The background of the page features a large, semi-transparent image of the Wisconsin State Capitol building. The building is a grand, classical structure with a prominent central dome topped by a statue. The facade is composed of numerous columns and arches. The image is rendered in a light, almost white tone, allowing the text to be clearly legible. At the top of the page, there are decorative wavy bands in red and white, resembling the stripes of the American flag.

Wisconsin Office of Justice Assistance

1 S. Pinckney Street, Suite 615

Madison, WI 53703-3320

Jim Doyle

Governor

Final Report to the Governor and Legislature 2003 - 2010

Governor's Juvenile Justice Commission

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This and other publications

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State of Wisconsin

JIM DOYLE
Governor

DAVID STEINGRABER
Executive Director

1 S Pinckney Street
Suite 615
Madison WI 53703-3220

Phone: (608) 266-3323
Fax: (608) 266-6676
<http://oja.wi.gov>

November 5, 2010

Governor Jim Doyle
State Capital

Senator Fred Risser
Senate President
220 South

Representative Michael Sheridan
Speaker
211 West

Dear Governor Doyle, President Risser and Speaker Sheridan:

The Governor's Juvenile Justice Commission (Commission) is pleased to present its 2003-2010 final report to the Governor and the Legislature. During the past eight years the Commission has funded programs and practices and supported policies and legislation designed to improve the lives of Wisconsin's citizens.

The Commission has made a significant impact in four areas: reducing disproportionate minority contact (DMC) in the juvenile justice system; promoting the use of juvenile justice best practices; addressing the needs of Wisconsin's tribal communities; and protecting children through maintaining compliance with the federal law governing the secure detention of children. The Commission was able to accomplish all of this by managing public funds received as federal grants responsibly.

Wisconsin, which has historically led the nation in the number of minority youth we incarcerate as a percentage of the population, is now a national leader in addressing racial disparities within the juvenile justice system. We have accomplished this by funding local efforts designed to reduce DMC and educating juvenile justice professionals on how to effectively address DMC.

In addition to DMC, the Commission has implemented policies and practices and provided funding to empower local communities to understand what practices and programs work to reduce juvenile crime. As a result of the Commission's efforts, counties and tribes have been able to train staff, change policies and practices that harmed youth and were detrimental to public safety, and implement evidence-based programs, all of which has led to a marked reduction in juvenile crime.

The Commissioners were mindful of how their policy and fiscal decisions would impact Wisconsin's residents. They have taken care to support those programs and policies that research shows reduce juvenile crime and to direct funding to supporting those policies and programs at the local level. The Commission has provided training opportunities to counties and tribes so they can target their limited resources effectively by shifting funding from programs and policies that do not reduce juvenile crime (or even increase crime) to those that reduce crime.

Sincerely,
Deirdre Garton, Chairperson Governor's Juvenile Justice
Commission

WISCONSIN OVERSIGHT AND ADMINISTRATION OF FEDERAL JUVENILE JUSTICE LAW

OJA is the state's administering agency for state and federal justice and homeland security grant funds. OJA is responsible for Wisconsin's compliance with the federal Juvenile Justice Delinquency Prevention Act (JJDPA) and management of associated juvenile justice grant funds.

The federal JJDPA requires states to demonstrate compliance with the following four core requirements in order to receive its share of federal formula grant dollars:

- Deinstitutionalization of status offenders and non-offenders
- Separation of alleged and adjudicated delinquents, status offenders, and non-offender juveniles from adult offenders in institutions
- Removal of juveniles from adults jails and lockups
- Addressing disproportionate minority contact

OJA is required to monitor all juvenile secure detention centers, municipal jails and lockups, county jails, and juvenile correctional facilities to ensure compliance with the JJDPA core requirements. Compliance monitoring also means evaluating how well the purposes of the JJDPA are being met and taking remedial action where necessary.

“...we can intervene at those early stages and try to work to keep that young person from going deeper and deeper into our juvenile system and ultimately going into our corrections system.”

—Governor Jim Doyle

The JJDPA provides Wisconsin with \$1 million annually to address high priority juvenile justice (JJ) issues in the state. JJDPA is one of the few sources of funding for innovative services and programs in the juvenile justice area.

The Governor's Juvenile Justice Commission (GJJC) serves as the State Advisory Group (SAG) required by the JJDPA. The gubernatorially appointed commission advises OJA on its juvenile justice programs and funding decisions. The GJJC also assists with the development of a statewide strategic juvenile justice improvement plans and need assessments—which drive priority setting and strategic investment of federal dollars.

The Governor's Juvenile Justice Commission allocates approximately \$600,000 for local program grants. Despite funding limitations, Wisconsin has spent its money wisely and supported programs across the state that has made a significant and positive impact.

The remainder of limited JJDPA juvenile justice resources is used to ensure the state's compliance with JJDPA, efforts

to address racial disparities within the juvenile justice system, and implementation of statewide initiatives to improve the juvenile justice system.

ADDRESSING DISPROPORTIONATE MINORITY CONTACT

In the eight years of the Commission's supervision, Wisconsin's DMC reduction effort has developed into a program that is cited as a model for other states. Wisconsin is seen as a leader of state DMC-reduction efforts for many reasons, including efforts to include tribal entities and nonprofits in the overall state strategy and developing a curriculum that informs law enforcement officers of the existence and causes of DMC.

