



## Fact Sheet: Wisconsin

### Key Facts:

- Based on the detention data from 2005, Wisconsin is out of compliance with the federal Juvenile Justice and Delinquency Prevention Act's (JJDP) core requirement of the deinstitutionalization of status offenders.<sup>1</sup>
- Violent crime in Wisconsin has steadily decreased over the past decade, since peak levels reached in the early 1990s.<sup>2</sup>
- Wisconsin has a county run juvenile justice system, which makes it difficult to track the different services that youth receive across the state. In addition, counties may have different philosophies or resources.<sup>3</sup>
- Youth of color are disproportionately represented at every level of the juvenile justice system. Youth of color make up only 8% of the population but account for 63.5 percent of the incarcerated population.<sup>4</sup>
- Youth of color, particularly African Americans, are more likely to be arrested and transferred to adult court.<sup>5</sup>
- A six-county study (Brown, Dane, Kenosha Milwaukee, Racine and Rock Counties) found that minority youth in the six counties were 1.6 times more likely to be arrested than their white counterparts. Further, minority youth were 2 times more likely to be detained securely and 3 times more likely to be placed in a secure juvenile correctional facility. The data also suggests, however, that the

overall number of minority youth confined decreased from 482 to 275 between 2002 and 2005.<sup>6</sup>

- Wisconsin has three secure residential facilities: the Lincoln Hills School (298 beds for males), the Ethan Allan School (342 beds for males), and the Southern Oaks Facility (57 beds for females).<sup>7</sup>
- In 2004, nearly 5000 youth 17 and older were admitted to adult jail. 87 percent of these youth were non violent offenders.<sup>8</sup>
- Educational programming in Wisconsin's adult correctional facilities is not mandatory for youth inmates.<sup>9</sup>

### What Wisconsin Law Says:

- The minimum age for juvenile jurisdiction is 10 and the maximum age is 16.<sup>10</sup>
- The extended age of juvenile delinquency jurisdiction is 24.<sup>11</sup>
- Pre-trial detention in adult jails is mandated for youths who have been waived to the adult court.<sup>12</sup>
- Pre-trial detention is permitted, but not mandated, for youths if the adult court has original jurisdiction over the youth.<sup>13</sup>
- Youths held in pre-trial detention in adult jails must be held in the juvenile portion of the adult jail if under 15 years of age.<sup>14</sup>
- A child can be tried as an adult as early as 10 years of age. The criteria for transfer is detailed and varies by age,

ranging anywhere from first degree murder to any violation of state criminal law, including property theft or drug distribution.<sup>15</sup>

- As of legislation enacted in 1996, any youth who is 17 and older, is automatically tried as an adult no matter how minor the offense.<sup>16</sup>
- Reverse waiver, or the return of a youthful offender to juvenile court is allowed under special circumstances. However, this provision does not apply to youth 15 and older accused of certain felonies.<sup>17</sup>
- Once transferred to adult court, youth remain under adult criminal jurisdiction for all future crimes committed. This is known as a “once an adult always an adult” provision.<sup>18</sup>
- Wisconsin has mandatory life sentencing and the minimum age for this sentence is 10.<sup>19</sup>

### **Key Research:**

Wisconsin Council on Children & Families. (2006). *Rethinking the juvenile in juvenile justice. Implications of adolescent brain development on the juvenile justice system.* Available online at: <http://www.campaign4youthjustice.org/MAR06/facts/wisconsin/rethinkingjuvjrpt.pdf> (available as of February 23, 2007). Executive Summary available online at: <http://www.campaign4youthjustice.org/MAR06/facts/wisconsin/rethinkingjuvjsexecsumm.pdf> (available as of February 23, 2007).

### **State Resources:**

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#### *Prepared by the Campaign for Youth Justice*

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<sup>1</sup> Wisconsin Office of Justice Assistance. (n.d.). *DMC/Compliance: Funding guidelines.* Available at <http://64.233.169.104/search?q=cache:4iX1-JY3ITIJ:165.189.80.115/docview.asp%3Fdocid%3D11096%26locid%3D97+JJDP+Compliance+Wisconsin&hl=en&ct=clnk&cd=14&gl=us>

<sup>2</sup> Wisconsin Council on Children and Families. (2006, March). *Rethinking the Juvenile in Juvenile Justice.* Available at [http://www.wccf.org/pdf/rethinkingjuv\\_jjsrpt.pdf](http://www.wccf.org/pdf/rethinkingjuv_jjsrpt.pdf)

<sup>3</sup> Ibid.

<sup>4</sup> Building Blocks for Youth, DMC Fact Sheet; [www.buildingblocksforyouth.org/statebystate/widmc.html](http://www.buildingblocksforyouth.org/statebystate/widmc.html)

<sup>5</sup> Building Blocks for Youth, DMC Fact Sheet; [www.buildingblocksforyouth.org/statebystate/widmc.html](http://www.buildingblocksforyouth.org/statebystate/widmc.html)

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<sup>6</sup> Wisconsin Office of Justice Assistance.  
*Disproportionate Minority Contact An Analysis of Brown, Dane, Kenosha, Milwaukee, Racine, and Rock Counties, 2002-2005.* (April 2007). Accessed on September 5, 2007 from

<http://www.oja.wi.gov/docview.asp?docid=10984>.

<sup>7</sup> [Wisconsin](#) Department of Corrections: Offenders Under Control (August 31, 2007). Accessed on September 5, 2007 from [http://www.widoc.com/index\\_adult.htm](http://www.widoc.com/index_adult.htm).

<sup>8</sup> See Wisconsin Council on Children and Families, 2.

<sup>9</sup> National Center for Juvenile Justice, [www.ncjj.org/stateprofiles/WI06.asp?state=%2Fstateprofiles%2Fprofiles%2FWI06.asp&topic=](http://www.ncjj.org/stateprofiles/WI06.asp?state=%2Fstateprofiles%2Fprofiles%2FWI06.asp&topic=)

<sup>10</sup> National Juvenile Defender's Center. (2005 August).

*State Data: Wisconsin.* Retrieved July 5, 2007 from [http://www.njdc.info/state\\_data.php](http://www.njdc.info/state_data.php).

<sup>11</sup> National Center for Juvenile Justice, [www.ncjj.org/stateprofiles/profiles/WI06.asp?topic=Jurisdiction&state=%2Fstateprofiles%2Fprofiles%2FWI06.asp](http://www.ncjj.org/stateprofiles/profiles/WI06.asp?topic=Jurisdiction&state=%2Fstateprofiles%2Fprofiles%2FWI06.asp)

<sup>12</sup> Goemann, M. (2007). *Children Being Tried as Adults: Pre-trial Detention Laws in the U.S.*. Washington, DC: Campaign for Youth Justice.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> National Center for Juvenile Justice (2006, April 2). *Wisconsin Transfer Provisions.* Retrieved July 1, 2007 from

<http://www.ncjj.org/stateprofiles/profiles/MA06.asp?state=%2Fstateprofiles%2Fprofiles%2FMA06.asp&topic=Profile>

<sup>16</sup> See Wisconsin Council on Children and Families, 2.

<sup>17</sup> See National Center for Juvenile Justice, 13.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.