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Testimony on LRB 3255

Thank you, Corrections Committee Members, Senator Wanggaard, and Senate Judiciary and Public Safety Committee Members for the opportunity to testify on this bill, which is a parallel initiative to Governor Walker's plan to close Lincoln Hills School and Copper Lakes School and replace those facilities with smaller, more local facilities for juveniles.

First of all, I want to commend the Department of Corrections for the work they have done to address the challenges at the current facilities, and for their work to implement more evidence-based and effective practices. We all understand that this has been an exceedingly difficult arena. I have no doubt that their capable staff, under the leadership of Secretary Litscher and Governor Walker, will have much success in their new model.

Thanks are also owed to the numerous stakeholders, especially from the counties, who have offered valuable input as we developed this concept. The successes of programs like those in Racine and LaCrosse are promising. It is our intention to build on these innovative programs to keep youth closer to home and to help them successfully reintegrate into their communities.

Representative Bowen, Representative Crowley, Representative Goyke, Representative Kleefisch, Senator Taylor, Speaker Vos, Senator Wanggaard, thank you for the hours you've spent working out the details of this bill, and the years you've invested in refining the concepts that went into this bill.

LRB 3255 requires counties to develop Secure Residential Care Centers for Children and Youth. A county can develop their own Secure Residential Care Center Children and Youth, or a consortium of counties can agree to establish a SRCCY together. Counties may simply contract with another county or group of counties to serve their needs.

What will these SRCCYs look like? We expect that they will be much different from the current juvenile detention facilities. Certainly, they will be secure; youth will not be a danger to public safety. They will not, however, look like jails; the emphasis is on a residential setting that is more like a home. The latest research and best practices will be reviewed, and recommendations will be based on that study. More on that later.

How will counties pay for SRCCYs? The state will offer grants of 95% of the construction cost for those counties that want to apply. Operating costs are even more important, so the bill allows for youth aids to be used for the care of youth in SRCCYs.

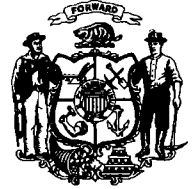
You may have noticed that the timeline is rather short. Since the Governor is closing Lincoln Hills and Copper Lake by July, 2020, the SRCCYs need to be open by that date. Every part of the timetable is too short, but the compressed schedule for the study committee and promulgating rules allows some time for counties to develop plans based on the rules and apply for the construction grants. Again, it would be convenient to work at a more leisurely pace, but it's amazing what can be accomplished in with an

intense, short-term effort. We have some very talented and passionate members that are capable of doing extraordinary things when we put our heads together and work for a common good.

Because of the compressed timetable and the urgency of passing this bill before the end of session, a number of details are still to be decided. The bill addresses this with two temporary committees to guide the process. The Juvenile Corrections Study Committee will be tasked with reviewing current research and making recommendations for administrative rules. A second temporary committee, the Juvenile Corrections Grant Committee, will review and approve grant applications.

I think all of us would prefer more time and more details. Please keep in mind that we have a very short window of opportunity. Ten years from now, will our counties be proud of their programs? Will they enjoy greater public safety and more productive outcomes for these youth? Or will they be blaming us for not acting when the time was right?

Thank you again for your consideration of LRB 3255.



February 15, 2018

**Public Testimony of State Representative Evan Goyke
Re: LRB 5233/1 – Juvenile Corrections Reform**

Fellow Committee Members and Senate Judiciary and Public Safety Members,

Thank you for the opportunity to testify in support of LRB 5233/1, a bipartisan bill that reforms and modernizes juvenile corrections in Wisconsin.

I hope to provide as much information and clarity for committee members and the public regarding this bill, changes that have been made, and changes that are being considered as we move forward.

Broadly, LRB 5233/1 focuses the use of Department of Corrections youth prison space on the most dangerous and serious juvenile offenders. Less serious offenders will stay closer to home in county run or regionally run facilities.

