

Juvenile Justice and Youth Aids Program

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Juvenile Justice and Youth Aids Program

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Juvenile Justice and Youth Aids Program

The 1993 and 1995 sessions of the Wisconsin Legislature enacted major revisions of the state's juvenile justice system. Under 1995 Wisconsin Act 27, juvenile delinquency programs and services were transferred, on July 1, 1996, from the former Department of Health and Social Services to the Department of Corrections. Under prior law, Chapter 48 of the Wisconsin statutes (the Children's Code) described the legal framework of the state's child welfare and juvenile justice systems. Under 1995 Wisconsin Act 77, juvenile delinquency provisions were removed from Chapter 48 and revised and then incorporated into Chapter 938, referred to as "the Juvenile Justice Code." (Chapter 48 remains as the Children's Code, relating to child welfare and protection.) In the 1997 session of the Legislature, numerous additions and clarifications were made to the juvenile code.

Under Chapter 938, the Legislature states that its intent is to promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system which will protect the community, impose accountability for violations of law and equip juvenile offenders with competencies to live responsibly and productively. Chapter 938 is also intended to accomplish the following: (a) protect citizens from juvenile crime; (b) hold each juvenile offender directly accountable for his or her acts; (c) provide an individualized assessment of each alleged and adjudicated delinquent juvenile, in order to prevent further delinquent behavior through the development of competency in the juvenile offender, so that he or she is more capable of living productively and responsibly in the community; (d) provide due process through which each juvenile offender and all other interested parties are assured fair hearings, during which constitutional and other

legal rights are recognized and enforced; (e) divert juveniles from the juvenile justice system through early intervention as warranted, when consistent with the protection of the public; (f) respond to a juvenile offender's needs for care and treatment, consistent with the prevention of delinquency, each juvenile's best interest and protection of the public, by allowing a judge to utilize the most effective dispositional option; and (g) ensure that victims and witnesses of acts committed by juveniles are afforded the same rights as victims and witnesses of crimes committed by adults, and are treated with dignity, respect, courtesy and sensitivity throughout any proceedings.

This paper provides an overview of juvenile crime statistics in Wisconsin, the state's juvenile justice system, youth aids funding provided to counties, and community-based programming for juveniles.

Wisconsin Juvenile Crime Statistics

This section provides information on total juvenile arrests and juvenile arrest rates in Wisconsin as well as statistics for specific types of offenses.

Under Wisconsin law, a juvenile is defined as any person under the age of 18 years, except that for purposes of investigating or prosecuting violations of state or federal criminal law, a "juvenile" does not include a person who has attained 17 years of age. Under prior law, 17-year-old offenders were treated as juveniles. Under 1995 Wisconsin Act 27, 17-year-old offenders began to be treated as adults, first effective January 1, 1996.

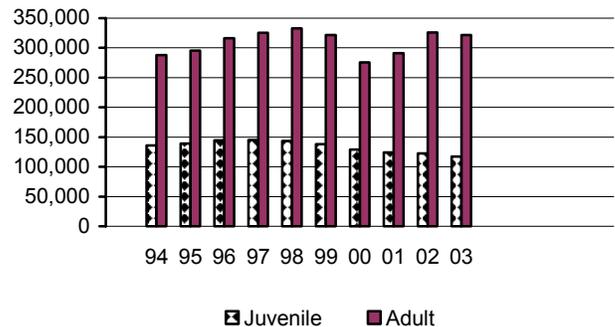
Juveniles may be taken into custody by law enforcement personnel when the officer reasonably believes that the juvenile has committed an act in violation of state or federal criminal law, is a runaway or has violated some other law or court order. Juveniles who are taken into custody are not considered arrested under state law. However, the national Uniform Crime Reporting (UCR) system, from which the following data is obtained, refers to the apprehension of both adults and juveniles as an arrest. Therefore, this paper refers to juvenile arrests.

The UCR system also records 17-year-old persons in the juvenile category. While this treatment is no longer consistent with Wisconsin law, this practice allows for comparisons with prior year statistics and data from other states. The arrest data provided in this section covers a 10-year period (1994 through 2003); further, the age of persons considered to be juveniles is consistent throughout this period. Additional crime data can be found in a document entitled "Crime and Arrests in Wisconsin – 2003," published by the Office of Justice Assistance.

Total Juvenile and Adult Arrests

Juveniles arrests were relatively stable in the mid-1980s, but increased each year from 1989 to 1997. From 1997 to 2003, total juvenile arrests declined by 19.2%. Over the 10-year period 1994 to 2003, the total number of juvenile arrests decreased by 13.7%, from 135,767 in 1994 to 117,224 in 2003. Juvenile arrests averaged 133,918 arrests annually during this 10-year period. In contrast, over the same period, total adult arrests increased 11.7%, from 287,807 arrests in 1994 to 321,478 arrests in 2003. Figure 1 shows the total number of juvenile and adult arrests statewide for the years 1994 through 2003. In 2003, juvenile arrests comprised approximately 26.7% of all arrests in Wisconsin, while the juvenile population in 2003 comprised approximately 25.5% of the total state population.