In 2002, the core requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP) were revised to designate **contact** instead of *confinement* as the basis of the DMC reduction focus. In order to receive the state's full allotment of federal juvenile justice funds, states must address DMC. Wisconsin's initial strategy to address DMC reduction focused on six counties having urban centers and minority populations whose numbers were sufficiently significant that local impact would affect state DMC rates.

The Commission awarded DMC reduction grants to Brown, Dane, Kenosha, Milwaukee, Racine, and Rock Counties. The local advisory groups determined the appropriate strategies to use in their counties. The six counties developed diverse strategies that

ranged from hiring a prosecutor who would become knowledgeable about DMC issues to creating programs that attempted to provide detention alternatives.

In the fall of 2005, the Commission sponsored a conference at the Olympia Resort in Oconomowoc at which nationally-recognized experts in the DMC-reduction field conducted workshops to increase the understanding of local stakeholders in the juvenile justice field. The conference was one of the first opportunities for the counties that had received DMC funding since 2002 to meet and share the lessons learned as a result of their respective efforts.

In large measure, current DMC successes must be viewed with a recognition of the efforts of Dr. Anthony Maggiore to focus the attention of the Commission on this requirement.

As an acknowledgement of the importance of Dr. Maggiore's efforts, the Commission created the Tony Maggiore Award which is given by the Commission to youth with previous juvenile justice system contact who have demonstrated significant contributions to their respective communities and improvement in aspects of their personal lives.

The national recognition of Wisconsin's DMC efforts began in earnest on January 28, 2006 when the Milwaukee County efforts to address DMC were showcased at American Bar Association 24th National Law-Related Education Leadership Conference in Phoenix, Arizona.

On October 9-10, 2006, the Commission sponsored a conference titled *Disproportionate Minority Contact in Indian Country: Understanding the Involvement of Native American Youth in the Juvenile System: A First Step*. The conference accompanied OJA's release of the Disproportionate Minority Contact: Native American Data Collection Project. In addition to having nationally-recognized DMC expert Dr. William Feyerherm explain the Relative Rate Index (RRI) system of determining whether DMC is a problem, the conference included break-out sessions where participants were challenged to develop action plans for their own communities.

In addition to sponsoring statewide conferences to educate stakeholders regarding DMC and possible strategies, the Commission provided training funds to local jurisdictions to introduce reform efforts into their respective communities. For example, in 2006 Outagamie County used grant funds to sponsor a DMC training conference in Appleton for law enforcement, social service, and other systems stakeholders.

In 2007 the Commission partnered with the Johnson Foundation to host the *Disproportionate Minority Contact: Young People and the Law*, a two day "working conference". This conference was an opportunity to assess DMC

efforts in the six counties after five years of state DMC work and jump start efforts in additional counties. The conference brought together stakeholders from each of the six counties as well as community leaders from throughout the state.

In October 2007 Wisconsin's local DMC-reduction efforts received national recognition. At the annual Disproportionate Minority Contact Conference in Denver, Colorado, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) recognized two Wisconsin DMC programs as being among the best in the nation. The Milwaukee County-based Firearms program was recognized as the *Juvenile Accountability Block Grant (JABG) Program of the Year*. This program provides intensive supervision to first-time firearm offenders and is operated by the community-based Running Rebels organization.

At that same conference OJJDP named Rock County's DMC-reduction effort the *DMC Program of the Year*. In addition, the Rock County juvenile detention alternative process was included in the OJJDP DMC-reduction "Best Practices" database. These honors followed the September, 2007 designation of Rock County as a John D. and Catherine T. MacArthur Foundation *Models for Change* DMC-reduction site.

Notwithstanding the successes of individual programs, the Commission recognized the statewide DMC rates did not seem to change despite the significant investment of funds over the years. The Commission contracted with Wilberg Community Planning, LLC for a

program evaluation that, when submitted in September, 2008, placed Wisconsin as one of two (along with Connecticut) states that had evaluated its programs. The evaluation was later used as part of the shift in strategy for the Commission's awarding of grants.

The national prominence of the Wisconsin efforts was illustrated again when it was invited to present an explanation of the six-county strategy and program results at the 2008 Governor's Summit on *Eliminating Minority Overrepresentation in the Juvenile Justice System* in Portland, Oregon.

At the 2009 Coalition for Juvenile Justice Conference in Washington, DC, the Milwaukee County FOCUS program was showcased because it was instrumental in reducing Milwaukee County's Relative Rate Index (RRI) reduction for youth committed to correctional institutions.

As the Commission continued its oversight of the DMC site activities, it sought additional information from OJJDP regarding why some of its existing projects had failed to significantly reduce RRI rates. The Commission requested technical assistance from OJJDP. In a Commission meeting and a separate technical assistance visit, the Commission was reminded by OJJDP that the DMC core requirement mandated not only juvenile delinquency prevention programs, but also systems change strategies. OJJDP noted that the review of the program evaluation and the RRI data from Wisconsin showed that Wisconsin's efforts had almost all focused on changing the

youth in the sites. Rarely had efforts focused on changing the systems, many of which involve the exercise of types of discretion which can result in disparities.

Based on what it learned at the trainings, the Commission awarded its DMC grants in 2009 via a competitive process. The process was open to local units of government, tribes, and nonprofit agencies. In September 2009 the Commission awarded DMC-reduction grants to Dane County, Dane County TimeBank, Milwaukee County, Outagamie County, Rock County, Kenosha County, Red Cliff Band of Lake Superior Chippewa Indians, and the Forest County Potawatomi Tribe.