The bill gives counties greater flexibility to the Youth Aids appropriation to accommodate the ongoing operational costs and offers state grants for the construction or rehabilitation of these facilities. To get the details right, the bill creates two different committees or councils that will meet over the next year and a half, each given different responsibilities and deadlines.

Over the last 20 years, Wisconsin, like most states, experienced a reduction in juvenile crime and juvenile incarceration. These changes led to the consolidation of facilities. Our one juvenile prison, Lincoln Hills/Copper Lake, remains one of the largest capacity facilities in America. With a capacity of over 500 and a population of roughly 150, the facility is no longer effective or efficient. With a declining population, daily costs have increased. The facility is not sustainable.

As our juvenile incarceration rate declined, a new model of juvenile corrections has spread. Smaller, regionally based facilities have proven to offer more effective care and supervision for youth. Many states have transitioned to this approach and LRB 5233/1 moves Wisconsin in that direction. The network of juvenile corrections options available under the bill will create more and better options for youth.

Here's how the bill will work for our incarcerated population. According to recent data from the DOC, there are 150 youth at Lincoln Hills.

150 youth

45 Serious Juvenile Offenders

25 Adult Jurisdiction Youth

80 Juveniles on a Corrections order from a county

LRB 5233/1 requires DOC to develop facilities to house the Serious Juvenile Offenders and Adult Jurisdiction youth. These youth are currently supervised and paid for by the DOC.

The remaining 80 juveniles are the targeted population of the Secure Residential Care Centers for Children and Youth (SRCCCY's). The SRCCCY's, operated by a county or counties, will be able to hold juveniles for longer than 365 days, which is the statutory limit for a Secure Juvenile Detention Center. The bill envisions a county or counties applying for a state grant to build or renovate a facility or facilities, called SRCCCY's, to accommodate this population.

The bill creates two separate committees to help this process. The first committee, of nearly two dozen individuals, will promulgate rules that will govern the operation of the SRCCCY's. Following the promulgation of the rules, a county or counties can apply for the state grants, which have a targeted award date of July 1, 2019.

The second committee will focus on the location and construction of the DOC operated facilities with an emphasis on regionalization and best practices.

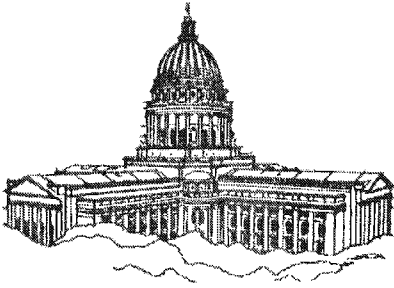
Together, the parallel work will be complete by July 1, 2020 when Lincoln Hills/Copper Lake will close as a juvenile facility. The bill specifies that the DOC will report back to the Legislature on the feasibility of converting the existing Lincoln Hills facility into an adult treatment facility or medium security prison providing AODA treatment.

There are, of course, many details that must be considered to make these changes. We remain open to making these changes, while committed to the rapid timeline of acting during this legislative session.

I welcome any questions the committee members have.

Thank you.

State Representative Evan Goyke
18th Assembly District



LENA C. TAYLOR

Wisconsin State Senator • 4th District

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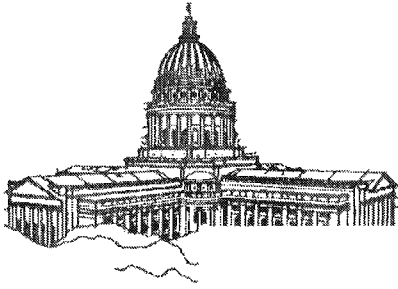
In my role as a member of the Joint Committee on Finance, I introduced budget motions seeking to address regional facility changes for Milwaukee County due to the large amount of Milwaukee Youth placed at Lincoln Hills and the continued concern for their safety and rehabilitation.

