

Governor's Juvenile Justice Commission

Policy, Legislation, and Compliance Subcommittee

Meeting Minutes

Tuesday, January 23, 2024, 12:00 p.m. – 1:30 p.m.

Virtual Meeting

Co-Chairs: Commissioner Diane Rondini and Commissioner Carl Ashley

Subcommittee	Commissioner Carl Ashley, Commissioner Dana Brown,
Members Present:	Commissioner Lesley Baird Chapin, Commissioner Ben Gonring, Commissioner Abigail Gosetti, Commissioner Ron Hermes, Commissioner Shelby McCulley, Commissioner Andrew Miller, Commissioner Sharlen Moore, Commissioner Aidan Raney Commissioner Diane Rondini, Greg Bucholtz, Kyle Peaden.
Subcommittee	
Members Not Present:	Commissioner Dorinthia Robinson
Other GJJC Members	
Present:	
Wisconsin DOJ Staff:	Kiley Komro, Sabrina Gentile, Matt Allord, Mark Rather

Convene

The Policy, Legislation, and Compliance Subcommittee convened at 12:00 p.m.

Chair's Welcome and Roll Call

Co-Chair Diane Rondini welcomed subcommittee members to the meeting. Co-Chair Rondini introduced new Commission members Dr. Lesley Baird Chapin and Aidan Raney to the subcommittee and asked members to introduce themselves. Quorum was present.

Co-Chair Rondini requested a motion to approve the October 24, 2023, Policy, Legislation, and Compliance Subcommittee Meeting Minutes.

Motion to Approve October 24, 2023, PLC Subcommittee Meeting Minutes

Motion was made by Commissioner Ron Hermes and seconded by Commissioner Dana Brown to approve the October 24, 2023, Policy, Legislation, and Compliance Subcommittee Meeting Minutes.

Motion approved.

The vote was: 10 Ayes, 0 No

DOJ Staff Updates

Compliance: 223(a)(11)(B) changes

Matt Allord reported OJJDP has recently changed the guidance associated with 223(a)(11)(B), Removing Juveniles Charged as Adults core requirement. Per Section 223(a)(11)(B) of 34 U.S.C. § 11133, a juvenile who is charged as an adult cannot be detained or confined in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility unless a court determines, after a hearing, and in writing, that it is in the interest of justice to permit a juvenile to be detained or confined in a jail or lockup for adults or have sight or sound contact with adult inmates in a secure facility.

OJJDP has revised its guidance and informed Wisconsin DOJ that this core requirement applies to all individuals under the age of 17 (the age of full criminal responsibility in Wisconsin) charged as adults. Anyone under the age of 17 charged as an adult must have a 223(a)(11)(B) hearing prior to or within 6 hours of being detained or confined in an adult jail or lockup (48 hours, excluding weekends and legal holidays, for facilities with a Wisconsin DOJ approved Rural Exception). This includes youth waived into adult court and individuals under the age of 17 charged under original adult jurisdiction statutes.

Any individual under the age of 17 charged as an adult and detained or confined in a jail or lockup for adults must be sight and sound separated from adult inmates during the time preceding the 223(a)(11)(B) hearing.

Allord reported an updated memo has been sent to sheriffs, jail administrators, juvenile detention centers, judges, district attorneys, public defenders, Department of Corrections (DOC), Department of Children and Families (DCF), the GJJC and juvenile justice stakeholders.

Compliance Monitoring

Allord reported the compliance monitors continue the on-site audits. Allord has completed audits in the south central region and Jeff Sauer continues his audits in the south eastern region. Allord noted that he will now begin audits in the northern part of the state.

Legislation

Sabrina Gentile reported the Speaker's Task Force on Human Trafficking has concluded their hearings and has introduced legislation that is already scheduled for legislative hearings. Gentile listed over a dozen bills that have been introduced by the task force. Gentile reported that ten of the bills were scheduled for a public hearing this week. Gentile has a memo summarizing the bills and the memo will be sent to the subcommittee after the meeting. DOJ Staff will continue to monitor the bills as they move through the legislative process.

Gentile noted the task force acknowledged the GJJC supported legislation, Assembly Bill 48 and Senate Bill 55 companion bills, that relate to prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution. The task force did not include this legislation in their package.

AB48 was referred to the Assembly Criminal Justice and Public Safety Committee and received a public hearing on June 1, 2023. No further action has been taken by the committee.

SB55 was referred to the Senate Judiciary and Public Safety Committee. No further action has been taken by the committee.

Grants

Kiley Komro reported three Juvenile Deflection and Diversion grants have been awarded.

Komro reported there are three grant announcements posted on the GJJC website and the DOJ Grants website.

