



# WISCONSIN GOVERNOR'S JUVENILE JUSTICE COMMISSION

2019 & 2020 BIENNIAL REPORT TO THE GOVERNOR  
WISCONSIN DEPARTMENT OF JUSTICE



FEBRUARY 2021

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This project was supported by #2018-JF-FX-0036 by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

This is a publication of the  
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# INTRODUCTION

Wisconsin Department of Justice (DOJ) is submitting this report in partnership with the Governor's Juvenile Justice Commission (GJJC), as required by the Juvenile Justice and Delinquency Prevention Act (JJDP), enacted in 1974. This landmark legislation established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the United States Department of Justice (U.S. DOJ) to support states, local communities, and tribes in developing prevention, diversion, treatment, and rehabilitation training, education, and reform efforts in delinquency prevention and juvenile justice system improvement.

The Juvenile Justice Reform Act (JJRA) of 2018 was signed into law in December 2018, reauthorizing and substantially amending the JJDP. The amendments made by the JJRA became effective in FY 2020 (October 1, 2019). The OJJDP Fact Sheet: [Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018](#) highlights key changes.

The GJJC serves as the State Advisory Group (SAG) and Wisconsin DOJ serves as the Designated State Agency (DSA), as required by the JJDP. The SAG supports the DSA in administering federal Title II, Part B, Formula Grant funds and maintaining compliance with the four core requirements in the JJDP.

In September 2019, Governor Tony Evers recreated the GJJC through [Executive Order #43](#). The GJJC is comprised of juvenile justice professionals, including law enforcement, tribal representatives, corrections professionals, attorneys, judges, mental health practitioners, and non-profit organizations committed to youth programming. Please see Attachment A for the list of Governor-appointed commissioners.

## Four Core Requirements of the JJDP

To be eligible for Title II formula funding, states must meet OJJDP-determined annual thresholds for the following four core requirements of the JJDP:

1. Deinstitutionalization of Status Offenders<sup>1</sup>
  - Under the JJDP, status offenders may not be held in secure detention or confinement. The Act and federal regulations establish limited exceptions to this requirement, including a provision that allows accused status offenders to be securely held in juvenile facilities for up to 24 hours prior to and following an initial court appearance, and one that permits juveniles who commit a violation of a valid court order (VCO) to be detained in a juvenile facility.
2. Adult Jail and Lock-Up Removal
  - Under the JJDP, youth may not be detained in adult jails or lock-ups. There are limited exceptions for juveniles accused of non-status offenses, including time for processing or release (six hours), the periods immediately before or after a court hearing (six hours) and in rural areas (48 hours excluding weekends and holidays, or until weather conditions permit, prior to an initial court appearance). This requirement does not apply to youth who have been transferred to adult criminal court and charged with or convicted of a felony.
3. Sight and Sound Separation
  - Under the JJDP, when youth are detained or confined for any length of time, both sight and sound contact with adult inmates is prohibited.
4. Racial and Ethnic Disparities
  - Under the JJDP, states are required to assess and address racial and ethnic disparities at key contact points in the juvenile justice system.

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<sup>1</sup> Status Offenders. A status offense is a noncriminal act that is considered a law violation only because of a youth's status as a minor. Typical status offenses include truancy, running away from home, violating curfew, underage use of alcohol, and general ungovernability.

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# GOVERNOR'S JUVENILE JUSTICE COMMISSION (GJJC)

## GJJC Vision, Mission, and Strategy

The GJJC operates under a three-year plan, as required by OJJDP and the JJDP. The following Vision, Mission, and Strategy are found within the 2021-2020 GJJC Three-Year Plan. Please see Attachment B for more information.

### Vision

The GJJC envisions a state in which all youth and families are safe, healthy, educated, supported equitably, and provided opportunities to achieve their full potential.

### Mission

The GJJC strives to positively impact youth and families through a racial justice lens by promoting front-end reforms that prevent youth from becoming involved in the juvenile justice system. This will be accomplished through trauma and evidence-informed interventions that invest in families, schools, and diversion-focused community-based programs.

### Strategy

The GJJC will utilize state and local partnerships, in conjunction with meaningful engagement with youth and families, to enhance collaboration within the juvenile justice system. The GJJC will leverage state and federal resources and funding to support local jurisdictions and organizations to accomplish the goals of the three-year plan, as required by OJJDP, while providing leadership and expertise to Wisconsin residents, state agencies, policy makers, and the Governor on juvenile justice matters.

## Wisconsin Executive Order #43 GJJC Charges

In addition to fulfilling all SAG responsibilities as described in the JJDP, the Governor tasked the GJJC with developing recommendations for the following:

- a. A process for assessing youth pre-disposition to ensure that each youth is receiving the most beneficial programming in the setting best suited to his or her needs.
- b. Creating a state-wide unified treatment-centered system of juvenile justice that minimizes disruptions to youth who go through multiple types of placements.
- c. Innovations and best practices Wisconsin should adopt across the entire spectrum of the juvenile justice system, including but not limited to non-secure treatment and intervention options.
- d. Identifying and reducing racial disparities in the juvenile justice system.
- e. Identifying gaps in data collection and analysis in the juvenile justice system, including data on "dual-status" youth who are involved in the child welfare and juvenile justice systems.

## GJJC Structure and Meeting Summary

The GJJC meets quarterly as a full commission. The commission met in-person for four meetings in 2019 and one meeting in 2020. The remaining three meetings of 2020 occurred virtually, following COVID-19 protocol. Despite the pandemic, commissioners worked diligently to recommend system reforms and to develop the 2021-2023 Three-Year Plan, as required by OJJDP.

## **GJJC Formal Recommendations**

In addition to submitting OJJDP required planning documents, the commission made additional recommendations in 2019 and 2020 to the Governor and other juvenile justice stakeholders, as appropriate:

- **Re-Affirm 17-year-old Youth Return to the Juvenile Justice System (April 2019) – See Attachment C**
  - The GJJC reaffirmed a long-standing position that 17-year-olds should be returned to the juvenile justice system in Wisconsin. As of 2021, Wisconsin is one of three remaining states that has not returned 17-year-olds to the juvenile justice system. The GJJC emphasized the research regarding developmental causes of adolescent delinquency, supporting raising the age for criminal jurisdiction to 18-years-old, in addition to positive impacts for youth, families, victims, and communities that will result.
- **COVID-19 Recommendations to the Governor (May 2020) – See Attachment D**
  - The GJJC responded to the COVID-19 pandemic and provided guidance in the areas of health and safety, diversion and detention, technology, and offers sources for resources and support. The GJJC called attention to a decrease in youth detention admissions and recommended a continuation of diversion practices post-pandemic.
- **Deinstitutionalization of Status Offenders (DSO) Recommendations to the Governor (May 2020) – See Attachment E**
  - The GJJC alerted the Governor's office and all juvenile justice system stakeholders to Wisconsin's non-compliance with JJDPa provisions related to DSO. Wisconsin law currently allows juvenile court judges to detain some status offenders up to 10 days or longer for a violation of a valid court order (VCO), while the JJDPa restricts the use of detention for status offenders for more than seven days in a juvenile detention facility for a violation of a VCO. The GJJC recommended legislative changes to ensure Wisconsin compliance with the JJDPa.
- **Legislative Study Report Recommendations (November 2020) – See Attachment F**
  - The GJJC provided recommendations to incorporate into the 2020 Legislative Interim Research Report on the Criminal Sentencing of Juvenile Offenders. Recommendations emphasized a larger statewide need to alter the entire Juvenile Justice Code, Chapter 938, created 25 years ago. The GJJC recommended changes to current law related to life sentences imposed on juveniles in the past and going forward, the elimination of original adult court jurisdiction over juveniles, and the need to raise the age for criminal jurisdiction to 18-years-old.

## GJJC Subcommittee Structure

The GJJC has four active subcommittees that met monthly or bimonthly over the course of 2019 and 2020. Please see Attachment A for a list of subcommittee members. The subcommittees include:

Subcommittee	Description	2019 & 2020 Accomplishments
<b>Executive</b>	The Executive Subcommittee is comprised of the Commission Chair and the Subcommittee Chairs. This subcommittee acts on behalf of the GJJC for purposes specifically authorized by the GJJC and/or in emergency situations. The Executive Subcommittee provides oversight to the collective work of all subcommittees and planning for quarterly full-commission meetings.	Led monthly subcommittee meetings and recommended approval for subgrant requests under \$10,000, on behalf of the full commission.
<b>Ethnic and Racial Disparities (ERD)</b>	The Ethnic and Racial Disparities (ERD) Subcommittee focuses on state compliance in addressing and reducing racial and ethnic disparities in the juvenile justice system in Wisconsin. The committee reviewed and affirmed Wisconsin DOJ data collection and system improvement planning as it relates to disparities identified across the spectrum of five contact points with the juvenile justice system. These contact points include arrest, diversion, pre-trial detention, secure confinement, and transfers to adult court. This subcommittee is responsible for applying an ERD lens to all GJJC recommendations.	<p>Subcommittee members collaborated with Milwaukee County Juvenile Justice and Delinquency Alternatives Initiative (JDAI) to provide educational opportunities to the GJJC.</p> <p>Advised and informed a successful Wisconsin DOJ appeal and re-developed the 2019 Wisconsin-specific ERD plan to establish compliance for FY2019.</p> <p>Developed 2021-2023 Three-Year Plan Priorities related to the reduction of racial and ethnic disparities in the juvenile justice system.</p>
<b>Policy, Legislation, and Compliance (PLC)</b>	The Policy, Legislation, and Compliance (PLC) Subcommittee is responsible to address the non-ERD core requirements of the JJDPA and Wisconsin-specific policy and legislative changes needed to maintain compliance with the JJDPA. This subcommittee develops policy and legislative recommendations for full-commission approval.	<p>Developed formal GJJC Recommendation Letters to the Governor.</p> <p>Provided recommendations for the 2020 Legislative Interim Research Report on Criminal Sentencing of Juvenile Offenders.</p>



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Developed 2021-2023 Three-Year Plan priorities related to policy and legislative changes necessary for Wisconsin to maintain compliance with the JJDP.

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**Youth, Family, and Community Engagement (YFCE)**

The Youth, Family, and Community Engagement (YFCE) Subcommittee works to ensure that the perspectives of youth and families are represented in all aspects and functions of the GJJC. This subcommittee is charged with developing a multi-strategy approach to gather youth and family input into the three-year plan and to engage youth and families in listening sessions and full-commission meetings. The YFCE also leads biennial efforts in selecting and recognizing the Tony Maggioro Youth Excellence Awardee.

Selected the 2020 Tony Maggioro Youth Excellence Award, presented by Lt. Governor Mandela Barnes and Governor Evers.

Developed 2021-2023 Three-Year Plan priorities related to the incorporation of youth and family voice, specifically those with experience with the juvenile justice system.

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**GJJC Commissioner Education and National Representation**

GJJC Commissioners represented Wisconsin through various state and national in-person and virtual learning opportunities, conferences, and coalition meetings. Commissioners attended the annual OJJDP State Relations and Assistance Division (SRAD) National Training and the Coalition for Juvenile Justice (CJJ) annual conference in November 2020. The annual Title II funds OJJDP grants to Wisconsin, support the professional development of commissioners through a mandatory SAG allocation each year. As many conferences transition to virtual platforms, Wisconsin DOJ looks forward to providing more learning opportunities to all commissioners in upcoming years.

**Remarks from the GJJC Chair**

- Chair Jennifer Ginsburg, Appointed September 2019

*“The GJJC brings together state agencies, community organizations, and grassroots advocates to ensure that a common mission is driving all policy work and best practice standards statewide. The commissioners are passionate about the best interest of Wisconsin youth and creating a fair and equitable approach to youth justice. We were undeterred by the restrictions of the COVID-19 pandemic and continued to meet virtually throughout 2020 and into 2021. The commission is fortunate enough to have tremendous expertise in its membership, and would welcome any opportunity to offer guidance and recommendations when called upon by the Governor and/or legislature, and to be at the table for juvenile-justice reform decisions. I am optimistic that 2021 will bring statewide recommendations to ensure Wisconsin remains in compliance with federal law (JJDP).”*

## GJJC Three-Year Plan

Under Wisconsin DOJ guidance, the GJJC continues to move forward with the initiatives of the 2018-2020 Three-Year Plan, while also developing the next 2021-2023 Three-Year Plan, as required by OJJDP.

### 2018-2020 THREE-YEAR PLAN COMPLETION

The GJJC and Wisconsin DOJ worked together to accomplish the following goals, as described in the 2018-2020 Three-Year Plan.