Last year, I have circulated bill seeking to transfer Juvenile Corrections from DOC to DCF, another to require DOC to contract for the supervision, maintenance and operation of a NEW Type 1 juvenile facility in Milwaukee County, with a Type 2 residential care center for youth located at the same site, and finally in my frustration to a bill with Rep. Chris Taylor to close Lincoln Hills within one year of passage that would require DOC, in consultation with DCF, to create a plan to establish regional Type 1 juvenile facilities.

I know that I was not alone in my concern for the youth and staff at Lincoln Hills, as was evident by bills from my colleagues also looking to bring change to the manner in which we deliver services and operate juvenile detention facilities. I want to thank Rep. David Crowley for his work to bring all of us together, to combine the best from all of our bills and create a singular piece of legislation to address our combined concerns. Additionally, it is important to acknowledge the leadership of Speaker Vos, as we maneuvered the many meetings and drafts to arrive at this stage in our efforts.

This bill is a step towards creating a Juvenile Justice system that better addresses the needs of the majority of stakeholders, juveniles and community members that engage the system. I hope you will join us in supporting this measure and thank you for your time.

Senator Lena C. Taylor
4th Senate District



LENA C. TAYLOR

Wisconsin State Senator • 4th District

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Senate Committee on Judiciary and Public Safety

Public Hearing on LRB 5515/SB 807

February 15, 2018

Good morning fellow committee Members. I want to thank the Assembly Committee on Criminal Justice and Public Safety and the Senate Committee on Judiciary and Public Safety for today's public hearing on LRB 5515, regarding juvenile correctional facilities, youth aids, and providing an exemption from emergency rule procedures, granting rule-making authority, and making an appropriation.

The work on this bill defines a huge part of my reason for running for office and my interest in public service. As I have looked for ways to address the many issues plaguing my district, concerns regarding the Justice system have consistently emerged as a pivotal area requiring change.

Several years ago, I chaired the Senate Committee on Judiciary and Corrections. In that role, I hosted the first-ever Wisconsin "State of the Justice System" tour. My colleagues on the committee and I traveled the state to hosting public and informational hearings. We were able to receive testimony from those on the frontline of services and the administration of our justice system, correction facilities, and advocacy groups. District attorneys, local law enforcement, judges, probation officers, concerned family members and a host of others, shed light on what was working in our justice system and what areas needed work.

We then went to correctional facilities and met with wardens, correctional officers, and incarcerated residents to continue our quest to understand how effectively, as a state, we administer justice policies and practices. The level of candor and access that we received was only rivaled by the passion that we encountered, when individuals at all levels of the justice system, talked about achieving the best practices in the delivery of services. Most involved wanted the state to have more successful outcomes in equipping incarcerated residents in their return to society.

As a result of those hearings, I walked away with a list of measures that needed to be addressed regarding the state of our justice system. Over the years, the lessons learned on that committee and in my current role as a member of the Senate Committee on Judiciary and Public Safety, have not only influenced but directed much of my legislative work.

One of the areas of consistent concern was juvenile justice. Those fears have been born out in the many stories, subsequent federal investigations, and findings from the courts. After hearing from countless officials, parents and community members, in April 2016 and February 2017, I wrote to the Governor Walker to request a special session on the Juvenile Justice System. Those letters and my phone calls went unanswered.



State of Wisconsin
Department of Health Services

Scott Walker, Governor
Linda Seemeyer, Secretary

Juvenile Corrections Reform - Testimony

Jenny Malcore, DHS Assistant Deputy Secretary

Good morning.

Dear Chairman Schraa and members of the Assembly Committee on Corrections, and Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety,
Thank you for the opportunity to speak in favor of LRB 5233. My name is Jenny Malcore and I am the Assistant Deputy Secretary at the Department of Health Services.

This is a historic time in Wisconsin. Among our many successes is a national model built from the ground up, right here in Madison. The Mendota Juvenile Treatment Center attracts national and international attention for the work they do in successfully treating some of the state's most troubled and violent youth.

