



GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR
JENNIFER GINSBURG, CHAIR

November 10, 2020

Dear Wisconsin Legislative Council,

As you may be aware, the Governor's Juvenile Justice Commission (GJJC) was re-created by [Executive Order #43](#) on September 3, 2019. The GJJC serves as the State Advisory Group (SAG) to the Governor and the Legislature on matters critical to juvenile justice, under the [Federal Juvenile Justice and Delinquency Prevention Act \(JJDPA\)](#). The GJJC is comprised of juvenile justice professionals, including law enforcement, corrections professionals, attorneys, judges, mental health practitioners, and non-profit organizations dedicated to improving outcomes for youth. The GJJC also includes justice involved youth members and individuals with experience in the juvenile justice system.

In this capacity, the GJJC is writing with recommendations to incorporate into the 2020 Legislative Interim Research Report on Criminal Sentencing of Juvenile Offenders. As significant stakeholders in the scope of this report, the GJJC proposes modifications to the procedures and standards for sentencing juvenile offenders in adult criminal court, including the procedures and standards for determining a juvenile's eligibility for release to supervision.

The recommendations emphasize a larger statewide need to alter the entire Juvenile Justice Code, Chapter 938, created 25 years ago at a time of nationwide paranoia about an emerging generation of "super-predators."¹ Although this criminological theory was later discredited, the Code is premised upon faulty assumptions that align Chapter 938 closely to Criminal Code, despite revisions in 2011. The Code fails to incorporate current best practice, social science, and hard science relating to childhood development and brain science. The GJJC would like to make it known that broader-scale re-tooling of juvenile justice legislation is necessary, in addition to the following recommendations in direct response to inquiries on the life sentencing of juveniles.

- The GJJC recommends changes to current law related to life sentences imposed on juveniles in the past.
 - The creation of a new sentence adjustment procedure is recommended for juveniles currently serving life sentences who committed crimes before turning 18, and who have served at least 15 years of their sentences.
- The GJJC recommends changes to current law related to life sentences imposed on juveniles going forward.
 - The GJJC supports prohibiting courts from imposing a life sentence, without eligibility for release, on juveniles who commit crimes before turning 18. The GJJC supports the shift towards requiring courts to set a date in which juvenile would be eligible for release to extended supervision.
- The GJJC recommends the elimination of original adult jurisdiction over juveniles.
 - The GJJC recommends the elimination of original adult court jurisdiction and believes the existing procedures for waiver of juvenile court jurisdiction should be utilized whenever the State believes criminal jurisdiction is appropriate.

¹ DeLisi, Matt, Brendan D. Dooley, and Kevin M. [Beaver](#). 2007. "Super-Predators Revisited" *Criminology Research Focus*.

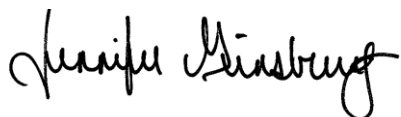
- The GJJC supports raising the age for criminal jurisdiction to 18.
 - As of 2021, Wisconsin is one of three states that will treat 17-year-olds as adults for criminal prosecution. Texas and Georgia represent the other two states.

The GJJC would like to thank the Legislature for the opportunity to provide input and recommendations on this study report addressing criminal sentencing of juvenile offenders. In efforts to align with national trends and U.S. Supreme Court decisions regarding juvenile justice practice, the GJJC appreciates the opportunity to partner with the Legislature to ensure that in Wisconsin, “kids are kids,” being served in the juvenile justice system and treated differently than adults.²

The GJJC welcomes future opportunities to partner with the Governor, Legislature, and other state agencies to guide the large-scale and critical changes necessary for Wisconsin’s Juvenile Justice Code to serve youth, families, and communities in a more equitable, racially-just, trauma and evidence-informed manner.

Thank you for your time and consideration to include these recommendations into the 2020 Legislative Interim Research Report on Criminal Sentencing of Juvenile Offenders.

Regards,



GJJC Chair, Jennifer Ginsburg

Attachment: Wisconsin GJJC Commissioner List

² U.S. Supreme Court decisions include:
Roper v. Simmons
J.D.B v. North Carolina
Miller v. Alabama



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Wisconsin Governor's Juvenile Justice Commissioner List

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1. Secretary Emilie Amundson, Department of Children and Families
Designee: Shelby McCulley, Bureau of Youth Services Director
2. Judge Carl Ashley, Milwaukee Circuit Court
3. Monika Audette, Barron County Restorative Justice Program Operations Leader
4. Samuel Benedict, Former Regional Attorney Manager, State Public Defender's Office, Waukesha
5. Secretary Kevin Carr, Department of Corrections
Designee: Ron Hermes, Division Administrator of Juvenile Corrections
6. Jennifer Ginsburg, Executive Director, Safe Harbor Child Advocacy Center
7. Ben Gonring, Assistant State Public Defender, Madison
8. Jessica Jimenez, Youth Member
9. Thomas Mann, Former JusticePoint Representative
10. Sharlen Moore, Youth Justice Milwaukee Director
11. Tweed Shuman, Sawyer County Board Chairman, Lac Courte Oreilles Tribal Council Member
12. David Steinberg, La Crosse County Juvenile Detention Superintendent
13. Melinda Tempelis, Outagamie County District Attorney
14. Charles Tubbs, Sr., Director, Dane County Emergency Management
15. Revelle Warren, Milwaukee Constituent Services Director, Office of the Governor
16. Sean Wilson, Smart Justice Statewide Organizer, ACLU of Wisconsin
17. Marcus Williams, Youth Member
18. Youth Leadership Team Member, Department of Children and Families
19. Youth Leadership Team Member, Department of Children and Families