- The GJJC established itself as a leader in the coordination and collaboration of juvenile justice stakeholders and reform efforts.
- Addressed and reduced Disproportionate Minority Contact (DMC) through law enforcement education and training on implicit bias, partnership with Juvenile Detention Alternative Initiative (JDAI) sites, and partnership with counties implementing the Detention Risk Assessment Instrument (DRAI). *Note: DMC is now referred to as Racial and Ethnic Disparities.*
- Implemented juvenile justice system improvement through training and technical assistance to local jurisdictions, promotion of school-based strategies, and supporting the Wisconsin Juvenile Justice Network (WJJN).
- Maintained compliance with the JJDP Act and a robust compliance plan to continue ongoing participation in the Title II Formula Funds application process.

### 2021-2023 THREE-YEAR PLAN DEVELOPMENT

The GJJC engaged in numerous Wisconsin DOJ-led prioritization exercises and discussions to develop the 2021-2023 Three-Year Plan. The plan will guide the administration of Title II funds over the next three-year funding cycle and can be updated annually by the GJJC. Please see Attachment F for the GJJC 2021-2023 Three-Year Plan. Priorities include:

- Maintain compliance with the JJDP Act
- Promote policy and legislative improvements for Wisconsin's juvenile justice system
- Reduce racial and ethnic disparities through prevention-based strategies
- Promote youth, family, and community engagement in the work of the GJJC
- Improve data collection
- Administer grant programs under guidance of the three-year plan

# TITLE II FUNDING & SUBGRANT AWARDS

OJJDP awards Wisconsin DOJ annual Title II formula grant funds based on state compliance with the JJDP. Title II funding supports innovative state efforts to adhere to standards that reduce the risk of harm to court-involved youth, ensure fair treatment of minority youth, improve the way systems address delinquent behavior; and ensure citizen involvement and expertise through the GJJ. Over the course of 2019 and 2020, counties, tribes, and agencies applied for Technical Assistance grant requests on a rolling basis to address racial and ethnic disparities, advance juvenile justice system improvements, and expand alternatives to detention.

## Wisconsin Title II Formula Grant Awards from OJJDP

Federal Fiscal Year	Amount
2017	\$565,501
2018	\$417,975
2019	\$557,322
2020	\$719,718

## Title II Subgrants Awarded and Monitored in 2019 & 2020

### Dane County Department of Human Services

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<b>Community/System Reexamination of Juvenile Justice</b>	<b>\$83,120</b>
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This cross-collaborative project created a coalition of juvenile justice, law enforcement, and other key criminal justice stakeholders to intentionally focus on disparities and develop more positive outcomes for all of Dane County's youth. Additional accomplishments included building trust and deepening relationships, creating greater openness and receptivity between policy and residents who have experienced traumatic interactions with law enforcement. A final report was created and utilized to guide future county work and funding.

<https://yj.dcdhs.com/pdf/DMC%20report%20FINAL%2012.19.19.pdf>

### Eau Claire County Department of Human Services

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<b>Nonviolent Crisis Intervention Training</b>	<b>\$16,956</b>
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Eau Claire County and the Northwest Regional Juvenile Detention Center improved overall conditions of confinement by reducing resident room confinement resulting from misbehavior. The goal was achieved by advanced and ongoing training in the understanding, identification, and management of crisis behavior. Employees expanded their knowledge of the behavioral health and trauma needs of youth, while building skills and capacity to use trauma-informed approaches in daily interactions with youth. Staff who were trained also became Nonviolent Crisis Intervention Training trainers.

**Strategies for Engagement**

\$2,500

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The Strategies for Engagement project developed a group for up to 25 African American males at Washington Middle School in Green Bay to address a continually declining school report card, which is hovering at Meets Few Expectations, and keep it from declining to Falls to Meet Expectations. 19 youth participated in direct mentoring services, while 100 youth participated in the African American Male Summit. Student engagement was high throughout the programming and improved youth participation in other co-curricular activities.

**Kids Forward**

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**COVID-19 Impacts on Deinstitutionalization of Status Offenders**

\$10,000

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Kids Forward conducted a system analysis of outcomes critical next steps for overall juvenile justice improvement related to COVID-19 responses and policies. The work builds upon the 2019 Youth Justice Wisconsin initiative and expanded collaboration between Youth Justice Milwaukee and the GJJC, as well as state and county youth justice and human services agencies. The final report defines support, resources, accountability, and actions that are needed to sustain and expand diversion practices and the decreased use of detention post-pandemic.

[https://kidsforward.org/assets/Impact\\_of\\_COVID-19\\_on\\_YJ\\_in\\_WI\\_.pdf](https://kidsforward.org/assets/Impact_of_COVID-19_on_YJ_in_WI_.pdf)

**La Crosse County**

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**Strengthen Our Ability to Work with Youth of Color**

\$17,559

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La Crosse County Justice Support Services provided historical trauma training to youth-serving organizations, including the School District of La Crosse, to better serve youth of color in La Crosse County. Training was aimed to increase the knowledge and skills of individuals currently working with youth of color and their families in order to improve responses to behaviors currently being misinterpreted as criminal in nature.

Six trainings, hosted by the Boys and Girls Club of Greater La Crosse and the City of La Crosse, were administered to increase professional development in cultural proficiency and recognizing historical trauma. 121 individuals attended the training, including parents of color. The collaborative nature of the trainings increased the level of trust between professionals and families of color served in the area. Feedback from parents of children of color noted the powerful information shared to improve parenting, such as the impacts of historical trauma on the dysregulation experienced by children of color.

**Policing the Teen Brain Trainer Workshop**

\$25,000

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A train-the-trainer workshop for 25 officers, providing scientific and evidence-based information and practical strategies was conducted to meet the varying needs of officers working with youth, making interactions with youth less conflicted and more compliant. Officers learned to assert authority effectively with youth with reduced reliance on force and arrest, recognizing and responding appropriately to youth presenting mental health and addiction issues. MPD officers will also teach other officers, future recruit classes, as well as other partner agencies' staff, such as libraries and parks and community centers. The adolescent behavior training will provide benefits to MPD and the larger community for years to come.

**Manitowoc County Human Services**

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**Kids at Hope Culture**

\$41,630

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Kids at Hope is a paradigm shift from viewing kids as “at risk” to viewing them as “at hope.” Manitowoc County utilized funds to further efforts at embracing the Kids at Hope by having six individuals participate in and graduate from the Kids at Hope Master’s Institute. Manitowoc County hosted a Kids at Hope Youth Development Institute (a Mini-Master’s) which benefited Manitowoc County, as well as counties across Wisconsin.

**Milwaukee County Department of Health and Human Services – Division of Youth and Family Services (DYFS)**

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**Implementation of Probation System Review Recommendations**

\$25,000

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Milwaukee County Department of Health and Human Services (DHHS) – Division of Youth and Family Services (DYFS) contracted with the Robert F. Kennedy (RFK) National Resource Center for Juvenile Justice to continue existing efforts and initiate new efforts surrounding the implementation of the 18 recommendations from the probation system review of Milwaukee County. This collaboration improved the practices and policies within the youth justice System in Milwaukee County.

## Oneida Nation of Wisconsin

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### Professional Education of Youth Enrichment

\$6,451

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This project supported staff training in Trauma Informed Care (TIC) best practices, community violence solutions for tribal communities, crisis awareness, and de-escalation for tribal partners. The training indirectly supported 207 Native students from 8 different schools who faced various social challenges and trauma at home, school, and in the community. Student experiences included domestic violence, unhealthy peer relationships, and not living in a household with their parent(s). This training also emphasized the importance of healthy boundaries, self-care, and help in recognizing secondary trauma and compassion fatigue of staff.

## Rock County Human Services Department

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### Youth Justice System Improvement Collaboration

\$14,000

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Jefferson, Walworth, and Rock Counties participated in training to develop skills related to the use of evidence-based tools that can be integrated into case management work. The Carey Guides and Brief Intervention Tools (BITS) focus on enhancing a worker's ability to understand the personal and environmental factors underlying a youth's delinquent behavior and provide workers with specific tools to teach youth skills for making positive decisions. Carey Guides are effective interventions for risk reduction and serve to improve fairness and equity. The accessibility of the tools allows the worker to provide a more immediate response to behaviors while assisting youth.

## City of Superior

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### Fair and Impartial Policing

\$13,600

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The Superior Police Department provided training to officers in the subject of Fair and Impartial Policing. The training was presented by Fair and Impartial Policing, LLC. This training helps officers understand bias and how it affects their job. 53 out of 62 officers with the Superior Police Department completed the training and 10 community members participated in a community session. Superior Police Department reported positive feedback and impacts, as a leader in the region for professional development as it relates addressing racial and cultural bias. Leadership reports that the training has assisted officers in serving community members from different backgrounds in a more effective and culturally competent manner. Leadership anticipates increased confidence in officers to build stronger relationships with community members, which will improve community trust in all situations.

## University of Wisconsin La Crosse Police Department

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**Fair and Impartial Policing** \$10,000

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UW-La Crosse Police Department provided training to officers in the subject of Fair and Impartial Policing. The training was presented by Fair and Impartial Policing, LCC. The training assisted officers in understanding hidden bias and increasing awareness of said biases. The community session portion of the training also assisted marginalized and minority populations perceptions of law enforcement.

## Wisconsin Community Services (WCS)

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**Credible Messengers** \$25,000

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Wisconsin Community Services (WCS), through its Project Excel program, implemented the evidence-based Credible Messengers Mentoring Program. Project Excel trained four Credible Messenger Mentors who have lived experience in the justice system. These mentors foster relationships with approximately 25 youth. There are growing efforts in Milwaukee to implement Credible Messengers as an off-ramp from the justice system for young people who are in need of stable, consistent presence in their lives. The project incorporates strength-based programming through the Positive Youth Justice (PYJ) Model, which requires a shift in the way young people in the justice system are viewed. The project also helps families access existing resources in the community and coordinate opportunities for positive family engagement.

## Wisconsin Juvenile Court Intake (WJCIA)

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**Youth Justice Focused Training** \$50,000

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WJCIA hosted various youth justice focused trainings that included Aggression Replacement Training (ART), Carey Guides and Brief Intervention Tools (BITS) training, four Core Competencies Training, and 10 Steps to Risk Reduction. The trainings took place in the Wausau and Madison areas with 77 youth justice professionals across the state attending. Pre and post tests for the different trainings were administered and demonstrated increase knowledge of participants.

## Wisconsin Juvenile Court Intake (WJCIA)

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**Youth Justice Focused Training** \$24,500

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Due to the high demand WJCIA received for the training opportunities provided by the first grant award, leading WJCIA applied for and received additional funding to expand training offerings of Aggression Replacement Training (ART), 10 Steps to Risk Reduction, and Risk Reduction Coaching for Supervisors.



## **Title II Subgrants Awarded for 2021**

The GJJC also approved eight subgrant awards in November 2020. The grant activity will begin in 2021.

### **Forest County Potawatomi Community**

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**Treatment Level Placement for Tribal Youth** \$25,000

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Forest County Potawatomi Community (FCPC) will be implementing the "Treatment Level Placement for Tribal Youth" assistance project to help Tribal youth who are in need of residential or specialized out-of-home placement and treatment services. This will provide a safe alternative to juvenile detention or incarceration and ensure that this vulnerable segment of FCPC's population has access to the resources that will foster healing and recovery. Additionally, it will improve the area's juvenile justice system efforts by reducing the number of detained juveniles and provide youth with the counseling, structure, and rehabilitation support necessary to reduce recidivism and build a healthy future.

### **Green County Human Services**

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**Truancy Prevention Program** \$23,081

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Green County Human Services will utilize funds to continue the county's Truancy Prevention Program. The program provides two contracted staff that collaborate with every school and law enforcement agency in the county to provide assistance to families, services and transportation for youth, mentoring, and online schooling support to youth who have been expelled or not enrolled in formal education. The funds will be used to fund the contracted staff and provide incentives for youth enrolled in the program. The program serves to promote school attendance, reduce juvenile court referrals for truancy, and provide support and supervision for youth to remain in school, which in turn prevents delinquency and increases community safety.

### **Jefferson County Department of Human Services**

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**Diversions Programming to Address DMC** \$7,000

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Jefferson County Human Services is initiating a school/justice partnership with three school districts to address overall disproportionate minority contact (DMC). Jefferson County will provide training in Restorative Circles to school personnel and county stakeholders to address school-based Youth Justice referrals. This restorative and diversionary approach to non-violent crimes and infractions committed in the schools will create a trauma sensitive culture of care that addresses the behavior, hold the youth accountable without unnecessary formal system involvement, capitalizes on youth strengths and competencies and allows the victim to be made whole. This targeted approach to youth who are referred from school resource officers is expected to reduce the number of youth of color and youth whose referrals stem from untreated mental health issues from unnecessarily being formally processed in the Youth Justice Court System.



