



# Juveniles Facing Criminal Sanctions:

## Three States That Changed the Rules

Wisconsin

New Mexico

Minnesota

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OJJDP  
Report

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# **Juveniles Facing Criminal Sanctions: Three States That Changed the Rules**

**Report**

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# Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established by the President and Congress through the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Public Law 93-415, as amended. Located within the Office of Justice Programs of the U.S. Department of Justice, OJJDP's goal is to provide national leadership in addressing the issues of juvenile delinquency and improving juvenile justice.

OJJDP sponsors a broad array of research, program, and training initiatives to improve the juvenile justice system as a whole, as well as to benefit individual youth-serving agencies. These initiatives are carried out by seven components within OJJDP, described below.

**Research and Program Development Division** develops knowledge on national trends in juvenile delinquency; supports a program for data collection and information sharing that incorporates elements of statistical and systems development; identifies how delinquency develops and the best methods for its prevention, intervention, and treatment; and analyzes practices and trends in the juvenile justice system.

**Training and Technical Assistance Division** provides juvenile justice training and technical assistance to Federal, State, and local governments; law enforcement, judiciary, and corrections personnel; and private agencies, educational institutions, and community organizations.

**Special Emphasis Division** provides discretionary funds to public and private agencies, organizations, and individuals to replicate tested approaches to delinquency prevention, treatment, and control in such pertinent areas as chronic juvenile offenders, community-based sanctions, and the disproportionate representation of minorities in the juvenile justice system.

**State Relations and Assistance Division** supports collaborative efforts by States to carry out the mandates of the JJDP Act by providing formula grant funds to States; furnishing technical assistance to States, local governments, and private agencies; and monitoring State compliance with the JJDP Act.

**Information Dissemination Unit** produces and distributes information resources on juvenile justice research, training, and programs and coordinates the Office's program planning and competitive award activities. Information that meets the needs of juvenile justice professionals and policymakers is provided through print and online publications, videotapes, CD-ROM's, electronic listservs, and the Office's Web site. As part of the program planning and award process, IDU develops priorities, publishes solicitations and application kits for funding opportunities, and facilitates the peer review process for discretionary funding awards.

**Concentration of Federal Efforts Program** promotes interagency cooperation and coordination among Federal agencies with responsibilities in the area of juvenile justice. The program primarily carries out this responsibility through the Coordinating Council on Juvenile Justice and Delinquency Prevention, an independent body within the executive branch that was established by Congress through the JJDP Act.

**Missing and Exploited Children's Program** seeks to promote effective policies and procedures for addressing the problem of missing and exploited children. Established by the Missing Children's Assistance Act of 1984, the program provides funds for a variety of activities to support and coordinate a network of resources such as the National Center for Missing and Exploited Children; training and technical assistance to a network of 47 State clearinghouses, nonprofit organizations, law enforcement personnel, and attorneys; and research and demonstration programs.

The mission of OJJDP is to provide national leadership, coordination, and resources to prevent juvenile victimization and respond appropriately to juvenile delinquency. This is accomplished through developing and implementing prevention programs and a juvenile justice system that protects the public safety, holds juvenile offenders accountable, and provides treatment and rehabilitative services based on the needs of each individual juvenile.

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# Foreword

Despite a steady downturn in juvenile violent crime over the past several years, the 1990's witnessed a growing number of juveniles being waived or transferred to criminal court.

This Report examines the use made of adult criminal sanctions by three States: Minnesota, New Mexico, and Wisconsin. While each of these States has turned to the criminal justice system to buttress its juvenile justice system, each has done so in a different way with distinctive implications.

Minnesota's use of a new "extended juvenile jurisdiction" category of juvenile offender provides juvenile court judges with an alternative sentencing option that reinforces strong juvenile sanctions with the potential of even more serious adult correctional sanctions.

New Mexico's blended sentencing reform allows juvenile court judges to impose adult correctional sanctions (which result in criminal convictions) on a broad new category of "youthful offenders," while transferring a narrower category of "serious youthful offenders" to the jurisdiction of adult criminal courts.

Wisconsin's reform was to transfer all 17-year-old juveniles from the original jurisdiction of the juvenile court to the jurisdiction of the criminal court.

The Report provides case studies of each State's approach to reform. The particular reform is detailed, its significance is noted, and its goals are elucidated. The impact of the reform on the juvenile justice and criminal justice systems is also described.

Every State's juvenile justice system is influenced in some way by its adult criminal justice system. The examples provided by this Report and by analogous studies will serve to educate policymakers seeking to clarify the roles of, and the relationships between, the two systems in their State.

