

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/23/02
BILL NO. SB 384
OR
SUBJECT _____

Silvia B. Jackson
(NAME) Shelley Hagan
3099 E. Washington Ave
(Street Address or Route Number) Madison
(City and Zip Code)

Dept. of Corrections Division of Juvenile Corrections
(Representing)

Speaking in Favor:
Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1/23/02
BILL NO. SB 384
OR
SUBJECT _____

REP. SCOTT WALKER
(NAME)
(Street Address or Route Number)
(City and Zip Code)

(Representing)

Speaking in Favor:
Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 1-23-02
BILL NO. SB 384
OR
SUBJECT _____

LISA HERBERT MARNEY
(NAME) 16 N CARROLL, RM 600
(Street Address or Route Number) MADISON, WI 53703
(City and Zip Code)

WE CARE FOR CHILDREN & FAMILIES
(Representing)

Speaking in Favor:
Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Paper Ballot

Senate Amendment 1 to Senate Bill 384

	AYE	NAY
Senator Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Meyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Zien	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Senate Bill 384, as amended

	AYE	NAY
Senator Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Meyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Zien	<input checked="" type="checkbox"/>	<input type="checkbox"/>



BOB JAUCH

WISCONSIN STATE SENATOR

January 28, 2002

TO: Senators Mark Meyer and Dave Zien

FROM: Senator Bob Jauch

RE: Senate Bill 384 paper ballots

Attached please find paper ballots for adoption of Senate Amendment 1 to Senate Bill 384 and approval of Senate Bill 384 as amended.

The amendment addresses a concern that was raised at Wednesday's hearing on the Bill. Right now, the age at which a juvenile may be placed in an adult institution varies from 15 to 17, depending on the section of statute. The bill sets the age at 15 in a bill drafter's attempt to eliminate conflicts across the statutes. However, this provision was identified as a concern and the amendment simply restores current law to the bill. The Department indicates that it is fine with the amendment as are the advocates who raised the concern.

Please indicate your approval or disapproval of both the amendment and the bill as amended on the attached form and return it to Dave Jahr in my office as soon as possible.

Thank you and if you have any questions, please feel free to call Dave at 6-3510



"For these are all our children . . .
we will all profit by, or pay for,
whatever they become." James Baldwin

RESEARCH • EDUCATION • ADVOCACY

TO: Members of the Senate Committee on Economic
Development and Corrections

FROM: Lisa Hilbert Maroney

DATE: January 28, 2002

RE: Senate Bill 384

The WCCF supports LRB amendment 1145/1 to Senate Bill 384. The amendment simply restores current law pertaining to minors being sent to adult prisons. The bill lowered the age to 15.

With adoption of this amendment, the WCCF no longer opposes this bill. If you have questions or desire additional information, please feel free to contact me at 284-0580 ext. 315.

Thank you.



A MEMBER OF THE NATIONAL ASSOCIATION OF CHILD ADVOCATES

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1442 N. Farwell • Suite 508 • Milwaukee, WI 53202 • (414) 831-8880 • FAX (414) 298-9127
www.wccf.org

SAI-SB 384

Jahr, Dave

From: Margolies, Robert S. DOC
Sent: Friday, January 25, 2002 1:58 PM
To: Malaise, Gordon
Cc: Hagan, Shelley M. DOC; Jahr, Dave
Subject: FW: LRBa1145/1 & 1dn (attached from Gordon:

Can the LRB send the original amendment to Dave Jahr in Senator Jauch's office. Thank you.

Bob

-----Original Message-----

From: Hagan, Shelley M. DOC
Sent: Friday, January 25, 2002 1:48 PM
To: Margolies, Robert S. DOC
Cc: Malaise, Gordon
Subject: RE: LRBa1145/1 & 1dn (attached from GMM)

The draft is fine from the Division's perspective. Lisa Maroney of WCCF just called me to express her support of it also. WCCF will communicate directly with the Senate committee as to their support for the bill with the amendment. I assume it will proceed as outlined by Senator Jauch, with a paper vote by the committee on the amendment and executive action on the amended bill.

Thanks!

