



City of Racine

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Legislative Report

File Number: Res. 0569-21

Agenda Date: 04/19/2021

File Type: Resolution

Youth Protection

Whereas, the City of Racine Municipal Court has jurisdiction over Racine ordinance violations; and

Whereas, Chapter 938 of the Wisconsin State Statutes includes the municipal court in its definition of court; and

Whereas, the intent of Wisconsin's Juvenile Justice System as defined in Chapter 938 of the Wisconsin State Statutes includes, but it is not limited to:

To promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system which will protect the community, impose accountability for violations of law and equip juveniles with competencies to live responsibly and productively.

Whereas, to effectuate this intent, the legislature includes in Chapter 938 the following to be equally important purposes of this chapter:

1. To hold each juvenile offender directly accountable for his or her acts.
2. To provide an individualized assessment of each alleged and adjudicated juvenile, in order to prevent further delinquent behavior through the development of competency in the juvenile, so that he or she is more capable of living productively and responsibly in the community.
3. To provide due process through which each juvenile and all other interested parties are assured fair hearings, during which constitutional and other legal rights are recognized and enforced.
4. To divert juveniles from the juvenile justice system through early intervention as warranted, when consistent with the protection of the public.
5. To respond to a juvenile's needs for care and treatment, consistent with the prevention of delinquency, each juvenile's best interest and protection of the public, by allowing the court to utilize the most effective dispositional option.

Whereas, Racine County has been labeled the second-worst place in America for African Americans to live; and¹

Whereas, Southeastern Wisconsin has one of the highest incarceration rates in the entire nation due to institutional racism; and²

Whereas, nationwide there is evidence that the issuance of citations and the forfeitures and fees associated with those citations are disproportionately assessed to non-white juveniles; and³

Whereas, juveniles' failure or inability to pay forfeitures and fees exposes youth and their families to consequences such as collection actions, tax refund garnishment, contempt of court, putting the juvenile at risk of possible incarceration once they reach the age of 17;⁴ and

Therefore, be it resolved, the City of Racine should promote alternative means to juvenile citations and forfeitures such as restorative justice approaches that include community service, counseling, drug or alcohol education programs, and other alternatives to ticketing and justice system involvement for our community's youth; and

Therefore, be it resolved, the Common Council encourages the Racine Municipal Court, in collaboration with community and governmental stakeholders, to act in 2021 to explore creation of a teen court and implementation of other evidence-based restorative justice methods to reduce juvenile citations and forfeitures and to minimize juveniles' contact with the justice system; and

Therefore, be it resolved, the Common Council requests that the Racine Municipal Court provide quarterly reporting and transparency about progress of this work back to the Common Council and the public; and

Therefore, be it resolved, the Common Council requests that the Racine Municipal Court create and implement a separate bond schedule for juvenile non-traffic ordinance violations; and

Therefore, be it resolved, the Common Council directs the Racine Police Department to provide quarterly reporting and transparency about municipal citations issued to juveniles, including data disaggregated by race; and

Therefore, be it resolved, the Common Council directs staff from the Racine Police Department, City Attorney's office, Mayor's office, and other City staff as appropriate to participate in the work led by the Racine Municipal Court to explore and implement restorative justice practices to minimize juveniles' contact with the justice system; and

Be it further resolved, the Common Council recommends that the Racine Municipal Court establish forfeiture forgiveness days in 2021 that allows juvenile offenders to appear in court to have forfeitures forgiven, subject to minimum forfeiture provisions required by law.

1 <https://247wallst.com/special-report/2019/11/05/the-worst-cities-for-black-americans-5/>

2 <https://www.bloomberg.com/news/articles/2016-08-17/how-wisconsin-became-the-home-of-black-incarceration>

3 <https://www.nytimes.com/2016/09/01/us/court-costs-entrap-nonwhite-poor-juvenile-offenders.html>

4 JESSICA FEIERMAN, ET AL., JUV. L. CTR., DEBTOR'S PRISON FOR KIDS? THE HIGH COST OF FINES AND FEES IN THE JUVENILE JUSTICE SYSTEM (2016)