

MEMORANDUM

TO: Honorable Members of the Wisconsin State Legislature

FROM: Mark D. O'Connell, Executive Director

DATE: September 9, 2015

SUBJECT: Request to Not Co-Sponsor LRB-0771/5 – 17-Year-Old Offenders

This morning a co-sponsorship memo was sent to all legislators seeking co-sponsors for LRB-0771/5, relating to the age of adult court jurisdiction for non-violent, first-time offenders. The co-sponsorship memo discusses the position of the Wisconsin Counties Association (WCA), as well the costs of implementation. We would like to offer additional information on the proposal.

First and foremost, the Wisconsin Counties Association supports the objective of the bill - to move 17-year-old first-time, non-violent offenders back to the juvenile justice system. One of the primary reasons cited for this policy change is to provide programs and services to 17-year-old offenders not currently offered or available in the adult system. Such programs and services will hopefully prevent 17-year olds from re-offending and committing an adult criminal offense. While the policy is laudable, there is a significant cost to providing programs and services to young offenders.

The co-sponsorship memo states that the cost of providing services is “*perceived added program costs to the counties.*” Serving an increased number of juveniles in the juvenile justice system will undoubtedly increase county and, ultimately, local taxpayer costs. Based on the best available data provided to WCA by proponents of the policy, counties (excluding Milwaukee County) could see an additional 3,691 juveniles enter the juvenile justice system. A conservative cost estimate prepared by counties for serving these additional participants in the juvenile justice system is \$8.3 million. When the cost of serving juveniles in Milwaukee County is factored in, the estimated price tag statewide is \$15.8 million. WCA has asked the bill authors to include in the legislation a reimbursement mechanism wherein counties would receive funds only for the actual costs incurred to serve the 17-year-old population. While some have suggested that funds to counties be distributed in the youth aids formula, such a distribution would move away from a true cost reimbursement method.

A few points legislators should be aware of regarding costs counties incur in serving juvenile offenders include:

- The number of juvenile arrests is not an apples to apples comparison regarding the number of juveniles who ultimately enter the juvenile justice system.
- Based on 2010 data (the last year for which data is available), the youth aids appropriation covers only 50% of juvenile justice costs. Currently, property taxpayers are contributing over \$100 million annually for programs and services to juveniles aged 10 - 16.
- The juveniles who enter the juvenile justice system today have needs that are significantly more complex than the juveniles who entered the system even a few years ago.

WCA has shared with the bill authors our funding concerns, as well as a reimbursement funding mechanism to address our concerns. The reimbursement funding mechanism is not currently in the legislation. Without sufficient funding, counties will not be able to provide the programs and services to 17-year-olds the legislation is intended to assist. Further, requiring counties to absorb 17-year-old offenders without funding will have the unintended consequence of reduced programming for 10-16 year-olds.

Until such time as resources can be identified to pay for the increased costs counties will incur as a result of this legislation, WCA respectfully requests that legislators not co-sponsor this legislation. We look forward to working with legislators on an adequately funded proposal that will ensure 17-year-olds receive the services they deserve in the juvenile justice system.

Please do not hesitate to contact the WCA office if you wish to discuss this issue in greater detail. We also encourage you to reach out to your human/social services directors to learn more about the juvenile justice system and the services provided.