



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #250

Juvenile Population Estimates (Corrections -- Juvenile Corrections)

[LFB 2017-19 Budget Summary: Page 146, #1, Page 147, #3 and Page 149, #9]

CURRENT LAW

The juvenile population estimate is used for the calculation of the statutory daily rates at juvenile correctional facilities. Daily rates for juvenile care in a given biennium are specified in statute by fiscal year. Once the daily rate is calculated, it is used to determine: (a) what Corrections charges counties to house delinquent juveniles; (b) GPR funding required for the serious juvenile offenders; and (c) GPR funding required for the contract beds appropriation for qualified youth with adult sentences.

Under current law, the Department of Corrections may place persons who have not attained the age of 16 years but who are sentenced to the Wisconsin State Prisons at a juvenile correctional facility.

GOVERNOR

Housing Division of Adult Institutions (DAI) Youth Under 18

Modify statutory language to allow the Department to place persons who have not attained the age of 18 years, but who are sentenced as adults to the prison, at a juvenile correctional facility. This modification would provide the Department additional options for appropriately housing sentenced minors between the ages of 16 (the current statutory age for a juvenile) and 18 years of age.

Juvenile Population Estimates

Estimate the juvenile correctional facility average daily population (ADP) to be 253 annually as shown in the table below. The juvenile facilities include Lincoln Hills School (males), and Copper Lake School (females) in Irma, Wisconsin, the Mendota Juvenile Treatment

Center in Madison, and the Grow Academy, an agriculture science-based experiential education program held at a facility in Oregon, Wisconsin.

	May 26, 2017 <u>Actual Population</u>	Governor <u>Average Daily Population</u>	
		<u>2017-18</u>	<u>2018-19</u>
Lincoln Hills School	138	196	196
Copper Lake School	27	20	20
Grow Academy	3	8	8
Mendota Juvenile Treatment Center	<u>28</u>	<u>29</u>	<u>29</u>
Subtotal	196	236	236
Divisions of Adult Institution Transfers	<u>18</u>	<u>18</u>	<u>18</u>
Total Juvenile Correctional Facility	214	253	253

Population and Inflationary Costs

Modify population-related funding for the juvenile correctional facilities by \$326,800 PR in 2017-18 and \$358,600 PR in 2018-19, as follows: (a) -\$28,000 in 2017-18 and -\$17,000 in 2018-19 for food costs at juvenile correctional facilities; (b) -\$176,400 annually for variable non-food costs (such as clothing, laundry, and personal items); and (c) \$531,200 in 2017-18 and \$552,000 in 2018-19 for juvenile health costs.

DISCUSSION POINTS

1. The Federal Prison Rape Elimination Act (PREA) requires that incarcerated persons subject to a criminal penalty under age 18 must be housed separately from sentenced adults age 18 and older. In order to move toward PREA compliance, the bill would modify statutory language to allow the Department to place persons who have not attained the age of 18 years, but who are sentenced to the prison, at a juvenile correctional facility. This modification would provide the Department additional options for appropriately housing sentenced minors between the ages of 16 (the current statutory age for a juvenile) and 18 years.

2. In order to comply with federal PREA requirements, Corrections has been housing youth with adult sentences at Lincoln Hills School (LHS) or Copper Lake School (CLS) since December, 2016. If the statutes are not modified, the Department would be required to find other means of complying with PREA. Corrections estimates that an ADP of 18 additional youths between 16 and 18 would be eligible under the modified statute. In addition, since this modification would increase the population at LHS and CLS it would have the effect of decreasing the daily rate. Given the Department's requirement to comply with federal law, the Committee may wish to include the Governor's modification. [Alternative 1] As a result, youth under 18 years of age with adult sentences would be allowed to be housed in the juvenile facility.

3. The state is responsible for those under 18 years of age with adult sentences. The funding for housing these youths at the juvenile facility is included in the adult contract beds

appropriation and the cost determined by the statutory daily rate. As a result of the cost to contract beds, the Committee may wish to maintain current statute. Corrections would, therefore be required to find an alternative manner to house those youth under 18 years of age with adult sentences. [Alternative 2]

4. The remainder of this paper relates to modifications that reestimate the average daily populations for juvenile placements, and adjust funding for population-related costs. As a result of the reestimated populations and adjusted costs, the statutory daily rates and funding for the Serious Juvenile Offender program would also be modified as discussed in other papers.

Juvenile Population Estimates, Population and Inflationary Costs

5. As indicated above, the estimated population projections for juveniles under the bill in the 2017-19 biennium would include 253 juveniles annually in the juvenile facilities; and (b) 119 juveniles annually in community supervision. The population projections include juveniles in the SJO program. Estimated populations factor into population and inflationary costs for the juvenile correctional facilities, as well as statutory daily rate calculations.

