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*2017 Annual Report to Governor and
Legislature*

Governor's Juvenile Justice Commission

Table of Contents

ESTABLISHING A NEW COURSE FOR COMPLIANCE AND CONTINUING JUVENILE JUSTICE IMPROVEMENT..... 1

 Address/Reduce Disproportionate Minority Contact..... 3

 Protecting Youth in the Juvenile Justice System..... 3

THE FUTURE OF JUVENILE JUSTICE 4

ACTIVE GRANTS - 2017 5

ESTABLISHING A NEW COURSE FOR COMPLIANCE AND CONTINUING JUVENILE JUSTICE IMPROVEMENT

The Governor’s Juvenile Justice Commission (Commission) serves as the state advisory group under the federal Juvenile Justice and Delinquency Prevention Act (JJDP) and the juvenile crime enforcement coalition to administer the federal Juvenile Accountability Block Grant (JABG). The Commission oversees how federal monies are spent at the state level. The Wisconsin Department of Justice (DOJ) serves as the designated state agency to develop a three-year plan for juvenile justice system improvement and administer the federal funds received under the JJDP and the JABG.

In 2017, the audit Office of Juvenile Justice and Delinquency Prevention (OJJDP) conducted in 2015 concluded with the Settlement Agreement between the U.S. Department of Justice (US-DOJ) and the DOJ concerning Title II Formula funds awarded to Wisconsin in Federal Fiscal Years 2011–2015. The Agreement provided for the release of funds to DOJ to reimburse subgrantees awarded prior to the audit and special condition prohibiting the obligation, expending or draw down of funds from 2013-MU-FX-0059 (FY 2013 and 2014), 2011-JF-FX-0061 and 2012-JF-FX-0042. The DOJ applied for FY 2017 Title II Formula Funds and OJJDP awarded 2017-JF-FX-0026 on September 22, 2017. However, one of the Special Conditions of the Award was that the “recipient may not obligate, expend, or draw down grant funds until documentation verifying the recipient’s compliance with the State Advisory Group

(SAG) membership requirements ... Failure to meet the statutory SAG membership requirements, or to submit a plan for doing so, by the December 31 deadline [for compliance by August 1, 2018], will make the recipient ineligible for an FY 2017 formula grant award, and the award may be terminated.” The DOJ has not had access to these federal funds since they have been awarded. The Commission was once again hindered in their work by the lack of access to funds to award grants. However, the Commission worked with DOJ to award the remainder of the Juvenile Accountability Block Grant that ended December 31, 2017. A summary of those grants is provided at the end of this report.

In addition, the Settlement Agreement required the termination/deobligation and re-obligation of all remaining Title II Formula Grant funds awarded to Wisconsin for FFY 2011–2015. The OJJDP Nonparticipating state program made the Formula Grants program fund allocation available to local public and private nonprofit agencies in Wisconsin. The OJJDP awarded grants for the following two projects:

- 1) Young Women’s Christian Association Madison: Restorative Justice Expansion in Dane County for \$1,310,714.
- 2) County of Portage: Gateway Weekend Report Center for \$442,635.

In 2017, DOJ staff attended two OJJDP training events. The first was the New Juvenile Justice Specialist Training held on June 12-13, in conjunction with the Coalition for Juvenile Justice (CJJ) 2017 Annual Conference on Access,

Accountability & Advocacy held June 14-17. On September 12, OJJDP conducted a one-day SAG Training that two Commission members attended. On September 13-14, OJJDP provided Disproportionate Minority Contact Training that both the Juvenile Justice Specialist and DMC Coordinator attended. The one-and-a-half day DMC Training segued into a one-and-a-half day Compliance Training that the Juvenile Justice Specialist/Compliance Monitor and Justice Programs Coordinator attended. The Compliance Training was critical for understanding the major provisions of the Partial Final Rule (effective March 21, 2017) and its impact on the JJDPA.

One significant change in the Partial Final Rule concerns the revised standard for determining compliance, which was originally applicable to the FY 2016 compliance reporting period. By letter dated August 8, 2017, OJJDP revised this determination to apply to the FY 2017 compliance reporting period. The same letter informed DOJ that Wisconsin is eligible to receive its full FY 2017 Formula Grant Award allocation. The revised compliance standards will affect Wisconsin's FY 2018 Formula allocation. The Partial Final Rule also revised the terms "detain or confine" for purposes of compliance with the JJDPA. The training clarified that "detain or confine" applies to juveniles held in secure facilities; e.g., jail or lockup. Further, the training clarified that deinstitutionalization of status offenders (DSO) can only apply in a residential facility, meaning a facility that can be used to confine a person overnight, including sleeping, shower, toilet, and dayroom.

The Partial Final Rule requires that states collect and report data from 85% of facilities that are required to report data. For two years, Wisconsin has collected and reported data from 100% of facilities. In addition, the DOJ's compliance monitoring practices provide that 100% of all secure facilities in the monitoring universe will be inspected once every three years and a minimum of 10% of all facility types will be inspected annually.