## Kids Forward

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### **COVID-19 Impacts on Deinstitutionalization of Status Offenders** \$17,000

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This supplemental award to Kids Forward will support their work to continue system analysis over the course of the pandemic. Report expansion will look to better understand the factors related to the dramatic decrease in referrals and review updated data around diversion rates and outcomes, resulting from COVID-19 health protocols. The factors will ultimately inform policy and practice recommendations at state and local levels, specifically diversion strategies, post-pandemic. Funds will also support virtual convening and additional opportunities to collaborate with stakeholders across the state.

## La Crosse County Human Services

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### **Improving Youth Supports Through Assessment** \$3,286

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La Crosse County Human Services, specifically the La Crosse System of Care, along with the La Crosse Family YMCA, The Good Fight, and Boys & Girls Club of Greater La Crosse will be purchasing the use of an online database and online Child and Adolescent Functional Assessment Scale (CAFAS) assessments to strengthen decision making across systems and maximize existing resources that currently serve youth. By utilizing a shared assessment tool across youth serving agencies, it is expected that the needs of youth, especially youth of color, will be better identified and met, resulting in less involvement with the youth justice system.

## Milwaukee County Human Services Department – Delinquency and Court Services

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### **Alternative Response Initiative** \$25,000

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Milwaukee County Circuit Court will expand and strengthen Milwaukee County's diversion and alternative response options for low and moderate-low risk youth referred for delinquency. Technical assistance is requested from the Robert F. Kennedy (RFK) National Resource Center for Juvenile Justice to implement steps outlined in their Alternative Response Workbook and to increase restorative justice resources and responses for diverted youth. In order to implement the full Alternative Response initiative process, Milwaukee County will be providing an overmatch of approximately \$14,000 beyond the \$25,000 requested here.

## Walworth County Department of Health and Human Services

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### Training in Cognitive Intervention Tools

\$10,396

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Walworth County Department of Health and Human Services Children's Division will train workers in cognitive behavioral interventions that are utilized during one-on-one work with youth to address criminogenic need areas. The goals of this training are to be familiar with the Carey Guides and BITS, engage in skill practice using Guides and six BITS, practice introducing the Guides and BITS to youth, and develop strategies for managing an offender's potential lack of cooperation.

## Wood County Human Services Department

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### Expanding Youth Justice Evidence Based Services

\$21,000

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As COVID-19 prevents youth justice workers from being able to meet with youth in the office, Wood County will be expanding electronic and digital services to better serve youth and families. Funds will be used to purchase an electronic license for The Carey Guides and BITS and TOD (Tools on Devices) which will equip youth justice workers to enable and foster thinking changes and skill building in our youth.

# OTHER JUVENILE JUSTICE FUNDING

In addition to Title II funds, Wisconsin DOJ administers additional federal and state funding to improve outcomes for youth and families impacted by the juvenile justice system. The GJJC serves as a critical body for Wisconsin DOJ to confer with when applying for discretionary funding and implementing state funds that intersect with the vision and mission of the commission.

## OJJDP Prison Rape Elimination Act (PREA)

As described by OJJDP, “Congress passed the Prison Rape Elimination Act (PREA) in 2003 with unanimous support from both parties. Congress intended that PREA would provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.”

Wisconsin DOJ utilizes annual OJJDP PREA funding to support the Wisconsin Department of Corrections to offset costs of auditing facilities, as required under PREA standard 115.401, and installing video monitoring technology to ensure the safety of all youth in correctional facilities.

Federal Fiscal Year	Amount
2017	\$9,704
2018	\$7,231
2019	\$8,726
2020	\$12,506

## OJJDP FY2020 Reducing Risk for Girls Involved in the Juvenile Justice System

Wisconsin DOJ was awarded an Office of Juvenile Justice and Delinquency (OJJDP) discretionary grant, “[OJJDP FY 2020 Reducing Risk for Girls in the Juvenile Justice System](#)” in September 2020.

Federal Fiscal Year	Amount
2020	\$425,000

This project will expand the critical girl-specific advocacy, accountability, prevention, and intervention work taking place in Milwaukee County. \$425,000 in federal funding will support a 36-month project designed to infuse support into existing non-profit direct-service work that is taking place in 37 low income qualified opportunity zones.

Wisconsin DOJ will coordinate efforts of three women and minority led Milwaukee-based non-profits to address the findings and advance the recommendations of the county-facilitated Girl’s Workgroup, guided by the National Crittenton Institute’s National Girls Initiative (NGI). These three agencies include Youth Justice Milwaukee, Represent, and My Sista’s KeepHer.

Youth Justice Milwaukee will fulfill an advocacy role to address obstacles to expanding gender responsive prevention and intervention during the project-period of this grant. This organization will not only develop and complete an awareness campaign for Milwaukee County to promote girl-specific programs and policies for the state, but will also serve as a direct advocate for the other two non-profit agencies that will fulfill duties with this grant funding.

Represent will offer accountability to the implementation of the NGI recommendations by making youth experience central to the process. Represent will activate a local network of positive youth workers and advocates to identify strategies to expand the base of positive adults that can support girls at-risk or survivors of sex trafficking.

My Sista’s KeepHer will utilize funding of this grant to increase access to safe opportunities to expand social networks, practice self-love, and develop communication skills through poetry and performance. This funding will expand the program through weekend workshops and summer intensives, in addition to the annual events. This expansion will increase access to creative expression, healing, and community building across the span of adolescence.

This funding will strengthen existing services and support grass-roots innovation that responds to the complex needs noted by county partners. The project will also produce a roadmap for the work to be integrated into Milwaukee County’s juvenile justice continuum, as well as other jurisdictions across the state.

### State of Wisconsin Youth Gang Diversion

Wisconsin DOJ allocates state funds to six eligible organizations, as described in [Wis. Stat. 165.987](#). Wisconsin DOJ also provides technical assistance to the organizations to ensure projects reduce youth involvement in gang activity and violence.

Eligible Subgrantee	Annual Amount
Kenosha County (Department of Human Services)	\$96,200
Social Development Commission (SDC) Milwaukee	\$320,400
Social Development Commission (SDC) Milwaukee – ATODA Initiative	\$281,600
City of Racine	\$63,00
Racine Family YMCA	\$96,200
Boys and Girls Club of Green Bay	\$96,200

2019 and 2020 program highlights include:

- **Kenosha County Department of Human Services**
  - The Gang Reduction Project of Kenosha County provides incentive-based educational, recreational, and social activities to at-risk youth. The project had 72 youth participate in programming in 2019, with a 90% success rate of not committing an offense while in programming. In 2020, 63 youth participated in programming, with a 92% success rate of not committing an offense while in programming.
- **Social Development Commission (SDC) Milwaukee**
  - The Youth Services Gang Diversion Program implements activities to address risk factors underlying gang recruitment and gang involvement. In 2019, 1,764 youth were served with only one youth committing a new offense and 606 youth demonstrating an improvement in school attendance. In 2020, 1,905 youth participating in programming, despite service delivery transitioning to virtual trainings, workshops, and social activities. 268 families also received care packages to assist with difficulties associated with the pandemic.
- **Social Development Commission (SDC) Milwaukee – ATODA Initiative**
  - The SDC ATODA and Mental Health Services Program provides outpatient treatment services for youth at-risk of Alcohol, Tobacco, and Other Drug Abuse (ATODA). 1,483 youth participated in programming in 2019 and 250 parents also participated in educational services. In 2020, 1796 youth participated in-person and 960 youth

participated in virtual services. 253 families also received care packages to assist with difficulties associated with the pandemic.

- **City of Racine**

- The Mayor's Gang Collaborative partners with Safe Haven of Racine, Racine Unified school District, Why Gangs LLC, Racine Vocational Ministries, and the YMCA to mitigate adverse impacts of gang membership and affiliation throughout the city. In 2019, 307 youth participated in programming with only four youth committing a new offense during programming. In 2020, 236 youth participated in programming with only three youth committing a new offense during programming. Virtual community health education and focus on assisting with employment became a priority when COVID-19 impacted the youth and families involved in programming.

- **Racine Family YMCA**

- Young Leaders Academy (YLA) aims to reverse negative trends of low academic achievements in low-income communities within Racine, WI. 1,253 youth participating in 2019, with only two youth committing new offenses during participation. 798 youth demonstrated an increase in school attendance in 2019, as well. In 2020, COVID-19 negatively impacted participation with 354 youth participating prior to in-person program suspension due to the pandemic. 100% of the youth that participated did not have formal contact with the juvenile justice system over the project period.

- **Boys and Girls Club of Green Bay**

- Brown County Ties Project targets at-risk youth and links youth to structured programs and positive social outlets. In 2019, 100% of the 2,620 youth that benefited from programming reported improved behavior. In 2020, the COVID-19 pandemic led to a transition to virtual programming with 1,571 youth engaging with over 300 different virtual experiences, including discussions with the Green Bay Police Department to discuss racial tensions and build positive relationships.

# WISCONSIN COMPLIANCE WITH THE JJDP

Pursuant to 28 C.F.R. § 31.303(f)(6), OJJDP sets annual compliance standards by calculating the average of the previous two years of each state's compliance monitoring rates for the following 3 of 4 core requirements of the JJDP. These include the deinstitutionalization of status offenders, adult jail and lock-up removal, and sight and sound separation. For purposes of assessing Wisconsin's rate of compliance, OJJDP has established a juvenile population of 1,295,145. This includes 17-year-olds, as this population, despite being above the age of adult criminal responsibility, can nonetheless account for violations when held as status offenders or for other non-delinquency offenses.

## Compliance Summary

As required by OJJDP, Wisconsin DOJ submits compliance data from the previous fiscal year for the upcoming fiscal year Title II grant application each spring. In accordance with OJJDP methodology, the FY2019 compliance numerical thresholds and instance rate of non-compliance with three of the four core requirements are as follows:

## DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)

- Threshold rate: 4.87 per 100,000 juvenile population.
- Wisconsin instance rate of non-compliance: 2.73 per 100,000 juvenile population, adjusted for non-reporting facilities.<sup>2</sup>
- Wisconsin total violations reported (raw data): 35
- Calculated total, adjusted: 35.31
- Wisconsin total qualifying for Valid Court Order (VCO) exception: 3
- Wisconsin total holds pursuant to Interstate Compact on Juveniles (ICJ): 8

## SEPARATION

- Threshold rate: 2.56 per 100,000 juvenile population.
- Wisconsin instance rate of non-compliance: 0.00 per 100,000 juvenile population.
- Calculated total, adjusted: 0
- Wisconsin total violations reported: 0

## JAIL REMOVAL

- Threshold rate: 5.40 per 100,000 juvenile population.
- Wisconsin instance rate of non-compliance: 3.81 per 100,000 juvenile population, adjusted for non-reporting facilities.
- Wisconsin total violations reported (raw data): 46
- Calculated total, adjusted: 46.45
- Wisconsin total holds pursuant to Removal ("Rural") Exception<sup>3</sup>: 0

<sup>2</sup> Two non-reporting facilities: Lac du Flambeau Tribal PD (asserting sovereign status), Green Bay PD (provided incomplete data). Reporting rate: 99% (85% allowable).

<sup>3</sup> Florence, Forest, and Vilas Counties qualify for exception from the six-hour removal requirement for delinquent offenders due to distance from available secure juvenile detention facilities. Offenders held pursuant to this exception must appear before the court within 24-hours of being held.

## 2018 – 2020 Compliance Comparison

Year	Total Holds	DSO	Separation	Jail Removal
2018	8816	42	5	100
2019	9055	36	5	65
2020	6980	35.31	0	46.45

### Deinstitutionalization of Status Offenders (DSO) Discussion

Incidence of DSO violations remained stable during the 2020 reporting period (October 1, 2018 – September 30, 2019), without any significant change from the prior year. Wisconsin continues to have comparatively few status and non-offenders placed in secure detention settings; with the majority of these individuals being placed primarily due to runaway behaviors following placement in a non-secure setting.

A noted difference in DSO violations for the 2020 review period was that all 35 instances took place within the juvenile secure detention facilities (see below), with none occurring in municipal lockups or jails. Prior observed violations taking place in lockups and jails were due largely to 17-year-old status and non-offenders being held securely, such as in a holding cell. Wisconsin DOJ and systems partners, such as the Office of Detention Facilities at the Wisconsin Department of Corrections, have provided continuous training to police chiefs, sheriffs, and jail administrators, as well as providing signage and guidance documents. These efforts have anecdotally resulted in jurisdictions developing policy to apply juvenile procedures to all individuals under the age of 18, when possible. There has also been a movement, especially within the Milwaukee Police Department, to reduce or eliminate the holding of juveniles in secure settings.