Figure 1
Total Wisconsin Arrests by Year



Of the juveniles arrested in 2003, 81,298 were male (69.4%) and 35,926 were female (30.6%). Offense categories that had the highest percentage of arrests of juvenile males included disorderly conduct, theft, liquor law violations, curfew violations, and vandalism. Offense categories that had the highest percentage of arrests of juvenile females included disorderly conduct, theft, liquor law violations, curfew violations, and runaways.

Juvenile and Adult Arrest Rates

The population under age 18 in Wisconsin increased by 4.8% between 1994 and 2003, from 1,336,450 juveniles to 1,400,133 juveniles. The arrest rate (expressed as the number of arrests per 100,000 residents) removes the effect of population change on the number of arrests and permits the comparison of the number of arrests over time on a uniform population base. As shown in Figure 2, the overall juvenile arrest rate decreased from 10,159 arrests per 100,000 juveniles in 1994 to 8,372 arrests per 100,000 juveniles in 2003. This represents a 17.6% decrease in the overall juvenile arrest rate over the 10-year period. Figure 2 also shows that the adult arrest rate increased over the same 10-year period (from 7,726 to 7,859 arrests per 100,000 population), representing a 1.7% increase. Throughout the 10-year period, the juvenile arrest rate was consistently higher than the adult arrest rate.

Figure 2
Wisconsin Annual Arrest Rates (Per 100,000)

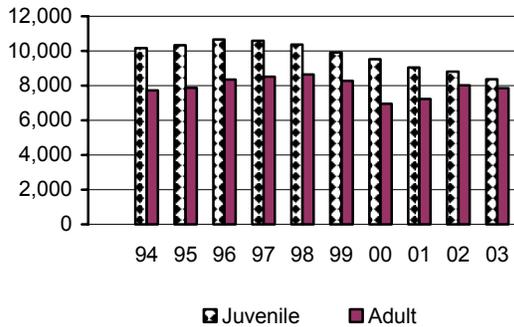
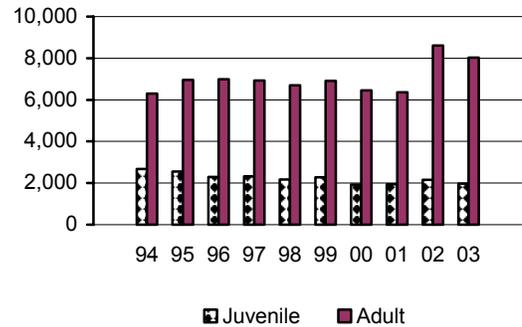


Figure 3
Arrests for Part I Violent Offenses



Juvenile and Adult Arrests for Violent Offenses

Total juvenile arrests for Part I violent offenses as defined by the UCR (murder, forcible rape, robbery and aggravated assault) increased each year from 1988 through 1994 (from 1,151 to 2,674 arrests) but have remained below the 1994 peak level since then. Juvenile arrests for violent offenses decreased from 2,674 arrests in 1994 to 1,969 in 2003, a decrease of 26.4% (although arrests for murder increased by 41.9% and forcible rape increased by 47.4% during the period). Adult arrests for Part I violent offenses increased over the 10-year period from 6,305 arrests in 1994 to 8,022 arrests in 2003, a 27.2% increase. Figure 3 shows the total number of juvenile and adult arrests statewide for Part I violent offenses for the years 1994 through 2003. In 2003, juvenile arrests comprised 19.7% of all arrests for Part I violent offenses in Wisconsin, less than the percentage of the juvenile population in the total state population (25.5%).

Distribution of Juvenile Arrests

The 117,224 juvenile arrests in Wisconsin in 2003 were distributed among four, broad categories of offenses: (a) 1.7% were for violent offenses (murder, forcible rape, robbery and aggravated assault); (b) 15.9% were for property

offenses (burglary, theft, motor vehicle theft and arson); (c) 20.5% were for status offenses (offenses which would not be crimes were they committed by an adult, such as liquor law violations, curfew violations and runaways); and (d) 61.9% were for other offenses (primarily, disorderly conduct, drug-related violations, weapons violations, simple assault and vandalism).

As noted above, arrests for violent offenses constituted less than two percent of all juvenile arrests in Wisconsin in 2003, and juvenile arrests for violent offenses decreased by 26.4% from 1994 to 2003. The juvenile arrest rate for violent offenses also decreased by 29.7% over the same time period.

Between 1994 and 2003, the number of juvenile arrests for the category "other offenses," which constitute 61.9% of total juvenile arrests, increased by 3.3%, while the juvenile arrest rate for these offenses decreased by 1.4%. Juvenile property offense arrests (15.9% of total juvenile arrests in 2003) decreased by 37.7% during the 10-year period, while the juvenile property offense arrest rate decreased by 40.5%.

Finally, status offense arrests (20.5% of all juvenile arrests in 2003) decreased by 27.0% from 1994 to 2003, while the status offense arrest rate decreased by 30.3%.

For a more detailed look at Wisconsin juvenile crime statistics, Appendices I, II and III show, respectively, the number of juvenile arrests by offense for the years 1994 through 2003, the juvenile arrest rate by offense over the same time period, and total 2003 juvenile arrests by county.

