

WISCONSIN CATHOLIC CONFERENCE

EYE ON THE CAPITOL

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JUVENILE JUSTICE REFORM LONG OVERDUE

By Barbara Sella, Associate Director

Ninety-eight percent of all 17-year-olds arrested in Wisconsin committed non-violent crimes, usually underage drinking, disorderly conduct, marijuana possession, or property crimes. Yet, since 1995, all these 17-year-old offenders are handled by the adult correctional system and, if incarcerated, are placed with the adult prison and jail population. After 20 years of treating these juveniles like adult criminals, there is growing recognition that this experiment has failed.

Juveniles who spend time in adult institutions are more likely to reoffend and less likely to reintegrate successfully into society. Coming out of prison with criminal records, they are less likely to graduate from high school, obtain college loans and scholarships, enter military service, and find adequate housing and gainful employment. Instead, they are more likely to commit more crimes and to attempt suicide. Recent research on brain development further demonstrates that adolescent brains are not fully developed and therefore not fully capable of moral reasoning and impulse control.

Lawmakers are considering a bi-partisan proposal to reverse current law. Assembly Bill 387 and companion Senate Bill 308 (known as the “Second Chance Bill”) would return first-time, nonviolent 17-year-old offenders to the jurisdiction of the juvenile justice system. Many of these youth have histories of abuse and neglect, mental health needs, and/or alcohol and drug addiction problems – issues that can be addressed in a comprehensive manner by the juvenile justice system but not by the adult correctional system.

Removing juveniles from the adult system both protects the rights of victims and makes restorative justice more possible. As the State Bar of Wisconsin reports, “The Juvenile Code places equal importance on victim’s rights, as does the adult system. Law enforcement, human service staff, prosecutors and judges are required to provide the same services that all victims are entitled to in the adult system. 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.”

In the short term, juvenile justice programs are considerably more costly than sending a minor through the adult correctional system. But in the long run they are a sound investment. Somehow Wisconsin needs to find the money to fund this change. As the U.S. bishops wrote in their 2000 statement, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, “[S]ociety 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.”

Across our nation, the past decade has seen a dramatic shift in the way that state governments treat juvenile offenders. Close to 20 states have moved 17-year-olds from the adult correctional system into their juvenile justice system. Today, Wisconsin is one of only 11 states that continue to treat 17-year-olds as adults.

An estimated 2,000 17-year-olds would be eligible for juvenile court if the Second Chance Bill were to become law.

The Assembly is expected to take up the bills when they return in January.

Contact your legislators and ask for a vote on both bills. To find your legislators’ contact information, enter your zip code at: <http://legis.wisconsin.gov/pages/waml.aspx>.

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