

TESTIMONY BY THE NATIONAL ASSOCIATION OF SOCIAL WORKERS,
WISCONSIN CHAPTER EXECUTIVE DIRECTOR MARC HERSTAND BEFORE
THE ASSEMBLY CRIMINAL JUSTICE COMMITTEE ON SEPTEMBER 7, 2005

The National Association of Social Workers, Wisconsin Chapter strongly supports Assembly Bill 82, which would raise the age from 17 to 18 for those individuals who can be automatically waived into adult courts and sentenced under adult guidelines. Under this bill judges would still have the discretion to waive certain individuals under age 18 into adult court if they feel that action is appropriate.

Over 100 years ago the first juvenile court was established in Cook County, Illinois. The function of the juvenile court then and today is to help children so they don't recommit crimes and end up in the adult correctional system. The philosophy of juvenile court is that children are developmentally different from adults and therefore more amenable to treatment and rehabilitation.

Today we actually have research that supports this policy initiated 100 years ago. Research that I understand will be presented by the Wisconsin Council on Children & Families, demonstrates that the adolescent brain is still evolving. Adolescents are therefore more amenable to treatment and at the same time their decision making ability is not as well developed as an adult.

Placing children in adult court makes it much less likely that these children will receive the treatment and rehabilitation services they need. In fact placing children in adult court has bad consequences for these children and eventually society. According to a 2001 article written by the Sentencing Project entitled, "Prosecuting Juveniles in Adult Courts", youths in adult prisons fare much worse than their adult counterparts. Youths are 7.7 times more likely to commit suicides, five times more likely to be sexually assaulted, 50 times more likely to be physically assaulted by guards and twice as likely to be attacked with a weapon.

In terms of the impact on society, A 2000 study by the Coalition for Juvenile Justice reports that 50% to 70% of the juvenile offenders incarcerated as adults are rearrested one to two years after release. A 1999 study published by the National Conference of State Legislatures, report similar findings that youths treated as adult criminals are rearrested more often, sooner and for more serious crimes later on than their youthful counterparts who are treated in a juvenile court setting.

Finally a 17 year old is subject to juvenile court for truancy and protective service concerns. They are also still considered a child in terms of entering into contractual agreements, voting, joining the military, purchasing cigarettes, purchasing and consuming alcoholic beverages, marriage and dropping out of school. Placing a 17 year

old in adult court provides a dual and confusing jurisdiction for children and is not consistent with other laws and rules affecting children.

Please support this bill so that 17 year olds in Wisconsin receive the age appropriate and sensitive treatment assistance they need to rehabilitate themselves and live a responsible adult life.

References

Coalition for Juvenile Justice. (2000). *Handle with care. Serving the mental health needs of young offenders, 2000 annual report.* Washington, DC: Author

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The Sentencing Project: Prosecuting Juveniles in Adult Court (Online). (2001). Available: www.sentencingproject.org/brief/juveniles.html