MJTC was created in 1995, in response to a spike in juvenile crime. Back then, staff had the daunting task of creating a program aimed at reducing recidivism among young people who have committed some of the state's most violent crimes. There was no handbook or manual. They set out to build an effective program through trial and error. As it turned out, it worked.

Long before many were aware of the benefits of trauma-informed care, staff at MJTC recognized that the bad behaviors which lead to violent crimes are very often driven by traumatic experiences in childhood. They saw that to change the behavior, you have to change the "faulty wiring" that is commonly built through years of abuse and neglect. You have to try to instill in young people, who may have never trusted anyone, how to trust. You have to show them there is hope. And you have to accomplish all of this in a secure facility, and keep both staff and youth safe. It is not easy, but it is possible.

Currently, the Department of Corrections refers the most troubled youth to MJTC for mental and behavioral health treatment. These are the kids who are most challenging for staff at Lincoln Hills. It is common for their criminal history to include violent crimes such as homicide and assault - sometimes before they're even old enough to get a driver's license.

The unique approach of the MJTC treatment model addresses the deeper detachment and antagonistic defiance and anger often experienced by traumatized youth. The program is intensive, and its success is due to the dedication and unwavering persistence of the staff. At MJTC, these teens learn that in Wisconsin, we don't quit on our young people.

One of central themes in treating violent juveniles is to not give up. That's another thing that is easier to say than it is to actually do. That is what happens at MJTC every day - they don't give up.

The data is clear. In one study, Mendota researchers tracked what happened with 101 youth who had been treated at MJTC, and a comparable group of their counterparts who had not. In the five years following their release, the MJTC youth were significantly less likely to commit violent felony crime.

What's really astounding is of the two groups, in an extended follow-up time, about ten percent of those in the non-MJTC group were convicted of homicide, resulting in 16 deaths, compared to not one homicide for the MJTC treatment group.

Let me say that again: 16 homicides without treatment versus zero homicides following treatment.

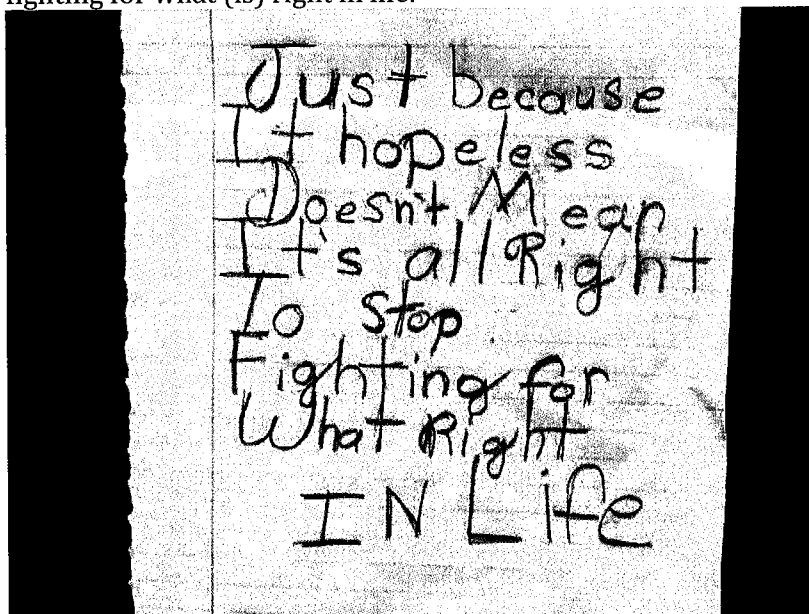
MJTC is a secure facility, and it also is a treatment facility, not a prison. It requires the funding of a treatment facility. The good news is that data show the benefits of the MJTC program far outweigh the cost. The savings from avoided crimes, prosecutions, and future imprisonment show a cost benefit of \$7 for every dollar of extra cost spent during MJTC treatment. That's an unbelievable dollar savings. It's hard to put a price on the saving of lives or the prevention of serious injury for would-be future victims.