The DOJ continues to work with the Annie E. Casey Foundation (AECF) to advance the [Juvenile Detention Alternatives Initiative \(JDAI\)](#) model adopted in three pilot sites (Manitowoc, Milwaukee and Racine Counties) in 2012. The system improvement and reform efforts have continued in 2017; albeit without Formula Funds. The AECF grant funded the three sites and the State JDAI Coordinator to attend the 23rd JDAI Inter-Site Conference held in Orlando, Florida in April 2017. In the Spring of 2017, the JDAI Coordinator reached out to several counties to expand JDAI beyond the three pilot sites. La Crosse County accepted the invitation with a kick-off meeting in August and participation in the Quarterly Site Coordinators Meeting in October 2017.

Related to the JDAI work is the Detention Risk Assessment Instrument (DRAI) Committee comprised of the three pilot sites and four additional counties; namely, La Crosse, Outagamie, Rock and Waukesha. The DRAI is designed to ensure that youth are placed in detention for the necessary and appropriate reasons. The DOJ obtained grant funding for an independent contractor to develop a Microsoft Access database customized for Wisconsin's

weighted variables and placement scales identified in the DRAI. The DOJ is working with the same contractor to use an Access database to collect and compile the data from the seven sites for analysis with the intent of finalizing the DRAI for statewide use.

Address/Reduce Disproportionate Minority Contact

The Commission is committed to working with the DOJ to promote policies, practices, and system changes that reduce disparate practices and their impacts on minority youth. The Commission's DMC Committee focused on the implications of and factors contributing to disproportionate minority representation in the juvenile justice system. In 2017, the Commission continued to prioritize DMC projects by having the DOJ use the remaining JABG funds to support DMC efforts that will be sustainable and measurable in some fashion. A list of the DMC projects in 2017 appears at the end of this Report.

Protecting Youth In The Juvenile Justice System

To receive its share of the federal formula allocations, Wisconsin must demonstrate compliance with the four core requirements of the JJDP:

1. Deinstitutionalization of Status Offenders (DSO);
2. Removal of juveniles from adult jails and lockups (Jail Removal);

3. Separation of juvenile and adult inmates (Sight and Sound Separation); and
4. Reducing Disproportionate Minority Contact (DMC).

Wisconsin monitors for compliance with the first three core requirements by conducting on-site inspections and reviews of admissions logs for secure juvenile detention facilities, adult jails, adult lockups, and other secure facilities. In addition, a survey is mailed out each year to all other law enforcement departments that have the potential to hold youth, including jails, lockups and detention centers. Over the past several years, Wisconsin has developed a monitoring system that builds on the positive relationship the Commission and the DOJ have developed with other agencies and the local facilities. That same relationship-building has included visits to non-secure facilities to confirm the non-secure classification of the facilities.

The Commission approved the use of Title II Formula Funds for DOJ to rebuild the Juvenile Secure Detention Registry (JSJR) because the original data driven web application is almost 20 years old. It was originally developed at the Office of Justice Assistance that no longer exists, and is currently hosted at the Department of Administration, Department of Enterprise Technology. The database runs on a SQL Server in 2000 compatibility mode and the technology is outdated. However, since OJJDP placed a special condition on all of the Title II Formula Funds, this project has come to a standstill. The DOJ is pursuing other possibilities for the redesign and rebuild of the JSJR.

Wisconsin's compliance with the fourth core requirement is maintained through the funding of DMC-reduction initiatives managed by various local units of government. Conducting trainings of system participants whose decisions impact custody decisions is an additional part of the DMC-reduction effort. In collaboration with the JDAI effort in Wisconsin, seven sites are participating in a committee initiative to develop and implement a Detention Risk Assessment Instrument (DRAI) to ensure that detention is used only when indicated through a scoring process.

THE FUTURE OF JUVENILE JUSTICE

Wisconsin was in the last year of the 2015-17 Three-Year Plan for Title II Formula Funds. The Commission identified the following priorities, which the DOJ submitted in its FY 2015 application for Title II Formula Funds:

1. Restore compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP);
2. Address/Reduce disproportionate minority contact/disparities (DMC);
3. Implement evidence-based practices/promising practices; and
4. Address mental health/substance abuse issues.

The Commission and the DOJ are committed to maintaining Wisconsin's compliance with the JJDP. The DOJ staff who participated in the OJJDP training on compliance monitoring in September,

conducted a condensed version of the training for the LTE compliance monitors. The DOJ staff also provided a general overview of the information to the Wisconsin Department of Corrections (DOC) partners who provide assistance as outlined in a Memorandum of Understanding. The DOJ will continue to work with the OJJDP Core Protections Division on compliance monitoring practices.