**John J. Wilson**

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Office of Juvenile Justice and Delinquency Prevention

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# Executive Summary

The decade of the 1990's saw unprecedented change in the history of America's juvenile justice system as State after State cracked down on serious, violent juvenile crime. New laws generally involve expanded eligibility for criminal court processing and sanctioning and reduced confidentiality protections for a subset of juvenile offenders. From 1992 through 1997, all but three States changed their laws in one or more of these areas.

Previous publications have documented the overall direction and magnitude of these nationwide changes (see Torbet et al., 1996; Torbet and Szymanski, 1998) and delineated age and offense distinctions among State transfer provisions (see Griffin, Torbet, and Szymanski, 1998). This Report examines the actual implementation of distinctive approaches to juvenile justice reform in three States and summarizes the lessons learned from these case studies and from the authors' analysis of State legislative activity. The case studies contribute to the body of knowledge on transfer and sentencing by providing rich descriptive information on the background of the reforms and the impact of legislative, programming, and policy changes on the juvenile and criminal justice systems at the State and local levels.

The three States whose reforms are examined were chosen for study both because they embarked on significant but discrete experiments and because their approaches are in some sense representative of broader national trends. Wisconsin categorically excluded all 17-year-olds from juvenile court jurisdiction, and New Mexico and Minnesota expanded juvenile court judges' sentencing authority. The case studies, conducted in the fall of 1998, involved site visits, focus group meetings, and individual and group interviews with officials of both juvenile and criminal justice systems in local urban and rural jurisdictions and at the State level. Whenever possible, the authors analyzed pertinent case processing statistics bearing on the States' reform efforts. The first two chapters provide background information on the reforms in general, putting them in context with trends in other States. The next three chapters present the individual case studies, and the final chapter offers lessons learned.

## Background and Context of the Reforms

### Wisconsin: The Categorical Exclusion Approach

Wisconsin has taken the route of wholesale age exclusion, i.e., of "defining adulthood down," for purposes of routine criminal prosecution and sentencing, from age 18 to 17. Wisconsin joined New Hampshire, which effected a similar change in 1996, in being the only States in at least 20 years to pass laws excluding an entire age group from juvenile court jurisdiction. They join 11 other States that have long excluded 17-year-olds from the original jurisdiction of juvenile court—among them 3 that also exclude 16-year-olds. Most States, most of the time, have defined the age of adult criminal responsibility as beginning at age 18. In fact, the proportion of States that do so has expanded in recent decades, from about two-thirds in the 1950's to about three-quarters today.

Although Wisconsin's provision lowering the upper age of juvenile court jurisdiction is the broadest form of statutory exclusion, it is only one type of the more common exclusion laws that specify certain offenses for automatic or mandatory transfer. As of the end of the 1997 legislative session, no fewer than 36 States specified some offense category for which criminal court handling of accused juveniles was mandatory via either statutory exclusion or

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mandatory waiver provisions. When the effects of these statutory exclusion and mandatory waiver provisions are considered together with those brought about by lowering the age of adult criminal responsibility, it becomes clear that State legislators are “transferring” far more young people to criminal court than either judges or prosecutors. Wisconsin’s reform afforded a unique opportunity to gauge the consequences of instantaneously shifting a huge and diverse group of juveniles into the criminal system.

## **New Mexico and Minnesota: The Sentencing Reform Approach**

While most of the recent juvenile justice reform efforts have focused on the various mechanisms by which juveniles may be tried in criminal courts (via waiver, prosecutorial direct file, and statutory exclusion), some have focused on the *sanctioning* of juveniles adjudicated or convicted of a serious or violent offense. New laws mandating offense-based sanctioning via mandatory minimums and sentencing matrices are dictated by what the offender has done and emphasize punishment and incapacitation over rehabilitation. But a significant number of other States have provided judges with more rather than less flexibility in fashioning sanctions that are both tough and tailored to individual circumstances. These “blended sentencing” schemes allow judges faced with the task of sanctioning serious juvenile offenders to choose between juvenile and criminal sanctions—or to impose both at the same time—rather than restricting them solely to one system or the other.