At the October, 2009 OJJDP conference in Austin, the Wisconsin effort to address DMC in the juvenile system and Racial Disparity in the adult criminal justice system was again recognized. OJJDP invited Wisconsin to have a conference display table to showcase the efforts in both areas. In addition to the display table, two of the workshops of the DMC-focused portion of the conference featured discussion of the Wisconsin efforts.

The first workshop teamed the Wisconsin and Montana DMC coordinators in a presentation that focused on state relationships with tribal entities and the respective efforts to address DMC reduction. The second workshop included the Wisconsin and Connecticut DMC coordinators in a discussion of evaluations of DMC projects as a means of determining the appropriate focus for local DMC efforts.

As the Commission planned long-range strategies for the implementation of statewide DMC-reduction efforts, a DMC-focused law enforcement curriculum was developed. This was a response to the Commission's concerns with point-of-arrest as a statewide problem, and the curriculum was presented in two sessions in March 2010 before the officers of the Greendale Police Department. The curriculum was also submitted to OJJDP for review, and was the subject of a joint presentation with the Connecticut law enforcement curriculum at the OJJDP State Representative DMC Coordinators conference in Jersey City, NJ in October of 2010.

The Commission continued its efforts to address DMC through detention alternative strategies at its June 2010 meeting by hosting a presentation by Bart Lubow of the Annie E. Casey Foundation. As a result of the interest shown by Wisconsin in becoming a Juvenile Detention Alternatives Initiative (JDAI) state, a team from Wisconsin attended the invitation-only JDAI Inter-site conference on October 4-6, 2010 in

Kansas City, Missouri.

The Wisconsin DMC-reduction effort has continued to receive national recognition. The DMC Coordinator attended the invitation-only meeting of the National Academies *Committee on Assessing Juvenile Justice Reform on October 11, 2010* and presented a report on the Wisconsin DMC project and its relationship with OJJDP.

Wisconsin's DMC reduction efforts will continue into 2011 and beyond. In 2010 the state began collecting RRI data from most of the juvenile justice grantees, so instead of only having data from the six largest counties, it now has RRI data for 18 counties. Funding has been set aside to support the existing DMC efforts through the middle of 2012 and to expand into new counties, tribes, and nonprofits interested in tackling DMC and system reform efforts.

ADVANCING JUVENILE JUSTICE SYSTEM IMPROVEMENT

A. What Works, Wisconsin initiative

During the past 15 years, the scientific knowledge about what does and does not work to reduce juvenile crime has increased tremendously. Until the 1990s juvenile justice programs were not regularly evaluated, so little was known about the effectiveness of juvenile crime prevention and intervention programs. That has changed.

There is now a plethora of literature and studies about juvenile justice, and we

"We can all probably agree let's invest in children but let's make sure that we are doing it in the ways that it really works."

—Governor Jim Doyle

know there are programs and practices that reduce juvenile crime. There are also programs and practices that, while well-meaning, actually increase juvenile crime. The Commission has seized on that knowledge and become a leader in promoting juvenile justice system improvement by funding and providing training and education around evidence-based practices.

In 2005 the Commission partnered with the University of Wisconsin to develop the *What Works, Wisconsin* series. *What Works, Wisconsin* is a primer on effective prevention and intervention programming in juvenile delinquency. It involves a series of research to practice briefs and fact sheets relating to best practices in juvenile justice.

The University also developed a self-assessment tool so counties, tribes, and service providers can assess their programs and systems and adjust them to become evidence-based.

The collaboration with the University of Wisconsin continued when, in 2009, the

Commission partnered with the University to build capacity at the local level to improve the juvenile justice system. The University contracted with the Carey Group, an association of criminal and juvenile justice experts, to create a Wisconsin-specific evidence-based practices training curriculum. The purpose of the trainings is to educate counties and tribes on what works to prevent juvenile crime, thus promoting public safety and reducing criminal justice expenditures.

The Carey Group provided two regional, three-day evidence-based practice trainings to 12 Wisconsin counties and the Department of Corrections Division of Juvenile Corrections in the fall of 2009. Three more intensive regional trainings were held in 2010, at which 11 new counties, a tribe, and additional teams from two counties that were trained in 2009 participated.

In addition, the OJA juvenile justice team provides training to counties and tribes on a variety of juvenile justice topics and serves as a best practice in

***What Works Wisconsin* briefs include:**

- Culturally appropriate programming
- Guidelines for selecting an evidence-based program
- Evidence-based programs: An overview
- Strategies for Recruiting and Retaining Participants in Prevention Programs
- Program fidelity and adaptation
- Finding effective solutions to truancy
- Girls in the Juvenile Justice System

***What Works Wisconsin* factsheets include:**

- Mentoring
- Out of School Programs
- Juvenile Offender Interventions
- Truancy
- Parenting Education

juvenile justice resource to counties, tribes, and local service providers.

The partnership between the Commission and the University will continue into 2011. Potential 2011 activities include offering additional three-day trainings, hosting an evidence-based practice conference where past training participants can come together and share lessons learned and garner new ideas, and assisting counties and tribes to implement juvenile justice system improvement efforts.

B. Information sharing report

In 2005 the Commission funded a study and endorsed a series of principles pertaining to information-sharing among juvenile justice system stakeholders. These principles take into account the need for timely information as well as the need to balance the privacy and confidentiality concerns of youth, families, and society. The Commission supported the legislation passed in 2010 that allows the Department of Children and Families and the Office of State Courts to share juvenile justice records on a limited basis so as to enhance the cross-system information sharing between the child welfare and juvenile justice systems.