An Overview of the Juvenile Justice Process in Wisconsin

Chapter 938, of the statutes, delineates the justice system's jurisdiction concerning violations of state and federal criminal law, civil law, county, town or other municipal ordinances, as well as jurisdiction over juveniles alleged to be in need of protection and services. Depending on the nature of the juvenile's behavior, the public may be represented by a district attorney, a corporation counsel, a city, village or town attorney or by a person designated by a county board of supervisors. The procedural requirements, under Chapter 938, to address these various situations differ in some respects. However, the following discussion focuses on procedures relating to juveniles who are alleged to have violated state or federal criminal law and the responsibilities of the district attorney as the public's representative.

The juvenile court has exclusive jurisdiction over any juvenile 10 years of age or over who is alleged to have violated any state or federal criminal law, with the exception of youth who fall under the original jurisdiction of the adult court or who are waived into adult court, as described in the following section. Juvenile courts have concurrent jurisdiction with municipal courts over juveniles age 12 or older who are alleged to have violated a county, town or municipal ordinance. There is no separate juvenile court system in Wisconsin. The circuit courts serve as juvenile courts and are referred to as juvenile courts when exercising their jurisdiction under Chapters 48 and

938. Under current law, juveniles under age 10 who commit a delinquent act are considered to be juveniles in need of protection or services (JIPS) and are not subject to delinquency proceedings. Proceedings for these juveniles are handled by the juvenile court under the JIPS provisions in Chapter 938 of the statutes.

Under Chapter 938, a juvenile may be taken into custody when a law enforcement officer believes that the juvenile has committed an act in violation of a state or federal criminal law, that the juvenile is a runaway or that the juvenile has violated some other law or court order. The officer taking the juvenile into custody must immediately attempt to notify the juvenile's parent(s) or guardian and make every effort to release the juvenile, when appropriate, into that person's custody. A juvenile alleged to be delinquent may be referred to juvenile court intake by a law enforcement officer or others, including school officials or family members.

Intake Process

A juvenile court or the county department responsible for providing intake services must specify at least one intake worker to provide the services required by state law. Intake workers provide services 24 hours a day, seven days a week, for the purpose of screening juveniles taken into custody, unless the juvenile is otherwise released under certain circumstances specified by statute. The intake worker is responsible for: (a) determining whether and where a juvenile is to be held in temporary custody; (b) receiving referral information and conducting intake inquiries to determine how the case is to proceed; and (c) providing counseling and referral services and other functions to assist the court.

Temporary Custody

A juvenile may not be held in secure detention (generally, a county facility) unless first

interviewed in person by an intake worker. If the intake worker is in a place distant from where the juvenile is being held or the hour is unreasonable, as defined by written court intake rules, the worker may authorize holding the juvenile in secure custody while the intake worker is en route to the in-person interview or until 8:00 a.m. of the day following the night on which the juvenile was taken into custody. However, this procedure is only allowed if the worker determines, based upon a telephone conversation with the law enforcement officer who took the child into custody, that the juvenile meets the statutory criteria for holding a juvenile in secure detention.

A juvenile may be held in temporary custody if the intake worker determines that there is probable cause to believe the juvenile is within the jurisdiction of the court and if probable cause exists to believe one of the following: (a) that if the juvenile is not held he or she will commit injury to the person or property of others; (b) that the parent, guardian or legal custodian of the juvenile or other responsible adult is neglecting, refusing, unable or unavailable to provide adequate supervision and care and that services to ensure the juvenile's safety and well-being are not available or would be inadequate; or (c) that the juvenile will run away or be taken away and be unavailable for proceedings of the court. Under these circumstances, a juvenile may be held in nonsecure custody (for example, the home of a parent or a foster or group home) or, under certain circumstances, in a secure detention facility, a county jail or a municipal lockup facility.

If a juvenile is not released, but placed into temporary custody, a hearing must be held by a judge or circuit court commissioner within 24 hours after the end of the day that the decision to hold the juvenile was made, excluding Saturdays, Sundays and legal holidays. A parent not present at the hearing must be granted a rehearing upon request for good cause shown.

By the time of the hearing, a petition to initiate

proceedings against the juvenile must be filed unless the juvenile is taken into custody for: (a) a failure to obey a summons; (b) a violation relating to court-ordered or aftercare supervision or the conditions relating to a continued or temporary custody order; or (c) being a runaway from another state or the subject of a warrant issued for the juvenile's apprehension in another state. A written statement of the reasons for holding a juvenile in custody must be provided if a petition is not filed. If no hearing has been held within 24 hours or if no petition or statement has been filed at the time of the hearing, the juvenile must be released.

However, if no petition has been filed at the time of the hearing, a juvenile may be held in custody with the approval of the judge or circuit court commissioner for an additional 48 hours from the time of the hearing, but only if the judge or circuit court commissioner determines that probable cause exists to believe that the juvenile is an imminent danger to himself or herself or to others, or that probable cause exists to believe that the parent, guardian or legal custodian of the juvenile or other responsible adult is neglecting, refusing, unable or unavailable to provide adequate supervision and care. The extension may be granted only once for any petition. If a petition is not filed within the 48-hour extension period, the judge or circuit court commissioner must order the juvenile's immediate release from custody.