Shelley

-----Original Message-----

From: Emery, Lynn
Sent: Thursday, January 24, 2002 1:03 PM
To: Hagan, Shelley M. DOC
Cc: Margolies, Robert S. DOC
Subject: LRBa1145/1 & 1dn (attached from GMM)

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)
(E-Mail: lynn.emery@legis.state.wi.us) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703



SB 384

WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM

TO: SENATOR ROBERT JAUCH AND REPRESENTATIVE SCOTT WALKER
FROM: Anne Sappenfield, ^{AS} Senior Staff Attorney
RE: LRB-2636/4, Relating to the Juvenile Justice Code
DATE: November 28, 2001

This memorandum describes the provisions of LRB-2636/4 (hereinafter, "the bill draft"), relating to the Juvenile Justice Code [ch. 938, Stats.].

EXTENSION OF SECURE PLACEMENT IN THE SERIOUS JUVENILE OFFENDER PROGRAM

Current Law

Under current law, the Department of Corrections (DOC) operates the Serious Juvenile Offender Program. The program is designed to provide supervision, care and rehabilitation that is more restrictive than ordinary supervision in the community; component phases that are intensive and highly structured; and a series of component phases for each participant that is based on public safety considerations and the participant's need for supervision, care and rehabilitation. [s. 938.538 (2), Stats.] A juvenile may be placed in the program if he or she is adjudicated delinquent for the commission of one of several specified serious offenses. [s. 938.34 (4h), Stats.]

One of the component phases under the program is placement in a juvenile correctional facility or a secured child caring institution ("secure placement"). For a juvenile who has been adjudicated delinquent for an act that would be a Class B felony if committed by an adult, the placement must be for a period of not more than three years. If the juvenile has been adjudicated delinquent for committing an act that would be a Class A felony if committed by an adult, the juvenile must be placed in a secure placement for at least one year and may be placed in a secure placement until reaching 25 years of age. [s. 938.538 (2) and (3), Stats.]

Under current law, DOC may provide the component phases in any order and may return a juvenile to a component phase that was already used. [s. 939.538 (3) (b), Stats.]

The Bill Draft

The bill draft permits DOC or the juvenile court to extend the period of time a juvenile may be placed in a secure placement under the Serious Juvenile Offender Program. The provisions permitting such an extension apply only to the juveniles who have been adjudicated delinquent for a Class B felony and are subject to secure placement for not more than three years.

The bill draft permits DOC to extend the period for which a juvenile may be placed in a secure placement for an additional period of not more than 30 days. The bill draft specifies that a juvenile is not entitled to a hearing regarding an extension unless DOC provides for a hearing by rule.

Also under the bill draft, DOC or the district attorney (DA) of the county in which the juvenile's dispositional order was entered may petition the juvenile court to extend the period for which a juvenile may be in a secure placement by not more than two years. The petition must set forth in detail facts showing that the juvenile is in need of supervision, care and rehabilitation that a secure placement provides and that public safety considerations require that placement. The court must hold a hearing on the petition, unless written waivers of objection to the extension are signed by all parties entitled to receive notice and the court approves. If, at the hearing, the court finds by a preponderance of the evidence that the juvenile is in need of supervision, care and rehabilitation that a secure placement provides and that public safety considerations require that placement, the court may extend the period in that placement for an additional period of not more than two years.

DOC may also extend the period of secure placement or petition the juvenile court to extend the period for a juvenile who is not in a secure placement at that time but is being returned to secure placement from another component phase. [SECTION 17.]

The bill draft requires DOC to provide notice to all juveniles currently placed in the Serious Juvenile Offender Program that their period of secure placement may be extended. DOC may not extend, or petition for an extension of, the secure placement of a juvenile based on acts committed by that juvenile prior to the date on which the notice is given to that juvenile. [SECTION 20.]

PLACING JUVENILES IN STATE PRISON

Juveniles Who Have Been Adjudicated Delinquent

- Current Law

Under current law, DOC is permitted to place juveniles who have been adjudicated delinquent in a state prison under specified circumstances. However, the Wisconsin Supreme Court has ruled that the provisions of the Juvenile Justice Code allowing such placements are unconstitutional.