6. The above estimates are based on population data through June of 2016. While the overall average daily population for the juvenile correctional facilities during the summer of 2016 has been approximately 253 juveniles, populations during the past six months have generally been lower, as indicated by the actual populations identified in the above table. Taking into account recent population trends, as well as historic population patterns, for the juvenile correctional schools, corrective sanctions, and aftercare, the estimated average daily population for juvenile placements may be adjusted as follows:

	<u>Updated ADPs</u>	
	<u>2017-18</u>	<u>2018-19</u>
Lincoln Hills School	147	147
Copper Lake School	22	22
Grow Academy	4	4
Mendota Juvenile Treatment Center	<u>29</u>	<u>29</u>
Subtotal	202	202
Divisions of Adult Institution Transfers	<u>18</u>	<u>18</u>
Total Juvenile Correctional Facility	220	220

7. The reestimated populations assume a decrease in the number of juveniles placed in the schools. With a lower estimated population in the juvenile correctional facilities, population-related funding in the bill would be decreased by \$168,100 PR in 2017-18 and \$184,400 PR in 2018-19, associated with: (a) food costs (-\$74,900 in 2017-18 and -\$88,100 in 2018-19); (b) variable non-food costs (-\$32,000 annually); and (c) juvenile health costs (-\$61,200 in 2017-18 and -\$64,300 in 2018-19).

8. If the Committee retains current law related to the age for housing youth at a juvenile correctional facility, with a lower estimated population in the juvenile correctional facilities further

reduced by excluding youth from 16 to 17, population-related funding in the bill would be decreased by \$259,200 PR in 2017-18 and \$269,400 PR in 2018-19, associated with: (a) food costs (-\$116,200 in 2017-18 and -\$121,400 in 2018-19); (b) variable non-food costs (-\$48,500 annually); and (c) juvenile health costs (-\$94,500 in 2017-18 and -\$99,500 in 2018-19).

ALTERNATIVES

1. Include the Governor's recommendation to modify statutory language to allow the Department to place persons who have not attained the age of 18 years but who are sentenced to the Wisconsin State Prisons at a juvenile correctional facility.

2. Maintain current law related to the housing of youth with adult sentences.

MODIFICATION

Juvenile Population Estimates

Reestimate the juvenile correctional facility average daily population (ADP) to be 220 if Alternative 1 is chosen and 202 if Alternative 2 is chosen as shown in the table below.

Updated ADPs

Facilities	Without 18-Year-Olds		With 18-Year-Olds	
	2017-18	2018-19	2017-18	2018-19
Lincoln Hills School	147	147	165	165
Copper Lake School	22	22	22	22
Grow Academy	4	4	4	4
Mendota Juvenile Treatment Center	<u>29</u>	<u>29</u>	<u>29</u>	<u>29</u>
Total Juvenile Correctional Facility	202	202	220	220

Population and Inflationary Costs: 220

Decrease funding in the bill by \$168,100 PR in 2017-18 and \$184,400 PR in 2018-19, associated with: (a) food costs (-\$74,900 in 2017-18 and -\$88,100 in 2018-19); (b) variable non-food costs (-\$32,000 annually); and (c) juvenile health costs (-\$61,200 in 2017-18 and -\$64,300 in 2018-19).

As a result, total population-related funding provided for the juvenile correctional facilities would be \$1,677,800 in 2017-18 and \$2,405,000 in 2018-19, as follows: (a) \$451,300 in 2017-18 and \$460,800 in 2018-19 for food costs at juvenile correctional facilities; (b) \$169,000 annually for variable non-food costs (such as clothing, laundry, and personal items); and (c) juvenile health costs (\$1,057,500 in 2017-18 and \$1,775,200 in 2018-19).

ADP 220	Change to	
	Base	Bill
PR	\$341,000	-\$352,500

Population and Inflationary Costs: 202

Decrease funding in the bill by \$70,200 PR in 2017-18 and \$70,400 PR in 2018-19, associated with: (a) food costs (-\$116,200 in 2017-18 and -\$121,400 in 2018-19); (b) variable non-food costs (-\$48,500 annually); and (c) juvenile health costs (-\$94,500 in 2017-18 and -\$99,500 in 2018-19).

As a result, total population-related funding provided for the juvenile correctional facilities would be \$1,083,800 in 2017-18 and \$1,122,100 in 2018-19, as follows: (a) \$400,100 in 2017-18 and \$417,600 in 2018-19 for food costs at juvenile correctional facilities; (b) \$152,500 annually for variable non-food costs (such as clothing, laundry, and personal items); and (c) juvenile health costs (\$531,200 in 2017-18 and \$552,000 in 2018-19).

ADP 202	Change to	
	Base	Bill
PR	\$154,000	-\$528,600

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