



GOVERNOR'S JUVENILE JUSTICE COMMISSION

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Summary of 2023 Juvenile Justice and Delinquency Prevention Act (JJDP) Compliance Report

Prepared for the Governor's Juvenile Justice Commission

by

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Pursuant to 28 C.F.R. § 31.303(f)(6), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) sets annual compliance standards by calculating the average from not less than two years prior to the compliance reporting period for the Deinstitutionalization of Status Offenders (DSO), Sight and Sound Separation (S & S), and Jail Removal (JR) core requirements, removing, when applicable, one negative outlier for each requirement and applying a standard deviation factor of not less than one.

For purposes of calculating rate of compliance, Wisconsin has a juvenile population of 1,184,553. This does not include 17-year-olds, as that is the age of exclusive original criminal jurisdiction under state law.

Section 223(a)(11)(B) of the JJDP provides that by December 21, 2021, juveniles who are being charged and tried as adults may not be detained or confined in an adult jail or lockup and may not have sight or sound contact with adult inmates – unless found by a court to be in the interest of justice. States are currently required to collect 223(a)(11)(B) data. Thresholds will be set and reviewed for compliance by OJJDP at a future date. In the interim, this report includes data related to the 223(a)(11)(B) core requirement, as a raw number of violations.

In accordance with the above methodology, the FY 2023 data for each of the core requirements is as follows:

- **Deinstitutionalization of Status Offenders (DSO)**
 - Threshold rate: 3.81 per 100,000 juvenile population.
 - Wisconsin instance rate of non-compliance: 1.10 per 100,000 juvenile population, adjusted for non-reporting facilities¹.
 - Wisconsin total violations reported (raw data): 13
 - Wisconsin total qualifying for Valid Court Order (VCO) exception: 9
 - Wisconsin total holds pursuant to Interstate Compact on Juveniles (ICJ): 3

¹ 1 non-reporting facility: Milwaukee County Sheriff's Department Substation: Mitchell International Airport. This site is newly monitored as of 2022 and did not return a request for Annual Survey data. Due to the number of facilities monitored, when rounded, the facility response rate for 2023 was 100%.

- **Sight and Sound Separation (S & S)**
 - Threshold rate: 1.08 per 100,000 juvenile population.
 - Wisconsin instance rate of non-compliance: 0.00 per 100,000 juvenile population, adjusted for non-reporting facilities.
 - Wisconsin total violations reported (raw data): 0
- **Jail Removal (JR)**
 - Threshold rate: 6.40 per 100,000 juvenile population.
 - Wisconsin instance rate of non-compliance: .93 per 100,000 juvenile population, adjusted for non-reporting facilities.
 - Wisconsin total violations reported (raw data): 11
 - Wisconsin total qualifying for Rural Exception²: 5
- **Section 223(a)(11)(B)**
 - Threshold rate: to be determined by OJJDP at a future date.
 - Wisconsin instance rate of non-compliance: .51 per 100,000 juvenile population, adjusted for non-reporting facilities.
 - Wisconsin total violations reported (raw data): 6
 - Wisconsin total 223(a)(11)(B) Interest of Justice hearings held: 0

Year-Over-Year Comparison

Federal Fiscal Year	Data Period	Total Holds	DSO	Separation	Jail Removal	223(a)(11)(B)
2019	10-1-17 to 9-30-18	9055	36	5	65	-
2020	10-1-18 to 9-30-19	6980	35.31	0	46.45	-
2021	10-1-19 to 9-30-20	5705	21	1	21	-
2022	10-1-20 to 9-30-21	4312	24	0	29	-
2023	10-1-21 to 9-30-22	5109	13	0	11	6

Deinstitutionalization of Status Offenders (DSO)

Wisconsin DSO violations decreased in the 2023 reporting period. All violations were placements in county juvenile detention centers due to runaway behaviors or truancy. As a comparison, many states have moved towards statutory modifications that prohibit the placement of status and non-offenders in any secure setting. However, a handful of other states incur a high number of DSO violations each year and utilize the Valid Court Order exception far more frequently than Wisconsin.

² Vilas and Forest County Jails qualify for this exception to the six-hour removal requirement for delinquent offenders due to distance from available secure juvenile detention facilities. Agencies must be approved by DOJ prior to using the Rural Exception. Only Forest County Jail utilized the exception in FY2023 (5 times).

Not all DSO violations incurred by a juvenile detention facility are indicative of incorrect action, policy, or procedure. Some facilities receive a high number of status and non-offender placement orders. Such orders may come from the same county as the detention center location, or often are from surrounding or distant jurisdictions. The court orders often meet all requirements under Wisconsin state law but violate the DSO core requirement of the JJDPa. For example, under Wisconsin law, violations of valid court orders may result in a secure custody sanction of up to 10 days, whereas the JJDPa limits the acceptable sanction length to 7 days.

DSO Violations

- Dane County Juvenile Detention Center: 2
- La Crosse County Juvenile Detention Center: 2
- Marathon County Juvenile Facility: 2
- Milwaukee County Secure Juvenile Detention Center: 3
- Northwest Regional Juvenile Detention Center (Eau Claire County): 2
- Racine County Juvenile Detention: 2

ICJ Exceptions

- Washington County Secure Juvenile Detention: 1
- Fond du Lac County Secure Detention Center: 2

VCO Exceptions

- Racine County Juvenile Detention: 3
- Washington County Secure Juvenile Detention: 6

Sight and Sound Separation (S & S)

For the 2023 reporting period, Wisconsin had no violations of the sight and sound separation requirement. This is of utmost importance, as Wisconsin has previously been out of compliance with this core requirement, which has a very slim margin of error.

Jail Removal (JR)

Jail removal violations in Wisconsin decreased significantly during the 2023 reporting period. All jail removal violations occurred when a youth was detained or confined at a police department or municipal lockup, for a delinquent offense, for greater than six hours.

Wisconsin DOJ continues to work closely with law enforcement partners in guiding policy and procedures around the secure holding of juveniles. At each on-site audit, DOJ staff provide agencies with updated signage that clearly notes the type of juveniles that can be placed in secure areas and for how long. Compliance staff also provide guidance to agencies as to non-secure alternatives to detention or confinement. DOJ has seen a trend toward law enforcement agencies processing youth entirely outside of law enforcement buildings, processing and immediately transporting youth to juvenile facilities, and removing all secure features (cuffing fixtures and locks that prevent egress).

JR Violations

- Milwaukee Police Department, District 1: 8

- Milwaukee Police Department, District 3: 2
- West Allis Police Department: 1

Section 223(a)(11)(B)

As noted above, OJJDP continues to gather data from states to establish violation thresholds and begin reviewing compliance with this core requirement. All six violations of this core requirement occurred at the Kenosha County Jail. As noted in the chart below, 3 distinct youth were held at the jail during a pending waived adult case, past the timeframes allowed under the JJDPa and without the required findings/review hearings. After these violations occurred, DOJ and Kenosha County collaborated on county-wide training and technical assistance. Kenosha has provided DOJ with documents from several JJDPa compliant 223(a)(11)(B) hearings for the 2024 reporting period.

Youth Identifier	Held Beyond 6-Hours in an Adult Jail or Lockup Without 223(a)(11)(B) Hearing	No 223(a)(11)(B) 30-Day Review Hearing	No 223(a)(11)(B) 60-Day Review Hearing	Violations Associated with Youth Custody
A	X	X	X	3
B	X	X		2
C	X			1

Total 223(a)(11)(B) Violations: 6