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AB 188/SB 168 Testimony

Thank you Chairman Spiros, Chairman Wanggaard, and members of the committees for the opportunity to provide testimony on this bill to update 2017 Act 185, which will close Lincoln Hills and Copper Lakes Schools and replace it with smaller, more evidence-based facilities and programming. In general, Serious Juvenile Offenders will go to Type 1 secure facilities run by Wisconsin Department of Corrections. Other juveniles who need to be held in the interest of public safety will be the responsibility of the counties in Secure Residential Care Centers for Children and Youth (SRCCCYs). Counties may apply for a grant to build a SRCCCY or collaborate with another county to serve their youth. Additionally, it provides for an expansion to the Mendota Juvenile Treatment Center to include females and increase capacity.

This historic, bipartisan legislation was drafted quickly yet thoughtfully, passed both houses unanimously, and enacted with a number of questions left unanswered. We knew at the time that there would be details to address in the future, and that's why we have this bill today. These concerns include finances, technical problems, and the short timeline.

We are currently in the midst of the budget process, and many questions have arisen as to the amount of bonding for the construction as well as funding for on-going expenses. It is my opinion that the bonding issue is best addressed in the budget rather than in this bill. As for the Youth Aids funding for operation, we expect to work with DCF to address the appropriate funding as we approach the next budget cycle.

Assembly Bill 188 addresses a number of technical changes requested by the agencies. It clarifies how juveniles can be transferred among facilities and who will care for youth after release. It also modifies where girls may be treated, how counties may collaborate, and how current 365 programs may be allowed to continue if they do not develop a SRCCCY. Each of these technical changes are necessary for the smooth transition and operation of the new Wisconsin Model.

While the funding and technical changes are essential, the timeline is the most urgent element in this legislation in my opinion.

I was in the room when Governor Walker agreed to extend the original timeline to accomplish this momentous task. Although he was committed to his ambitious timeline, he agreed to allow more time in deference to the needs of the counties.

Several legislators have asked why we want to extend the timeline yet again. I absolutely do not support Governor Evers' proposal for an indefinite timeline. Troubled youth deserve a timely solution.

Unfortunately, we lost a lot of momentum in the executive transition. The result of which is that the counties have not received the timely response from the Juvenile Corrections Grant Committee that we had envisioned. The counties have requested six more months, so it is in everyone's best interest to make it possible for them to participate. I cannot stress strongly enough that the state cannot accomplish this juvenile corrections reform without the full participation of the counties.

It is the legislature's goal to move our troubled youth out of Lincoln Hills and bring them closer to home as soon as possible. To this end, the bill allows current 365 programs to accept youth and hold them until the SRCCCYs are ready to open.

In closing, it is my privilege to again work with this bipartisan group of legislators. This is the kind of collaboration that is the hallmark of true statesmanship. I will be happy to answer any questions from the committee.



Van H. Wanggaard

Wisconsin State Senator

Testimony on Senate Bill 168/Assembly Bill 188

Thank you Chairman Spiros and members of both committees for hearing Senate Bill 168 and its companion, Assembly Bill 188 (SB 168), which addresses some of the concerns with 2017 Act 185 (Act 185) that came to light as the process of revamping our juvenile justice system began. To provide context on and to stress the importance of this trailer legislation, I will provide a brief overview to refresh everyone's memories on Act 185.

In light of several allegations and investigations regarding mistreatment of the children housed in Lincoln Hills and Copper Lake (LH/CL), the legislature decided to act swiftly to address the flaws in our juvenile corrections system by passing Act 185, closing these failing institutions by January 1, 2021. It also expanded capacity at Mendota Juvenile Treatment Center (MJTC), authorized the building of new Type 1 juvenile facilities and established a new system of Secured Residential Care Centers for Children and Youth (SRCCCYs). Counties must meet statutory deadlines regarding the application and construction of these new facilities, the cost of which will be reimbursed by the state after recommendation by the newly created Juvenile Corrections Grant Committee and approval by the Joint Committee on Finance (JFC). Act 185 was passed unanimously in both the Senate and the Assembly.