Current law provides that the component phase of the Serious Juvenile Offender Program relating to secure placement may include placement in a state prison for a juvenile who is 17 years old or older and placement in the Racine Youthful Offender Correctional Facility (hereinafter, the Racine facility) for a juvenile who is 15 years old or older. [s. 938.538 (3) (a) 1. and 1m., Stats.] In addition, there is a provision under current law that gives DOC the authority to transfer a juvenile who is placed in a juvenile correctional facility to the Racine facility if the juvenile is 15 years old or older and the Office of Juvenile Offender Review in DOC has determined that the conduct of the juvenile in the

juvenile correctional facility presents a serious problem to the juvenile or others. [s. 938.357 (4) (d), Stats.]

In *State v. Hezzie R.* [219 Wis. 2d 849, 580 N.W.2d, 660 (1998)], the Wisconsin Supreme Court severed from the Juvenile Justice Code provisions which permit the transfer of juveniles who have been adjudicated delinquent to prisons. In doing so, the court stated:

Due to the potential placement in an adult prison under Wis. Stat. ss. 938.538 (3) (a) 1, 938.538 (3) (a) 1m [the Serious Juvenile Offender Program], and 938.357 (4) (d) [transfer of disruptive juveniles to the Racine Youthful Offender Correctional Facility], we conclude that those provisions of the [Juvenile Justice Code] violate Article I, s. 7 of the Wisconsin Constitution and the Sixth and Fourteenth Amendments of the United States Constitution because they essentially subject a juvenile to the consequences of a "criminal prosecution" without the right to a trial by jury. [*Hezzie R.* at *45.]

- The Bill Draft

The bill draft deletes the provisions of the Juvenile Justice Code that permit DOC to transfer juveniles who have been adjudicated delinquent to state prisons and all related provisions of current statutes. [SECTIONS 1, 13, 14, 15, 16, 18 and 26 (a).]

Juveniles Under Extended Juvenile Court Jurisdiction or the Jurisdiction of the Adult Court

- Current Law

Under current law, DOC may transfer a juvenile who is subject to extended juvenile court jurisdiction under the Children's Code [ch. 48, Stats.] to a state prison after the person attains age 17. [s. 48.366 (8), Stats.]

Juveniles who are subject to proceedings and convicted in adult court are also subject to transfer to state prison. Under the Juvenile Justice Code, a juvenile who is waived into adult court must be transferred immediately upon waiver to an adult facility. A juvenile who is 14 years old may be waived into criminal court for specified crimes. [s. 938.18 (8), Stats.] Also, a juvenile over whom the criminal court has original jurisdiction must be held in a juvenile correctional facility until reaching age 17. For certain offenses, the adult court has original jurisdiction over juveniles 10 years old and older. [s. 938.183 (3), Stats.]

The Criminal Code provides that a person who is sentenced to state prison who has not attained age 16 must be held in a juvenile correctional facility. [s. 973.013 (3m), Stats.]

- The Bill Draft

The bill draft amends the provisions relating to juveniles under extended juvenile court jurisdiction and original criminal court jurisdiction and the Criminal Code so that such juveniles must be

transferred to a state prison upon attaining the age of 15. Juveniles waived into adult court are still transferred to an adult facility upon waiver under the bill draft. [SECTIONS 1, 8 and 24.]

DURATION OF DISPOSITIONAL ORDERS

Current Law

Under current law, the general provision governing the duration of dispositional orders under the Juvenile Justice Code provides that all orders must terminate at the end of one year unless the juvenile court specifies a shorter period of time. In addition, extensions or revisions of a dispositional order must terminate at the end of one year unless the juvenile court specifies a shorter period of time. The section further provides that no extension of an original dispositional order may be granted for a juvenile who is subject to an order requiring placement in a juvenile correctional facility, the Serious Juvenile Offender Program or a Type 2 child caring institution¹ or on aftercare supervision² if the juvenile is 17 years old or older when the original dispositional order terminates. Finally, any order made before the juvenile reaches the age of majority (18 years) is effective for a time up to one year after its entry unless the court specifies a shorter period of time. [s. 938.355 (4) (a), Stats.]

Current law provides that the juvenile court may make an order placing a juvenile in a Type 2 child caring institution or a juvenile correctional facility apply for up to two years or until the juvenile's 18th birthday, whichever is earlier. In addition, an order placing a juvenile in the Serious Juvenile Offender Program must apply for five years, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class B felony if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony. [s. 938.355 (4) (b), Stats.]