One area that still needs attention is the lack of a statewide juvenile justice database. Currently, most juvenile justice data are collected and kept at the county level. Only arrest, secure detention, and secure correctional placement information is kept statewide and available. The number of petitions filed is kept with the Office of State

Courts. However, important data such as the number of youth diverted from the system and the outcomes for adjudicated or diverted youth are not available statewide. The Commission has begun to address this matter but this is a long-term project that will need to be continued by the new Commission.

C. Using risk/needs assessments to effectively direct resources and address juvenile crime

The foundation of any juvenile justice system improvement effort lies in the correct classification of youth who enter the system. Are they low risk, medium risk, or high risk? Such risk assessment is essential because it drives how society responds to the acts that brought the youth into the juvenile justice system.

Research shows that low risk youth will likely self correct and need minimal supervision. In fact, providing too many services to low risk youth increases the likelihood that they will reoffend. Using valid risk and needs assessment tools allows intake workers and case managers to more accurately determine a youth's likelihood to reoffend and thus enhance their ability to provide the right services to the right youth at the right time.

In 2009 the Commission partnered with the University of Wisconsin to provide intensive training to counties and tribes around evidence-based practices, including the use of risk and needs assessment tools. In addition, the Commission has formed a committee to promote the use of risk and needs

assessment tools throughout Wisconsin. That committee's efforts have included working with the Department of Corrections to begin the process of piloting a tool that counties could use at no charge (except for technology costs). The Commission also provides funding to counties and tribes to purchase and implement actuarial tools that best meet their needs.

D. Statewide juvenile justice conferences

The Commission encourages public/private partnerships and multi-county collaborations to address juvenile crime, and it practices what it preaches. For several years the Commission has collaborated with the Wisconsin Council on Children and Families (WCCF) to address juvenile justice issues through statewide conferences. More than 900 juvenile justice professionals have attended the conferences and learned the most recent scientific research around what works to reduce juvenile crime and promote public safety.

In 2006 the Commission and WCCF partnered to host the *Open Minds: Implications of Adolescent Brain Research for Juvenile Justice* conference that provided statewide training on the implications of adolescent brain research for reducing juvenile crime.

In 2008 the two partnered again for a second statewide *Open Minds* conference. That conference promoted juvenile justice reform by focusing on developmentally appropriate

interventions, treatments and system responses for youth in the system.

Most recently, in March 2010, the Commission helped sponsor the WCCF *Fulfilling the Promise of Juvenile Justice: Shaping the Future Begins Now* conference. Participants learned about the most recent research on what works to reduce juvenile crime, from both national and local experts.

Continuing this partnership is critical to promoting juvenile justice system improvement and promoting public safety. WCCF, with support from the Commission, is able to provide the most recent research and scientific information to conference participants to enable them to take the information back to their communities and implement best practices. The Commission's support allows WCCF to offer the conference at an affordable rate by offering scholarships and reduced conference fees.

E. Returning 17-year-olds to the juvenile justice system

Wisconsin is one of only 13 states whose age of criminal responsibility is under 18.

In December 2008 the Commission endorsed returning 17-year-olds to the juvenile justice system provided counties were given sufficient state funding to effectively serve those youth. Under current Wisconsin law 17-year-olds are adults for criminal prosecution and civil citation purposes. In the almost 15 years since Wisconsin lowered the age of adult court jurisdiction from 18 to 17, brain science and adolescent

development research has confirmed that youth, including 17-year-olds, are “hardwired” to think and act differently than adults. Their decision-making, impulse control, and ability to appreciate long-term consequences are limited. Thus, while juveniles understand right from wrong, that analysis is too simplistic. They often are not biologically capable of acting according to concepts of right and wrong in the same way as would adults.

Furthermore, emerging research suggests that 17-year-olds in the adult system have very poor outcomes in terms of reoffending. People who reoffend are a public safety danger, so addressing crime using best practices (meaning addressing crime in a way that reduces reoffending) is a public safety issue that has too long been ignored, especially in light of science and what we know works to reduce reoffending and increase public safety.

The juvenile justice laws prior to the 1995 change already had a provision for addressing serious juvenile crime—waiver to adult court and original adult court jurisdiction for serious offenses. Putting 17-year-olds into the adult system’s jurisdiction—and even younger children by virtue expanding the offenses for which they are subject to adult court jurisdiction—has harmed not only the youth involved but made society less safe. Jurisdictions that retained the 18-year-old age of majority have a way to handle juveniles who are serious threats to the community, as did Wisconsin law prior to the change—waiver and original jurisdiction for specified offenses.

F. Closing secure juvenile correctional facilities

Most recently the Commission has weighed in on the issue of improving Wisconsin’s juvenile justice system by encouraging the state to re-examine its use of secure correctional facilities for juvenile offenders.

In the spring of 2010 Governor Doyle appointed a committee to study the feasibility of closing one of Wisconsin’s two secure juvenile correctional facilities for boys. Wisconsin currently has three juvenile correctional facilities: Ethan Allen School for Boys located in Wales, Wisconsin; Lincoln Hills School for Boys located in Irma, Wisconsin; and Southern Oaks School for Girls located in Union Grove, Wisconsin. The Department of Corrections Division of Juvenile Corrections also operates the Mendota Juvenile Treatment Center, a secure facility for boys on correctional placements who have mental health issues. All three facilities are operating far below capacity. Admissions to juvenile correctional facilities have declined from 608 in 2003 to 437 admissions in 2009, an almost 30 percent decline.