Intake Inquiry

While some juveniles are held in temporary physical custody, many are quickly released to a parent or other responsible adult and their cases are subsequently reviewed by an intake worker. The intake worker makes recommendations as to what type of legal proceedings, if any, should be pursued with respect to the juvenile. The intake worker must make his or her determination, based on an intake inquiry, in no more than 40 days after receiving the referral information. The purpose of the intake inquiry is to determine whether there is sufficient evidence to establish the jurisdiction of

the juvenile court and to determine the best interests of the juvenile and the public with regard to any action to be taken. Three major courses of action are available to the intake worker: (1) dismiss the case; (2) enter into a deferred prosecution agreement with the juvenile; or (3) initiate formal delinquency proceedings.

Dismissal. The intake worker may dismiss the case without further proceedings if sufficient evidence does not exist to establish juvenile court jurisdiction. In this case, the intake worker must make a reasonable attempt to inform all of the known victims of the juvenile's act that the case is being closed. Notwithstanding the intake worker's decision, the district attorney still has the authority to initiate a delinquency petition within 20 days after notice that the case has been closed.

Deferred Prosecution. The intake worker may enter into a written deferred prosecution agreement with the involved parties if the intake worker determines that neither the interests of the juvenile nor of the public require filing a petition and the jurisdiction of the court, if sought, would exist. Before entering into a deferred prosecution agreement, the intake worker is required to offer all of the victims of the juvenile's alleged act, who have requested the opportunity, an opportunity to confer with the intake worker concerning the proposed deferred prosecution agreement (although victims do not have the authority to approve or disapprove the agreement). The agreement also requires the consent of the juvenile and his or her parent, guardian or legal custodian. A deferred prosecution agreement may not include any form of out-of-home placement and may not exceed one year. If a petition has been filed, a deferred prosecution agreement may not be entered into or a case may not be closed unless the petition is withdrawn by the district attorney. The district attorney may also terminate a deferred prosecution agreement if he or she files a delinquency petition within 20 days of receipt of the notice concerning the agreement. In such a

case, any statements made to the intake worker during the intake inquiry are inadmissible.

The obligations imposed under a deferred prosecution agreement and its effective date must be stated in writing. If the obligations imposed under the agreement are not being met, the intake worker may cancel the deferred prosecution agreement and, if cancelled, must request that a petition be filed. The juvenile and the juvenile's parent, guardian or custodian also have the right to terminate the deferred prosecution agreement at any time or to object to terms of the agreement. If an objection arises, the intake worker may alter the terms of the agreement. If the agreement is terminated by the juvenile or his or her parent, guardian or custodian, or an objection cannot be resolved, the intake worker may request that the district attorney file a petition. Again, the district attorney has 20 days to file the petition and any statements made to the intake worker during the intake inquiry are inadmissible.

If the obligations imposed under the deferred prosecution agreement are met, the intake worker informs the juvenile and a parent, guardian and legal custodian in writing, and no petition may be filed on the charges that brought about the deferred prosecution agreement.

A deferred prosecution agreement may provide for any one or more of the following actions: (a) individual, family or group counseling; (b) requirements to abide by such obligations as supervision, curfews and school attendance; (c) an alcohol and other drug abuse assessment; (d) participation in an alcohol and other drug abuse treatment programs; (e) restitution for damaged property or physical injury to another; (f) participation in a supervised work program or other community service work; and (g) placement with a volunteers in probation program or a teen court program.

Initiate Delinquency Proceedings. If, as a result of

the intake inquiry, the intake worker determines that the juvenile should be referred to the court, the intake worker must request that the district attorney file a formal delinquency petition with the juvenile court. The district attorney has the authority to initiate a delinquency petition within 20 days after the request is made.

Delinquency Proceedings

A district attorney must file a delinquency petition, close the case or refer the case back to the intake worker or to the law enforcement agency for further investigation within 20 days of the filing of the intake worker's request for a petition or notice of a deferred prosecution agreement. If referred back for investigation, the intake worker or law enforcement agency must complete its investigation within 20 days. If the case is referred back to the intake worker with a decision to not file a petition, the intake worker must close the case or enter into a deferred prosecution agreement within 20 days. If a district attorney decides not to file a petition, he or she must make a reasonable attempt to inform all of the known victims of the juvenile's act that a petition will not be filed. Based on information from the Director of State Courts, approximately 15,700 juvenile petitions were filed in Wisconsin courts in 2003.

At any time after a petition is filed but before a determination is made at a fact-finding hearing, the juvenile court may suspend the proceedings and establish conditions applicable to the juvenile and the juvenile's family. If the juvenile, the juvenile's family and the person filing the petition agree to the conditions, they enter into a consent decree with the court.

The consent decree is a written court order, valid for up to one year, with a six-month extension possible. If the juvenile satisfactorily completes the period of supervision, the decree expires and the original delinquency petition is dismissed. If the juvenile breaks a condition of the consent decree, the court may take up the

delinquency petition at the point where it left off and pursue an adjudication of delinquency and a formal disposition. Before entering into a consent decree, the district attorney is required to offer all of the victims of the juvenile's alleged act, who have requested the opportunity, an opportunity to confer with the district attorney concerning the proposed consent decree (although victims do not have the authority to approve or disapprove the consent decree). Victims also have the right to make a statement or provide a written statement to the court prior to the consent decree being entered into.