Nothing is foolproof, but for many, this program works. When we are able reach youth who commit violent crimes, we help them improve their chance of avoiding a future that includes more violent crime, and likely incarceration.

This treatment program has gained international attention, public support, and professional acceptance for its effectiveness in treating youth, reducing recidivism, and massively reducing overall system costs. The results have demonstrated that significant psychiatric intervention is effective in the lives of Wisconsin's most seriously violent youth, while also saving the lives of Wisconsin's citizens.

More than twenty years ago when MJTC opened, the common view among professionals working in the field was that "nothing works" in terms of effectively treating violent juveniles. This pioneering program, developed here in Wisconsin, serves as a model for positive reform for the nation.

I would like to share with you a photo taken recently of a poignant note taped to the room door of a young person at MJTC. It reads, "Just because it(s) hopeless, doesn't mean it's all right to stop fighting for what (is) right in life."



Thank you for helping us to continue this fight. Expanding MJTC will allow us to treat more young men, and for the first time, extend this program to young women. I commend Governor Walker, and the authors of this legislation for recognizing the value of investing in our most troubled youth, and supporting an expansion of the MJTC program, which promotes a healthier and safer Wisconsin.

In an effort to work with the legislature and enable DHS to comply with the law and maintain the optimal outcomes, we recommend consideration of some technical changes.

The new regional approach to juvenile corrections presents a challenge in determining which juveniles are most in need of this intensive treatment. Because MJTC treats the most challenging juveniles, we support amending the legislation so all referrals to MJTC continue to be presented by DOC to DHS for admission, based on specific criteria and with consideration of the offender's ability to adapt and become motivated in a secure treatment setting. By maintaining a centralized referral process for all offenders, similar to the current process, we can ensure the program's admissions are guided properly by the established criteria agreed upon in partnership with DOC.

While it's not included in this legislation, DHS looks forward to working together on the implementation of the MJTC expansion plan, including increasing the number of beds from the current 29, with the construction of a new facility on the Mendota campus.

We thank you in advance for your support of the expansion which requires timely enumeration of funds, so we may fully comply with the intentions of the juvenile corrections reform plan, and complete the expansion of MJTC to help more young people change the course of their lives.

I'm happy to answer any questions.



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: February 15, 2018
To: Members of the Assembly Committee on Corrections and Members of the Senate
Committee on Judiciary and Public Safety
From: Lonna Morouney, Legislative Liaison
Randy Keys, Chief Legal Counsel
Re: LRB 5233 and LRB 5515

Chairman Schraa, Chairman Wanggaard and Members of the Assembly Committee on Corrections and Senate Committee on Judiciary and Public Safety:

Thank you for the opportunity to testify about LRB 5233 and LRB 5515 which outlines an alternative for how juvenile corrections is organized and administered in the state of Wisconsin. My name is Lonna Morouney and I am the Legislative Liaison for the Department of Children and Families (DCF). I am accompanied by Randy Keys, Chief Legal Counsel for the department.

The Department of Children and Families recognizes the many legislators who are committed to improving outcomes for youth in the juvenile corrections system.

We are supportive of an approach that transitions youth currently in Lincoln Hills and Copper Lake into smaller, secure juvenile facilities located in various regions throughout the state. Evidenced-based treatment and a trauma-informed care embedded in this approach to juvenile corrections will help more youth in Wisconsin overcome barriers and become self-sufficient, law-abiding adults.

DCF is willing to offer support and input in our areas of expertise and is willing to work with the legislature, the Department of Corrections, and the Department of Health Services in those areas of expertise as a new Wisconsin model for juvenile corrections is developed. It is critical that we put this bold, important initiative in the best position for success.

In our analysis, we identified a few technical concerns for consideration. First, the Department of Corrections may be better positioned to develop and enforce rules related to programming and treatment standards in ways that align with the security considerations of secure facilities. We appreciate the bill's intent and would fully support serving in an advisory capacity in the development of those standards. DCF has expertise in programming for children in the child welfare system, but not in programming that takes place within secure facilities, or in enforcement of rules governing programming within secure facilities.