New Mexico and Minnesota each enacted a form of blended sentencing during the 1990’s. At the end of the 1997 legislative session, New Mexico was the only State that allowed its juvenile courts to hand out an immediately effective juvenile *or* adult sanction to a broad new category of “youthful offenders” previously eligible for waiver to criminal court. In youthful offender cases in which the juvenile justice court imposes an adult criminal sanction, the determination of guilt at trial becomes a conviction for purposes of the New Mexico Criminal Code. Minnesota’s “extended jurisdiction juvenile” (EJJ) law featured a “one-last-chance” option that gave juvenile courts an option to sentence serious or repeat young offenders to a juvenile sanction with the threat of a more serious criminal sanction.

## **Wisconsin’s Case Study**

In a broad stroke, the Wisconsin legislature reduced the number of youth in the State eligible for juvenile court jurisdiction by 12 percent and redefined the boundaries of adulthood. Effective January 1, 1996:

... for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, “adult” means a person who has attained 17 years of age. Wis. Stat. Ann., sec. 938.02(1).

Lowering the age of criminal court jurisdiction in Wisconsin was, in large measure, a response to several highly visible crimes committed by juveniles and to dramatic increases in the juvenile crime rate. The three goals offered by policymakers for the change were to promote individual accountability for more mature delinquents, achieve age consistency with two neighboring States, and focus juvenile justice resources on younger offenders. The third goal was made possible by a provision that lowered the juvenile court’s minimum age of original jurisdiction for delinquency from 12 to 10 years.

## **Impact on the Juvenile Justice System’s Workload**

- ◆ The workloads of juvenile courts, secure detention facilities, and juvenile correctional institutions all decreased significantly after Wisconsin’s reform—even with the addition of 10- and 11-year-olds to the juvenile court’s jurisdiction. Prior to the reforms, 17-year-olds accounted for one-fifth of the referrals to juvenile court and one-quarter of the secure detention and juvenile corrections admissions. Respondents speculated

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that removing 17-year-olds from the juvenile court's jurisdiction—together with decreases in juvenile arrests for index offenses and overall referrals to juvenile court—had influenced the workload reductions.

- ◆ Institutional populations temporarily declined but quickly returned to prereform levels due in part to longer periods of commitment made possible by a provision that increased the extended age of juvenile court jurisdiction to age 25 for certain offenders.
- ◆ Additional resources for younger juveniles did not materialize. The temporary reduction in the population at juvenile institutions resulted in an increase in per diem charges to counties. As a result, few resources were freed up to enhance prevention and early intervention services.

### **Impact on the Criminal Justice System's Workload**

- ◆ The number of 17-year-olds admitted to jails and prisons in Wisconsin increased dramatically the first year after the change. Jail admissions of 17-year-olds increased by more than 40 percent between 1996 and 1997; prison admissions increased by 70 percent over a 3-year period (1995–97).

### **Impact on Policy and Programming in Jails and Prisons**

- ◆ Many respondents indicated that the reform had merely widened the net for 17-year-olds who commit less serious offenses to receive a criminal sanction. They maintained that prior to the change, 17-year-olds who committed serious or violent offenses were likely to go to criminal court via judicial waiver. As a result, the criminal justice system was strapped to meet the needs of a younger population with existing resources (e.g., effective diversion programs or “deferred prosecution” for 17-year-olds whose offenses were minor).
- ◆ At least initially, the reform reduced the age threshold for judicial waiver. Respondents suggested that prior to the change, simply being 17 years old increased the odds of a waiver filing. Despite a conscious policy to resist lowering the waiver threshold, waiver petitions involving 16-year-olds increased 90 percent in Milwaukee County during the first year after the change.
- ◆ The “in-between” status of 17-year-olds created problems for the adult criminal corrections system. Except for purposes of criminal responsibility, 17-year-olds continue to be minors under Wisconsin law and are subject to mandatory education laws and laws requiring parental consent for medical treatment. In three of the four study sites, jailers and local school districts have collaborated to meet requirements for providing classroom opportunities to a population of inmates who had been denied the service prior to the reforms because small numbers made compliance expensive. Respondents reported that the culture of the jails has been positively affected by these opportunities.
- ◆ Adult probation agents and public defenders reported challenges in working with 17-year-olds that arise because of the offenders’ immaturity and dependence on their families.