The Bill Draft

The bill draft provides that all dispositional orders, other than those requiring placement in a juvenile correctional facility, the Serious Juvenile Offender Program or a Type 2 child caring institution or on aftercare supervision, made before the juvenile reaches the age of 18 and all extensions made before the juvenile reaches the age of 18 must terminate at the end of one year unless the juvenile court specifies a shorter period of time. [SECTION 10.]

Under the bill draft, an order placing a juvenile in a Type 2 child caring institution or a juvenile correctional facility made before the juvenile reaches age 18 may apply for up to two years or until the juvenile's 18th birthday, whichever is earlier, unless the court specifies a shorter period of time. As under current law, an order placing a juvenile in the Serious Juvenile Offender Program made before the

¹ A Type 2 child caring institution is a secure facility. A juvenile may be placed in such a facility only if he or she has committed an offense that would be punishable by a sentence of six months or more and has been found to be in need of restrictive custodial treatment. [s. 938.34 (4d), Stats.]

² Aftercare supervision is provided for juveniles who have been released from a juvenile correctional facility, a secure child caring institution or a secure group home. [s. 938.34 (4n), Stats.]

juvenile reaches age 18 must apply for five years or until the juvenile reaches age 25, whichever is applicable.

Regarding extensions of an order requiring placement in a juvenile correctional facility, the Serious Juvenile Offender Program, a Type 2 child caring institution or on aftercare supervision, the bill draft provides that extensions made before the juvenile reaches age 17 must terminate at the end of one year unless the juvenile court specifies a shorter period of time. Further, no extension of such a dispositional order may be granted for a juvenile who is 17 years old or older when the original dispositional order terminates. [SECTION 11.]

NOTICE OF TERMINATION OF PARENTAL RIGHTS GROUNDS

Current Law

Under current law, whenever the juvenile court orders a juvenile to be placed outside his or her home or denies a parent visitation because the juvenile has been adjudged to be in need of protection or services under the Juvenile Justice Code, the court must orally inform the parent or parents who appear in court of any grounds for termination of parental rights that may be applicable and of the conditions necessary for the juvenile to be returned to the home or for the parent to be granted visitation. [s. 938.356 (1), Stats.]

The Bill Draft

The bill draft requires that such notice also be given to parents in proceedings in which a juvenile is adjudged delinquent if the dispositional order places the juvenile outside of his or her home or denies a parent visitation. [SECTION 12.]

If you have any questions on this subject, please feel free to call me at the Legislative Council Staff offices.

AS:jal:rv;jal

Testimony of Silvia R. Jackson
Deputy Administrator, WI Division of Juvenile Corrections, DOC
Senate Committee on Economic Development and Corrections
January 23, 2002

Thank you for the opportunity to appear before you this afternoon. I am Silvia Jackson, the Deputy Administrator of the state Division of Juvenile Corrections (DJC). I am here to testify in favor of SB 384. The bill contains provisions the Department of Corrections asked to have drafted as a legislative proposal.

We consider four of the provisions to be essentially technical changes, and one to have positive implications for youth accountability and public safety.

1. Serious Juvenile Offender Confinement Limit

Speaking first to the most important part of the bill, from the Department's perspective, I urge your consideration of the proposal to permit extension of the three-year confinement limit for Serious Juvenile Offender youth (SJO). The vast majority, over 95%, of youth committed to DOC by the courts as Serious Juvenile Offenders, have been found delinquent for committing a Class B felony-type offense. As such, their SJO court order is for 5 years, of which only 3 years may be spent confined in a locked facility such as Ethan Allen or Lincoln Hills School. For most SJO youth, confinement of between 12 and 24 months is the norm, and they are returned successfully to the community to serve the rest of their order under DJC field supervision.

For a minority of youth, perhaps 15 to 20 in a year, the Division has had significant problems related to the 3-year incarceration limit. I want to tell you a few brief stories to illustrate some of these problems.