It should be noted that the occurrence of DSO violations by a juvenile detention facility is not necessarily indicative of any incorrect procedure or shortcoming on the part of that facility. In practice and based on geographical location, some of these facilities experience a greater occurrence of status and non-offender placement orders. Such orders may come from the same county as the placement location, but often are from surrounding or even distant jurisdictions, including county and tribal placements. Such variety in judicial practice, county forms use, and documentation of proceedings creates difficulty in ascertaining use of the valid court order (VCO) exception. For the 2020 review period, only three non-delinquent placements clearly qualified for use of VCO. By comparison, the 2019 review period saw no VCO exceptions and in the 2018 period there were nine VCO exceptions granted; suggesting that an area of improvement may exist in collaborating with county social services departments and judiciary, along with the secure detention facilities, to provide technical assistance in the VCO process and support the proper documentation of the requirements in facility files.

### Sight and Sound Separation Discussion

For the 2020 reporting period, Wisconsin experienced no instances of violation of the sight and sound separation requirement of the JJDP. This is of the utmost importance, as Wisconsin has traditionally been out of compliance on this very narrow measure. Data shows a reduction from five violations for each of the prior two years; with all instances being isolated to Milwaukee Police Department districts. Further, all instances of separation in the previous two years are attributed to the holding of 17-year-olds subject to non-criminal status and non-offenses. Due to the narrow nature of this subset of holds, Wisconsin DOJ and the Milwaukee PD have been able to address these issues promptly and efficiently. A significant factor in the elimination of separation violations in these jurisdictions has been a shift in policy toward a presumption of non-secure holding when safe and appropriate and for juvenile handling procedures being extended to 17-year-olds.



## Jail Removal Discussion

The 2020 reporting period reflected a 13% decrease in jail removal violations across the state. While this is not as dramatic of a decrease as in years past, it is a significant reduction reflective of the increase of awareness by law enforcement officers regarding this requirement. Jail removal violations occur when a juvenile is securely held on a delinquent offense for greater than six hours. Juvenile status and non-offenders may not be held securely; however, OJJDP allows an exception for the processing of those individuals. Any juvenile status or non-offender held securely in excess of the time required to identify and process, one hour or less per OJJDP guidance and audit requirements, results in a violation.

Wisconsin DOJ worked closely with law enforcement partners in guiding policy and procedures around the secure holding of juveniles. Signage for secure areas clearly states the limits on time and type of offenders that may be held in that area. Further, Wisconsin DOJ compliance staff provide direct guidance to agencies as to non-secure alternatives that exist for the safe holding of juveniles pending release or transfer and have seen a trend toward municipal law enforcement agencies removing secure features (such as cuffing features and locks that prevent egress) altogether.

Further, Wisconsin DOJ compliance staff have shifted record review practice to better engage agencies in exploring potential violations. As a result, monitors are often able to identify errors in record keeping or additional case file information that eliminates a significant number of holds that are initially identified as potential violations (i.e.-holds indicated as secure when in non-secure area, incorrect time entry, delinquent acts unlisted).

All 46 instances of jail removal violations occurred within 18 municipal law enforcement agencies. These agencies represent varied geographic areas across Wisconsin; however, there is a larger representation in the southeastern part of the state. This may be attributable to volume of cases as well as a higher concentration of DOC-approved lockups (holding cells) for both adults and juveniles; often making facilities more secure for purposes of JJDPA.

## Racial and Ethnic Disparities Discussion

The fourth core requirement of the JJDPA is the reduction of racial and ethnic disparities within the juvenile justice system. Unlike the other core requirements of the JJDPA, compliance with the reduction of racial and ethnic disparities does not have a numerical standard. OJJDP requires a quantitative and qualitative analysis of statewide efforts to reduce rates of disparities at five contact points of the system. Numerical and programmatic goals are state-specific and state-directed. The contact points of racial and ethnic disparity reduction include:

1. Arrest
2. Diversion
3. Pre-trial Detention
4. Secure Confinement
5. Transfers to Adult Court

Although overall numbers of youth involved in the juvenile justice system have declined over recent years, disparities have increased. Utilizing 2017 and 2018 U.S. Census data, [OJJDP EZAPOPOP](#) data, and Wisconsin state agency data, the following findings were submitted to OJJDP in 2020:

- Arrest:
  - Wisconsin Black youth make up a little over 10% of the youth population in Wisconsin, yet this minority population accounts for over 16% of youth arrests.



- White youth represent 84% of the youth population in Wisconsin, but are arrested at a 6% rate in comparison. The disparity between black youth and white youth, at the point of arrest is 10.5%.
- The Native American youth population is also arrested at higher rates than white youth in Wisconsin. The disparity between Native American Youth and white youth, at the point of arrest, is 6.7%.
- Diversion:
  - When utilizing the baseline of arrest numbers, black youth are only diverted at 13.80% compared to white youth at 18.67%, a 4.87% disparity.
- Pre-trial Detention:
  - 7.40% percent of the black youth arrested were detained prior to trial compared to 1.49% of arrested white youth detained prior to trial. This is a 5.91% disparity.
  - Native American youth are detained prior to trial at a 4.04% rate after arrest, translating to a 2.55% disparity when compared to white youth.
- Secure Confinement:
  - Arrested black youth are 10 times more likely to be placed in secure confinement compared to arrested white youth. The disparity between white youth and black youth is 0.81%.
  - Native American youth are almost five times more likely to be placed in secure confinement when compared to white counterparts, as the disparity between the two populations is 0.34%.

Wisconsin DOJ was deemed compliant with the fourth core requirement of the JJDP, Racial and Ethnic Disparities, in FY2019.

In FY2019, Wisconsin DOJ noted reducing disparities by two percentage point reduction for a goal in arrest, pre-trial detention, and dispositional commitment data. As OJJDP has shifted data collection methods from RRI data of five counties to statewide numbers, it is difficult to report with certainty that this quantitative goal was achieved. Utilizing statewide U.S. Census Data for the general population of youth, in addition to having statewide arrest numbers as baseline for entry into the juvenile justice system, the quantitative goals for Wisconsin will be easier to track moving forward.

In FY2020, Wisconsin DOJ submitted the Title II grant application with a goal to reduce the gap between black youth and white youth, as well as Native American youth and white youth, at a rate of 20% for arrest, diversion, pre-trial detention, and secure confinement. With this goal, diversion numbers will increase for black youth and remain steady for Native American youth, as they are already diverted at higher rates than white youth. For the contact points of arrest, pre-trial detention, and secure confinement, the gap between black and white youth and Native American and white youth will lessen with decrease in numbers for black and Native American youth.

Wisconsin DOJ will continue to prioritize racial and ethnic disparity reduction at the point of arrest, as mentioned in the FY2019 and FY2020 Racial and Ethnic Disparities Plans, as it represents the formal entryway into the system. These efforts will be supported by leveraging Title II formula funding for law enforcement trainings and pre-arrest diversion programs. Title II funding will also be directed towards other contact points with a racial equity lens. Examples include post-arrest diversion programming and judicial training to decrease disparities deeper within the system.

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# CONCLUSION

The GJJC and Wisconsin DOJ proves to be an impactful partnership in improving the juvenile justice system in Wisconsin. 2019 was a year of rejuvenation, as Governor Evers re-created the commission, established new charges, and tasked commissioners to not only focus on system-based reform, but to invest in front-end prevention strategies to divert youth from becoming involved in the juvenile justice system in the first place. 2020 presented many challenges, specifically the COVID-19 pandemic and racial unrest across the country, but Wisconsin DOJ and the GJJC swiftly confronted these matters with virtual convenings, formal policy recommendations, large-scale strategic planning, and awarding 22 Title II – Technical Assistance subgrants to improve outcomes for youth, families, and communities in Wisconsin.

As the OJJDP Title II, Part B, Formula Grant Program is dependent upon state compliance with the JJDP, Wisconsin DOJ and the GJJC is dedicated to ensuring necessary legislative and policy changes transpire and preserve Wisconsin's compliance with federal law. This will take place in conjunction with local efforts to reduce racial and ethnic disparities while assisting youth, families, and communities in achieving their full potential through diversionary and prevention-focused interventions. The GJJC and Wisconsin DOJ looks forward to build upon the momentum gained in 2019 and 2020.

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1. Attachment A: GJJC Commissioner and Subcommittee Membership List
2. Attachment B: GJJC 2021-2023 Three-Year Plan
3. Attachment C: Re-Affirm 17-year-old Youth Return to the Juvenile Justice System (April 2019)
4. Attachment D: COVID-19 Recommendations to the Governor (May 2020)
5. Attachment E: Deinstitutionalization of Status Offenders (DSO) Recommendations to the Governor (May 2020)
6. Attachment F: Legislative Study Report Recommendations (November 2020)



# **WISCONSIN GOVERNOR'S JUVENILE JUSTICE COMMISSION**

**2019 & 2020 BIENNIAL REPORT TO THE GOVERNOR  
ATTACHMENTS**

**WISCONSIN DEPARTMENT OF JUSTICE**



**FEBRUARY 2021**

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# **ATTACHMENT A:**

## **GJJC COMMISSIONER AND SUBCOMMITTEE MEMBERSHIP LIST**

## Governor's Juvenile Justice Commission (GJC) Commissioners

<b>1.</b>	<p>Secretary Emilie Amundson Department of Children and Families Secretary</p> <p>Designee: Shelby McCulley Bureau of Youth Services Director Department of Children and Families</p>
<b>2.</b>	<p>Judge Carl Ashley Milwaukee Circuit Court</p>
<b>3.</b>	<p>Monika Audette Barron County Restorative Justice Program Operations Leader</p>
<b>4.</b>	<p>Sam Benedict Former Regional Attorney Manager, State Public Defender – Waukesha</p>
<b>5.</b>	<p>Secretary Kevin Carr Department of Corrections Secretary</p> <p>Designee: Ron Hermes Division Administrator of Juvenile Corrections Department of Corrections</p>
<b>6.</b>	<p>Jennifer Ginsburg - <b>Chair</b> Executive Director, Safe Harbor Child Advocacy Center</p>
<b>7.</b>	<p>Ben Gonring Assistant State Public Defender, Madison</p>
<b>8.</b>	<p>Charles Greer Children's Hospital of Wisconsin, Child Welfare Supervisor</p>
<b>9.</b>	<p>Jessica Jimenez Youth Member</p>
<b>10.</b>	<p>Thomas Mann Former Justice Point Representative</p>
<b>11.</b>	<p>Sharlen Moore Youth Justice Milwaukee Director</p>
<b>12.</b>	<p>Tweed Shuman Sawyer County Board Chairman Lac Courte Oreilles Tribal Council Member</p>
<b>13.</b>	<p>David Steinberg Superintendent, La Crosse Co Juvenile Detention Facility</p>
<b>14.</b>	<p>Melinda Tempelis Outagamie County District Attorney</p>
<b>15.</b>	<p>Charles Tubbs, Sr. Director of Dane County Emergency Management</p>
<b>16.</b>	<p>Revelle Warren Milwaukee Constituent Services Director, Office of the Governor</p>

17.	Marcus Williams Youth Member
18.	Sean Wilson Smart Justice Statewide Organizer ACLU of Wisconsin
19.	Youth Leadership Team Member (DCF)
20.	Youth Leadership Team Member (DCF)

### **Non-Commissioner State Agency Partners**

1.	Greg Bucholtz Office of Detention Facilities Director Department of Corrections
2.	Latoya Holiday Special Assistant to the State Superintendent Department of Public Instruction
3.	Jamie McCarville Program Manager Department of Health Services
4.	Kris Moelter Policy Advisor Wisconsin Child Abuse and Neglect Prevention Board

### **Executive Subcommittee Members**

1.	Judge Carl Ashley - Policy, Legislation, & Compliance Co-Chair Milwaukee Circuit Court
2.	Sam Benedict- Policy, Legislation, & Compliance Co-Chair Former Regional Attorney Manager, State Public Defender – Waukesha
3.	Jennifer Ginsburg - Commission Chair Executive Director, Safe Harbor Child Advocacy Center
4.	Jessica Jimenez - Youth, Family, & Community Engagement Chair Youth Member
5.	Sharlen Moore - Ethnic & Racial Disparities Chair Youth Justice Milwaukee Director