Three years after the reform took effect, practitioners in both the criminal and the juvenile justice systems generally acknowledged that two of the three goals offered by policymakers had been met. First and foremost, respondents agreed that the adult criminal corrections system held 17-year-olds accountable, particularly those who violate the terms of their probation, by restricting their freedom. However, many suggested that this came at the cost of widening the net for 17-year-olds who commit less serious offenses and that the criminal justice system is ill equipped to hold these youth accountable, protect public safety, and provide opportunities to develop competencies for responsible living—the balancing act the legislature intends for the juvenile justice system in Wisconsin. Second, although the reform brought Wisconsin into line with the age of adult criminal responsibility in the neighboring States of Illinois and Michigan, there was widespread skepticism as to the value of this aspect of the reform in deterring juvenile crime. As to the third goal, respondents suggested that unintended consequences of

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the reform and the addition of 10- and 11-year-olds to the workload of the juvenile justice system had frustrated the shifting of resources to a younger population.

## **New Mexico's Case Study**

New Mexico's 1993 reforms preserved the original intent of its Children's Code for the majority of delinquents while targeting older juveniles who commit serious crimes for certain or potential adult criminal corrections responses. The State accomplished these reforms by repealing its judicial waiver law in favor of a law giving juvenile court judges the option of imposing juvenile or criminal sanctions on a certain class of offenders (provided the prosecutor files a notice of intent to seek criminal sanctions) and by excluding 15- to 17-year-olds charged with first-degree murder from the juvenile court's jurisdiction. New Mexico is the only State to empower its juvenile court judges to choose among the widest possible range of sanctions (all immediately effective), from juvenile probation to prison sentences, for a new category of "youthful offenders": 14- to 17-year-olds charged with certain felonies.

## **Implementation Issues**

The State conducted very little initial planning on how to implement reforms. Most judges and other justice professionals believed that the legislature had intended a punitive response for juveniles who commit the most serious offenses. They viewed the juvenile corrections system as unprepared or inappropriate for these youthful offenders and therefore considered criminal sanctions the best response. Although the legislature authorized—and the State's Juvenile Justice Advisory Committee recommended—that the Department of Corrections (DOC) implement specialized programming for juveniles in prisons and segregate them from adult offenders, DOC chose to do neither because of the small number of juveniles expected to be sentenced under the new law. As a result, no new programming was deemed necessary in criminal or juvenile corrections, no new funding was appropriated, and no training regarding the new law was conducted.

## **Impact on Case Processing**

- ◆ The new law created confusion at the local level regarding who qualified for the new offender classifications and where juveniles should be detained prior to trial. Amended court rules clarified that youth in both the serious youthful offender classification and the youthful offender classification be detained in a juvenile facility until sentencing, although there are circumstances under which a judge may order a serious juvenile offender to an adult jail.
- ◆ Prosecutors have expanded authority under the new law. Prosecutors make the initial decision to seek a criminal sanction in youthful offender cases. If the case meets age and offense criteria, the prosecutor may seek a criminal sanction by filing a notice of intent within 10 days of filing the delinquency petition.
- ◆ Significant variations in practice were found among the rural and urban districts studied. In the rural district, the prosecutor had sought criminal sanctions against all juveniles who met youthful offender criteria. The prosecutor in one urban district estimated that he had sought criminal sanctions in 70 to 80 cases per year and rejected that option in two to three times as many eligible cases. While considerable prosecutorial discretion exists under the new law, most respondents indicated that the statute provides a reasonable check on that discretion.
- ◆ No statewide data exist on the number of cases that are eligible for youthful offender designation or on the proportion of cases for which the prosecutor seeks a criminal sanction over a juvenile sanction.
- ◆ Plea bargaining is common. The new blended sentencing law has resulted in prosecutors using the threat of a criminal sanction in negotiations to obtain pleas that guarantee juvenile sanctions.



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## Impact on Sentencing

- ◆ Under the new statute, Children's Court judges—who have general trial jurisdiction and may preside over criminal trials—can impose either a juvenile sanction or a criminal sanction in youthful offender cases. However, the criminal sanction can be imposed only in those cases in which the prosecutor has filed a notice of intent to seek the criminal sanction. Some judges felt hamstrung by that constraint, particularly those holding negative opinions of the juvenile corrections system.
- ◆ An effect of eliminating the judicial waiver provision was to move the amenability decision from the pretrial stage to the sentencing stage. In fact, under the new blended sentencing law, the sentencing phase looks very much like the old waiver process since the judge must consider essentially the same factors delineated in *Kent v. United States* for waiver determinations. The exception is that because guilt has already been established, the juvenile is permitted to talk about the crime during the psychological evaluation, thus giving the judge access to all relevant information.
- ◆ Overall, in the districts studied, a very small proportion of youthful offenders actually received a criminal sanction, and of those who did, only a few received a "straight prison term" (i.e., one for which none of the sentence was suspended). Youthful offenders and serious youthful offenders sentenced to prison were predominantly Hispanic males.