One common problem is defiance of authority --

"Frank" was a young man from Southeast Wisconsin, committed to juvenile corrections one month shy of his 16th birthday for having been part of a group of young men who attempted an armed burglary that resulted in felony murder. He received programming at Ethan Allen as well as treatment at the Mendota secured juvenile facility (MJTC) for his psychological disorders. Over the course of his confinement, Frank initially made great progress, then deteriorated both psychologically and behaviorally. With only three months left on his confinement, Frank was well aware that once he was placed in a residential facility, any return to Ethan Allen would be for only a short time. Thus, he had no qualms about repeatedly running away from the residential placement. He would tell the EAS staff exactly how many confinement days he had remaining, after he was picked up and returned there. It was extremely frustrating for staff who supervised him to endure his defiance and know their sanction time for Frank was indeed running out. Frank is currently in prison, after having adult probation revoked from a previous burglary conviction that had been suspended when he received his SJO order. We understand he's under investigation now by both state and federal officials for allegedly trying to conduct a criminal enterprise from prison.

Another frequent problem is lack of progress in treatment --

"Stuart" was found delinquent for repeated acts of sexual assault against a younger child, plus other sexually abusive acts, and sent to juvenile corrections at age 16 years and 10 months. His low IQ, emotional disorders, and inability to accept responsibility for his actions resulted in little or no progress in treatment both at Lincoln Hills and MJTC. Stuart had multiple security stays, many related to sexual acting-out, plus an inability to focus on treatment and understand his own motivations. While not fitting the criteria for a Sexual Predator referral under Ch. 980, this young man clearly did not meet our criteria for appropriate release. Due to his older age and sex offender label, we had great difficulty finding a placement for Stuart. He was returned to his home community with just two days of incarceration time remaining in his SJO order, and a lot of apprehension on the part of the field supervision staff as to what would happen. The Division has housed him in a group home with 24-hour staffing, hired a job coach to supervise him at his work site, and provided ongoing case management and medication monitoring. Our staff have managed to put a costly package together that keeps the community safe and holds Stuart accountable. It's unfortunate that if he violates his supervision, we have no ability to sanction him in a DJC facility. It's also unfortunate that, due to his cognitive and developmental limitations, Stuart had to be released from Lincoln Hills before he accepted responsibility for his acts and was able to benefit from treatment.

We're very concerned when we have cases of ongoing dangerousness --

"Philip" was sent to juvenile corrections under various orders, including delinquencies related to burglary, second degree sexual assault, and the first degree sexual assault offense that placed him in the SJO program. Both Lincoln Hills and Ethan Allen Schools had him for extended periods, in addition to a 9-month placement at MJTC. Although he had been non-compliant with treatment throughout, Philip was smart enough to "get with the program" for a while at Ethan Allen in the year before his mandatory release, so as to avoid a Ch. 980 commitment recommendation. However, once transferred to a residential placement with limited confinement time remaining, Philip continued his sexual acting-out and general defiance. A sanction back to Lincoln Hills depleted Philip's remaining confinement time, and the residential placement refused to take him back. With limited options, he had to be placed on electronic monitoring at his mother's home. Our last case note shows Philip in the county jail pending charges of alleged sexual contact with an 11-year-old. We can't help but wonder if by returning him to a secure facility for more intensive and long-term sex offender treatment, we would have been more effective in preventing his recidivism.

These real-life examples give you, I hope, a sense of the challenges our Department faces in supervising certain youth whose three years of incarceration have run out. For this small but significant minority of SJO youth, the Department would like the ability to do two things:

- Administratively impose up to 30 days total of additional confinement time when needed as a response for significant violations, and
- Ask a judge to extend a youth's SJO confinement time for up to two years total, when warranted by rehabilitation and public safety considerations.

2. Placement of Juveniles in Adult Correctional Facilities and Programs

These provisions simply implement the Wisconsin Supreme Court's 1998 decision in the "Hezzie R" case by removing from the statutes all references to the unconstitutional practice of transferring persons on juvenile orders under Ch. 938 to adult prisons or community correctional supervision.

3. Termination of Juvenile Correctional Orders at Age 18

Common interpretation of the law on duration of regular juvenile correctional orders is they must terminate no later than when the youth reaches age 18. However, not all courts consistently make this interpretation, and the Division must deal with a couple of cases each year where judges send youth to a juvenile correctional facility under an order that extends beyond the youth's 18th birthday. We propose to re-write a very confusing section of Ch. 938 in order to clarify the special treatment of juvenile correctional orders. It should result in very little change in practice.

