



*Return 17-year-old youth to  
their rightful place  
in the YOUTH JUSTICE system*



Developed by the RTA Coalition | April 2021

***WISCONSIN IS ONE OF FOUR STATES THAT STILL TREATS YOUNG PEOPLE WHO COMMIT CRIMINAL OFFENSES AS THOUGH THEY ARE ADULTS***

Under 1995 Wisconsin Act 77, general jurisdiction of the juvenile court was lowered from age 17 to 16, sending ***ALL*** 17-year-olds to adult courts in WI.

It's time for WI to acknowledge that **investing in the competency development** of adolescents is the most **informed, humane, and fiscally responsible** choice and to align state laws & policies accordingly.

## Informed

Local and national data tell us that justice involved youth have histories of trauma. Research tells us that trauma impacts brain development and often impairs reasoning, judgement, and impulse control.<sup>1</sup> Adolescence itself is a time of risk-taking and poor impulse control. Combine that with any sort of trauma history and the odds of a youth committing a criminal offense increase substantially. We know that:



In Wisconsin, 4 out of 5 youth referred to the youth justice system have a prior history with child protective services.<sup>2</sup>



The brain does not fully develop until after age 18, and adolescent brains differ from adults in three significant ways: 1) They lack mature capacity for self-regulation in emotionally charged contexts. 2) They are exceptionally sensitive to peer pressure and immediate incentives. 3) They are less able to make judgements and decisions that require future orientation.<sup>3</sup>

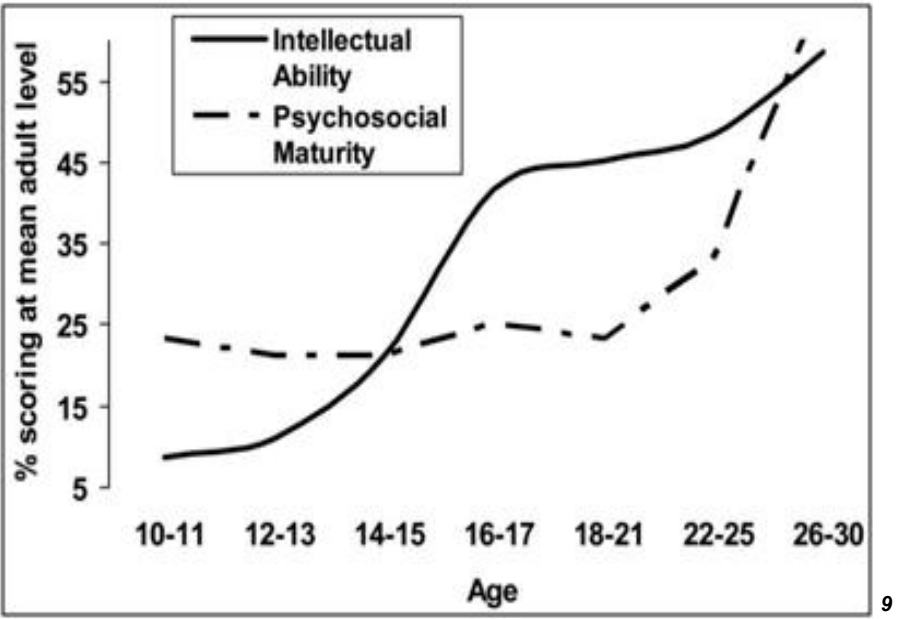


Youth offenders have higher rates of behavioral health problems<sup>4</sup> and education related disabilities<sup>5</sup> than the general youth population, which can interfere with rehabilitation.



Minority youth make up 26% of Wisconsin's youth population, yet they account for 67% of the incarcerated youth population.<sup>6</sup>

“The juvenile justice system was established in the United States about 100 years ago with the goal of diverting youthful offenders from the destructive punishments of criminal courts and encouraging rehabilitation based on the individual juvenile’s needs. This system was to differ from adult or criminal court in a number of ways. It was to focus on a child or adolescent as a person in need of assistance, not on the act that brought him or her before the court.”<sup>8</sup> Those creating the law recognized the fundamental differences between the intellectual abilities and psychosocial maturity of young people, especially as compared to adults.