## Ethnic & Racial Disparities Subcommittee Members

(\*) Commissioner

1.	Judge Carl Ashley* Milwaukee Circuit Court
2.	Sam Benedict* Former Regional Attorney Manager, State Public Defender –Waukesha
3.	Lindsey Draper Attorney and Former Milwaukee Court Commissioner
4.	Jennifer Ginsburg* Executive Director, Safe Harbor Child Advocacy Center
5.	Doreen Goddard Youth Justice, Door County
6.	Melissa Graham Section Manager, Milwaukee County DYFS
7.	Charles Greer Children’s Hospital of Wisconsin, Child Welfare Supervisor
8.	Brandon Gross Youth Justice, Door County
9.	Darrin Madison Urban Underground
10.	Ann McCullough McKaig Youth Justice Wisconsin Campaign Director
11.	Sharlen Moore* - <b>Chair</b> Youth Justice Milwaukee Director
12.	De Shell Parker Administrative Coordinator – Quality Assurance and JDAI Site Coordinator, Milwaukee County DYFS
13.	Chaquilla Peavy Community Intervention Specialist, Milwaukee County DYFS
14.	Dr. Aaron Schutz Professor & Educational Policy & Community Studies Department Chair; Co-Director, UW – Milwaukee
15.	Dr. Robert Smith Director of Center for Urban Research, Training, and Outreach, Marquette University
16.	David Steinberg* Superintendent, La Crosse Co Juvenile Detention Facility
17.	Sean Wilson Smart Justice Statewide Organizer, ACLU of Wisconsin
18.	Nichole Yunk-Todd Division Administrator for Milwaukee Youth Services Wisconsin Community Services



## Policy, Legislation, and Compliance Subcommittee Members

(\*) Commissioner

<b>1.</b>	Judge Carl Ashley* - Co-Chair Milwaukee County Circuit Court Deputy Chief Judge, Branch 33, Civil
<b>2.</b>	Sam Benedict* - Co-Chair Former Regional Attorney Manager, State Public Defender – Waukesha
<b>3.</b>	Judge Ellen Brostrom Milwaukee County Circuit Court Branch 6, Children’s
<b>4.</b>	Greg Bucholtz Office of Detention Facilities Director Department of Corrections
<b>5.</b>	Colleen Foley Executive Director, Legal Aid Society of Milwaukee Inc.
<b>6.</b>	Jennifer Ginsburg* Executive Director, Safe Harbor Child Advocacy Center
<b>7.</b>	Ben Gonring* Assistant State Public Defender, Madison
<b>8.</b>	Ron Hermes Division Administrator of Juvenile Corrections Department of Corrections
<b>9.</b>	Thomas Mann* Former Justice Point Representative
<b>10.</b>	Shelby McCulley* Bureau of Youth Services Director Department of Children and Families
<b>11.</b>	Kari McKenna Monroe County, Youth Justice Intake
<b>12.</b>	David Steinberg* Superintendent, La Crosse Co Juvenile Detention Facility
<b>13.</b>	Melinda Tempelis* Outagamie County District Attorney
<b>14.</b>	Revelle Warren* Milwaukee Constituent Services Director Office of the Governor
<b>15.</b>	Nichole Yunk-Todd Division Administrator for Milwaukee Youth Services Wisconsin Community Services

## Youth, Family, & Community Engagement Subcommittee Members

(\*) Commissioner

<b>1.</b>	Monika Audette* Barron County Restorative Justice Program Operations Leader
<b>2.</b>	Charles Greer Children's Hospital of Wisconsin, Child Welfare Supervisor
<b>3.</b>	Latoya Holiday Special Assistant to the State Superintendent Department of Public Instruction
<b>4.</b>	Jessica Jimenez* - <b>Chair</b> Youth Member
<b>5.</b>	Darrin Madison Urban Underground
<b>6.</b>	Ann McCullough McKaig Youth Justice Wisconsin Campaign Director
<b>7.</b>	Sharlen Moore* Youth Justice Milwaukee Director
<b>8.</b>	Kyle Peaden Title I Education Consultant Department of Public Instruction
<b>9.</b>	Melinda Tempelis* Outagamie County District Attorney
<b>10.</b>	Revelle Warren* Milwaukee Constituent Services Director Office of the Governor
<b>11.</b>	Marcus Williams* Youth Member
<b>12.</b>	Sean Wilson* Smart Justice Statewide Organizer ACLU of Wisconsin
<b>13.</b>	Heather Yaeger Executive Director of Adoption & Out-of-Home Care Services Wisconsin Lutheran Social Services
<b>14.</b>	Youth Leadership Team Member (DCF)*
<b>15.</b>	Youth Leadership Team Member (DCF)*

<b>Wisconsin Department of Justice Staff</b>		<b>E-mail</b>
<b>1.</b>	Allison Budzinski Juvenile Justice Program Manager	<a href="mailto:budzinskiae@doj.state.wi.us">budzinskiae@doj.state.wi.us</a>
<b>2.</b>	Sabrina Gentile Justice Programs Coordinator	<a href="mailto:gentilem@doj.state.wi.us">gentilem@doj.state.wi.us</a>
<b>3.</b>	Katie Hawkins Juvenile Justice Grant Specialist	<a href="mailto:hawkinskd@doj.state.wi.us">hawkinskd@doj.state.wi.us</a>
<b>4.</b>	Lara Kenny Bureau of Justice Programs Director	<a href="mailto:kennylc@doj.state.wi.us">kennylc@doj.state.wi.us</a>
<b>5.</b>	Heather Kierzek Juvenile Justice Compliance Manager	<a href="mailto:kierzekhj@doj.state.wi.us">kierzekhj@doj.state.wi.us</a>
<b>6.</b>	Mary Pat Lieven Juvenile Justice Compliance Monitor – Part-time	<a href="mailto:lievenmp@doj.state.wi.us">lievenmp@doj.state.wi.us</a>
<b>7.</b>	Matt Raymer Justice Programs Supervisor	<a href="mailto:raymermc@doj.state.wi.us">raymermc@doj.state.wi.us</a>

**ATTACHMENT B:**  
**GJJC 2021-2023 THREE-YEAR PLAN**

# **State of Wisconsin Title II Formula Grant and JJDPa Compliance**

## **2021-2023 Three-Year Plan Draft**

As described in [Executive Order #43](#), the Governor’s Juvenile Justice Commission (GJJC), serves as the State Advisory Group (SAG) and supports the Designated State Agency (DSA), the Wisconsin Department of Justice (DOJ), in implementing the federal [Juvenile Justice and Delinquency Prevention Act \(JJDPa\)](#) in Wisconsin.

In order to receive federal Title II Formula Grant funds, the state must remain in compliance with four core requirements of the JJDPa:

1. Deinstitutionalization of Status Offenders (DSO)
2. Adult Jail and Lock-Up Removal (Jail Removal)
3. Sight and Sound Separation
4. Racial and Ethnic Disparities (RED)

### **Vision**

The GJJC envisions a state in which all youth and families are safe, healthy, educated, supported equitably, and provided opportunities to achieve their full potential.

### **Mission**

The GJJC strives to positively impact youth and families through a racial justice lens by promoting front-end reforms that prevent youth from becoming involved in the juvenile justice system. This will be accomplished through trauma and evidence-informed interventions that invest in families, schools, and diversion-focused community-based programs.

### **Strategy**

The GJJC will utilize state and local partnerships, in conjunction with meaningful engagement with youth and families, to enhance collaboration within the juvenile justice system. The GJJC will leverage state and federal resources and funding to support local jurisdictions and organizations to accomplish the goals of this plan, while providing leadership and expertise to Wisconsin residents, state agencies, policy makers, and the Governor on juvenile justice matters.

## Priorities

<b>Priority 1: Maintain state compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP)</b>
<b>Goal 1.1:</b> The Designated State Agency (DSA), Wisconsin Department of Justice (DOJ) will maintain compliance with the JJDP and the GJJ will support those efforts through education and outreach to key system partners.
<b>Objectives:</b> <ul style="list-style-type: none"><li>1.1.1 The Wisconsin DOJ Compliance Manager will monitor facilities for compliance with the four core requirements of the JJDP and provide training, technical assistance, and recommendations as necessary.</li><li>1.1.2 The GJJ will advise the Wisconsin DOJ staff on funding priorities that ensure compliance with the requirements of the Title II Formula Grant program.</li><li>1.1.3 In the event of federal changes to compliance procedures, standards, or thresholds the Wisconsin DOJ and GJJ will collaborate to ensure that programs and funding continue to meet the federal requirements.</li><li>1.1.4 In the event of non-compliance, the GJJ will advise and assist the Wisconsin DOJ to promote actions with JJ system partners to bring the state back into compliance with the JJDP.</li><li>1.1.5 The GJJ will assist Wisconsin DOJ in educating and informing juvenile justice stakeholders of annual OJJDP compliance thresholds and any legislative, policy, or state agency action necessary to maintain state compliance with the JJDP.</li></ul>
<b>Priority 2: Promote Policy and Legislative Improvements for the Juvenile Justice System</b>
<b>Goal 2.1:</b> The GJJ will recommend legislative action that prioritizes returning 17-year-olds to the juvenile justice system.
<b>Objectives:</b> <ul style="list-style-type: none"><li>2.1.1 The GJJ will make necessary written and verbal recommendations to the legislature and the Governor that supports the return of 17-year-old youth to the juvenile justice system.</li><li>2.1.2 The GJJ will engage in outreach with local and non-profit system partners to build support and encourage advocacy for the legislative change.</li></ul>
<b>Goal 2.2:</b> The GJJ will recommend legislative action to deinstitutionalize status offenders, in order to maintain compliance with the Act.
<b>Objectives:</b> <ul style="list-style-type: none"><li>2.2.1 The GJJ will continue to educate judicial stakeholders on the importance of not detaining status offenders longer than seven days, which is less than the current 10-day period permitted by Wisconsin legislation.</li><li>2.2.2 The GJJ will recommend changes to legislation so that it is no longer legal to detain status offenders longer than seven days, in addition to recommendations regarding the elimination of the Valid Court Order (VCO) exception utilized to detain status offenders.</li></ul>

**Goal 2.3:** The GJC will work towards a full revision of Wisconsin [Chapter 938: Juvenile Justice Code \(2011\)](#) and relevant administrative code, by partnering with all three branches of government and all political parties.

**Objectives:**

2.3.1

The GJC will recommend a full revision of Wisconsin Chapter 938: Juvenile Justice Code to the legislature and Governor's Office, with a racial equity lens that is informed by science and evidence. To achieve this goal, the GJC's Policy, Legislation, and Compliance Subcommittee will lead efforts to:

- (a) Research the legislative process and historical legislative actions related to Wisconsin Chapter 938.
- (b) Research other states' laws and plans on juvenile justice codes and reform.
- (c) Present a formal recommendation to the GJC for approval to request that the legislature form a legislative study committee or that the Governor forms a task force to review Chapter 938 for purposes of a full revision.
- (d) Identify and engage in opportunities for commissioners and partners, if appropriate, to engage in outreach, education, and advocacy efforts with legislators, state agency leadership, and policymakers.

**Priority 3: Reduce Racial and Ethnic Disparities in the Juvenile Justice System through a Prevention-Based Strategy**

**Goal 3.1:** The GJC will assist in building and strengthening state agency partnerships to promote and improve information sharing and analysis relating to the five contact points of racial and ethnic disparities as outlined by OJJDP, with a focus on preventing contact with the justice or correctional systems.

**Objectives:**

3.1.1

The GJC will research tools and methods to improve racial equity at each point of contact. The GJC will focus on education about prevention efforts that could occur prior to the arrest contact point.

3.1.2

The Wisconsin DOJ, Wisconsin Department of Children and Families (DCF), Wisconsin Department of Public Instruction (DPI), and the Director of State Courts Office will report to the GJC on efforts to collect and analyze data relating to the five contact points of the juvenile justice system. The GJC will provide input on areas for improvement and expansion.

1. Arrest
2. Diversion
3. Pre-trial Detention
4. Secure confinement
5. Transfers to Adult Court

3.1.3

The GJC will continue efforts and advance recommendations outlined in the annual Title II Racial and Ethnic Disparities Plans, as required by OJJDP. These plans will outline specific quantitative and qualitative goals to reduce racial and ethnic disparities at the contact points of arrest, pre-trial detention, and dispositional commitment.

**Priority 4: Promote Youth, Family, and Community Engagement in the work of the GJJC and Juvenile Justice System**

**Goal 4.1:** The GJJC will strengthen youth and family collaboration within the commission, specifically focusing on highlighting youth voices to inform system improvements.

**Objectives:**

4.1.1

The GJJC will create meaningful virtual and in-person opportunities for youth and families that have been impacted by the juvenile justice system to share input and recommendations for system improvements.

4.1.2

The GJJC will actively engage the youth members appointed to the commission.

4.1.3

The GJJC will recruit ad-hoc membership of additional youth that have dual-system involvement experience.

**Priority 5: Improve Data Collection**

**Goal 5.1:** The Wisconsin DOJ will collect data required for OJJDP compliance reporting and will update the GJJC on data collected.