4. Notifying Parents of Possible TPR

This item concerns notifying parents that extended placement of their child outside their home may result in termination of parental rights. The Department of Health and Family Services, as the state agency that enforces federal child welfare law, asked DOC to propose this change. They want it to be clear in Ch. 938 that placements under delinquency orders are subject to the notification provisions, as are CHIPS- and JIPS-related placements in current law (children and juveniles in need of protection and services). In Ch. 48, courts are required to inform parents of any applicable grounds for termination of parental rights whenever a child is placed out of the home. It is appropriate that the same information be given to parents of children who are removed from their homes in a delinquency proceeding under Ch. 938.

5. Age of Placement in Prison

Current law specifies multiple ages for either placement of a young offender in prison or transfer of a sentenced youth from a juvenile facility to prison. For example, Ch. 302 says that all prisoners under age 15 shall be placed in juvenile facilities, but may be transferred to prison at age 15. In contrast, Ch. 973 tells DOC to place prisoners under age 16 into juvenile facilities unless circumstances require otherwise. And Ch. 938

provides for possible transfer of certain sentenced youth to prison at age 17. In SB 384, as in SB 55, these ages were all set at 15, in the drafter's attempt to eliminate conflicts across various statutes. However, the Department did not initially propose the age changes, and we would not oppose an amendment to strike the specific sections if they are controversial, and simply retain current law.

We consulted with the Wisconsin County Human Service Association and the Wisconsin Juvenile Court Intake Association which have no objection to the proposed changes.



"For these are all our children . . .
we will all profit by, or pay for,
whatever they become." James Baldwin

RESEARCH • EDUCATION • ADVOCACY

TO: Members of the Senate Committee on Economic Development and
Corrections
FROM: Lisa Hilbert Maroney
DATE: January 23, 2002
RE: Senate Bill 384

On behalf of the Wisconsin Council on Children and Families I write today to respectfully oppose senate Bill 384. The Wisconsin Council on Children and Families is one of our state's only advocacy voices on behalf of children in the corrections system. We are presenters of the Better Badger Baby Bus tour, a public education campaign on brain development, including development of the teenage brain.

Today we are aware of one provision that causes us great concern. Section 8 allows youth as young as 15 years old who have been sentenced as an adult for a series of lesser serious offenses to be placed in an adult prison. According to the Legislative Reference Bureau analysis, this law change was sought in order to clean up conflicting provisions in state statutes. We question the wisdom of selecting the youngest age in an attempt to reach uniformity. Research has shown that youth housed in adult facilities have greater recidivism rates and are more likely to commit more violent crimes upon release, according to neuroscientist Sandra Witelson, "A teenagers brain is still a work in progress." Like an infant or child the brain is still developing the centers, which control impulsivity and emotional skills. These young offenders should be housed in an environment that enhances appropriate development. Adult prisons do not offer the appropriate services or treatment to best stimulate the youthful brain and mitigate any past damage. This is especially important considering that over 50% of youth in our state's criminal justice system suffer from mental illness or substance abuse.

Additionally, there are economic considerations to this policy shift. Currently, our adult facilities are running over capacity. We are even sending prisoners out of state. The Governor is recommending, delaying or canceling the building of new adult facilities. Allowing the transfer of more juveniles would cause further overcrowding. This is questionable when we are under capacity at some of our juvenile facilities.

Thank you for the opportunity to submit testimony and we look forward to working with you on this issue.



A MEMBER OF THE NATIONAL ASSOCIATION OF CHILD ADVOCATES

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www.wccf.org

Department of Corrections
Juvenile Corrections-Related Statutory Language Changes
2001 Legislative Session---LRB 2636/4 - 518 384

Terminating Juvenile Correctional Orders at Age 18

There has been ongoing disparity among state staff county agencies and judges as to how to interpret the ambiguous language in s. 938.355 (a) and (b). Read together, the two paragraphs seem to set forth different standards as to the duration of a juvenile correctional order: up to one year, and possibly past the 18th birthday under par. (a), and up to two years, but terminating at age 18, under par. (b).

The requested change would clarify that all original orders for juvenile correctional and Type 2 CCI placement are to terminate when a youth reaches age 18. The two paragraphs are re-written so that (a) applies generally to court orders and (b) applies specifically to juvenile correctional and Type 2 CCI orders.