## Impact on Correctional Resources

- ◆ Some judges reported that their lack of confidence in New Mexico's juvenile corrections system's ability to either protect the public or rehabilitate offenders influenced their sentencing decisions.
- ◆ The new blended sentencing law put added burdens on adult probation departments. Increased workloads and an unfamiliar client—one who may not be old enough to drive, find suitable employment, sign a lease, or make decisions independent of his or her family—had caused one urban department to assign certain officers to a strictly juvenile caseload. Adult probation officers reported that juveniles, unaccustomed to strict reporting requirements, often violated the terms of their probation or parole and quickly found themselves sent to prison to serve their full terms.

Five years after the law was passed, prosecutors and judges reported no sense of nostalgia for the State's previous judicial waiver law but rather satisfaction with the discretion they have been given to make individualized case decisions. One drawback of New Mexico's reforms results from the State's lack of a clear vision or strategy for correctional programming for youthful offenders. Another limitation relates to the lack of purposeful data collection for examining designation and sentencing decisions and outcomes.

## Minnesota's Case Study

Minnesota's 1994 reforms created an expanded sentencing option that allows the juvenile court to impose both an extended juvenile disposition and a stayed criminal sanction on a new legal category of juveniles referred to as extended jurisdiction juvenile (EJJ). The legislative intent was to give juveniles who have committed serious or repeat offenses one last chance at success in the juvenile system—with the threat of criminal sanctions "hanging over their heads" if they reoffend. The EJJ legislation represented a compromise between those who wanted a more punitive response to juvenile crime and those who wanted to salvage and bolster the juvenile justice response.

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## Implementation Issues

- ◆ There was a lag in the development of State policy related to the EJJ legislation and a lack of effective community planning to guide local implementation. Development of local practice took place in isolation, and there was some confusion in the field as to the intent of EJJ legislation.
- ◆ A 1-year lag between enactment of the reforms and allocation of new funding—in the form of a subsidy to counties to deliver or purchase services for EJJ's—created a gap in the development of new programs and services.

## Impact on Case Processing

- ◆ The legislation created four rather complex scenarios under which a case could receive an EJJ designation, two of which require a public safety consideration based on the seriousness of the alleged offense and the juvenile's prior court record. Districts vary significantly in what they consider a serious offense. Each district, through the policies of its prosecutors and judges, has set its own community standards.
- ◆ The profile of youth receiving EJJ designation appears much different from what the legislature intended (e.g., serious first-time offenders as opposed to serious chronic offenders). The profile also reveals that African Americans made up a disproportionate share of offenders who received EJJ designations.
- ◆ Because prosecutors have taken a more aggressive approach with EJJ cases and because the suspended criminal sanction places EJJ youth in greater jeopardy, public defenders have mounted more vigorous defenses of EJJ cases. However, plea bargaining is common—especially in cases involving first-time serious offenders in which the motion for adult certification is bargained down to EJJ.

## Impact on Sentencing

- ◆ Rural/urban differences exist in the disposition of EJJ cases. Judges in nonmetropolitan counties sent 28 percent of EJJ offenders to DOC facilities, whereas judges in an urban county sent just 2 percent of EJJ offenders to prison.
- ◆ The availability of local placement options and the cost of out-of-community placements were factors in the disposition of EJJ cases in both urban and rural courts.
- ◆ Judges are disinclined to impose sanctions on juveniles that are harsher than the sanctions juveniles would have received if they had been tried in the adult criminal system. (Minnesota has the lowest adult incarceration rate in the United States.) Some judges are also unwilling to invoke the suspended criminal sanction for youth who do not follow the terms of their juvenile sentences.

## Impact on Correctional Resources

- ◆ Respondents identified access to clinical assessments and an expanded range of age-appropriate services for EJJ offenders as critical needs. The subsidy allocation formula (monies for each EJJ juvenile in a county) has allowed urban counties, with their critical mass of EJJ-designated juveniles, to develop specialized services and supervision resources but has not supported coherent program planning or development in rural areas.
- ◆ Both juvenile and adult criminal corrections facilities faced licensure and security issues regarding EJJ youth.

Three and a half years after EJJ implementation, those involved with the new legislation in Minnesota generally believed that it had been a success. The transition period has had its difficulties, but the legislation has

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provided resources and also a legal tool that was not otherwise available—particularly the threat of the criminal sanction. Respondents expressed pride that the EJJ legislation was more than just a shift toward getting tough: it also focused on strengthening the community, linking young people with jobs and mentors, and forming partnerships with the private sector. EJJ gets the attention of many youth, because they do not want a felony record—but for some, it has little effect.