The Commission supports closing the Ethan Allen School for Boys and encourages Governor-elect Walker and the new legislature to consider alternate, evidence-based models to large juvenile secure correctional facilities as a means of addressing juvenile crime. Alternatives include developing smaller, regional, staff-secure facilities; revamping the Youth Aids formula to reward counties that successfully address juvenile crime and promote public safety through the use of

community-based programs; and promoting alternatives to correctional placements that allow youth to remain in their community, receiving intensive, longer term services, but avoiding a correctional placement.

ADDRESSING THE NEEDS OF WISCONSIN'S TRIBAL COMMUNITIES

Throughout its tenure the Commission has recognized the unique issues inherent in addressing the needs of tribal youth. As a result the Commission has awarded more than \$900,000 to tribes to address tribal youth juvenile justice issues.

Specifically, the Red Cliff Band of Lake Superior Chippewa was awarded \$50,000 to provide effective cognitive behavioral programming to Native American youth to impart social responsibility skills and correct errors in thinking. The Forest County Potawatomi Community was awarded \$82,400 for the 7 Challenges Program, a program designed to address substance abuse issues. The Menominee Nation was awarded \$50,301 for a wraparound program that used a community approach to addressing youth substance abuse and delinquency. The Lac du Flambeau Band of Lake Superior Chippewa Indians was awarded \$200,001 for a program to divert youth from the juvenile justice system and address substance abuse issues.

Other tribal initiatives the Commission has funded include: funding for the Menominee Nation to support early diversion and restorative justice efforts (\$40,154), substance abuse

programming (\$104,709), and intensive supervision for juvenile offenders (\$74,911); funding for the Oneida Tribe of Indians to implement a peacekeeping process (restorative justice) and a cultural camp that are culturally competent; funding for the Lac du Flambeau Band of Lake Superior Chippewa Indians (\$87,500) for a wraparound program to address substance abuse and mental health needs; and the Bad River Band of Lake Superior Chippewa for the evidence-based "Canoe Journey" program.

JJDPA COMPLIANCE MONITORING & CHALLENGES TO WISCONSIN COMPLIANCE

To receive its share of federal juvenile justice funds, Wisconsin must comply with the requirements of the JJDPA in four core areas:

1. Deinstitutionalization of Status Offenders (DSO)
2. Removal of youth from adult jails
3. Separating youth and adult inmates
4. Reducing disproportionate minority contact

As part of meeting the requirements of the JJDPA, Wisconsin's compliance monitor completed on-site inspections of local juvenile detention centers, adult jails, and adult lockups, as well as providing technical assistance and training to counties throughout Wisconsin. This training focused on the JJDPA and other issues, particularly

how to effectively address truancy without using secure detention as a sanction, which is an ineffective sanction if the goal is to reduce juvenile crime and protect the public. Training and technical assistance was provided to more than 300 child welfare, law enforcement, and juvenile justice professionals. As a result, Wisconsin is in a position to maintain compliance with the federal law.

Wisconsin law is not entirely consistent with federal law, and that inconsistency hampers the state's ability to comply with the current federal law and best practice and will be even more problematic should the proposed reauthorization become law. For example:

- **Wisconsin's 17-year-olds are adults for criminal prosecution purposes.** Wisconsin is one of only a few states whose age of criminal responsibility is under 18. The federal law requirements governing delinquent youth do not apply to Wisconsin's 17-year-olds, so they can be held in secure confinement without implicating the federal law. However, the federal law regarding status offender applies in most cases until youth are 18, regardless of a state's age of criminal jurisdiction. Wisconsin law treats all 17-year-olds as adults, meaning a 17-year-old cited for underage drinking who fails to pay the fine can be put in jail or lockup with adult inmates. This has happened in two Wisconsin counties to OJA's knowledge. It also means 17-year-old truants and runaways

may be confined in adult jails in the same cell as an adult criminal.

- **Wisconsin law allows status offenders to be placed in secure detention if they violate a court order.** Many states do not allow status offenders to ever be placed in secure detention. By definition, status offenders are youth who have not committed crimes. Wisconsin law allows these youth under certain circumstances to be confined in secure detention with delinquent youth—youth who have committed acts such as armed robbery and battery that would be considered crimes if they were adults. Federal law restricts when youth who do not commit crimes may be confined in secure detention. In some of these cases the Wisconsin law is more liberal than the federal law, leading to some federal law violations.
- **Wisconsin law allows youth to be placed in secure detention for technical violations of their court orders, leading to many situations in which youth who are not public safety threats are put in secure detention facilities.** In fact, in Wisconsin almost 60 percent of the admissions to secure juvenile detention centers are for 72-hour holds or for sanctions for youth already on court orders, not for a dangerous new offense the youth committed. In 2009 approximately 10,000 youth were admitted to secure detention. This number has been steadily

declining, as have juvenile arrests, meaning public safety has not been affected by placing fewer youth in secure detention. Yet, youth are still admitted to secure detention at an alarmingly high rate, especially since the majority of admissions have nothing to do with public safety. This is disturbing because research shows that youth placed in large, custodial settings are more likely to reoffend than youth who are not. While this practice does not violate the federal law, it flies in the face of what we know works to reduce juvenile crime.

The inconsistencies between federal and state law and between state law and best practice make it imperative that OJA juvenile justice team staff provide training and technical assistance to facilities not only around the law but also around juvenile justice system improvement and evidence-based practices. Over the past few years the OJA juvenile justice team has diligently worked with counties, tribes, and local services providers to provide this education and training, with the result being Wisconsin has been found in compliance with the federal law and juvenile crime continues to decrease.