Hearings

If a delinquency petition is filed and no consent decree is ordered, three types of hearings are provided for the adjudication and disposition of the case: (a) a plea hearing; (b) a fact-finding hearing; and (c) a dispositional hearing. Throughout these proceedings, the district attorney has certain consultation and notification responsibilities in regard to victims.

Plea Hearing. A plea hearing must be held (within 30 days of the filing of a delinquency petition or within 10 days if the juvenile is in secure custody) to determine the juvenile's plea to the petition for delinquency. If the juvenile contests the petition, the court must schedule a fact-finding hearing. If the juvenile does not contest the petition, the court must schedule a dispositional hearing (within 30 days of the plea hearing or within 10 days if the juvenile is in secure custody).

Fact-finding Hearing. If the alleged delinquent contests portions of the delinquency petition, the juvenile court must hold a fact-finding hearing (within 30 days of the plea hearing or within 20 days if the juvenile is in secure custody). The fact-finding hearing is to the court (that is, the juvenile does not have a right to a jury hearing). At the hearing, the prosecutor must prove beyond a reasonable doubt that the juvenile committed the offense(s) specified in the petition. At the

conclusion of the hearing, the juvenile court makes findings of fact and conclusions of law relating to the petition. If the court finds that the juvenile is not within the jurisdiction of the court or finds that the facts alleged in the petition are not proved, the court must dismiss the petition with prejudice (that is, the petition may not be brought again).

If the court determines that the juvenile committed the offense(s) specified in the delinquency petition or the juvenile does not contest the petition, the juvenile is adjudicated delinquent.

Being adjudicated delinquent is not the same as being convicted of a crime. Most of the civil disabilities which may be imposed on an adult convicted of a crime may not be imposed on a juvenile found delinquent. For example, a person who was adjudicated delinquent may not be prohibited from holding public office because of the past delinquency determination once he or she reaches the age of majority. However, juveniles who are adjudicated delinquent for an act that would have been a felony if committed by an adult are prohibited from possessing a firearm, unless a court subsequently determines that the person is not likely to act in a manner dangerous to public safety. Further, if the juvenile is adjudicated delinquent for sexual assault or certain crimes against children (and at the court's discretion for certain other offenses), the juvenile may be required to comply with the reporting requirements of the sex offender registration program, unless the court determines, under certain circumstances and after a hearing on a motion made by the juvenile, that the juvenile is not required to comply. If the court orders a juvenile to comply with the reporting requirements, the court may order the juvenile to continue to comply with the requirements until his or her death.

Dispositional Hearing. Once a juvenile is adjudicated delinquent, the juvenile court must

hold a dispositional hearing within 30 days of the fact-finding hearing or within 10 days if the juvenile is in secure detention. Victims also have the right to make a statement or provide a written statement to the court prior to the imposition of a disposition. At the dispositional hearing, on the request of any party, unless cause to the contrary is shown, the court may admit testimony on the record by telephone or live audiovisual means. At the conclusion of the hearing, the court must make a dispositional order.

Dispositional Orders

The court must issue a written dispositional order, detailing its findings of fact and conclusions of law based on the evidence presented at the fact-finding hearing. The dispositional order must list the specific services to be provided to the juvenile and the agencies responsible for the provision of those services. The order must also state the conditions with which the juvenile is required to comply. The adjudicated delinquent is given a disposition which outlines a plan of supervision, care and treatment. In deciding the disposition, the court must consider the seriousness of the act for which the juvenile is adjudicated delinquent and may consider any other delinquent act that is read into the record and dismissed at the time of the adjudication. The judge must select one or more dispositional alternatives to assure the care, treatment and rehabilitation of the delinquent, consistent with the protection of the public. Generally, dispositions may include a forfeiture, loss of driving privileges (for certain offenses), community supervision, community-based services and/or programming, electronic monitoring, orders of restitution, nonsecure placement outside the home, or placement in a secured correctional facility. (See Appendix IV for a list of dispositional alternatives available to the juvenile court.)

The dispositional order must be in writing and contain: (a) the date of the expiration of the court's order; (b) a statement of the conditions with which

the juvenile is required to comply; (c) the specific services or continuum of services to be provided to the juvenile and family; (d) the identity of the agencies which are to be primarily responsible for the provision of the services mandated by the court; (e) the identity of the person or agency who will provide case management or coordination of services, if any; and (f) if custody is to be transferred to effect the treatment plan, the identity of the legal custodian.

If the juvenile is placed outside the home, the order must provide: (a) the name of the place or facility, including transitional placements, where the juvenile will be cared for or treated; (b) a designation of the amount of support, if any, to be paid by the juvenile's parent, guardian or trustee; (c) a permanency plan; and (d) a finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile or, under certain conditions a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent.