**Objectives:**

5.1.1

The Wisconsin DOJ Compliance Manager will utilize and maintain the state's compliance monitoring universe and track necessary data elements to ensure state compliance with the four core requirements with the JJDPA. Wisconsin DOJ will report results to the GJJC annually on the required facility inspections and annual compliance report submitted to OJJDP.

5.1.2

The GJJC will advise Wisconsin DOJ and other state agencies in areas to prioritize, streamline, and improve data collection platforms utilized by juvenile justice stakeholders and agencies.

5.1.3

Wisconsin DOJ will collaborate with state agencies and other system stakeholders to assess current data collection and sharing processes, in addition to conducting a system analysis on current resources and needs relating to data collection.

**Goal 5.2:** The GJJC will recommend data expansion efforts to address racial and ethnic disparities.

**Objectives:**

5.2.1

The GJJC will support education and training for system stakeholders on the importance of accurate and self-reported data collection relating to race and ethnicity.

5.2.2

The GJJC will seek methods to support local data collection improvement efforts to include Hispanic and Non-Hispanic data elements at all five contact points (Arrest, Diversion, Pre-trial Detention, Secure Confinement, and Transfers to Adult Court).

**Goal 5.3:** The GJJC will monitor and utilize data trends to support the expansion of alternatives to detention.

**Objectives:**

5.3.1

The GJJC will continue to monitor statewide use of Deferred Prosecution Agreements (DPAs) annually for trends and opportunities to advance non-court ordered service delivery for youth and families.



5.3.2

The GJC will utilize COVID-19 data and system analysis reports to influence diversion strategies and detention alternatives.

**Priority 6: Administer Grant Programs**

**Goal 6.1:** The Wisconsin DOJ will announce grant opportunities and award Title II formula funds and leverage other federal and state funds using the guidance of the GJC and the priorities within this plan.

**Objectives:**

6.1.1

The Wisconsin DOJ will use this plan and input from the GJC to award Title II formula funds to subgrantees.

6.1.2

The GJC will prioritize awarding funds to projects that positively impact and improve the juvenile justice system on a regional or statewide basis, in comparison to single agency or single county program implementation.

6.1.3

The Wisconsin DOJ will inform the GJC of subgrantee award details and project deliverables. Subgrantees may be required to conduct presentations for and share reports with the GJC.

6.1.4

The GJC will partner with Wisconsin DOJ to submit the required biennial reports to the Governor that summarizes funded projects and commission accomplishments.

**Goal 6.2:** The GJC will review and revise, if necessary, the three-year plan in order to adhere to priorities set by OJJDP, feedback from previously funded projects, and new or emerging statewide or local needs.

**Objectives:**

6.2.1

The GJC will review Appendix A and set funding priorities annually. The Wisconsin DOJ will create grant opportunities and award grants that support or align with the models, programs, interventions, strategies, trainings, and system-improvements listed in Appendix A.

6.2.2

The GJC will prioritize front-end reforms, while also supporting middle and deep-end interventions necessary to reduce existing racial and ethnic disparities for youth currently involved in the juvenile justice system.

6.2.3

The GJC will provide funding opportunities that include technical assistance and training opportunities to all partners in the juvenile justice system, including, but not limited to: law enforcement agencies, judicial partners, mental health and substance abuse practitioners, education system stakeholders, anti-human trafficking agencies, and local community organizations.

6.2.4

The GJC will review outcomes of subgrants to establish programs that can be applied in other jurisdictions.

**Wisconsin DOJ/Governor’s Juvenile Justice Commission (GJJC)**

**2021-2023 Title II Formula Grant Three-Year Plan Funding Priorities and Examples**

The following trainings, interventions, programs, and system-improvements will guide the Title II Formula Grant solicitations and sub-awards administered by the Wisconsin Department of Justice (DOJ), in partnership with the Governor’s Juvenile Justice Commission (GJJC). The categories, stakeholders, and examples provide a framework for Wisconsin DOJ, in partnership with the GJJC, to administer funds through grant opportunities that align with the priorities and goals within the State of Wisconsin’s 2021-2023 Three-Year Plan.

The GJJC will review this appendix on an annual basis and advise Wisconsin DOJ on administering grant opportunities and awards that align with the prioritized program models.

All work funded with Title II Formula funds must also adhere to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) prescribed Purpose Areas. Selected OJJDP Purpose Areas prioritized within this State Plan include the following<sup>1</sup>:

- Compliance
- Racial and Ethnic Disparities
- Positive Youth Development
- Community-Based Programs and Services
- Delinquency Prevention
- Alternatives to Detention
- System Improvement
- Tribes

<b>Category</b>	<b>Stakeholders</b>	<b>Example</b>
<b>Training and Technical Assistance</b>	Families, Schools, and Communities	<a href="#">GenerationPMTO (Parent Management Training- The Oregon Model)</a>  Other trainings that support family members, school personnel, and community partners to prevent at-risk youth from entering or to support youth involved in the juvenile justice system
	Law Enforcement	<a href="#">Strategies for Youth: Policing the Teen Brain</a>

<sup>1</sup> Please note that these Purpose Areas are subject to change based on future OJJDP Annual Title II Grant Solicitations:

		<a href="#">Fair and Impartial Policing</a> Other trainings that focus on the reduction of racial and ethnic disparities pre-arrest JJDNA Compliance and Training/Technical Assistance
	Human Services Agencies	<a href="#">Kids at Hope Culture</a> <a href="#">Carey Guides and Brief Intervention Tools (BITS)</a> <a href="#">Multi-Disciplinary Team (MDT) Development</a> <a href="#">Crossover Youth Practice Model</a> <a href="#">Motivational Interviewing</a> Other agency-wide or coalition conference and training support
	Detention Facilities	JJDNA Compliance Training and Technical Assistance
	Judicial Partners	<a href="#">Standard Program Evaluation Protocol</a> Material Development including, but not limited to: <a href="#">Bench Cards</a> <a href="#">Youth Justice judicial stakeholder trainings and education</a>
<b>Family Engagement</b>	Human Services Agencies, Community Organizations	<a href="#">Family Group Conferencing</a> <a href="#">Family Group Decision Making (FGDM)</a> <a href="#">Coping Power Program</a> <a href="#">Parent Management Training (PMT)</a> <a href="#">Family Check-Up for Children</a> <a href="#">Functional Family Therapy (FFT)</a> <a href="#">Family Centered Treatment (FCT)</a> Other family engagement strategies and models that prevents formal system involvement and/or treats the family involved in the juvenile justice system

<b>Diversion</b>	Human Services Agencies, Judicial Partners, Community Organizations	<a href="#">Front-End Diversion Initiative</a>
		<a href="#">Independence Youth Court</a>
		<a href="#">Restorative Justice Programming</a>
		Diversion programs and services that target the reduction of racial and ethnic disparities
		Other post-arrest diversion strategies and formal system alternative programs
<b>Mentoring and Neighborhood Coalition Building</b>	Human Services Agencies, Community Organizations	<a href="#">Credible Messengers</a>
		<a href="#">Big Brothers Big Sisters (BBBS) Community-Based Mentoring (CBM) Program</a>
		Other community-building and neighborhood intervention programming
<b>Detention Programming</b>	Detention Centers	<a href="#">Project BUILD</a>
		<a href="#">Positive Peer Culture (PPC)</a>
		Other detention center-specific interventions, crisis prevention, and programming
<b>Mental Health and Substance Abuse</b>	Mental Health and Substance Abuse Practitioners, Human Services Agencies, Schools	<a href="#">Neurosequential Model of Therapeutics (NMT)</a>
		<a href="#">Trauma-Focused Cognitive Behavioral Therapy (TF-CBT)</a>
		<a href="#">Trauma Affect Regulation: Guide for Education and Therapy (TARGET)</a>
		<a href="#">Cognitive Behavioral Intervention for Trauma in Schools (CBITS)</a>
		<a href="#">Aggression Replacement Therapy (ART)</a>
		<a href="#">Familias Unidas</a>
		<a href="#">Guiding Good Choices</a>
		Other therapeutic interventions for youth with mental health and substance abuse needs

<b>Gun Violence</b>	Law Enforcement, Human Services Agencies	<a href="#">Operation Ceasefire</a>
<b>Transitions to Community</b>	Human Services Agencies,	<a href="#">Transition to Independence Process (TIP) Model</a>
	Detention Facilities	<a href="#">YouthBuild Offender Program</a>
		Other independent living, education transition programming, and workforce training models
<b>Tribal Programming</b>	Tribal Nations	Juvenile Justice prevention, diversion, and treatment programs that serve tribal youth
<b>System Improvement, Advocacy, and Statewide Tools</b>	Detention Centers and Human Service Agencies	<a href="#">Validation of a Statewide Detention Risk Assessment Instrument (DRAI)</a>
	Law Enforcement Agencies	Racial and ethnic disparities data analysis and response for law enforcement agencies
	All system partners	Development or adaptation of racial equity frameworks and tools
	All system partners	Gender-responsiveness system analysis and programming
	All system partners	Coalition and workgroup development to support legislative changes that will maintain Wisconsin’s compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP A)
	All system partners	Data collection enhancement to support planning and programs to reduce racial and ethnic disparities within the juvenile justice system

# **ATTACHMENT C:**

**RE-AFFIRM 17-YEAR-OLD YOUTH RETURN TO THE JUVENILE  
JUSTICE SYSTEM (APRIL 2019)**



# GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR  
KATHY MALONE, CHAIR

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April 29, 2019

The Honorable Tony Evers  
Governor of Wisconsin

Senator Alberta Darling  
Senate Finance Chair

Representative John Nygren  
Assembly Finance Chair

Secretary Kevin Carr  
Department of Corrections

Dear Governor Evers, Senator Darling, Rep. Nygren and Secretary Carr,

The purpose of this letter is to re-affirm the Governor's Juvenile Justice Commission's (GJJC) long-standing position that 17-year old youth should return to the juvenile justice system. It should be noted that Wisconsin is one of only five states (Georgia, Michigan\*, Missouri, Texas and Wisconsin – *Source: National Conference of State Legislatures, Jan 2019*) that handles 17-year old youth charged with offenses in the adult criminal justice system.

As you know, the GJJC is the federally mandated State Advisory Group (SAG) under the Federal Juvenile Justice Delinquency Prevention Act (JJDPA). Through Executive Order #6, the GJJC is the designated advisory group to the Governor and the Legislature on matters critical to juvenile justice. GJJC members are appointed by the Governor. The GJJC is comprised of juvenile justice professionals, including law enforcement, corrections professionals, district attorneys, judges and non-profit organizations dedicated to youth programming. The GJJC also has justice involved youth members and individuals experienced in the juvenile justice system.

In this capacity we strongly support the language in the 2019 – 2021 Governor's Budget Bill that will return all 17-year old youth to the juvenile justice system in Wisconsin.

The GJJC initially passed a motion in September 2013 supporting this provision and recently re-affirmed this at the March 13, 2019 quarterly meeting.

GJJC members strongly feel that this position is in concert with the tremendous amount of research and knowledge that has emerged over the last two plus decades regarding the developmental causes of adolescent delinquency. Specifically, this is the result of both adolescent brain research, and matching youth with effective, evidence-based responses that have led to historic low rates in juvenile crime. Wisconsin, along with many other states in the



nation, has utilized and emphasized this new evidence with both optimism and energy to support the creation of effective and cost saving juvenile justice reform processes and strategies.

Despite restrictive federal funding due to audit concerns which are now remedied, the GJJC, with the Department of Justice staff, has helped to fund new approaches and programs delivered by counties and other juvenile justice entities which significantly improve outcomes for youth who become involved in delinquency. This approach has multiple goals. These goals include improved skill sets for both social service and law enforcement personnel; enhanced public safety; and ultimately, increased tax savings. Further, these advances provide those agencies in the juvenile justice system with unprecedented opportunities to influence the juvenile justice system through both informed policy and programming for the benefit of youth, families, victims and communities.

Below is a list of five projects that the GJJC awarded using available Federal dollars totaling \$206,309 in 2018.

**Dane County Office of Equal Opportunity**

**Total Award: \$83,120**

This is a combined Disproportionate Minority Contact and Juvenile Justice System Improvement project to build on previous training Dane County participated in with the Perception Institute. The project will focus on collaboration, education, training, sustainable system change, and improving community trust.

**La Crosse County Human Services - Justice Support Services**

**Total Award: \$17,559**

This Disproportionate Minority Contact project will implement training focused on historical trauma targeting youth serving organizations. The Sports Mentorship Academy will conduct six training opportunities of six hours in length for up to 20 participants during the grant year. The primary responsibility for this training initiative will be with the La Crosse County System of Care, a school justice partnership established in 2016.

