

TO: MEMBERS OF THE SPECIAL COMMITTEE
IN HIGH-RISK JUVENILE OFFENDERS

FROM: Susan & Neil Besougloff (sjquinones_99@yahoo.com)

DATE: September 30, 2008

RE: Wisconsin's Juvenile Court System

We write to you as parents of a juvenile offender who was not able to take advantage of the juvenile system because of a clerical delay in the handling of our son's paperwork.

Our concerns:

- A system that bumped a 16-year-old into the adult court system because the Waukesha DA's office could not process the paperwork before our son turned 17.
- A system that has a 16-year-old juvenile offender ultimately spend more time in Huber incarceration than repeat drunk drivers and adult repeat offenders.
- A system that offers no response to parents when inquiring about the status of joint restitution – we have no knowledge of the final status of the co-defendant's restitution and its bearing on our son's restitution.
- A system where the prosecuting assistant district attorney states she wants personal control over whether or not our son's juvenile record is ultimately expunged.

Background

Our son Michael Quinones (born 7-21-1989) was arrested for burglaries committed as a 16-year-old juvenile in the City of Oconomowoc. It was his first offense. He committed the burglaries with another juvenile.

He and his family fully cooperated with the arresting detective who told us "thank God Mike is a juvenile, so as long as he cooperates this will be handled in the Juvenile Court system." We believed him and did not hire an attorney. The charges were referred to Juvenile Court, which agreed that Michael's case should be handled in the juvenile system.

The case was filed in June 2006 in juvenile court. A juvenile court worker made us aware that the paperwork would need to be processed before our son's 17th birthday on Friday, July 21. The court worker promptly referred the case to the district attorney's office, making a paperwork notation for the district attorney's office of our son's upcoming 17th birthday and the recommendation of juvenile charges.

The paperwork languished as Michael's 17th birthday approached. The Waukesha district attorney's office claimed that due to the paperwork load and an employee's time off, his

paperwork was not handled until Monday July 24, the very next business day after his July 21st birthday. Our son was then 17, automatically bumping him to adult court.

The DA office's staff vacation schedule was the deciding factor as to whether our son went to juvenile court or to adult court.

We were then forced to hire an attorney, who fought this clerical issue (and ultimately lost), and then we had to deal with the adult court system. All of this is part of Michael's court record. The attorney wanted to appeal the clerical issue, but by that time we were so jaded concerning the process, and concerned about the mounting attorney fees, that we declined to appeal.

Michael served time in the Huber facility and is now on probation and paying restitution. His parole officer states that Michael must pay the entire restitution, which conflicts with what we were told in court. Despite writing the judge directly, we have been unable to determine whether the second juvenile in the case is paying any share of the restitution.

We read with great interest the April 2006 publication of the Wisconsin Council on Children and Families report entitled "Rethinking the Juvenile in Juvenile Justice, Ties Brain Science to Policy."

As the parents of Michael and four other boys ages 15 through 22, and because of our direct experiences with Michael and the legal system, we strongly support the finding of the study and encourage it's application to the Wisconsin juvenile justice system.

Michael is doing well. He is a sophomore at UW Stevens Point studying marine biology. He accepts complete responsibility for his actions, pays restitution as best as a college student is able to, and has learned to live with the stigma of a probation officer visiting his college dorm.

He had two jobs this past summer, the first job in the kitchen at Shorehaven Lutheran Nursing Home in Oconomowoc ended when he was fired after three weeks, not because of his work habits or because he lied about his adult record on his application, but because, in the direct words of the nursing home's Human Resources director, "it's a small community and people talk." He subsequently took a lesser job as a laborer at a party-tent rental company.

If, as a 16 year old committing a crime, Michael had gone through the juvenile justice system instead of the adult system, he would have served his sentence and would have the ability to move forward as a productive adult member of society without fear that doors will continually be shut in his face.