Nine major types of out-of-home placements are available as dispositions. Listed in order from least restrictive to most restrictive, the out-of-home placement options available to the court are: (1) the home of a relative; (2) a non-relative's home not licensed for foster care for less than 30 days; (3) a licensed foster home; (4) a licensed treatment foster home; (5) a licensed group home providing residential care for five to eight juveniles; (6) a licensed residential care center providing residential care and treatment for more than eight juveniles; (7) a secure detention facility or juvenile portion of a county jail for no more than 30 days, provided a county board resolution has been passed authorizing use of the facility for dispositional purposes; (8) a Type 2 child caring institution under the supervision of the county department; or (9) a Type 1 secured correctional facility or a secured child caring institution under

the supervision of the state or a secured group home under the supervision of a county department.

Generally, a dispositional order made before the juvenile reaches 18 years of age, that places or continues the placement of the juvenile in his or her home, must terminate one year after the order is entered unless the court specifies a shorter period of time or the court terminates the order sooner. An order made before the juvenile reaches 18 years of age that places or continues the placement of the juvenile in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent terminates when any of the following occur: (a) the juvenile reaches 18 years of age; (b) one year after entry of the dispositional order; or (c) if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the juvenile reaches 19 years of age, whichever is later (unless the court specifies a shorter period of time or the court terminates the order sooner).

An order involving placement of the juvenile in a Type 2 child caring institution or in a secured correctional facility, made before the juvenile reaches 18 years of age, may apply for up to two years after the order's entry or until the juvenile's 18th birthday, whichever is earlier, unless the court specifies a shorter period of time or the court terminates the order sooner. A serious juvenile offender disposition order, made before the juvenile reaches 18 years of age, applies for five years after its entry if the adjudicated act was equivalent to a Class B felony offense if committed by an adult (or Class B or C felony offense, effective February 1, 2003), 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 offense if committed by an adult.

Extensions of and Revisions to Dispositional Orders

A parent or guardian, the juvenile, any agency bound by the order, the district attorney, corporation counsel or the court may request an extension of the original dispositional order, except that dispositional orders that placed a juvenile in detention, nonsecure custody or inpatient treatment may not be extended. The court must hold a hearing on the extension request at which the person or agency providing services to the juvenile provides a written evaluation of the juvenile's progress. Based on the evidence, the court may extend a dispositional order for a specified length of time.

With certain exceptions, an order that continues the placement of a juvenile in his or her home, or that extends an order relating to a Type 2 child caring institution, a secured correctional facility, the serious juvenile offender program or aftercare supervision must be for a specified length of time not to exceed one year after its date of entry. An order that continues the placement of a juvenile in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent shall be for a specified length of time not to exceed the date on which the juvenile reaches 18 years of age, one year after the date of entry of the order, or, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, the date on which the juvenile reaches 19 years of age, whichever is later. No extension of an original dispositional order relating to a Type 2 child caring institution, a secured correctional facility, the serious juvenile offender program or aftercare supervision may be granted for a juvenile who is 17 years of age or older when the original dispositional order terminates.

A parent or guardian, the juvenile, any agency

bound by the order, the district attorney, corporation counsel or the court may also request a revision of a dispositional order that does not involve a change in the juvenile's placement. A hearing regarding the requested revision is required unless all parties sign written waivers supporting the revision and the court approves the waivers.

A change in placement may be requested by the agency primarily responsible for implementing the order or the district attorney. A request for a change in placement requires that written notice be sent to the juvenile or the juvenile's legal counsel or guardian ad litem, and the parent, foster parent, treatment foster parent or other physical custodian, guardian and other legal custodian. The notice must describe the new placement and the reasons for the change. Any person receiving the notice may obtain a hearing on the matter by filing an objection with the court within 10 days of receiving the notice.

The juvenile, the parent, guardian or legal custodian of the juvenile, or any person or agency primarily bound by the dispositional order may also request a change in placement. In addition, the court may propose a change in placement on its own motion. Such requests require a hearing on the matter if the request states that new information is available which affects the advisability of the current placement, unless the requested or proposed change in placement involves any change in placement other than a change in placement of a juvenile placed in the home to a placement outside the home and written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice and the court approves. If a hearing is scheduled, the court must notify the juvenile, the parent, guardian and legal custodian of the juvenile, any foster parent, treatment foster parent or other physical custodian of the juvenile and all parties who are bound by the dispositional order at least three days prior to the hearing. If all the parties consent, the court may

proceed immediately with the hearing.

No change in placement may extend the expiration date of the original order, except that if the change in placement is from a placement in the juvenile's home to a placement in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative who is not a parent, the court may extend the expiration date of the original order. The extension may be to the date on which the juvenile reaches 18 years of age, the date one year after the date of the change in placement order, or, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, to the date on which the juvenile reaches 19 years of age, whichever is later, or for a shorter period of time as specified by the court.

If the change in placement is from a placement in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative to a placement in the juvenile's home and if the expiration date of the original order is more than one year after the date of the change in placement order, the court is required to shorten the expiration date of the original order to the date that is one year after the date of the change in placement order or to an earlier date as specified by the court.