Congress is in the process of reauthorizing the JJDP. That law was due for reauthorization in 2007 but has not been reauthorized; the law has continued for the past three years under a continuing resolution. The proposed reauthorization contains provisions that will affect Wisconsin and its ability to comply with the law.

For example, some proposed changes to the federal law include mandating—with limited exceptions—that people under the age of 18 be sight and sound separated from adult inmates in jails and lockups even if the person is 17, has been waived into adult court, or is under age 17 but subject to original adult court jurisdiction. For Wisconsin, with criminal adult court jurisdiction at age 17 (and youth under that age who commit certain offenses are automatically subject to adult court jurisdiction), complying with the federal law will require a change in state law, a change in practice, or require that facilities change their physical structure and/or their practices of how they house inmates.

Another proposed change would limit when and how long status offenders could be held in secure juvenile detention facilities. Under federal law a status offender is a youth who is truant, violates curfew, is a runaway, or is an underage drinker/smoker. Wisconsin law, in limited circumstances primarily as a sanction, allows some status offending youth to be securely detained, as does current federal law. However, the proposed change to the JJDP would make the federal law more restrictive than Wisconsin law, thus putting Wisconsin at risk of being out of compliance with the federal law.

The consequence of not complying with the federal law is the loss of federal funds. Under the current federal law states lose 20 percent of their federal Title II formula grant for each core requirement for which they are out of compliance. Wisconsin is eligible for approximately \$1,000,000 of Title II

funds each year if it complies with the federal law.

In 2006 Wisconsin was found out of compliance with the deinstitutionalization of status offenders requirement, meaning Wisconsin put too many truant, runaway, curfew violators, or underage drinkers/smokers in secure detention or jails/lockups. As a result, Wisconsin lost 20 percent of its 2007 Title II funds and was required to spend 50 percent of the funds it did receive on addressing DSO. OJJDP found Wisconsin in compliance on all the core requirements for 2008, 2009, and 2010 funding.

OJJDP has found Wisconsin in compliance with the federal law for the purposes of receiving the 2011 funds. However, in June 2010 OJJDP conducted an audit of Wisconsin's compliance monitoring system and Wisconsin's access to the 2011 funds may be limited until Wisconsin complies with any audit findings. As of the date of this report Wisconsin has not received the audit findings from OJJDP.

The Commission has and will continue during the rest of its tenure to encourage counties, tribes, and local service providers to provide services to children and families and enact policies and procedures consistent with the federal law and best practice in juvenile justice.

MANAGING PUBLIC FUNDS RESPONSIBLY

The Commission serves as the state advisory group under the federal JJDP and the juvenile crime enforcement coalition to administer the federal Juvenile Accountability Block Grant (JABG). The federal funds Wisconsin receives under the JJDP and the JABG are required by federal law to be disbursed through a state advisory group.

One of the Commission's primary responsibilities under the JJDP and the JABG is to award grants to counties, tribes, and local service providers to improve the lives of Wisconsin's children and families. Between 2003 and 2010 the Commission awarded over \$14 million throughout Wisconsin to develop and sustain local delinquency prevention/intervention efforts and promote juvenile justice system improvement. The source of these funds is OJJDP, which allocates money to the states in three areas—Title II Formula grant funds, Title V Delinquency Prevention funds and JABG funds. Formula funds are used to fund a variety of prevention and intervention efforts, Title V funds target delinquency prevention programs, and JABG dollars are used for intervention efforts for youth who have had some system contact.

During the course of the past eight years the Commission has focused on funding juvenile justice system improvement efforts; disproportionate minority contact; addressing information gaps in the JJ system; ensuring better screening, assessment, and treatment for youth exhibiting mental health and

substance abuse issues; and complying with the federal law.