Warning Parents of Possible Termination of Parental Rights

Under s. 48.356, Stats., courts are required to inform parents of any applicable grounds for termination of parental rights whenever a child is placed out of the home or when the court denies the parent visitation under certain circumstances. It is appropriate that the same information be given to the parents of children who are removed from their homes in a delinquency proceeding under ch. 938. If this information is not given, permanent placement for the child could be significantly delayed if termination of parental rights is sought in the future. In addition, since Wisconsin claims federal reimbursement under Title IV-E for placement of most delinquent children, such notification and information is required under the federal Adoption and Safe Families Act.

Extending the Confinement of Serious Juvenile Offenders

Under current law, youth placed in the Serious Juvenile Offender (SJO) program under DOC supervision for 5 years must be placed in the community after 3 years of confinement in a Type 1 juvenile secured correctional facility. The change would permit the 3-year limit to be exceeded by up to 30 days by administrative action of the Department, and by up to 2 years if ordered by the juvenile court.

Due to the 3-year incarceration limit, DOC has had to release some SJO youth to the community who still posed a danger to the public. Further, in these cases DOC has been left without the option of sanctioning a youth back to a Type 1 facility for misbehavior in the community, which has contributed to an uncooperative attitude on the part of the youth. The goals of public safety and youth accountability require that the 3-year limit be lengthened under specific circumstances. It is reasonable to permit DOC to administratively impose up to a month of confinement as a sanction for a rules violation. A court should be able to determine that a youth still poses a danger to his/her community, and extend his SJO incarceration period according to the same procedure now used to revise regular youth corrections orders

Removing References to Prison Transfer

On July 3, 1998, the Wisconsin Supreme Court invalidated the provisions in Ch. 938 permitting the transfer to adult prison of certain youth with juvenile court orders under Ch. 938, citing them as unconstitutional. To clarify that the DOC will not make such transfers to adult prison, the language permitting these transfers should be deleted from the Wisconsin statutes.

Dorthe Morgan

17 years correction experience
people can & do change
balance between victims & prisoner
improvements

Wishing to bring ~~prisoners~~ victims
to parole hearings

BJ. risk in making decision no one ever
knows for sure

What are changes in trends w. people
coming before Board.

Morgan

Trends - offenders w. deny conviction
Doc program for AODA
~~not~~ meeting public expectations in
retributive justice

what look at

1. prior record - judicial record at sentencing
2. offender conduct
conduct reports
3. ~~on~~ participation
4. community support
5. risk factors

how willing participate in programming
attenuated programming.
should be 1st criteria
reintegrative struggle

as long as no risk
victim's side - accountable for kids
is victim whole?

yes change in decisions
philosophy
each case independently base
on crime.

see ~~full~~ 2023 no actors per mo.
1200 per mo.
~~2008~~ 208 parolee

have implemented compassionate procedure
& criteria
2001 - 600k parolee in county

reduce recidivism to do
1. education - drops recidivism by 30%
2. employment skills
3. remove chemical dependency issues
exec session
manned meyer - second tier
3-0 approved

AB 68

allows inclusion of tax exempt property within Business Improvement District

City of Milwaukee supports legislation

Jim Plavstad - BID ~~an~~ executive director of 2 BIDs.

★

AB 481 - Interstate Compact

Bill Groshans - Community Corrections

~~has~~ 2800 offenders are in another state

Wis. has 1300 from other states

50% from Ill & MN

10% from Iowa & Mich.

1998 survey found problems

1 - nature of rules

2 - no enforcement

3 - cumbersome procedures

Wis. has some problems

25 states have enacted already need 35

Mike McCabe

has involved some original drafts - 1998

bill addresses problems

1 - enforcement

2 - awareness of terms etc.

3 - better info tracking of offenders who move

S B 384

Silvia Jackson & Shelby Hagen - Doc
1. provision promotes youth accountability & public protection

1. ~~3 year~~ extension beyond 3 years

age 15, 16, & 17 transfer to adult ~~to~~
for juveniles convicted in adult court
~~Welcome amend to return~~
eliminate age 15 return to current law.

See.

A B 65 - adaptive

Manual - 2 in

2nd Juch

approved 2 - 0 - open

A B 48, adaptive

Manual 2 in

2nd Juch

approved 2 - 0 - open