After directives were provided by the Juvenile Corrections Study Committee, some logistical issues arose. Counties, bearing the majority of responsibility for the transformation, identified areas that needed to be addressed before they could move forward. Meeting specified deadlines outlined in Act 185, language regarding the youth aid bonuses, and the reimbursement rate for facilities housing girls, among others, are some of the changes needed. Additionally, the Departments of Corrections, Children and Families, and Health Services asked for technical fixes to clarify departmental roles and responsibilities in the new juvenile correctional procedures. Everyone had input – stakeholders, the Evers administration, and legislators. Aside from the timelines, which Governor Evers opposes, this bill was agreed to in February by all parties.

This bill addresses the concerns of both the counties and the departments, and extends each point in the timeline for the grant process by three months as well as the LH/CL closure date by six months. The initial deadlines in Act 185 must be pushed back to reflect where we are in the process. The counties need this extension as we rapidly approach the July 1, 2019 deadline for grant applications to be submitted to JFC.

To be clear, SB 168 does not allocate any additional funds to the Type 1 facilities, MJTC, or the SRCCCYs. There is no appropriation attached to this bill. SB 168 only makes technical changes and adjusts the timeline established in Act 185.

I urge you to pass these companion bills so we can continue to improve our juvenile corrections system. Thank you again for your consideration.

Serving Racine and Kenosha Counties - Senate District 21

June 12, 2019

Public Testimony of State Representative Evan Goyke

Re: Assembly Bill 188

Chairman Spiros, Chairman Wanggaard, and Committee Members-

Thank you for the opportunity to testify in support of Assembly Bill 188, a bipartisan bill that continues reform to Wisconsin's juvenile corrections system – "The Wisconsin Model." Last session the state legislature passed 2017 Act 185 with the support of many legislators in this room. Thank you for your support and commitment to these reforms.

Last session I had the honor of working with Rep. Schraa and colleagues on passing 2017 Act 185. The bi-partisan collaboration that occurred was historic for this body and the commitment to solving this important issue transcended party and ideological lines. Simply put, it was my proudest moment as a legislator and my partnership with Rep. Schraa on this issue continues.

I hope to provide as much information and clarity for committee members and the public regarding this bill and the technical fixes contained within.

Assembly Bill 188 contains no policy changes or departures from the intent of 2017 Act 185 passed last session. Beginning last year, we began working with Wisconsin counties on the implementation of the new law and what tools they may need to make "The Wisconsin Model" a reality.

After months of outreach and feedback, Assembly Bill 188 was drafted with two pillars:

- Moving the closure date and conversion of the Lincoln Hills facility from January 1, 2021 to July 1, 2021 in order to accommodate the complexity of the projects.
- Technical fixes requested by state agencies and Wisconsin counties to provide clarity to Act 185 and its implementation.

Assembly Bill 188 is important trailer legislation to ensure that 2017 Act 185 is successful and effective for the citizens of Wisconsin and the youth it serves.

Once again I would like to thank the many members of both committees for their support of Act 185 last session. The work continues. Let's have history repeat itself.

Thank you and I welcome any questions from committee members.



STATE REPRESENTATIVE
DAVID BOWEN

WISCONSIN STATE ASSEMBLY

10TH DISTRICT

Chairman Wanggaard, Chairman Spiros, Members of the Senate Committee on Judiciary and Public Safety and Members of the Assembly Committee on Criminal Justice and Public Safety,

Thank you for holding a public hearing and letting me voice my support for Assembly Bill 188 and Senate Bill 168 relating to facilities for holding juveniles in secure custody.

Based on feedback from the Department of Corrections, the Department of Children and Families, the Department of Health Services, the Wisconsin Counties Association, and other major stakeholders, these bills contain several technical fixes and clarifications to build off the historic achievement of 2017 Act 185.

In order to further refine and enhance these bills, I have introduced an amendment, authored with Rep. Schraa and Rep. Goyke, to address the high costs of the bids that counties have submitted to the Grant Committee and give flexibility to counties for the construction of SRCCCYs.

Our cooperation in replacing Lincoln Hills and Copper Lake with regional, community-based alternatives that shift away from the previous outdated models of incarceration to a new home and dorm-like atmosphere will ameliorate the juvenile rehabilitation process and get our youth back on the right track.