The JJDP has not been reauthorized since 2002 and while there is tremendous bipartisan support for its reauthorization, it did not happen in 2017. In addition, the JJDP has seen a decrease of 55% of funding with the elimination of the Juvenile Accountability Block Grant program. The reduced state allocation presents a challenge for Wisconsin to sustain the level of work required for compliance with the JJDP. The Commission and the DOJ have worked in concert with one another to make the best use of limited funds and resources. In the Settlement Agreement, the US-DOJ recognized the diligent efforts DOJ has taken since 2014 to have an adequate system of compliance monitoring moving forward. The DOJ worked with the OJJDP to resolve substantial deficiencies and restore eligibility to participate in the Title II Formula Grant program. The DOJ has made significant improvements to its Juvenile Justice Program and will continue to move forward with support of the Commission.

ACTIVE GRANTS - 2017

DANE COUNTY

Dane County Office of Equal Opportunity

\$7,750

Grant #12513 DMC Reduction: Implicit Bias/Racial Anxiety in Juvenile Justice

The Dane County Office of Equal Opportunity will conduct a one-day training to supplement previous training the Perception Institute conducted in 2016. The training targeted law enforcement officers as well as stakeholders and focused on teaching best practices in mitigating racial bias and racial anxiety in service delivery. Ongoing system collaboration will be enhanced through information exchanges, written documentation, and relationship building.

LA CROSSE COUNTY

La Crosse County Department of Human Services

\$8,000

Grant #12508 Cultural Competency to Advance DMC-Related System Improvement

La Crosse County Juvenile Justice System participated in the DMC Reduction Pilot opportunity with training and technical assistance provided by the Perception Institute. Data analysis shows that African American youth are approximately nine times more likely to be arrested in the city of La Crosse than their white counterparts (2013). This trend has remained consistent over time. For this and general youth arrest trends in La Crosse, the Arrest & DMC Task Force and the Juvenile Justice Best Practice Committees have worked hard over the last four years to analyze data, make fact based conclusions, and pursue methods of moving forward to offer alternatives to juvenile arrest and means for DMC reduction in our community.

La Crosse County Department of Human Services

\$9,282

Grant #12761 Carey Guides and BITS Training

This grant funded Carey Guide and BITS (Brief Intervention Tools) training to up to 30 participants including all Juvenile Justice Social Workers as well as community partners that serve La Crosse County youth and families. Staff and community partners would receive a two day training focused on increasing their knowledge and practice skills in utilizing the tools provided by the Carey Group.

MILWAUKEE COUNTY

Milwaukee County Human Services Department

\$23,242

Grant #11658 Power of Harambee

This was the last year of a grant that started in January 2016, and ended on June 30, 2017. The funding supports juveniles' participation in the Power of Harambee Youth Employment Collaborative with the target population being youth in the Targeted Monitoring Program (TMP) and the Milwaukee County Accountability Program (MCAP). In March 2017, Milwaukee County Human Services Department selected and awarded a contract to Social Development Commission (SDC) for the Youth Employment Program, formerly operated as the Power of Harambee program. This contract goes through the end of December 2017, with the option of continuing for an additional two years. Further, this program supports youth of color in preventing further involvement with the juvenile and criminal justice systems.

Milwaukee County Human Services Department

\$5,000

Grant #12501 DMC Reduction Pilot

The Delinquency and Court Services Division (DCSD) of Milwaukee County Human Services Department obtained funding to receive training and technical assistance from the Perception Institute in order to identify the decision points and practices within the youth justice system that contribute to the severe and persistent racial disparities. DCSD is committed to reducing disproportionate minority contacts for youth by developing a multidisciplinary team of stakeholders and implementing evidence based practices and responses. The training and support received through this project will assist DCSD and the Racial and Ethnic Disparities (RED) committee in action planning to address DMC and develop relevant interventions for youth of color in Milwaukee County. DCSD will assist in developing best practice tools, interventions and training that can be implemented throughout the state of Wisconsin.

Rock County Human Services Department

\$4,355

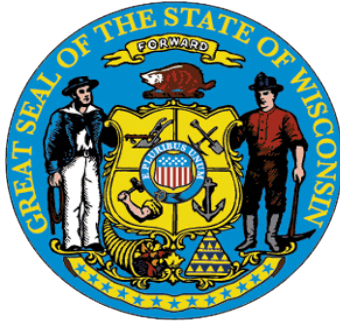
Grant #12790 Youth Justice Targeted Risk Reduction

The primary purpose of the Youth Justice Targeted Risk Reduction project is to provide a structure to improve current interventions with youth that are exhibiting delinquent behaviors. Rock County is seeking to expand the use of evidence-based tools that are integrated into our case management strategies. The use of Carey Guides and Brief Intervention Tools (BITS) are a complement to our Functional Family Case Management and Motivational Interviewing best practices. Jefferson

and Walworth Counties are jurisdictions that share many of the same agency values as Rock County related to promoting youth development and use of trauma-informed practices. Rock County has successfully collaborated with these agencies in the past in order to leverage resources and training.

TOTAL GRANTS AWARDED IN 2017

\$57,629



This project was supported by 2016-JF-FX-0056 by the Office of Juvenile Justice and Delinquency Prevention/Office of Justice Programs.

This is a publication of the
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