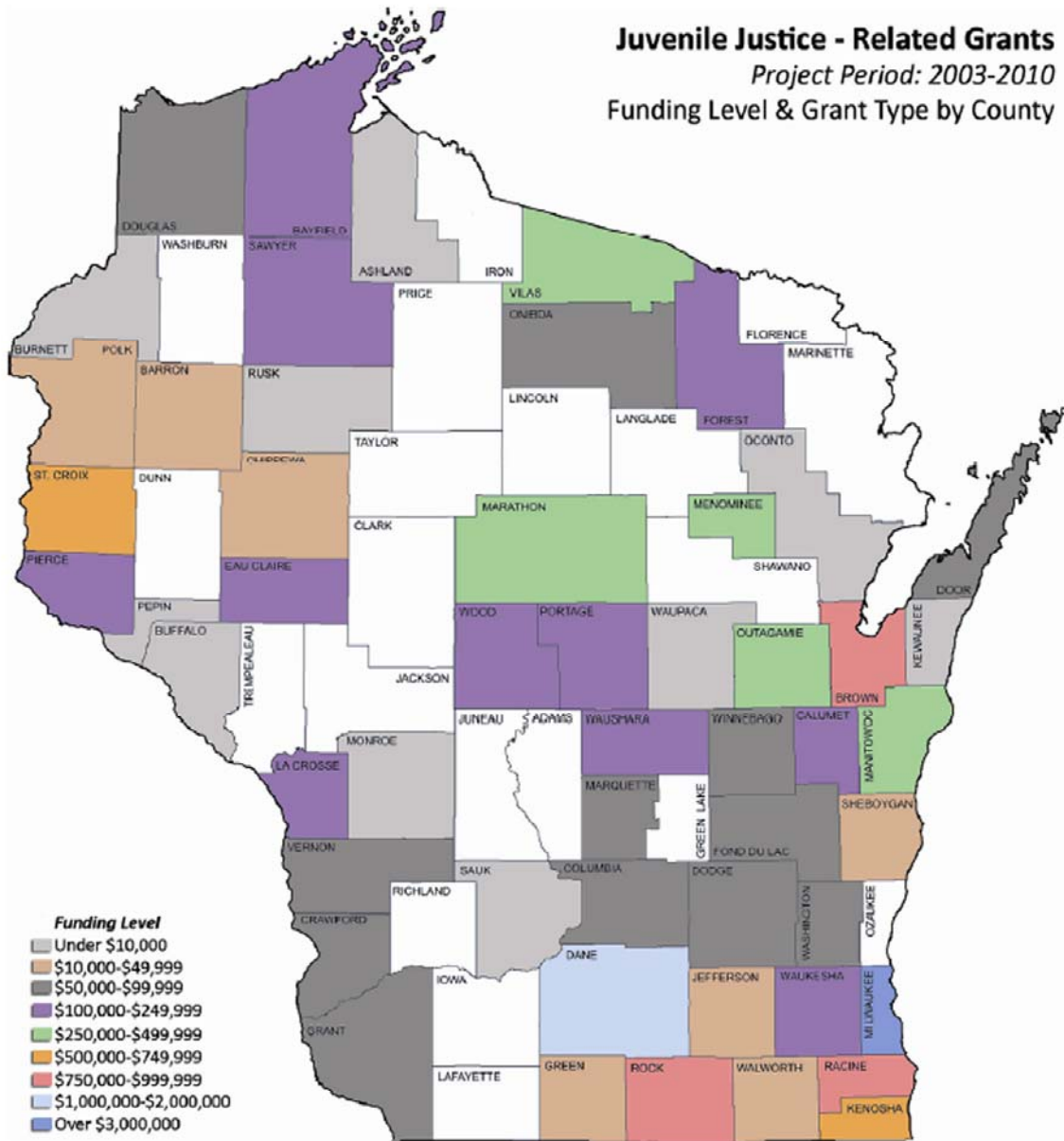
The Commission's funds have helped counties and tribes leverage other funding sources and provided seed money for programs that have become an integral part of the juvenile justice system and sustained by the counties after the Commission funding ended. Some of the programs have gained national recognition as model juvenile justice programs, such as the Milwaukee Firearms Program and the Rock County DMC efforts addressed in the DMC section.

Set forth below are some examples of juvenile justice best practices the Commission has funded.

Juvenile Justice - Related Grants

Project Period: 2003-2010

Funding Level & Grant Type by County



Ashland County \$5,947	Forest County \$107,320	Pepin County \$2,133	Waupaca County \$5,781
Barron County \$13,392	Grant County \$78,585	Pierce County \$165,057	Wauzara County \$114,958
Bayfield County \$109,357	Green County \$39,560	Polk County \$41,156	Winnebago County \$50,518
Brown County \$779,975	Jefferson County \$15,667	Portage County \$222,937	Wood County \$173,529
Buffalo County \$4,395	Kenosha County \$678,203	Racine County \$829,699	
Burnett County \$7,305	Kewaunee County \$4,794	Rock County \$809,374	
Calumet County \$150,740	La Crosse County \$143,292	Rusk County \$5,000	
Chippewa County \$27,553	Manitowoc County \$400,252	Sauk County \$7,991	
Columbia County \$86,776	Marathon County \$329,432	Sawyer County \$180,216	
Crawford County \$82,538	Marquette County \$50,000	Sheboygan County \$15,402	
Dane County \$1,359,820	Menominee County \$270,075	St. Croix County \$506,035	
Dodge County \$79,099	Milwaukee County \$3,599,002	Vernon County \$61,437	
Door County \$69,750	Monroe County \$5,299	Vilas County \$327,733	
Douglas County \$72,866	Oconto County \$5,15	Walworth County \$28,324	
Eau Claire County \$127,603	Oneida County \$93,326	Washington County \$96,111	
Fond du Lac County \$81,420	Outagamie County \$447,224	Waukesha County \$201,472	

SUCCESSFUL BEST PRACTICES FUNDED BY THE COMMISSION

CALUMET, OUTAGAMIE, WINNEBAGO COUNTIES

The Commission encourages multi-county collaborations in order to make the most efficient and effective use of limited resources. In 2008 the Commission agreed to fund a joint sex offender treatment initiative in Calumet, Outagamie, and Winnebago County. These three contiguous counties recognized that they lacked effective sex offender mental health treatment programs and that many of the youth they served crossed county lines. This tri-county consortium has used grant funds to develop a sex offender treatment curriculum, train staff, and build capacity to provide effective services. Because the bulk of the program cost is building the necessary infrastructure to serve the youth, the program is self-sustaining once grant funding ends.

GRANT COUNTY

The Commission funds a substance abuse and mental health program in Grant County that is operated by Riverway Communities of Hope, a group of dedicated, active community volunteers. The volunteers identified substance abuse and mental health issues as needs among their county's school-age youth. While the options for treatment are more limited in Grant County than in urban areas, a bigger problem the volunteers identified was a lack of available transportation to get youth to counseling and treatment appointments. Part of the grant funds reimburse volunteers for transporting youth to appointments, and part pay for treatment. This program began in one Grant County school district and has expanded to other school districts both in and outside of Grant County.

