



**STATE OF WISCONSIN**

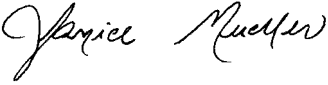
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Janice Mueller  
State Auditor

DATE: March 1, 2007

TO: Senator Jim Sullivan and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee

FROM: Janice Mueller   
State Auditor

SUBJECT: Proposed Audit of the Effects of Criminal Court Jurisdiction on  
17-Year-Olds—Background Information

At your request, we have developed some background information the Joint Legislative Audit Committee may find useful in considering a request for an audit of the effects of criminal court jurisdiction on 17-year-olds. Under the provisions of 1995 Wisconsin Act 27, 17-year-olds alleged to have violated criminal law are subject to prosecution as adults; prior to the law's enactment, 17-year-olds were subject to juvenile court jurisdiction.

Concerns have been expressed that the effects of this jurisdictional change are not well understood. Some who are concerned have cited studies completed in other states that show adverse effects for recidivism among 17-year-olds prosecuted in adult court, both in terms of the types of offenses and the speed with which subsequent offenses are committed. Furthermore, concerns have been raised about the educational attainment of these offenders, the rehabilitative programming they receive while incarcerated or under supervision, and their capacity to maintain employment upon release.

The Legislature has enacted numerous changes to the State's juvenile justice system since 1993. Chapter 938, Wis. Stats., known as the Juvenile Justice Code, guides the actions of the circuit courts when they are exercising jurisdiction over children between 10 and 16 years of age who are alleged to have violated state or federal criminal law. The stated legislative intent of the Juvenile Justice Code is to promote a system to deal with juvenile delinquency, protect the community, impose accountability on juvenile offenders, and equip juvenile offenders to live responsibly and productively. County supervision and confinement occur for some juveniles who are adjudicated delinquent. In contrast, juveniles with specific records of delinquency or who have committed certain serious offenses are subject to state supervision and confinement in the Serious Juvenile Offender program.

In Wisconsin, the Office of Justice Assistance compiles crime and arrest data from law enforcement agencies. These data, along with information from selected counties and the

Department of Corrections, could be compiled to assess the experience of 17-year-olds prosecuted as adults in Wisconsin between 2001 and 2006.

An audit of the effects of criminal court jurisdiction on 17-year-olds could include:

- identification of the number of 17-year-olds who have entered the adult criminal court system each year;
- an enumeration of jail and prison admissions for 17-year-olds convicted in adult criminal court each year;
- a categorization of offenses for which 17-year-olds have been convicted;
- an analysis of the costs of confinement for 17-year-olds;
- an enumeration of 16-year-olds waived at judicial discretion into adult criminal court;
- a review of rehabilitative programming available to 17-year-old offenders;
- an analysis of recidivism rates among 17-year-old offenders; and
- a review of current jurisdictions for 17-year-olds in selected other states.

If you have any questions regarding this information, please contact me.

JM/KW/bm

cc: Senator Julie Lassa  
Senator Russell Decker  
Senator Alan Lasee  
Senator Robert Cowles

Representative Samantha Kerkman  
Representative Kitty Rhoades  
Representative David Cullen  
Representative Joe Parisi