Juvenile Records

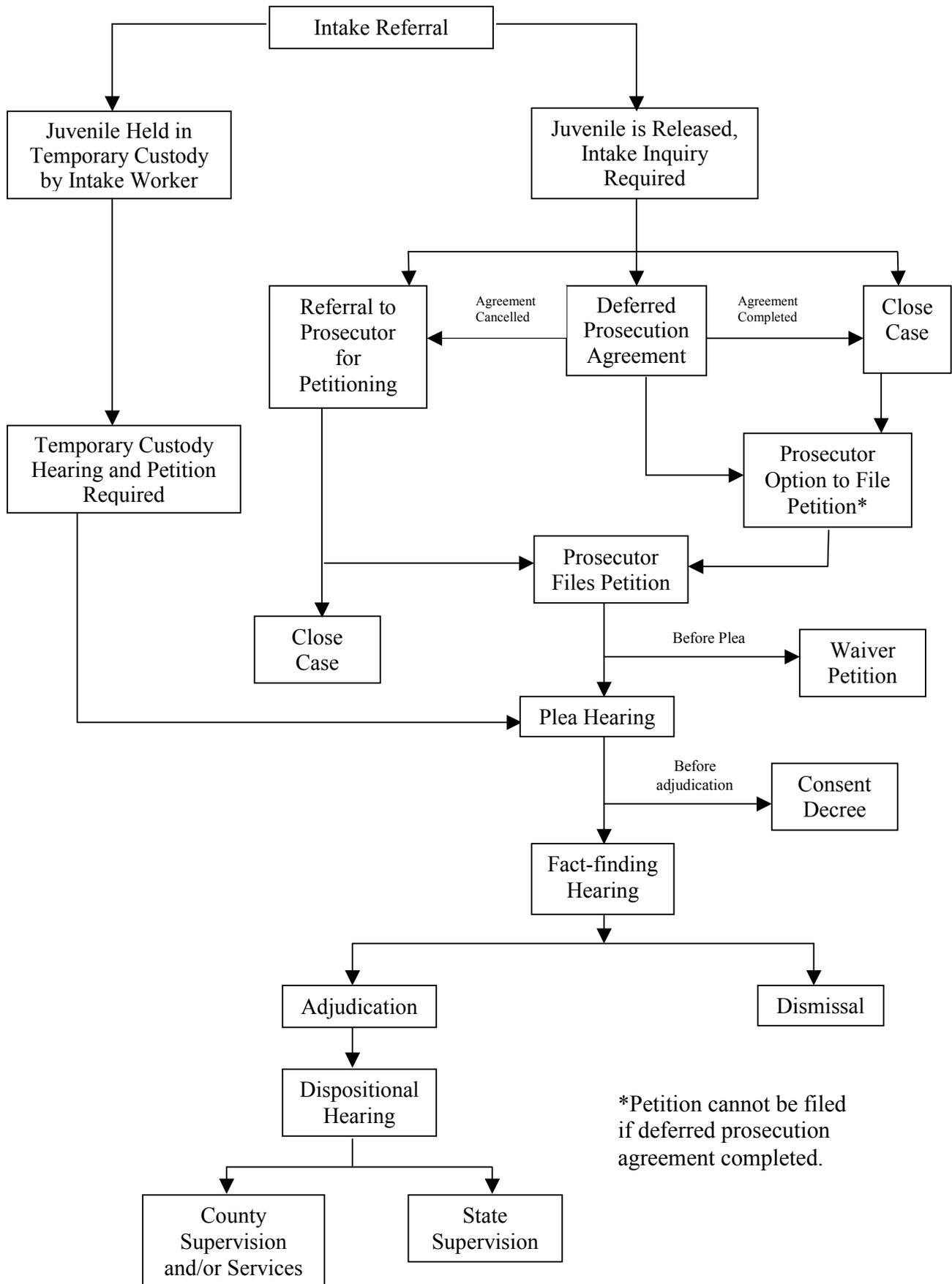
Juvenile court proceedings are typically not open to the general public; however, victims and any other person the court finds to have a proper interest in the case are specifically authorized to attend any hearing. In addition, police and court records relating to juveniles are generally not open for inspection nor may their contents be disclosed

except to certain requesters for limited purposes. For example, victim and witness coordinators may request and review police and court records and make that information available only as necessary to ensure that victims and witnesses of crimes receive the rights and services to which they are entitled by law. In addition, police records may be inspected by representatives of the news media who wish to obtain information for the purpose of reporting news without revealing the identity of the juvenile involved. Confidential exchange of information between the police and school officials or other law enforcement or social welfare agencies is also permitted under certain conditions.

Two major exceptions to the confidentiality of juvenile court hearings and records are provided for certain juvenile offenders. The court is required to allow the general public to attend hearings and to open for inspection by any requester the records of a juvenile who: (a) has been alleged to be delinquent for committing a violation that would subject the juvenile to a Serious Juvenile Offender disposition; or (b) has been alleged to be delinquent for committing any felony offense, if the juvenile has been adjudicated delinquent at any time prior to the current proceeding and that previous adjudication remains unreversed. The requester receiving information under these provisions may further disclose the information to anyone. However, in neither of these cases is the court allowed to open hearings or allow the inspection of any records relating to physical, psychological, mental or developmental examinations of the juvenile, court reports relating to service planning for the juvenile or other records that deal with sensitive personal information of the juvenile and the juvenile's family.