**Manitowoc County Human Services**

**Total Award: \$41,629.78**

This grant will support Manitowoc County's ongoing efforts to implement the Kids at Hope cultural shift. Kids at Hope is a nonprofit organization that "inspires, empowers, and transforms families, youth serving organizations and entire communities to create an environment where all children experience success, NO EXCEPTIONS!" Research on trauma and best practices clearly shows that this type of cultural shift will result in many positive outcomes.

## **Rock County Human Services**

### **Total Award: \$14,000**

Rock County Humans Services is the named grant recipient on behalf of Rock, Jefferson and Walworth Counties. The funding will support training for up to 60 workers and supervisors in youth justice system improvement. The goal is to integrate the Carey Guides into standard practice for the three counties.

## **Wisconsin Juvenile Court Intake Association, Inc. (WJCIA)**

### **Total Award: \$50,000**

This grant will fund a variety of training activities held throughout the state on evidence-based practices and programming. WJCIA requested the grant funding in anticipation of implementation of a statewide risk and needs assessment tool in 2019. The funding will provide training to ensure that counties at varying degrees of implementation of evidence-based practices will have an opportunity to advance to the next level.

The initial front-end investment of past programs, such as therapeutic monitoring and victim witness services, has allowed Wisconsin to develop an array of new community-based supervision and treatment programs for delinquent and behaviorally troubled youth while providing critical training to personnel who work with youth daily. This has helped reduce the number of expensive out-of-home placements and often unnecessary detention and correctional placements. Specifically, in 2008 there were 591 youth placed in juvenile correctional facilities and in 2018 that number dropped to 173 (*Source: Fiscal Bureau Summary of Governor's Budget Recommendations, March 2019*). Managing lower risk youth in the community is cost effective and has proven to be a smart community safety strategy.

Additionally, juvenile justice professionals across the country continue to learn more on the impact and effects of the adolescent brain. Legislators and other policy makers are studying neurology and the emerging brain science as they influence juvenile justice policy and programming. That is because there is a disconnect between what is now known about adolescent brain development and the underlying assumptions in the criminal justice system. The criminal justice system needs to rethink the way it manages teenagers who misbehave, keeping in mind that adolescents have less capacity to self-regulate themselves than adults while being much more sensitive to external influences. This is magnified by their inability to often weigh consequences as they make judgments and decisions. This combination results in risky behavior focused on immediate rewards.

According to Laurence Steinberg, Ph.D., an adolescent brain development expert, writer and educator at Temple University, the re-thinking of the juvenile justice system should be based upon the following six concepts:

1. Adolescent brains have weak brakes
2. Adolescents take more risks in groups
3. The behavior-governing prefrontal cortex is morphing
4. Adult guidance makes a difference

5. Ninety percent of youth who break the law during adolescence don't become adult criminals
6. Teen offenders are too often treated like adults when they hit the justice system

Given the ongoing research into the effectiveness of evidence-based treatment, adolescent brain development, and juvenile delinquency prevention and intervention approaches, it is important for the Wisconsin juvenile justice system to continue to examine policy and statutes in order to modify and reform current practices to reflect this knowledge. The return of 17-year old youth to the juvenile justice system falls directly in line with these types of modifications and reforms. Wisconsin's youth deserve every possible opportunity to become valued citizens of this great state.

We appreciate the recent efforts by the legislature and the Walker and Evers' administrations to approve Act 185, relating to restructuring Wisconsin's juvenile correctional system. As Wisconsin moves forward, we strongly feel returning 17-year olds to the juvenile justice system should be included in these efforts and approved in the state budget. Please contact me with any questions you may have.

Sincerely,

*Kathy Malone*

Kathy Malone  
Governor's Juvenile Justice Commission, Chair

cc: Wisconsin Legislature  
Attorney General Josh Kaul  
DCF Secretary Emilie Amundson  
Governor's Juvenile Justice Commission

(\*Michigan House and Senate have approved legislation; now being considered by Governor, [House Bill 4133](#))

# **ATTACHMENT D:**

## **COVID-19 RECOMMENDATIONS TO THE GOVERNOR (MAY 2020)**



# GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR  
JENNIFER GINSBURG, CHAIR

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May 18, 2020

The Honorable Tony Evers  
Governor of Wisconsin

Dear Governor Evers,

As you are aware, the Governor's Juvenile Justice Commission (GJJC), re-created by Executive Order #43, serves as the State Advisory Group (SAG) to the Governor and the Legislature on matters critical to juvenile justice, under the Federal Juvenile Justice and Delinquency Prevention Act (JJDPA). The GJJC is comprised of juvenile justice professionals, including law enforcement, corrections professionals, attorneys, judges, mental health practitioners, and non-profit organizations dedicated to youth programming. The GJJC also includes justice involved youth members and individuals with experience in the juvenile justice system.

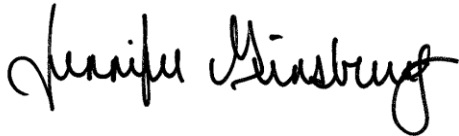
In this capacity, the Commission recommends state and county agencies to evaluate the policy and practice shifts resulting from the COVID-19 pandemic. The GJJC recognizes these shifts as valuable opportunities to examine ways to improve outcomes for youth and families in Wisconsin.

- Health and Safety
  - The top priority of the GJJC is to protect the physical, emotional, and mental health of all youth, family members, and youth justice professionals during the COVID-19 pandemic.
  - The GJJC supports the ongoing efforts and health precautions state and county agencies are taking to keep everyone safe.
  - The GJJC encourages awareness-building and increased access to virtual physical, emotional, and mental health support through 2-1-1 Wisconsin: <https://211wisconsin.communityos.org/>
- Diversion and Detention
  - A decrease in youth detention admissions and an increase in youth detention releases have resulted from safety precautions guiding decision making during the COVID-19 pandemic.
  - The GJJC supports the use of diversion opportunities being utilized by agencies to keep youth from coming into the system and affirms that only youth that present serious public safety concerns should be in detention facilities at this time.
  - The GJJC recommends that youth justice professionals and stakeholders examine the use of detention moving forward and ways to continue downward trends of detention and increase diversion programming once statewide health restrictions are lifted.
  - The GJJC recommends that data and documentation of youth diverted from detention must be collected to ensure that racial and ethnic disparities within the youth justice system are not heightened due to the COVID-19 pandemic. Data collection will offer insight into the equal application of diversion strategies and support racial and ethnic disparity reduction-efforts moving forward.

- Technology
  - The GJJC recommends increasing the use of technology to connect youth, family members, and youth justice professionals, which has emerged during the COVID-19 pandemic as a positive shift in practice.
  - The GJJC recommends continued use and expansion of video-sharing platforms to engage family members in court proceedings, meetings with social workers, and youth visitation.
  - The GJJC recommends increased use of technology to deliver ongoing and individualized education for youth involved in the juvenile justice system, as in-person instruction has concluded for health and safety reasons.
  - The GJJC acknowledges communities that face economical and geographical challenges in obtaining devices and internet access. The GJJC recommends additional support and funding for families and regions of the state that lack broadband internet and tools for video-sharing.
- Resources and Support
  - The GJJC encourages youth and families to utilize and follow COVID-19 resources provided by the following state agencies:
    - Department of Justice: <https://www.doj.state.wi.us/covid-19>
    - Department of Health Services: <https://www.dhs.wisconsin.gov/covid-19/index.htm>
    - Department of Corrections: [https://doc.wi.gov/Pages/COVID19\(Coronavirus\)/COVID19.aspx](https://doc.wi.gov/Pages/COVID19(Coronavirus)/COVID19.aspx)
    - Department of Children and Families: <https://dcf.wisconsin.gov/covid-19>
    - Department of Public Instruction: <https://dpi.wi.gov/sspw/2019-novel-coronavirus>
    - Child Abuse & Neglect Prevention Board: <https://preventionboard.wi.gov/Pages/Homepage.aspx>

The GJJC understands that state and county agencies are continuously navigating the complexities of this public health crisis. As the pandemic and impacts are not over, the GJJC will continue to recommend and guide youth justice policy, practice, and cultural shifts necessary to better serve and support youth and their families during these unprecedented times.

Sincerely,



Jennifer Ginsburg, MSSW, LCSW  
 Governor's Juvenile Justice Commission Chair, on behalf of the Commission

cc: Wisconsin Legislature  
 Wisconsin Senate President, Roger Roth  
 Wisconsin Assembly Speaker, Robin Vos  
 Attorney General Josh Kaul  
 DHS Secretary Andrea Palm  
 DOC Secretary Kevin Carr  
 DCF Secretary Emilie Amundson  
 DPI State Superintendent Carolyn Stanford Taylor

Attachment:  
 GJJC Commissioner List



# GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR  
JENNIFER GINSBURG, CHAIR

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## Wisconsin Governor's Juvenile Justice Commissioner List

May 18, 2020

1. Secretary Emilie Amundson, Department of Children and Families  
Designee: Shelby McCulley, Bureau of Youth Services Director
2. Judge Carl Ashley, Milwaukee Circuit Court
3. Monika Audette, Barron County Restorative Justice Program Operations Leader
4. Samuel Benedict, Former Regional Attorney Manager, State Public Defender's Office, Waukesha
5. Secretary Kevin Carr, Department of Corrections  
Designee: Ron Hermes, Division Administrator of Juvenile Corrections
6. Jennifer Ginsburg, Executive Director, Safe Harbor Child Advocacy Center
7. Ben Gonring, Assistant State Public Defender, Madison
8. Jessica Jimenez, Youth Member
9. Thomas Mann, Former JusticePoint Representative
10. Sharlen Moore, Youth Justice Milwaukee Director
11. Tweed Shuman, Sawyer County Board Chairman, Lac Courte Oreilles Tribal Council Member
12. David Steinberg, La Crosse County Juvenile Detention Superintendent
13. Melinda Tempelis, Outagamie County District Attorney
14. Charles Tubbs, Sr., Director, Dane County Emergency Management
15. Revelle Warren, Milwaukee Constituent Services Director, Office of the Governor
16. Sean Wilson, Smart Justice Statewide Organizer, ACLU of Wisconsin
17. Marcus Williams, Youth Member
18. Youth Leadership Team Member, Department of Children and Families
19. Youth Leadership Team Member, Department of Children and Families

# **ATTACHMENT E:**

## **DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO) RECOMMENDATIONS TO THE GOVERNOR (MAY 2020)**





# GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR  
JENNIFER GINSBURG, CHAIR

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May 19, 2020

The Honorable Tony Evers  
Governor of Wisconsin

Dear Governor Evers,

As you are aware, the Governor's Juvenile Justice Commission (GJJC), re-created by Executive Order #43, serves as the State Advisory Group (SAG) to the Governor and the Legislature on matters critical to juvenile justice, under the [Federal Juvenile Justice and Delinquency Prevention Act \(JJDPA\)](#). The GJJC is comprised of juvenile justice professionals, including law enforcement, corrections professionals, attorneys, judges, mental health practitioners, and non-profit organizations dedicated to youth programming. The GJJC also includes justice involved youth members and individuals with experience in the juvenile justice system.

In this capacity, the GJJC is alerting the Governor's office and all Juvenile Justice Stakeholders, including legislative liaisons, juvenile court judges, and appropriate department heads and county officials of compliance issues relating to JJDPA provisions of the Deinstitutionalization of Status Offenders (DSO). A status offender is a youth charged with or who has committed an offense that would not be a criminal offense if committed by an adult. Status offenses in Wisconsin include habitual truancy, ordinance violations, Children in Need of Protection or Services under Chapter 48 and Juveniles in Need of Protection or Services under Chapter 938.

Wisconsin is a participating state, under the JJDPA, and in order to maintain compliance and receive federal [Title II Formula funds](#), it is necessary to determine if Wisconsin law is consistent with the DSO provisions, and if current court practices are consistent with the same.

The changes within the JJDPA impact Wisconsin law and practice. Wisconsin law currently allows juvenile court judges to detain some status offenders up to 10 days or longer for a violation of a valid court order. The federal DSO provision in the JJDPA restricts the use of detention for status offenders for more than 7 days in a juvenile detention facility for violation of a valid court order.

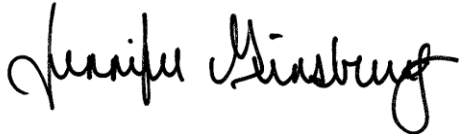
## **The GJJC recommends the following to address potential compliance issues with the JJDPA:**

- I. Recommend that juvenile court judges restrict all temporary placement orders to no more than 7 days in a juvenile detention facility, that cannot be extended, for any status offender.
- II. Recommend that juvenile court judges restrict all sanction orders to no more than 7 days in a juvenile detention facility for juvenile status offenders (ordinance violators, municipal court violators and habitual truant violators).
- III. Recommend changes to Wisconsin legislation to bring the state into compliance by limiting detention of status offenders in a juvenile detention facility to no more than 7 days for temporary custody orders and sanctions under Chapter 48 and Chapter 948 or by eliminating the use of the DSO.

