



WISCONSIN JJDP A AUDIT PROCESS

The Wisconsin Department of Justice (DOJ) is the designated state agency for ensuring compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP). DOJ administers federal grant funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to units of local government and nonprofit organizations to improve the state's juvenile justice system.

Wisconsin's eligibility to receive federal grant funds is dependent on demonstrating compliance with the following core requirements:

- Deinstitutionalization of Status Offenders (DSO) Sect. 223(a)(11)(A) – not placing status offenders (truants, curfew violators, runaways, etc.), non-offenders (dependent, neglected, or abused), or unauthorized immigrants in secure detention or correctional facilities
- Removing Juveniles Charged as Adults (In the Interest of Justice) Sect.223(a)(11)(B) – not detaining or confining juveniles charged as adults in jails or lockups unless the court makes certain findings
- Sight or Sound Separation of Juveniles from Adult Inmates Sect. 223(a)(12) – not detaining or confining juveniles in any institution in which they have sight or sound contact with adult inmates
- Removal of Juveniles from Adult Jails and Lockups Requirement (JR) Sect. 223(a)(13) – not detaining or confining juveniles in adult jails or lockups, subject to certain exceptions
- Reduction of Racial and Ethnic Disparities Requirement (R/ED) Sect. 223(a)(15) – identifying and reducing racial and ethnic disparities among youth who come into contact with the justice system

DOJ compliance monitors conduct audits of jails, detention centers, court holdings, municipal lockups, law enforcement agencies, secure mental health agencies, and correctional facilities. Some of these site audits are completed in partnership with the Wisconsin Department of Corrections (DOC). Any facility that has a secure characteristic; namely, locking interview room, locking holding cell, cuffing bench/bar/rail; must be inspected at least once every three years. Collocated facilities must be inspected annually.

What Happens During the Audit?

The DOJ compliance monitor (or a DOC staff person, if applicable) will tour your facility from the perspective of a juvenile being brought in for identification/booking, interviewing, or a secure hold. The compliance monitor will review your custody logs for juveniles and adults. The juvenile logs for the prior federal fiscal year (October 1 – September 30) will be reviewed to ensure that status/non-offenders were not placed in secure custody, juvenile and adult detainees were sight and sound separated, and juveniles were not held in secure custody within an adult jail or lock-up for more than six hours or without requisite

court approval. The adult logs for the prior federal fiscal year may be reviewed to confirm site and sound separation from juveniles. The compliance monitor will review your current policies and procedures for handling juveniles and ask clarifying and procedural questions. If your facility does not have policies and procedures, the compliance monitor will assist in developing them.

What Do We Do with The Information We Compile from Site Audits?

Compliance monitors complete a report summarizing the visit, which is provided to each facility. Data is compiled into an annual report that is shared with OJJDP, the Wisconsin Governor’s Juvenile Justice Commission (GJJC), and with other relevant stakeholders.

What Happens If There Are Violations?

If your facility has violations, the DOJ compliance monitors will work with you to correct them. There is no penalty to your facility, but the number of JJDPA violations may affect the amount of federal funds awarded to Wisconsin. Additional potential impacts of a non-compliance with JJDPA core requirements can be discussed with DOJ staff at the time of audit, or at an alternative time.

Common Terms/Definitions Within the JJDPA Audit Process

Accused: a person accused of committing an offense—status or delinquent.

Adjudicated: found by the court to have committed an offense—status or delinquent.

Delinquent: a juvenile offense that would be criminal if committed by an adult.

Detain or Confine: to hold, keep, or restrain a person such that they are not free to leave, or a reasonable person would believe they are not free to leave. This does not include those held solely for release to a parent/guardian, transfer to a child welfare/social services agency, or processed within a secure booking area and immediately moved to a nonsecure area/released/transported.

Non-offender: a juvenile who has committed no offense or violation and may be abused, neglected, an unauthorized immigrant, a runaway, or experiencing a mental health crisis.

Secure: locks or construction fixtures preventing unimpeded egress, a locking interview room, an area with secure cuffing features, a locking holding cell. Placement in secure areas, even if secure features not utilized, results in detention/confinement under the JJDPA.

Non-secure: the person is placed in a room with no lock on the door and has unimpeded egress out of the building. If necessary, the person may be handcuffed to him/herself but not to a stationary object.

Sight or sound contact: Any physical, clear visual, or verbal contact that is not brief and inadvertent.

Status offender: youth who committed an offense that would not be criminal if committed by an adult; e.g., running away, curfew, truancy. A warrant or capias issued where the original offense was a status offense remains a status offense.

Time-phasing: Use of the same physical space, but not at the same time.

We are here to work with you and would be happy to answer any questions/concerns you may have.

Matt Allord
Juvenile Justice Supervisor,
Compliance Manager
608-419-5847
allordmj@doj.state.wi.us

Jeff Sauer
Compliance Monitor
608-977-1491
sauerjr@doj.state.wi.us

Sabrina Gentile
Outreach Coordinator
608-287-4310
gentilem@doj.state.wi.us

Jessica Reindl
Juvenile Justice Coordinator
608-572-5793
reindlja@doj.state.wi.us