



**FELMERS O. CHANEY
CORRECTIONAL CENTER
COMMUNITY ADVISORY BOARD
2825 N. 30th Street
Milwaukee, WI 53210
Tel: (414) 874-1600
January 16, 2014**

Executive Committee

Dr. R. L. McNeely, Esq.
Chairman

David T. McGinnis
1st Vice-Chairman

Hon. Lindsey D. Draper, Esq.
2nd Vice-Chairman
Ex-Officio Associate Member

Atty. Larry R. Coté
1st Secretary

Angela M. Turner
2nd Secretary
Ex-Officio Associate Member

Barry W. Givens
1st Treasurer

Atty. Eduardo Borda
2nd Treasurer

Recording Secretary

Danielle Zirkel

Standing Members

Atty. Barbara J. Becker
Harriet Callier
Rev. Joe Ellwanger
Mary Ann Hack
Megan Hanizeski
Hon. Nikiya Harris
Albert M. Holmes
Terrance Hoskins
Asst. Chief Edith Hudson
Dr. Thomas LeBel
Russ Maticsek, Sr.
Anne E. Schwartz
Cindy Williams
Ramona Dicks-Williams
Dr. Bayo Yusuf

Associate Members

Dr. Dan Blinka, Esq.
Dist. Atty. Christopher Dee
Dr. Rick Lovell
Hon. Sandy Pasch
Debra L. Skinner
Sharon F. Skinner
Dr. Stan Stojkovic

Affiliated Members

Sherman Park Community
Association (SPCA)
Milwaukee Police Dept.,
7th District; 5th District

Center Superintendent

Michael Cockroft

In Memory Of:

Felmers O. Chaney
(1918 – 2012)

Sen. Scott Fitzgerald
Senate Majority Leader
Room 211 South
State Capitol
P.O. Box 7882
Madison, WI 53707

Rep. Robin Vos
Assembly Speaker
Room 211 West
State Capitol
P.O. Box 8953
Madison, WI 53708

Dear Senator Fitzgerald and Representative Voss,

Please find the succeeding two-page statement that is being submitted in support of Senate Bill 308 (SB 308) and its companion Assembly Bill 387 (AB 387) relating to raising the age of adult jurisdiction from 17 to 18 for certain first time non-violent offenders. Please also be advised that, in addition to the names appearing in the membership column to your left, the accompanying statement has been endorsed by the following organizations and individuals:

Selected Organizations

*Atty. James Hall
Ruben Hopkins
Charles Vang
Christine Neumann Ortiz
James M. Ferguson II
Aldira Aldape
Albert M. Holmes
Dr. Patricia McManus
Ralph Hollmon
Barry Givens*

NAACP
WI Black Chamber of Commerce
Hmong WI Chamber of Commerce
Voces de la Frontera Action
Westcare Wisconsin
Council for the Spanish Speaking
My Father's House, Inc.
Black Health Coalition of Wisconsin, Inc.
Milwaukee Urban League
Sherman Park Community Association

Selected Signatories

*Senator Nikiya Harris
Senator Lena Taylor
Representative Mandela Barnes
Representative Terese Berceau
Representative Evan Goyke
Representative LaTonya Johnson
Representative Robb Kahl
Representative Fred Kessler
Representative Debra Kolste
Representative Tod Ohnstad*

*Representative Sandy Pasch
Representative Melissa Sargent
Representative Mandy Wright
Representative Leon Young
Representative JoCasta Zamarripa
County Supervisor Khalif Rainey
County Supervisor Russell Stamper, II
Alderman Joe Davis, Sr.
Alderman Ashanti Hamilton*

Respectfully,
s/ David McGinnis
David McGinnis, Vice Chair
Chaney Community Advisory Board

Respectfully,
s/ R.L. McNeely
R.L. McNeely, Chair
Chaney Community Advisory Board
Tel: (262) 255-4015; Fax: (262) 255-4019
Email: rlmatty@wi.rr.com

STATEMENT OF R.L. MCNEELY and DAVID T. MCGINNIS ON BEHALF OF THE FELMERS
O. CHANEY CORRECTIONAL CENTER COMMUNITY ADVISORY BOARD (FCAB)

Position Statement and Call to Action in Support of Assembly Bill 387 and Senate Bill 308

Submitted to Wisconsin Senate Majority Leader Scott Fitzgerald

and

Submitted to Wisconsin Assembly Speaker Robin Vos

The Felmers O. Chaney Correctional Center (FCCC) is a minimum security prison located in Milwaukee that commenced full operations during June of 2000. The Felmers O. Chaney Correctional Center Community Advisory Board (FCAB), in turn, commenced operations during October of 2000. One aspect of FCAB's evolving mission is to promote cost-cutting policies, procedures, and programs that afford community security while seeking to enhance attainment of desirable rehabilitative goals (such as lowered recidivism and effective ex-offender re-integration).

FCAB, given its mission, supports passage of A.B. 387 and S.B. 308. It supports passage for several reasons. First, as noted in the Assembly's own accompanying documentation for AB 387/SB 308:

"Cost-benefit analysis suggests that successfully redirecting a youthful offender from further criminal conduct not only reduces the number of new victims, but also has a long-term net economic benefit between \$2.5 million and \$5 million over an offender's lifetime due to a combination of reduced justice system costs and an individual's own increased productivity."