This letter serves as an alert for Wisconsin juvenile court judges to ensure that the use of detention for status offenders aligns with the DSO provision within the JJDP. If these recommendations are not followed, the state jeopardizes federal Title II Formula funding.

The GJJC welcomes the opportunity to advise the Governor, Legislature, and other state agencies to ensure that Wisconsin law reflects federal requirements. For additional information on provisions of the JJDP, please see the included addendum. The GJJC supports the provisions of the JJDP and will continue to educate stakeholders on policies and practices that best support youth and families involved in the youth justice system.

Sincerely,



Jennifer Ginsburg, MSSW, LCSW  
Governor's Juvenile Justice Commission Chair, on behalf of the Commission

cc: Wisconsin Legislature  
Wisconsin Juvenile Court Judges  
Attorney General Josh Kaul  
DHS Secretary Andrea Palm  
DOC Secretary Kevin Carr  
DCF Secretary Emilie Amundson  
DPI State Superintendent Carolyn Stanford Taylor

Attachments:

Addendum to GJJC Deinstitutionalization of Status Offenders (DSO) Recommendations  
GJJC Commissioner List



# GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR  
JENNIFER GINSBURG, CHAIR

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## Addendum to GJJC Deinstitutionalization of Status Offenders (DSO) Recommendations

Additional Information of Juvenile Justice Delinquency and Prevention Act (JJDA) Provisions as amended by the Juvenile Justice Reform Act (JJRA) of 2018:

Juvenile Justice Delinquency Prevention Act (JJDA) Full Text:

[Juvenile Justice Delinquency Prevention Act \(JJDA\)](#)

Office of Juvenile Justice and Delinquency (OJJDP) Fact Sheet:

[Key Amendments to the Juvenile Justice and Delinquency Prevention Act \(JJDA\) Made by the Juvenile Justice Reform Act \(JJRA\) of 2018](#)

§11133. State plans

(a) Requirements

In order to receive Title II Formula funds, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities.

In accordance with regulations which the Administrator shall prescribe, such plan shall—

*What follows are 33 subsections that must be included in each state's plan. Of concern are the subsections that have been amended and/or contain new provisions relating to DSO. The relevant portions appear to be as follows:*

(11) (A) in accordance with rules issued by the Administrator, provide that a juvenile shall not be placed in a secure detention facility or a secure correctional facility, if—

(i) the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding—

(I) a juvenile who is charged with or has committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

(II) a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and

(III) a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State; or

(ii) the juvenile—

(I) is not charged with any offense; and

(II) (aa) is an alien; or (bb) is alleged to be dependent, neglected, or abused; and

**Note:** (11) is amended but previous language contained similar provisions.

Also relevant is:

(23) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense--

- (A) an appropriate public agency shall be promptly notified that such juvenile status offender is held in custody for violating such order;
- (B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile status offender; and
- (C) not later than 48 hours during which such juvenile status offender is so held—
  - (i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile status offender; and (ii) such court shall conduct a hearing to determine—
    - (I) whether there is reasonable cause to believe that such juvenile status offender violated such order; and
    - (II) the appropriate placement of such juvenile status offender pending disposition of the violation alleged; and
      - (iii) if such court determines the status offender should be placed in a secure detention facility or correctional facility for violating such order—
        - (I) the court shall issue a written order that—
          - (a) identifies the valid court order that has been violated;
          - (b) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;
          - (c) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;
          - (d) specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and
          - (e) may not be renewed or extended; and
            - (I) the court may not issue a second or subsequent order described in subclause (I) relating to a status offender unless the status offender violates a valid court order after the date on which the court issues an order described in subclause (I); and
- (D) there are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter;

Current Wisconsin law allows for placement of juvenile status offenders in a juvenile detention facility under limited circumstances.

**Temporary physical placement.** A juvenile may be held in a juvenile detention facility under Wis. Stat. § 938.208. The only provisions that allows placement of a status offender are:

- (3) Protective custody. The juvenile consents in writing to being held in order to protect him or her from an imminent physical threat from another and such secure custody is ordered by the court in a protective order.
- (4) Runaway from nonsecure custody. Probable cause exists to believe that the juvenile, having been placed in nonsecure custody by an intake worker under Wis. Stat. § 938.207 or by the court under Wis. Stat. § 938.21 (4), has run away or committed a delinquent act and no other suitable alternative exists.

A corresponding provision in Chapter 48 applies to children in Wis. Stat. § 48.208 (3) and (4).

**Disposition.** Chapter 48 and Chapter 938 do not allow for the disposition of a status offender to include a juvenile detention facility or a secure correctional placement. See Wis. Stat. § 48.345 and Wis. Stat. § 938.345.

**Violation of a valid court order (sanction).** A child subject to a disposition under Chapter 48 cannot be subject to a sanction for violation of a court order, but the court has the authority to modify a disposition, change a placement or extend an order.

A juvenile “status offender” under Chapter 938 that violates a valid court order is subject to sanctions under s. 938.355 in the following situations:

- A juvenile adjudicated for a civil law or ordinance can be sanctioned under Wis. Stat. § 938.355(6)(a)1. and placed in a juvenile detention facility for up to 10 days for a violation of a valid court order.
- A juvenile adjudicated in municipal court for violation of a municipal ordinance who violates the order of the municipal court can be sanctioned to a juvenile detention facility for up to 10 days if the municipal court petitions the Juvenile Court under 938 for imposition of the sanction. Wis. Stat. § 938.355(6) (an)1.
- A juvenile adjudicated in need of protection or services upon whom the court has imposed a sanction that commits a second or subsequent violation of a valid court order can be charged with contempt and found delinquent and subject to any disposition under Wis. Stat. § 938.34 including placement in a juvenile detention facility.
- A juvenile adjudicated in violation of a municipal ordinance or as a juvenile in need of protection or services as habitually truant that violates a valid court order may be placed in a juvenile detention facility for up to 10 days Wis. Stat. § 938.355(6m)(a) if authorized by a resolution of the county board.
- A juvenile that has been adjudicated in need of protection or services that violates a valid court order cannot be placed in a juvenile detention center pursuant to Wis. Stat. § 938.355(6)(a)2.

**Conclusion:** Wisconsin statutes that allow for temporary physical placement and sanctions for status offenders are not consistent with Subsection 23, as current statutes allow for a maximum sanction of 10 days in a juvenile detention facility and do not limit the number of days for temporary physical placement in a juvenile detention facility. Wisconsin statutes should reflect the federal DSO provisions, limiting the use of detention to 7 days or less for status offenders, to comply with the JJDPa and receive federal Title II Formula funds.



# GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR  
JENNIFER GINSBURG, CHAIR

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## Wisconsin Governor's Juvenile Justice Commissioner List

May 19, 2020

1. Secretary Emilie Amundson, Department of Children and Families  
Designee: Shelby McCulley, Bureau of Youth Services Director
2. Judge Carl Ashley, Milwaukee Circuit Court
3. Monika Audette, Barron County Restorative Justice Program Operations Leader
4. Samuel Benedict, Former Regional Attorney Manager, State Public Defender's Office, Waukesha
5. Secretary Kevin Carr, Department of Corrections  
Designee: Ron Hermes, Division Administrator of Juvenile Corrections
6. Jennifer Ginsburg, Executive Director, Safe Harbor Child Advocacy Center
7. Ben Gonring, Assistant State Public Defender, Madison
8. Jessica Jimenez, Youth Member
9. Thomas Mann, Former JusticePoint Representative
10. Sharlen Moore, Youth Justice Milwaukee Director
11. Tweed Shuman, Sawyer County Board Chairman, Lac Courte Oreilles Tribal Council Member
12. David Steinberg, La Crosse County Juvenile Detention Superintendent
13. Melinda Tempelis, Outagamie County District Attorney
14. Charles Tubbs, Sr., Director, Dane County Emergency Management
15. Revelle Warren, Milwaukee Constituent Services Director, Office of the Governor
16. Sean Wilson, Smart Justice Statewide Organizer, ACLU of Wisconsin
17. Marcus Williams, Youth Member
18. Youth Leadership Team Member, Department of Children and Families
19. Youth Leadership Team Member, Department of Children and Families

**ATTACHMENT F:**  
**LEGISLATIVE STUDY REPORT RECOMMENDATIONS**  
**(NOVEMBER 2020)**



# GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR  
JENNIFER GINSBURG, CHAIR

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November 10, 2020

Dear Wisconsin Legislative Council,

As you may be aware, the Governor's Juvenile Justice Commission (GJJC) was re-created by [Executive Order #43](#) on September 3, 2019. The GJJC serves as the State Advisory Group (SAG) to the Governor and the Legislature on matters critical to juvenile justice, under the [Federal Juvenile Justice and Delinquency Prevention Act \(JJDPA\)](#). The GJJC is comprised of juvenile justice professionals, including law enforcement, corrections professionals, attorneys, judges, mental health practitioners, and non-profit organizations dedicated to improving outcomes for youth. The GJJC also includes justice involved youth members and individuals with experience in the juvenile justice system.

In this capacity, the GJJC is writing with recommendations to incorporate into the 2020 Legislative Interim Research Report on Criminal Sentencing of Juvenile Offenders. As significant stakeholders in the scope of this report, the GJJC proposes modifications to the procedures and standards for sentencing juvenile offenders in adult criminal court, including the procedures and standards for determining a juvenile's eligibility for release to supervision.

The recommendations emphasize a larger statewide need to alter the entire Juvenile Justice Code, Chapter 938, created 25 years ago at a time of nationwide paranoia about an emerging generation of "super-predators."<sup>1</sup> Although this criminological theory was later discredited, the Code is premised upon faulty assumptions that align Chapter 938 closely to Criminal Code, despite revisions in 2011. The Code fails to incorporate current best practice, social science, and hard science relating to childhood development and brain science. The GJJC would like to make it known that broader-scale re-tooling of juvenile justice legislation is necessary, in addition to the following recommendations in direct response to inquiries on the life sentencing of juveniles.

- The GJJC recommends changes to current law related to life sentences imposed on juveniles in the past.
  - The creation of a new sentence adjustment procedure is recommended for juveniles currently serving life sentences who committed crimes before turning 18, and who have served at least 15 years of their sentences.
- The GJJC recommends changes to current law related to life sentences imposed on juveniles going forward.
  - The GJJC supports prohibiting courts from imposing a life sentence, without eligibility for release, on juveniles who commit crimes before turning 18. The GJJC supports the shift towards requiring courts to set a date in which juvenile would be eligible for release to extended supervision.
- The GJJC recommends the elimination of original adult jurisdiction over juveniles.
  - The GJJC recommends the elimination of original adult court jurisdiction and believes the existing procedures for waiver of juvenile court jurisdiction should be utilized whenever the State believes criminal jurisdiction is appropriate.

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<sup>1</sup> DeLisi, Matt, Brendan D. Dooley, and Kevin M. [Beaver](#). 2007. "Super-Predators Revisited" *Criminology Research Focus*.



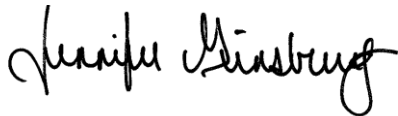
- The GJJC supports raising the age for criminal jurisdiction to 18.
  - As of 2021, Wisconsin is one of three states that will treat 17-year-olds as adults for criminal prosecution. Texas and Georgia represent the other two states.

The GJJC would like to thank the Legislature for the opportunity to provide input and recommendations on this study report addressing criminal sentencing of juvenile offenders. In efforts to align with national trends and U.S. Supreme Court decisions regarding juvenile justice practice, the GJJC appreciates the opportunity to partner with the Legislature to ensure that in Wisconsin, “kids are kids,” being served in the juvenile justice system and treated differently than adults.<sup>2</sup>

The GJJC welcomes future opportunities to partner with the Governor, Legislature, and other state agencies to guide the large-scale and critical changes necessary for Wisconsin’s Juvenile Justice Code to serve youth, families, and communities in a more equitable, racially-just, trauma and evidence-informed manner.

Thank you for your time and consideration to include these recommendations into the 2020 Legislative Interim Research Report on Criminal Sentencing of Juvenile Offenders.

Regards,



GJJC Chair, Jennifer Ginsburg

Attachment: Wisconsin GJJC Commissioner List

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<sup>2</sup> U.S. Supreme Court decisions include:  
Roper v. Simmons  
J.D.B v. North Carolina  
Miller v. Alabama



# GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR  
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