



# GOVERNOR'S JUVENILE JUSTICE COMMISSION

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## Summary of 2025 Juvenile Justice and Delinquency Prevention Act (JJDP) Compliance Report

Prepared for the Governor's Juvenile Justice Commission

by

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6/24/25

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), Jail Removal (JR), and Removing Juveniles Charged as Adults (JCA) 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 1,171,541. This does not include 17-year-olds, as that is the age of full criminal responsibility under state law.

Section 223(a)(11)(B) of the JJDP Act provides that by December 21, 2021, individuals under the age of 17 who are charged 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. This reporting period is the first time that OJJDP has set and enforced a compliance threshold for this core requirement.

During this reporting period, 100 percent of JJDP Act monitored facilities returned a request for Annual Survey data and/or were audited as required (525 Annual Survey responses (includes nonsecure survey responses), 48 on-site inspections, 8 record reviews, 15 nonsecure verification inspections).

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

- **Deinstitutionalization of Status Offenders (DSO)**
  - Threshold rate: 3.23 per 100,000 juvenile population.
  - Wisconsin instance rate of non-compliance: 1.02 per 100,000 juvenile population, adjusted for non-reporting facilities.
  - Wisconsin total violations reported (raw data): 12
  - Wisconsin total qualifying for Valid Court Order (VCO) exception: 13
  - Wisconsin total holds pursuant to Interstate Compact on Juveniles (ICJ): 0

- **Sight and Sound Separation (S & S)**
  - Threshold rate: 0.16 per 100,000 juvenile population.
  - Wisconsin instance rate of non-compliance: .09 per 100,000 juvenile population, adjusted for non-reporting facilities.
  - Wisconsin total violations reported (raw data): 1
  
- **Jail Removal (JR)**
  - Threshold rate: 15.13 per 100,000 juvenile population.
  - Wisconsin instance rate of non-compliance: 5.04 per 100,000 juvenile population, adjusted for non-reporting facilities.
  - Wisconsin total violations reported (raw data): 59
  - Wisconsin total qualifying for Rural Exception<sup>1</sup>: 14
  
- **Juveniles Charged as Adults (JCA, Section 223(a)(11)(B))**
  - Threshold rate: 14.68
  - Wisconsin instance rate of non-compliance: 1.28 per 100,000 juvenile population, adjusted for non-reporting facilities.
  - Wisconsin total violations reported (raw data): 15
  - Wisconsin total youth held in compliance with JCA/223(a)(11)(B) hearings: 51

**Year-Over-Year Comparison**

<b>Year</b>	<b>Data Period</b>	<b>Total Holds</b>	<b>DSO</b>	<b>Separation</b>	<b>Jail Removal</b>	<b>JCA, 223(a)(11)(B)</b>
2019	10-1-17 to 9-30-18	9055	30	5	61	-
2020	10-1-18 to 9-30-19	6980	35	0	46	-
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*
2024	10-1-22 to 9-30-23	5084	6	0	37	47
2025	10-1-23 to 9-30-24	5019	12	1	59	15

\* Individuals under the age of 17 charged as adults under original adult jurisdiction statutes and detained or confined in an adult jail or lockup were not noted as violations during this reporting period.

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<sup>1</sup> 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 and DOC-ODF prior to using the Rural Exception. Only Forest County Jail utilized the exception in FY2024 (14 times).

### **Deinstitutionalization of Status Offenders (DSO)**

- 5 violations involved youth who were AWOL / ran away from placements. Many times, there was a corresponding human trafficking concern.
- 3 violations involved a JIPS (truancy) sanction that exceeded the allowable 7 days under the Valid Court Order exception.
- 3 violations involved a lack of placement options for a CHIPS youth.
- 1 violation involved a JIPS (truancy) secure custody, there was no Valid Court Order authorizing the hold.

Many states have amended statutes to prohibit the placement of status and non-offenders in a secure setting, with no exceptions. Future reauthorizations of the JJDPA may eliminate the Valid Court Order exception. However, a handful of states still incur a high number of DSO violations each year and utilize the Valid Court Order exception more frequently than Wisconsin.

Not all DSO violations are indicative of incorrect action, policy, or procedure within the holding facility. Status and non-offender placement orders may come from courts within the same county as the detention center, or from surrounding or distant jurisdictions. The court orders often meet all requirements under Wisconsin law but violate the DSO core requirement of the JJDPA. At times, court documents or orders plainly state that the authorizing judge is aware that a JJDPA violation will occur.

#### DSO Violations

- Brown County Juvenile Detention: 5
- Racine County Juvenile Detention: 3
- Marathon County Juvenile Detention: 1
- Milwaukee County Juvenile Detention: 1
- Northwest Regional Juvenile Detention Center: 1
- Washington County Juvenile Detention: 1

#### ICJ Exceptions

- none

#### VCO Exceptions

- Washington County Juvenile Detention: 10
- Racine County Juvenile Detention: 2
- Brown County Juvenile Detention: 1

### **Sight and Sound Separation (S & S)**

Wisconsin had 1 violation of the sight and sound separation core requirement. This was a self-reported violation at a police department. A youth was taken into custody for a delinquent offense and briefly held in the secure booking area while adult detainees were in the same space. While officers were present during the entire event and the youth was moved to a separated interview room after being searched, a sight and sound violation still occurred.