Thank you for holding this hearing, and I encourage members of both committees to support AB 188 and SB 168.





WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

Assembly Bill 188/Senate Bill 168 Public Hearing

Testimony from Department of Corrections Assistant Deputy Secretary Shannon Carpenter

Wednesday, June 12

Thank you Chairs Wanggaard and Spiros, and Vice-Chairs Jacque and Sortwell, for providing the opportunity to testify for information today about Assembly Bill 188 and Senate Bill 168.

My name is Shannon Carpenter. I am the Assistant Deputy Secretary for the Wisconsin Department of Corrections. I have been with the Department for nearly six months and during that time the DOC has had the opportunity to work closely with you on a number of issues related to Act 185, including the Juvenile Corrections Grant Committee as well as other youth justice discussions related to Act 185.

I want to begin my testimony by acknowledging that Act 185 was drafted in the wake of tragedies experienced at Lincoln Hills under the previous administration. Quick action was required to ensure nothing like that would ever happen again to children in Wisconsin. And, I know when Governor Evers and Secretary-designee Carr visited the youth at Lincoln Hills within days of the Governor's inauguration, they witnessed some of the positive changes that staff from the Department of Corrections have already enacted. Every day our team is working toward ensuring best possible care for these youth.

Act 185 addresses the closure of Lincoln Hills and the building of new facilities that may better serve youth closer to their homes. The bills before us today address some technical changes related to that bill. Nothing in Act 185 addresses any of the issues that cause youth to arrive at Lincoln Hills or other secure facilities, nor does it address the trauma-informed, evidenced-based programming that experts across the child welfare system tell us will help rehabilitate these children while they are in detention facilities. Those of us working on the issue of how best to treat Wisconsin's youth in detention agree with local and national experts, community leaders, stakeholders and families, that Act 185 – as currently written and with the “fix” legislation you are considering today – does not go far enough to enact true justice reform for these youth.

True youth justice reform must include not just closing Lincoln Hills and building new facilities. It must address the entire spectrum of those involved with youth as they encounter this system.

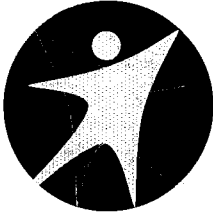
In our current system, local law enforcement officials, human services agencies, prosecutors, and judges have significant discretion and influence on whether and how youth land in secure facilities at the county level or at the state Department of Corrections. The decision to place youth in a secure setting rather than a less secure residential facility, or some other diversionary or community-based justice program, is decided at the local level.

So, it is not enough to simply want there to be fewer children placed in secure settings, as many in this room have stated. It is a matter of all of us who have influence in this process to work together toward the trauma-informed programming, consistent staff training, community involvement, mental and physical health services, and other steps that research tells us increases the likelihood that youth will successfully re-integrate into their families and communities.

Right now, there are 168 youth assigned to Lincoln Hills and Copper Lake Schools. This is a decrease of nearly 80% over the past 17 years. Today, 90% of our youth are identified as having one or more significantly adverse childhood experiences and almost half of the youth are enrolled in special education. More than 75% of the boys and 100% of the girls at Lincoln Hills and Copper Lake are receiving mental health services, in addition to the about 13% of boys who are currently placed at Mendota Juvenile Treatment Center for a serious mental health condition.

Through the Juvenile Corrections Grant Committee, working with counties to develop their Secure Residential Care Centers for Children and Youth (SRCCCYs) and the Type 1 facilities addressed by Act 185 along with the technical fixes outlined by AB 188 and SB 168, the Wisconsin Department of Corrections is committed to the closure of Lincoln Hills and Copper Lake as soon as safe and appropriate alternatives for our youth can be identified, as Governor Evers and Secretary-designee Carr have repeated on many occasions.