Additionally, we are supportive of the bill's goal of moving toward a more regional approach. In this process, we would encourage additional consideration of how the bill may affect Residential Care Center (RCC) capacity for the county-based child welfare system. The increased demand

for Secure RCCs may result in facility conversions that reduce the capacity of needed services for youth involved in child welfare.

Finding a long-term solution for Wisconsin's juvenile corrections system should be a bipartisan, collaborative approach, and we recognize the efforts of the authors in pursuit of that goal.

Thank you for your efforts on this issue and we look forward to finding ways to make this legislation work. We are pleased to answer any questions you may have.



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Assembly Committee on Corrections
Senate Committee on Judiciary & Public Safety
LRB 5233/5515
Thursday, February 15, 2018

Good morning Chairmen Schraa and Wanggaard and members,

Thank you for having this hearing on LRB 5233/5515, which makes changes to the juvenile corrections system in Wisconsin. The State Public Defender (SPD) appreciates the work that went into getting this draft to a hearing today.

SPD represents juveniles under the Chapter 48 Children's Code and the Chapter 938 juvenile justice code sections of the statute. SPD representation includes children who have been accused of delinquent acts, children facing a civil commitment for a mental health crisis, and children whose parents are the subject of a Child in Need of Protection or Services (CHIPS) proceeding. In juvenile delinquency and CHIPS cases, the SPD continues to provide limited representation post-adjudication for court hearings that involve a change of placement or a sanction for the juvenile.

One of the lessons learned from Lincoln Hills/Copper Lakes over the course of the last few years is that having one juvenile corrections system to address all youth adjudicated delinquent is a disservice to youth in the system. The adult corrections system has 3 major classifications of incarcerated people, and each are separately housed for a reason: different risk levels require different types of sanctions and rewards in order to correct the behaviors that landed a person in prison. By creating greater separation between juveniles based on risk and by creating a system that would allow them to be at a facility closer to home, this bill presents the opportunity to create a juvenile corrections system that is more responsive to our youth and their home communities to which a vast majority will eventually return.

At its core, this bill seeks to improve the juvenile corrections system by incorporating proven models from other states that have resulted in better outcomes for kids and their families. The bill utilizes policymakers and system experts on the newly-created Juvenile Corrections Grant Committee and the Juvenile Corrections Study Committee, drawing upon their expertise to design the new physical structures and to guide the implementation and the coordination of the programming offered. SPD is thankful to have been included on the Juvenile Corrections Study Committee and looks forward to contributing to a systemic discussion about the programming available in these new facilities.

No matter what role someone may have related to the juvenile corrections system, the goal is to ensure that the youth who enter the system receive the services necessary to break the cycle of recidivism before it begins. A vast majority of the youth who enter the juvenile corrections system will be released back to their home communities, and the expectation is that they become productive members of society. By addressing some of the shortcomings of the current system, this bill takes a significant step towards better honoring the legislative intent of the Juvenile Justice Code to "...equip juvenile offenders with competencies to live responsibly and productively."

Thank you for the opportunity to speak on this bill. We hope that the effort that went into drafting this bill, with the input of the stakeholders involved in the juvenile justice system, will allow this proposal to receive consideration in the closing days of this legislative session.

To: Representative Schraa, Chair, Assembly Committee on Corrections
Senator Wanggaard, Chair, Senate Committee on Judiciary and Public Safety
From: Disability Rights Wisconsin
Date: February 15, 2018
Re: LRB 5233/P3

Disability Rights Wisconsin (DRW) is the designated Protection and Advocacy system for Wisconsinites with disabilities. DRW is charged with protecting and enforcing the legal rights of individuals with disabilities, investigating systemic abuse and neglect, and ensuring access to supports and services. As part of its work DRW has engaged in both individual and systemic advocacy around the intersection of disability and the criminal justice system for many years. We believe that any discussion of juvenile justice advances must actively encompass issues related to mental health and disability. We appreciate the efforts of both the Governor and Legislature to address what is a current and growing crisis in our juvenile justice system, and we look forward to a continuing collaboration with all stakeholders to bring about juvenile justice reforms that will move Wisconsin forward.