#### S & S Violations

- Marquette University Police Department

## Jail Removal (JR)

- 8 violations were due to status offender youth (runaway/AWOL from placement) being placed in secure areas for any length of time.
- 1 violation was due to a status offender youth (truancy capias) being placed in a secure location for any length of time.
- 1 violation was due to an accused delinquent youth having sight and sound contact with adult detainees in a secure booking area, thus the 6-hour exception to the jail removal core requirement did not apply.
- All other violations (49) were due to secure police department holds of delinquent youth that exceeded 6 hours. Most were 6-8 hours.

Jail removal violations in Wisconsin increased for the second straight year, after a low during the 2021-2022 reporting period. Wisconsin DOJ continues to work closely with law enforcement partners to implement JJDPa compliant policy and procedure related to the processing of youth. 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.

As noted below, the two facilities with the highest number of jail removal violations were Milwaukee PD, Districts 1 and 7. Since this reporting period ended, Milwaukee PD District 1 has created (via WI DOJ grant funding) a nonsecure, juvenile only space that allows PD staff to house youth in rooms without locking mechanisms capable of securing someone inside, without cuffing fixtures, and completely separate from adult detainees. Milwaukee PD District 7, after consulting with WI DOJ Juvenile Justice Unit staff, removed all cuffing fixtures from interview rooms. Because these spaces are now nonsecure, JJDPa core requirements do not apply, and there should be a corresponding reduction in violations.

### JR Violations

- Milwaukee Police Department, District 1: 26
- Milwaukee Police Department, District 7: 9
- South Milwaukee Police Department: 5
- Glendale Police Department: 4
- Milwaukee Police Department, District 3: 4
- Whitefish Bay Police Department: 2
- Appleton Police Department: 1
- Ashland Police Department: 1
- Forest County Jail: 1
- Marquette University Police Department: 1
- New Berlin Police Department: 1
- Racine Police Department: 1
- St. Francis Police Department: 1
- Sun Prairie Police Department: 1
- Waupaca Police Department: 1

## Juveniles Charged as Adults (JCA, Section 223(a)(11)(B))

As noted above, this is the first time OJJDP has established and enforced a compliance threshold for this core requirement.

On 1/8/2024, Wisconsin DOJ sent a memo with updated guidance to various criminal justice stakeholders, agencies, and facilities. This memo clarified that the JCA/223(a)(11)(B) core requirement applies to **all** individuals under the age of 17 charged as adults and housed in a county jail (both waiver and original adult jurisdiction).

### JCA/223(a)(11)(B) Violations (including those with JJDP compliant hearings)

Facility	Most Serious Charge	Violations	Hearings
Dane County Jail	Adult Case - Writ	1	0
Dane County Jail	Operate without Owner Consent	2	0
Dane County Jail	Flee/Elude	1	5
Forest County Jail	Flee/Elude	2	1
Forest County Jail	Bail Jumping	1	0
Forest County Jail	2 <sup>nd</sup> Degree Recklessly Endangering Safety	1	0
Forest County Jail	1 <sup>st</sup> Degree Recklessly Endangering Safety	1	2
Lincoln County Jail	False Imprisonment	1	0
Outagamie County Jail	1 <sup>st</sup> Degree Homicide - Attempt	4	2
Walworth County Jail	1 <sup>st</sup> Degree Recklessly Endangering Safety	1	1
<b>TOTAL</b>		<b>15</b>	<b>11</b>

\*BLUE = some or all violations prior to 1/31/24 (DOJ Guidance Memo dated 1/8/24)

### JCA/223(a)(11)(B) Hearings (without any violations)

Facility	Most Serious Charge	Hearings
Kenosha County Jail	Battery by Prisoner	4
Kenosha County Jail	Battery by Prisoner, 1 <sup>st</sup> Degree Recklessly Endangering Safety	3
Kenosha County Jail	Battery to Law Enforcement, Burglary	1
Kenosha County Jail	1 <sup>st</sup> Degree Recklessly Endangering Safety	5
Kenosha County Jail	Burglary	1
Kenosha County Jail	2 <sup>nd</sup> Degree Sexual Assault	5
Kenosha County Jail	1 <sup>st</sup> Degree Recklessly Endangering Safety	2
Kenosha County Jail	1 <sup>st</sup> Degree Sexual Assault	4
Kenosha County Jail	Possession of Dangerous Weapon < 18 Years	3
Kenosha County Jail	Burglary - Arm Self with Dangerous Weapon	3
Kenosha County Jail	Bail Jumping - Felony	1
Lincoln County Jail	1 <sup>st</sup> Degree Reckless Homicide	5
Milwaukee County Jail	1 <sup>st</sup> Degree Reckless Homicide - PTAC	1
Ozaukee County Jail	Sexual Assault of a Child	1
Walworth County Jail	Burglary	1
<b>TOTAL</b>		<b>40</b>