As Governor Evers said yesterday, we want to close Lincoln Hills and Copper Lake but we also have to look at the entire youth justice system that considers the continuum of offenses and offenders and where they are mentally and educationally. We at DOC agree a comprehensive plan for juvenile justice in this state is the best path forward. We urge all those who care about the youth involved in the juvenile justice system to consider Act 185 and these technical fixes just the first step in reforming the way we help young people never return to a Department of Corrections facility. Youth justice should not be punitive. It should be a place where vulnerable children – no matter what bad decisions they have made – have the opportunity to overcome the trauma they have experienced in their young lives, receive the education and health treatment services they deserve, and learn the skills necessary to grow into citizens who will successfully contribute to their communities and to our state.



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Andrea Palm, Secretary-designee

Assembly Committee on Criminal Justice and Public Safety;

Senate Committee on Judiciary and Public Safety

2019 Assembly Bill 188, Senate Bill 168: Related to Facilities for Holding Juveniles in Secure Custody

June 12, 2019

Good afternoon. My name is Dr. Rose Kleman, and I am the administrator of the Division of Care and Treatment Services at the Department of Health Services. The Division of Care and Treatment Services oversees the seven direct care and treatment facilities that are part of DHS, including the Mendota Mental Health Institute where the Mendota Juvenile Treatment Center is located. Thank you for the opportunity to provide testimony about Assembly Bill 188 & Senate Bill 168.

The Mendota Juvenile Treatment Center, known as MJTC for short, provides psychological and psychiatric evaluations, and treatment for juveniles who meet two criteria:

- Their behavior presents a serious problem to themselves or others in other juvenile correctional facilities.
- Their mental health needs can be met at the center.

2017 Wisconsin Act 185 implemented major reforms of the state's juvenile justice system. In addition to closing the Lincoln Hills and Copper Lake juvenile detention facilities and establishing county-run facilities for juveniles, it also directed DHS to construct an expansion of MJTC to accommodate no fewer than 29 additional juveniles. Currently, MJTC has capacity to provide psychiatric treatment and

assessment to 29 juvenile males whose transfers into the facility are based on a referral from the Department of Corrections for treatment. MJTC does not currently serve female juveniles. Governor Evers' budget proposed a \$59 million enumeration to construct a 50-bed expansion of MJTC. Last evening, Joint Finance approved \$43 million enumeration for the project. We are still evaluating the impact that the reduced funding will have on the project and the planned expansion. It is important that MJTC has sufficient room for beds and programming space for both boys and girls, and that the space allows sufficient separation between groups of juveniles who are in different stages of progressing through their treatment at MJTC.

MJTC is recognized nationally and internationally for its evidence-based treatment model that has achieved significant positive outcomes for juveniles with serious behavioral problems. The program has scientifically proven studies showing that future violent crime is cut in half following mental health treatment at the center. The program also has demonstrated it is cost effective. As a result, the original 2017 bill reflects the Legislature's judgment that more juveniles, including girls, would benefit from the program if it has expanded capacity.

A key component; however, of the effectiveness of MJTCs is that its treatment staff have discretion over admission. Treatment staff are able to serve juveniles whose treatment needs enable them to benefit from the program. And admissions to MJTC are time limited, with juveniles returning to other placements if they refuse treatment or once they have achieved treatment goals.

To that end, DHS has two requested changes. First, we wish to clarify that only the director of the Mendota Mental Health Facility or their designee is authorized to make decisions regarding admissions and discharges by strengthening the current bill language. Existing bill language states that the Director of MMHI shall be responsible for decisions regarding admissions, treatment, release and return. DHS is concerned that under this, county courts could overrule MJTC staff's clinical judgment regarding

placements at MJTC. MJTC staff are trained to ensure that all admissions and discharges are clinically appropriate and treatment based. Without adequate authority over this process to preserve the effectiveness of the evidence-based treatment program, we risk waiting lists and poorer outcomes.

Our second concern is in ensuring that juveniles remain under the supervision of a county while at MJTC to ensure that MJTC remains a treatment center – where juveniles are referred for treatment only – not as a correctional placement. Placing juveniles referred from county-based secure residential facilities under DHS supervision would shift MJTC from a mental health treatment services provider for juveniles in correctional facilities to a third correctional option for judges to choose from. When counties retain control, juveniles can more easily return back home after their treatment at MJTC is complete.