**Ch.938.01(2) Wis. Stats. states, “It is the intent of the legislature to promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system which will protect the community, impose accountability for unlawful acts, and equip juvenile offenders with competencies to live responsibly and productively...”.**

## Humane

Humane treatment is "treatment intended to have a civilizing or refining effect on people." We know that:



Putting youth in locked environments does little, if anything, to reduce future offending, whereas therapeutic interventions focused on internalized behavior change do.<sup>3</sup>



•"Because adult facilities are not designed to handle the security or developmental needs of children, these children are often at significant risk and rarely have access to appropriate treatment."<sup>10</sup>



"Youth in adult facilities are as much as 36 times more likely to commit suicide than their peers in a juvenile facility and 9 times more likely than their peers in the general population."<sup>11</sup>



Juvenile courts offer humane and effective programs that keep youth in school, address underlying traumas, and engage the whole family in the treatment process.

“The justice system doesn’t have to be a bad process or a bad experience. We need a system that is more loving and less punitive. Ask questions: are you ok? Why are you mad at the world? Why are you doing this?”<sup>7</sup>

~ WI Youth Leader

“The question should be: ‘What conditions set you up for success?’”<sup>7</sup>

~ WI Youth Leader

## Fiscally Responsible

Policies that needlessly confine youth have an immediate cost for taxpayers and our communities. Not only do taxpayers foot the bill for youth confinement to the tune of hundreds of thousands of dollars per year, the impact of poor policy choices ratchets up long-term costs, including those associated with<sup>12</sup>:



Lack of Economic Opportunity



Tax Revenue

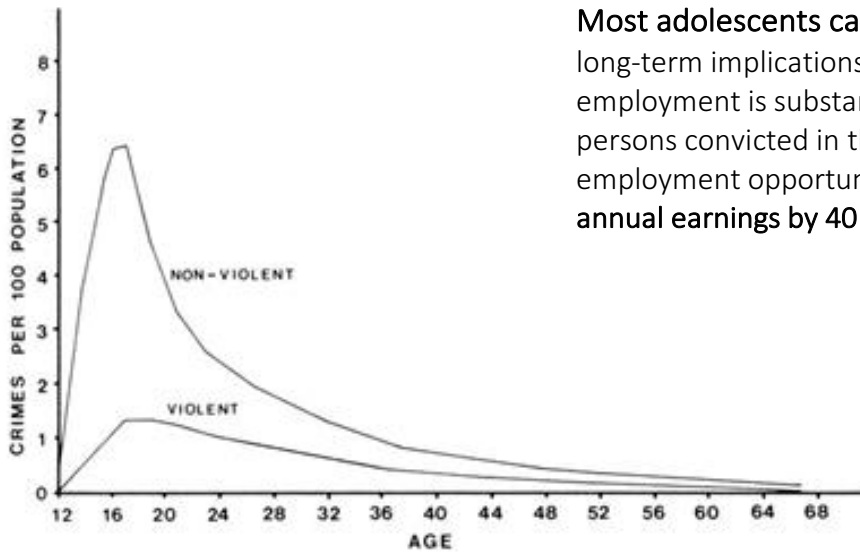


Increased Reliance on Public Assistance



Increased Recidivism

In addition, incarceration during adolescence and early adulthood is independently associated with worse physical and mental health outcomes during adulthood.<sup>13</sup> Plus, there is little benefit to doing so, as committing youth to large institutions that fail to provide for their developmental needs is ineffective in furthering the goal of crime prevention.<sup>14</sup>



Most adolescents can and do stop offending; however, the long-term implications of their arrest as youth on their future employment is substantial. Numerous studies demonstrate that persons convicted in the adult system face severely limited employment opportunities. In fact, serving time lowers a man's annual earnings by 40 percent.<sup>9</sup>

**Wisconsin's policy is not aligned with the needs of the workforce.**



**It's time to**



In April of 2019, Forward Analytics shared the following:

- Wisconsin businesses are facing a worker shortage that could persist for decades, if not longer.
- The state does not have enough young people to replace retiring baby boomers and migration patterns have not shifted for the better.
- Since 2015, traditional Wisconsin migration patterns have shifted negatively.
- Without the ability to naturally increase the workforce, growth must come from higher labor force participation or inward migration.
- Shifting migration patterns between 2010-2015 raise concerns about future workforce growth.
- Wisconsin continues to lose young people as they age from early to late 20s.
- The decline in young families moving to Wisconsin means smaller gains in the number of children in the state.<sup>15</sup> Policies that promote youth and young adult well-being could change this trajectory.

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