Given the complex and fluid nature of this LRB as it moves forward, DRW is hesitant to provide detailed comments on all its many components at this time. Our purpose in testifying today is to share our expertise and to support many of the concepts currently in LRB 5233.

DRW's interest in the juvenile justice system stems from the fact that so many youth caught up in the system have a disability. National prevalence studies have found that 65 to 70 percent of youth in the justice system meet the criteria for a disability. Not surprisingly, Wisconsin youth with disabilities are overrepresented throughout the juvenile justice system. For example, DRW received data from the Wisconsin Department of Corrections in March of 2016 that at least 70 percent of the then current population at Lincoln Hills and Copper Lake could be classified as having one or more disabilities. The majority of these tend to be youth with a mental health diagnosis or emotional disorder. DRW believes that one important focus of any assessment of Wisconsin's juvenile justice priorities must be to decrease the over-representation of children and youth with disabilities in the justice system. Additional attention must be devoted to promoting best practices in programming, access to special education services, and reducing the negative effects of current isolation practices.

Given the above, DRW is pleased to see that the direction of this proposal is to end the use of large congregate Type 1 juvenile justice facilities by closing Lincoln Hills and Copper Lake. DRW supports youth remaining in their own communities with appropriate services and supports as much as possible and believes that residential services should be reserved for individuals whose needs cannot be met in their communities because of a current risk to community safety. If a youth must be in a residential facility, whether a secured residential care facility, a local detention center, a Type I juvenile correction facility, or any future configuration of residential

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services, it is important that these facilities address the many factors that affect the youth's progress toward healthy and safe participation in adult life.

DRW is hopeful that there are opportunities presented in this proposal that will encourage smaller community-based facilities that do not structure services and programming around an institutional model but focus on evidenced-based approaches that will prepare youth to successfully live in the community as quickly as possible. DRW supports the empowerment of a group of stakeholders, such as the Juvenile Corrections Study Committee required in this bill, to study and advise on best practices for this population of youth. This stakeholder group should include not only the perspective of state and counties, but also people with lived experience, their families, and organizations like Disability Rights Wisconsin, that have experience working with youth with disabilities. Individuals with expertise in mental health and individuals with lived experience, such as parents of youth who have been in the system and youth/young adults who were themselves in the juvenile justice systems have a special expertise to offer about the problems and concerns that can impact the decisions as you move forward.

Some of the factors we believe should be incorporated as principles in the redesigned system are:

1. Provide programming that is strength-based and trauma-informed, and in which all staff are trained in trauma-sensitive practices and strategies.
2. Be engaged with families to encourage their participation in the youth's treatment while the youth is out of the home and planning for return to the community.
3. Provide adequate, appropriate youth-focused mental health screening, evaluation and supports/services.
4. Provide appropriate educational programming for all youth, including adequate expertise on special education and transition services.
5. Provide programming that addresses all aspects of the youth's needs including both group and individualized programming.
6. Keep youth and staff safe while using isolation only for the shortest time necessary in emergency circumstances and never as discipline or "consequences."

In addition to the above-listed factors, it is very important that there is sufficient funding not only for safe and adequate facilities, but also to support appropriate staffing to providing ongoing programming that is needed for the youth's success and keep both youth and staff safe. When youth have appropriate programming, the incidence of danger is decreased. It is also imperative that there is oversight to ensure an environment where youth are safe from abuse and a key success factor will be investing in the staffing and infrastructure needed to provide this oversight. DRW also encourages a commitment to review and update the DOC administrative rules that would conform with these new standards of practice.

Thank you for the opportunity to provide input on LRB 5233/P3. We support your effort and look forward to working with you in the future on ways to improve services for youth with disabilities who are involved in the juvenile justice system.

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