## Lessons Learned

Although the case studies left many questions unanswered, several broad lessons could be of use to policymakers considering similar reforms:

**A disconnect exists between the legislative intent and the actual implementation of new laws.** An overall lack of deliberate, statewide planning, inadequate lead times, and insufficient efforts to educate practitioners about the changes have characterized implementation of reforms. Moreover, legislative prescriptions that sought to promote accountability frequently anticipated resources and capacity that did not exist at the time of implementation. Finally, the mandate for change clearly exceeded the capacity of the system to manage, monitor, and evaluate change. Preparation and consideration of fiscal and correctional impact assessments would provide objective data to assess proposed legislation and would pinpoint the potential target population, specify policy and program changes, and anticipate shifts in workload and likely resource gaps.

**Blended sentencing laws encourage plea bargaining.** Prosecutors in Minnesota and New Mexico routinely use the threat of a criminal sanction as leverage in plea bargaining negotiations. However, it is not clear whether the effect was intended, whether the practice has become more common, or what effect such bargaining has on a juvenile's sense of responsibility for the damage caused.

**Blended sentencing provisions expand judicial and prosecutorial discretion.** The case studies in New Mexico and Minnesota demonstrate that blended sentencing laws, whether they replace or supplement existing transfer laws, leave juvenile court judges with considerable authority to fashion individualized, offender-based dispositions that allow them to consider not only offense seriousness and community safety but the court history and background of the juvenile before them. Likewise, prosecutors have been given broad discretion to decide when to seek special offender designations or criminal sentencing options. However, unlike a judge's decision, a prosecutor's decision is not generally subject to systematic reporting requirements. Mandatory reporting requirements similar to those long applied to juvenile courts would rectify the situation.

**Local application of new sentencing laws varies widely.** The case studies documented significant differences in the way local jurisdictions apply blended sentencing laws. Some counties appear to apply them sparingly, while others apply them to all eligible cases. To ensure fair and appropriate decisionmaking, policymakers should consider setting meaningful guidelines for the exercise of both prosecutorial and judicial authority in making designation, sentencing, and review decisions under the reforms. Likewise, expanded sentencing authority requires that judges have an accurate understanding of the sanctions and services available in both the juvenile and adult criminal corrections systems.

**New sentencing laws have a disproportionate impact on minorities.** Minority juveniles are overrepresented in the offender categories targeted by new transfer and sentencing laws. The case studies confirm that African American and Hispanic youth make up a disproportionate share of offenders who receive extended jurisdiction designations or are subject to motions for criminal sanctions.

**Expanded sentencing laws require new resources/interventions.** Case study participants called for an expanded range of community-based services and State programs for targeted juveniles. Serious, violent, and/or chronic juvenile offenders represent a small proportion of all delinquents but impose significant costs and

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present real threats to their communities. States must be strategic in articulating visions and plans for their juvenile justice systems that consider public safety a significant element and that incorporate best practices and the appropriate continuum of sanctions and services to divert these offenders from their criminal careers.

**Wholesale age exclusions have unanticipated consequences.** Despite conscious efforts to the contrary, waivers of 16-year-olds in Wisconsin increased 90 percent in Milwaukee County in the first year after the age of criminal responsibility was lowered to 17. The impact of lowering the age of criminal responsibility to a certain age for all juveniles has widened the net for 17-year-olds charged with less serious, nonviolent offenses to receive a criminal sanction, thereby necessitating an increase in prosecutorial resources for diversion of such cases.

**The "in-between" status of juveniles creates problems for adult criminal corrections agencies.** Except for purposes of adult criminal responsibility, 17-year-olds remain minors under Wisconsin law. Likewise, all youth under 18 tried or sentenced in other States as if they were adults are still minors in all other respects. Most of the policy issues and programming challenges identified in the case studies resulted from the "in-between" legal status of minors in adult criminal corrections facilities.

**More data collection and systematic followup are needed to judge the impact of reforms.** The case studies shed light on the implementation of a significant group of State-level juvenile justice reforms. However, the real impact of those reforms and others that expose juvenile offenders to criminal sanctions is still largely unknown. State and local officials must make a commitment to assessing the effects of new laws so they can determine the deterrent effects of the laws, the impact of the laws on public safety and victim reparation, and the consequences of introducing juveniles into the adult criminal corrections system.