These costs are formidable even considering the numerically small number of Wisconsin inmates who are 18 years of age or younger. Presently, Wisconsin has 184 such inmates (circa).¹ Some noteworthy facts uncovered by studies focusing on youth prosecuted in adult courts are that these youth: (1) have higher recidivism rates than similar youth who were adjudicated in juvenile courts; (2) are less likely to graduate from high school; (3) are more likely to become incarcerated again as adults; and that (4) harsher penalties do not deter juvenile crime. Thus, adjudicating youth in adult systems not only ends up costing more to the ten states² that use adult-court adjudication without any juvenile crime deterrence, it directly increases risks to public safety.³ As noted by the Illinois Juvenile Justice Commission:

We now know that even felony-level 17-year-old offenders are very good candidates for juvenile court interventions and that there is a net fiscal benefit from sending youth to juvenile rather than adult court. Multiple federal juvenile policy briefs have now offered new insight into the potential for adolescent offenders to grow and change—and have also warned of serious negative public safety consequences of sending minors through an adult criminal system.⁴

One way threats to public safety are increased is a byproduct of prosecution in adult court. An individual litigated in adult court has an offense that is publicly recorded for the life of the offender by Wisconsin's Circuit Court Access Program (CCAP), resulting in greatly diminished employment opportunities. This specific barrier to legitimate employment is

¹ Wisconsin Department of Corrections, *An Evaluation: Inmate Mental Health Care*, Report 09-4 (March) 2009.

² Tim Morrissey, "WI Legislation Suggests Everyone Deserves a "Second Chance,"" Public News Service, 12/2/2013

³ A. Aizer (Brown Univ.) and J.J. Doyle (MIT), *Juvenile Incarceration, Human Capital and Future Crime*, June 5, 2013 (Unpublished), Accessed on 12/2/13 at: http://www.mit.edu/~jjdoyle/aizer_doyle_judges.pdf; Illinois Department of Human Services, *Illinois Juvenile Justice Commission, Findings: Why Should 17-Year-Olds Be in Juvenile Court?* Accessed on 12/1/13 at www.dhs.state.il.us/page.aspx?item=64924

⁴ Illinois Juvenile Justice Commission, *Raising the Age of Juvenile Court Jurisdiction: The Future of 17-Year-Olds in Illinois' Justice System*, Accessed on 12/1/13 at <http://www.law.northwestern.edu/legalclinic/cjic/documents/RTAupdated2.pdf>

particularly severe for the State's African American population. African American males with a criminal record have only a 5 percent chance of getting an employment call back compared to a 17 percent chance afforded to European American males with a criminal record.⁵ But statewide fiscal considerations and diminished ex-offender employment possibilities in the labor force are not the only reasons supporting increasing the age from 17 to 18 for automatically filing charges in adult court against a youthful offender.

Research over the past decade has shown unequivocally that the biological properties of brain development at age 17 are very different than adult brain development. Specifically, 17 year-olds, compared to adults, are:

- (1) Less capable of considering the long term consequences of their behavior;
- (2) less capable of controlling their emotions;
- (3) less capable of managing their impulses;
- (4) more inclined to engage in risky behavior;
- (5) more inclined to be influenced by stress and peer pressure;
- (6) less able to employ moral reasoning; and, consequently,
- (7) "17-year-olds are physically unable to make the same type of reasoned and responsible decisions we expect of adults."⁶

Yet, research also shows that "providing developmentally appropriate treatment significantly reduces future criminal activity. Incarcerating youth with adults increases the likelihood they will re-offend more quickly and more seriously."⁷

A significant factor implicated in the propensity of juveniles formerly incarcerated in adult institutions to re-offend quickly and more seriously has to do with the difficulty of keeping children safe. Research shows that despite the fact that less than one percent of inmates are juveniles, 21 percent and 13 percent of those victimized in adult jails by substantiated sexual violence, respectively in 2005 and 2006, were minors.⁸ The typical response by jailers is to separate young and old to reduce the potential for psychological and physical harm to youth, resulting in youngsters being placed in isolation for 23 hrs. per day. But isolation in small confines without any natural light is associated with anxiety and paranoia and likely exacerbates any existing mental disorders. In Wisconsin, 24.5 percent of the incarcerated, 18 years of age and younger, have been diagnosed with mental health problems.⁹ Too, the prevalence of mental health pathology increases with each succeeding incarcerated age cohort. And incarcerated youth have the highest suicide rates. Indeed:

Youth are 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility, and 19 times more likely to commit suicide in an adult jail than youth in the general population.¹⁰

Succinctly put, adult incarceration is not the place for non-violent first offender 17-year-olds.

⁵ D. Pager, "The Mark of a Criminal Record," *American Journal of Sociology*, V. 108, (5) March 2003: 937-975.

⁶ Illinois Department of Human Services, *Illinois Juvenile Justice Commission, Findings: Why Should 17-Year-Olds Be in Juvenile Court?* Accessed on 12/1/13 at www.dhs.state.il.us/page.aspx?item=64924

⁷ Wisconsin Council on Children and Families, *Justice for Wisconsin Youth*, accessed on 12/2/13 at: http://www.wccf.org/proj_justice.php

⁸ Campaign for Youth Justice, Key Facts: *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*, 11/15/2007, Accessed on 12/2/13 at http://www.campaignforyouthjustice.org/documents/CFYJFS_JailingJuveniles_000.pdf

⁹ Wisconsin Department of Corrections, *An Evaluation: Inmate Mental Health Care*, Report 09-4 (March) 2009.

¹⁰ Campaign for Youth Justice, Key Facts: *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*, 11/15/2007, Accessed on 12/2/13 at http://www.campaignforyouthjustice.org/documents/CFYJFS_JailingJuveniles_000.pdf