555 West Washington Ave, Suite 200
Madison, WI 53703

www.wccf.org
608-284-0580
608-284-0583

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TO: Senator Van H. Wanggaard, Chair Senate Committee on Judiciary and Public Safety
Senator Patrick Testin, Vice-Chair
Senator Duey Stroebel, Member
Senator Fred Risser, Member
Senator Lena C. Taylor, Member

FROM: Ken Taylor, Executive Director Wisconsin Council on Children and Families

Copy: Valirie Maxim, Committee Clerk

RE: **Senate Bills 52 and 59** related to Serious Juvenile Offenders (SJO)

I am writing to express our opposition to SB52 and SB59.

Our biggest concern is **SB59** which significantly increases the number of offenses that would fall within the Serious Juvenile Offender (SJO) category. As the SJO statutes are currently constructed, there are approximately 30 different acts for which youth may fall within the SJO designation, almost all of them being acts that pose a serious risk of physical harm to other individuals. Expanding the SJO category to all felonies, no matter what level of felony, adds dozens and dozens of acts that presumptively create prima facie evidence that the youth is a danger to the public and in need of restrictive placement, resulting in a substantial increase in the number of youth being placed in a juvenile correctional institution. This is particularly troublesome in light of substantial research about the ineffectiveness of correctional placements when compared with community-based services for many youthful offenders and is compounded by current concerns about the efficacy of our current juvenile correctional institutions. Rather than reduce the level of victimization in our communities, **SB59** is almost certain to ultimately increase the number of victims, as well as pose significant barriers to youth becoming productive adults fully engaged in our workforce and economy. There are clearly better ways to invest state resources that would achieve better outcomes for our citizens and the youth involved.

We also want to register our opposition to **SB52** as currently written, especially if it is combined with a substantial increase in the number of youth confined that would result from **SB59**. There is little reason to believe that youth confined for longer than three years will reenter the community and make the community safer than if the current three-year limit is maintained. If anything, research continues to support that the longer a youth is confined

the more difficult it is for them to successfully reenter the community and the more likely they are to reoffend. Again, while the goal of increasing the confinement limit is presumably to reduce offending behaviors, that outcome will not be achieved with this change. In a limited number of cases in which the Department of Corrections believes that community safety requires an extension of the three year confinement limit, rather than a "blanket" extension, we would alternatively suggest that the Department be allowed to petition the court of jurisdiction to increase the limit based on evidence presented to the court that release of the youth would present a substantial risk of physical harm to others and that continued confinement will likely result in reducing that risk. The court could then make an informed decision on a case-by-case basis that properly balances the interests of the community and youthful offender.

In short, neither increasing the number of youth confined (**SB59**) nor increasing the length of confinement (**SB52**) are good public policy. We recommend that neither proposal be approved.