB
1994
Recidivism

- * * IF 17 yr. olds back into JJS
- ↳ outcomes in ASS vs JJS
- ↳ net cost
- hidden costs in adult system
- ↳ Teaches

Stephanie Cenamo
Judicial Liaison
719-448-7587

Summary of
request
HEAB
request to fund
initiat

7/26/06
SB 613
2005
ACT 468

Carrie - Lad Lake (9/1)

- how many kids
would take advantage
✓ of free tuition

LM 1/31

Wendy - WCCF

→ ? foster kids in corrections

LM 1/31

~~Okay - tomorrow - Paul/John
no
- printed price~~

~~Mike Feehan~~

SB 6/3

~~AIM repairman~~



So. Ohio girls -

- 46 youth (2009)

156640

- 7 foster home
10 group-home

- 41 - had one or more out
of home place

- avg # of 5 placements
per kid

girls - in particular
FC - just in - adult
Kathy Malon
in Melw.

- GB

- New Lisbon

- couple county facilities

- Racine Youthful Offender Center

- lot here been

- lot born in Tazhdela