1. Family-Based Youth Incarceration Prevention and Reentry Services – This grant program will support tribal, county, and local (including school districts, and law enforcement) government agencies, and youth serving nonprofits in implementing a new or expanding existing programs. Programs must aim to serve youth and families to divert youth from out of home placement (including secure detention and incarceration) or support youth with reentry and reintegration into their families and communities. The aim of this grant is to increase the number of youth successfully served at home with their family, decrease the number placed in out of home care including secure detention or secure correctional facilities, and increase the number who successfully transition from secure or non-secure out of home care back to their families. A total of \$125,000 is available through this initiative to support one or more awards of up to \$125,000.
2. Local Delinquency Prevention Program – Funding is available for Tribal, county, and local government agencies, and youth serving nonprofits to implement new or enhance existing programs that aim to meet the needs of at-risk youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, healthcare agencies, and private nonprofit agencies offering youth services. Programs should reflect the needs of the applicant community and could include mentoring programs, mental health and substance abuse services, family-strengthening support and therapy, afterschool programs that provide cultural, educational, recreational, or employment activities, and others. A total of \$58,070 is available through this program to support one award up to \$58,070.
3. Compliance System Improvements – Funding is available to help local police departments maintain compliance with the core requirements of the Juvenile Justice

and Delinquency Prevention Act (JJDP). Funding will support facility improvements that better ensure compliance with the JJDP when juveniles, status offenders, and non-offending minors are present. A total of \$5019 is available through this program.

The application deadline for the grants is February 2, 2024.

Staff Updates

Matt Allord reported Sabrina Gentile has been named Outreach Coordinator, a new position in the Bureau of Justice Programs. Gentile will continue her current responsibilities for the GJJC and the juvenile justice compliance program. Gentile's new responsibilities include working with the Criminal Justice Coordinating Council.

Allord reported he is creating a position description for a compliance and racial and ethnic disparities staff member. The position description needs to be approved by DOJ Human Resources before it is posted for applicants. Allord noted this process could take some time before the position is posted.

Allord reported Leslie Tlahuel will be an intern for the Juvenile Justice Team during the second semester. Allord reported she may work on research for GJJC position papers, and other tasks. Tlahuel will begin on January 26, 2024, and will work on Mondays and Fridays.

Statement in Support of companion bills, Senate Bill 801 and Assembly Bill 845

Komro asked members for comments on the draft GJJC statement in support of SB 801 and AB 845, relating to sentencing for crimes committed by a person who is under the age of 18. The proposed legislation takes up policies the GJJC recommended to incorporate into the 2020 Legislative Interim Research Report on Criminal Sentencing of Juvenile Offenders and in a letter supporting SB862 and AB856 in 2022. The GJJC directed DOJ Staff to update previous GJJC statements in support of the legislation.

The subcommittee discussed the legislation.

Co-Chair Rondini requested a motion regarding the draft GJJC statement for companion bills, Senate Bill 801 and Assembly Bill 845.

Motion to recommend to the full GJJC to approve the draft GJJC Statement in support for SB 801 and AB 845

Motion was made by Commissioner Carl Ashley and seconded by Commissioner Ben Gonring to recommend to the full GJJC to approve the draft GJJC Statement in support of companion bills, SB 801 and AB 845, relating to sentencing for crimes committed by a person who is under the age of 18.

Motion approved.

The vote was: 13 Ayes, 0 No

Companion Bills, Senate Bill 836 and Assembly Bill 896

DOJ Staff attended the Wisconsin Juvenile Justice Network quarterly meeting and companion bills, Senate Bill 836 and Assembly Bill 896, relating to imposing conditions on a juvenile between a plea hearing and a fact-finding hearing or disposition hearing were discussed. The DOJ Staff informed the co-chairs of this legislation. The co-chairs asked DOJ Staff to list the bills on the meeting agenda for further consideration by the subcommittee.

Commissioner Shelby McCulley reported DCF submitted testimony for information only at the hearing for the companion bills. DCF is concerned that additional, untargeted court conditions could increase youth justice system involvement and the potential for reoffending.

Subcommittee members shared many views of the legislation and decided to not take a position.

Phone Call Fees in Juvenile Detention Centers

Allord reviewed the list of juvenile detention centers and what fees are charged, if any, for a phone call. The subcommittee is interested in making all phone calls free of charge for juveniles to ensure youth in detention centers can stay connected to family and other external supports regardless of their financial status.

Commissioner Rondini spoke with Washington County Juvenile Detention Center Superintendent regarding their fee structure and summarized it for the subcommittee.

Subcommittee member Greg Bucholz reported that in the revision of DOC 346, Secure Detention for Juveniles, DOC is considering mandating free phone calls in the rule. Subcommittee member Bucholz will continue to update the subcommittee on the rule revision.

Secure Facility Improvements and Construction Budgets

Allord reported the construction budgets for the Type 1 and SRCCCY facilities currently being built or being planned in Wisconsin.

Allord reviewed the future meetings for PLC and GJJC.

2024 PLC Subcommittee Meetings

- March 26, 2024
- April 23, 2024
- June 25, 2024
- October 22, 2024

2024 GJJC Quarterly Meetings

- February 13, 2024
- May 14, 2024
- August 13, 2024
- November 12, 2024

Public Comment

There was no public comment.

Announcements

Commissioner Hermes proposed sharing information on the Mandt System at a subcommittee meeting and requested to be on a future agenda. The Mandt System is a comprehensive, integrated approach to preventing, de-escalating, and if necessary, intervening when the behavior of an individual poses a threat of harm to themselves and/or others.

Motion to Adjourn

Motion was made by Commissioner Carl Ashley and seconded by Subcommittee member Bucholz to adjourn the meeting.

Motion approved.

The vote was: 12 Ayes, 0 No