Ultimately, we want to maintain MJTC's status as a treatment facility for juveniles and ensure the integrity of the MJTC treatment model. The changes we request will align language specific to counties with the language in place for Department of Corrections placements. I appreciate your time today and your consideration of these two items. I am happy to take your questions.



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary

TO: Honorable Member of the State Senate Committee on Judiciary and
Public Safety and Assembly Committee on Criminal Justice and Public Safety

FROM: Naomi De Mers, Administrator DFDM

DATE: June 12, 2019

SUBJECT: Assembly Bill 188 and Senate Bill 168

Thank you Chairmen and ranking members of the committee for the opportunity to provide testimony regarding Assembly Bill 188 & Senate Bill 168 today. I am Naomi De Mers, Division Administrator for Facilities Development and Management and Secretary of the State Building Commission.

The Department of Administration houses the Division of Facilities Development and Management. This Division is responsible for the construction of the facilities in this legislation.

From the beginning of the process, we have expressed concern with the timeline to construct these facilities.

Our experts have determined that under the process that existed until yesterday it would be, at best, 9 months to design and 14 months to build a facility that reflects the goals of providing trauma-informed care based on nation best practices. This does not include the time to transition to occupancy. And more importantly, was a significant departure from a normal construction timeline which would have been almost double this.

Last night, the Joint Finance Committee's action slowed this timeline even further. Since we have not seen how last night's changes will be written into law, we are unable to provide additional information on how much this will slow the process.

I appreciate your time today.

Thank you.



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Andrea Palm, Secretary-designee

Assembly Committee on Criminal Justice and Public Safety;

Senate Committee on Judiciary and Public Safety

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MEMORANDUM

TO: Honorable Members of the Assembly Committee on Criminal Justice and Public Safety and the Senate Committee on Judiciary and Public Safety

FROM: Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs

DATE: June 12, 2019

SUBJECT: Support for Assembly Bill 188/Senate Bill 168 – Secured Residential Care Centers for Children and Youth (SRCCCY) Trailer Legislation

The Wisconsin Counties Association (WCA) supports Assembly Bill 188/Senate Bill 168 that makes a number of technical changes to 2017 Wisconsin Act 185 relating to the closure of Lincoln Hills/Copper Lake, and the creation of secured residential care centers for children and youth (SRCCCYs).

2017 Wisconsin Act 185 makes several significant changes to the juvenile corrections system in Wisconsin. WCA was included in discussions on this legislation early on in the process. Given the magnitude of the changes proposed to the juvenile corrections system, all of us involved in the discussions knew that it was likely we would need to come back this session with a technical clean-up bill, and perhaps a few nontechnical changes as well. Assembly Bill 188 represents technical changes requested by counties, legislators, and the administration.

Assembly Bill 188/Senate Bill 168 makes the following changes to 2017 Wisconsin Act 185:

- Provides counties with a three-month extension to the timeline for submitting grant applications and an additional six months to construct a SRCCCY.
- Clarifies that the 100% grant funding and the operating loss program applies to a portion of any facility that is designed and constructed to hold female juveniles, not a female-only facility.
- Clarifies that the youth aids bonus payment applies to counties that serve juveniles from more than one county, and not just to a county that operates a joint SRCCCY.
- Modifies the cap on the number of juveniles that can be served in a grandfathered juvenile detention program.

Assembly Bill 188/Senate Bill 168

Page 2

June 12, 2019

- Removes the requirement that counties submit their annual budgets to the Department of Corrections.
- Clarifies the authorization process for admissions to the Mendota Juvenile Treatment Center.
- Clarifies that a correctional placement places a juvenile under the supervision of the county or the Department of Corrections, and that the county identifies the SRCCCY to be used for the placement.
- Removes language requiring plans and specifications for the site and the design and construction of the proposed SRCCCY be approved by the Department of Corrections before the Juvenile Corrections Grant Committee can recommend approval of a grant application.

The changes included in this bill reflect several months of discussion between counties, the bill authors, and the administration and are necessary for counties to move forward on their grant applications.

WCA respectfully requests your support for Assembly Bill 188/Senate Bill 168.

Thank you for considering our comments.