



## Frequently Asked Questions about the 2<sup>nd</sup> Chance Proposal

**Q: What is the main purpose of this proposal?**

A: This proposal returns first-time, non-violent 17-year-old offenders to the juvenile justice system.

**Q: What 17-year-olds are NOT covered by the proposal?**

A: The proposal includes a list of “violent offenses” that will remain as adult charges. The bulk of this list is drawn from existing statutes that define “violent offense.” It also keeps 17-year-olds who have previously been found delinquent in the adult system.

**Q: Does this proposal affect provisions related to waiving youth to adult court?**

A: No. The proposal preserves current options and standards for waiver to adult court. Prosecutors can file a waiver petition on any 17-year-old, but the court can then decide on a case-by-case basis what is best for the community. There are a few of the most serious offenses that are “directly filed” in adult court even as young as age 10.

**Q: How many 17-year-olds are affected by this proposal?**

A: There is no centralized data collected at various decision points in the process, but based on records from CCAP and the Public Defender’s Office, we believe about 1,600 more 17-year-olds would be referred to juvenile court statewide than under current law.

**Q: What is the current law related to 17-year-olds?**

A: As of January 1996, any 17-year-old alleged to have committed a crime is treated as an adult.

**Q: Why was the law changed in 1996 to treat 17-year-olds as adults?**

A: Most states made changes in their juvenile laws in the 1990s to reflect growing concerns about an increase in violent juvenile crime that began in the mid-1980s. “Tough on crime” became the theme of many policy changes during this time, sometimes at the expense of effectiveness and community needs.

**Q: What has happened to youth crime since then?**

A: Juvenile arrests in Wisconsin actually peaked in 1994, before the change was made. Since that time, the number and rate of juvenile arrests have both declined steadily. In fact, juvenile arrests have declined by over 35% just since 2010.

**Q: Doesn't that decline in youth crime mean the current policy is working?**

A: There are many factors that have contributed to the decline in juvenile arrests, and it's important to recognize that adult arrests have declined as well. There is no evidence that the change has had any impact on the arrest rate for 17-year-olds. In fact, research on this issue concludes that placing youth in the adult system is not a deterrent to juvenile crime.

**Q: How does recidivism compare between youth dealt in the adult system and youth in the juvenile system?**

A: A number of studies have shown that youth in the adult system are significantly more likely to reoffend than youth dealt with in the juvenile system.

**Q: Are there other negative consequences of placing youth in the adult system?**

A: Yes. Youth confined with adults are at greater risk of personal harm. They are also at risk of "learning" more serious criminal behaviors from adults with whom they are confined. Moreover, youth with an adult record face major challenges obtaining post-secondary education and employment, making it much harder to turn their lives around.

**Q: What else has changed over the last decade related to this issue?**

A: Our understanding of brain development has grown dramatically. We now know that the parts of the brain that govern thoughtful decision-making are not really developed until into the 20s. This helps explain why youth often act impulsively when emotionally aroused. This knowledge has guided recent U.S. Supreme Court decisions related to capital punishment and life sentences for youth.

**Q: What do other states do?**

A: Wisconsin is one of only 9 states that treat all 17-year-olds as adults. The others are Georgia, Louisiana, Michigan, Missouri, South Carolina, Texas, North Carolina, and New York.

**Q: What is the cost of this proposal?**

Based on an assumption of 1,600 added youth to the juvenile system and an average "per youth" cost of \$3-4,000/year, one estimate of the total cost would be approximately \$4.8-6.4\$ million/year at most. But, given declines of over 30% in juvenile arrests in the last five years, much of this cost can be absorbed within existing services and staffing. But like other investments in our children's future, there is an overall net gain. Given the reduced re-offense rate of youth who are dealt with in the juvenile system, the long-term economic benefits of this proposal certainly far outweigh any upfront costs. This has been borne out by experience and studies in other states.

For more information:

WCCF Second Chance Web-site <http://www.wccf.org/second-chance-bill/>

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