CITY OF GREEN BAY

The Commission fund a truancy reduction program in Green Bay West High School that has become a model for other schools in the Green Bay School District and statewide. The high school employs an attendance intervention specialist who works with ninth and tenth grade truant youth to develop plans to address truancy and connect them with needed services in the community. Prior to the grant award the City of Green Bay sometimes placed truants in secure detention for violating truancy court orders. The Commission conditioned the grant on the City agreeing not to use secure detention as a sanction. The municipal judge has been an active participant in the program and no longer uses secure detention as a sanction because it was ineffective. Instead, he works with the school and the attendance intervention specialist and orders youth to participate in community-based services if appropriate. The Green Bay School District

has expanded a version of this program to its middle schools and the program was highlighted at the 2010 statewide WCCF conference (see above).

MILWAUKEE COUNTY

Milwaukee County has a history of placing runaway youth in secure detention until it finds an appropriate placement. Some of the youth are held in a manner that violates the federal law, thus putting Wisconsin at risk of losing federal juvenile justice funds. The Milwaukee County Department of Human Services, Milwaukee Police Department, and the Commission have worked together to change policies and provide more effective alternatives to incarceration. Many of the runaway youth were repeat runners who kept running even after being placed in and released from secure detention several times. These youth are not dangers to society. They were not committing crimes, just running away from placements. Most were girls. Research is clear that most girls come to the juvenile justice system as status offenders (meaning they have not committed crimes, but are runaways, truants, etc.) and they have histories of abuse and neglect. Thus, they are not criminals but need social services. With support from the Commission, Milwaukee County is changing how it responds to these youth. It is expediting the release of youth from secure detention by dedicating personnel to finding alternative placements and partnering with local service providers to provide appropriate placements and services for the youth. During the first half of 2010, eight youth on Child in Need of Protection orders who did not have pending delinquency charges were held in secure detention after their detention hearing for an average of 2.4 days for girls and 1.5 days for boys. For the same time period in 2009, 13 Child in Need of Protection youth were held in detention after their detention hearing for an average of 4.4 days for girls and 6.6 days for boys.

ONEIDA COUNTY

Oneida County practice had been to sanction truant youth to secure detention for violating their court orders. In January 2010 the county began a truancy reduction program designed to provide more effective alternatives to the schools and courts. Oneida County, using community-based services to help truant kids instead of secure detention, reduced the number of youth transported to secure detention from 70 during the first half of 2009 to 15 during the same timeframe in 2010, thereby providing significant cost savings to the county. In 2009 the county paid \$74,527 to house youth in secure detention. During the first half of 2010 it reduced the amount to \$8,700 in large part due to the funding for the truancy program which helped the county develop community-based alternatives,

including a case manager to develop individualized plans and a partnership with the Options Treatment program to operate a report center and provided individual treatment.

PIERCE COUNTY

The Commission funds an extensive juvenile justice system reform effort in Pierce County. The county is changing its practice to incorporate best practices in juvenile justice. It has formed a coalition to address juvenile crime issues, reduced its reliance on secure detention and other out of home placements, and is implementing evidence-based cognitive behavioral therapy techniques that have been proven to reduce juvenile crime. The Commission funding has allowed the county to bring key stakeholders together, develop a juvenile justice system improvement plan, and move forward with the same goals.

PORTAGE COUNTY

The Commission funds a truancy reduction program in Portage County. During the 2007-08 school year there were 716 unduplicated habitual truants in the district. The County implemented a truancy reduction program during the 2008-09 school year. By the end of the school year the number of habitual truants had dropped to 239. At the end of the 2009-2010 school year the number dropped even further, to 169.

RACINE COUNTY

The Commission is funds a program in Racine County that provides community-based alternatives to addressing youth school attendance issues. In the past Racine County relied heavily on secure detention for youth who violated court orders. After the program began the county reduced the number of status offenders held in secure detention from 83 to just one. Through a partnership with a local nonprofit to provide case management services, the county connects youth and families to needed services in order to reduce truancy. This partnership, along with policy changes based on knowing what works to reduce juvenile crime, have contributed to the county's success. This effort was partially responsible for the \$700,000 surplus Racine County will have at the end of 2010.

ST. CROIX COUNTY

In addition to funding school and community-based substance abuse prevention and reduction efforts in the county, the Commission is also funding a juvenile treatment court that serves all St. Croix County youth.

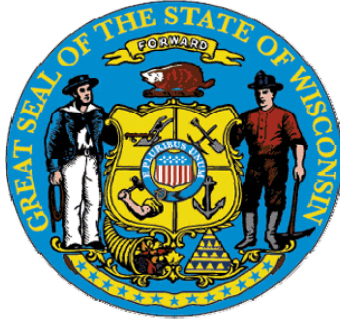
Begun in February 2010, the county uses the court to provide intensive supervision and services to youth with substance abuse and other issues that cannot be addressed effectively through the regular court process.

VILLAGE OF SOMERSET

The Commission funds a school and community-based youth substance abuse prevention and intervention program in St. Croix County through a partnership among the Village of Somerset Police Department, a private nonprofit organization, and county school districts. During the first two years of the grant the results have been so positive that as it completes its second year of funding some of the county's school districts have agreed to partially fund the program during the third year of the grant and to provide full funding for the program when the grant ends. This is a prime example of how the Commission provides seed money to allow counties and local service providers to start programs and then enable them to leverage other funding to maintain the programs when the grant ends.

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This is a publication of the
Wisconsin Office of Justice Assistance
1 S. Pinckney Street, Suite 615
Madison, WI 53703-3220