Figure 4 provides an overview of the juvenile adjudication process from intake to disposition.

Figure 4: Adjudication Process Following Referral to Intake Worker



Original Adult Court Jurisdiction and Waiver to Adult Court

Current law provides for original adult court jurisdiction over certain juveniles, as well as discretionary waiver of other juveniles to adult court jurisdiction. Beginning July 1, 1996, a "juvenile," as applied here, pertains to those under the age of 17 years.

Original Jurisdiction of Adult Court

Adult criminal courts have original jurisdiction over juveniles under the following conditions:

a. If a juvenile is alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after the juvenile's 10th birthday;

b. If a juvenile has been adjudicated delinquent and is alleged to have committed battery or assault while placed in a secured correctional facility, a secure detention facility, a secured child caring institution or a secured group home or against an aftercare agent or a probation, extended supervision and parole agent.

c. If a juvenile is alleged to have violated any state criminal law and has either been convicted of a previous violation in adult court (following waiver to adult court or under the original jurisdiction of the adult court) or has criminal proceedings pending in adult court (referred to as "once waived/always waived").

In addition, a juvenile specified in (a) or (b), who is alleged to have attempted or committed a violation of any state criminal law in addition to the violation alleged under (a) or (b), is under the adult court's jurisdiction for all of the alleged violations if the violations can be charged in the same complaint

("joined").

If a preliminary examination (applicable to felony charges only) is held regarding a juvenile who is subject to the original jurisdiction of the adult court, the court is required to determine whether there is probable cause to believe that the juvenile has committed the violation of which he or she is accused. If the court does not make that finding, the court is required to discharge the juvenile from adult court; however, juvenile proceedings may still be brought.

If the adult court finds probable cause, it is required (except for certain 15- and 16-year-old juveniles, as noted below) to determine whether to retain jurisdiction or to transfer jurisdiction to the juvenile court (referred to as "reverse waiver"). The adult court must retain jurisdiction unless the juvenile proves by a preponderance of the evidence all of the following:

a. That, if convicted, the juvenile could not receive adequate treatment in the criminal justice system;

b. That transferring jurisdiction to the juvenile court would not depreciate the seriousness of the offense; and

c. That retaining jurisdiction is not necessary to deter the juvenile or other juveniles from committing such violations.

A juvenile who is alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after his or her 15th birthday is not eligible for reverse waiver from the adult court to a juvenile court.

In adult court, the juvenile is subject to criminal court procedures and criminal penalties, except that the adult court may impose a disposition under the juvenile justice code under certain conditions. With the exception of certain 15- and 16-year-old

juveniles, the adult court must impose a juvenile disposition, in lieu of a criminal penalty, if either of the following conditions apply:

1. The adult court finds that the juvenile committed a lesser offense or a joined offense that is *not* any of the following: (a) an attempt to commit first-degree intentional homicide on or after the juvenile's 10th birthday, but before the juvenile's 15th birthday; (b) first-degree reckless homicide or second-degree intentional homicide on or after the juvenile's 10th birthday, but before the juvenile's 15th birthday; (c) battery or assault while placed in a secured correctional facility, a secure detention facility or a secured child caring institution or against an aftercare agent or a probation, extended supervision and parole agent; or (d) an offense for which the juvenile court may waive its jurisdiction over the juvenile; or

2. The adult court finds that the juvenile committed a lesser offense that *is* an offense specified in (a), (b), (c) or (d) above *and* the court determines, based on certain criteria, that the juvenile has proved by clear and convincing evidence that it would be in the best interests of the juvenile and of the public to impose a juvenile disposition under the juvenile justice code. The criteria used by the adult court in making this determination are identical to those used by the juvenile court in determining whether a juvenile should be waived to adult court. These criteria are described in the next section.

A separate statutory provision governs juveniles alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after the juvenile's 15th birthday (including any additional crimes joined in the complaint). In these cases, if the juvenile is found to have committed a lesser offense that is not an offense specified in this paragraph, the court must impose a juvenile disposition, in lieu of a criminal penalty, if the court determines, after

considering the criteria for waiver to adult court, that the juvenile has proved by clear and convincing evidence that it would be in the best interests of the juvenile and of the public to impose a juvenile disposition.

Waiver To Adult Court

A district attorney or a juvenile may apply to the juvenile court to waive its jurisdiction in any of the following situations:

a. If the juvenile is alleged to have committed felony murder, second-degree reckless homicide, first- or second-degree sexual assault, taking hostages, kidnapping, armed robbery, armed burglary or the manufacture, distribution or delivery of a controlled substance on or after the juvenile's 14th birthday;

b. If the juvenile is alleged to have committed, on or after the juvenile's 14th birthday, a violation at the request of or for the benefit of a criminal gang, that would constitute a felony if committed by an adult; or

c. If the juvenile is alleged to have violated any state criminal law on or after the juvenile's 15th birthday.

The judge may also initiate a petition for waiver in any of these situations, if the judge disqualifies himself or herself from any future proceedings on the case.

The juvenile must be represented by counsel at the waiver hearing and the counsel must be provided access to the social records and other reports pertaining to the case. The juvenile has the right to present testimony on his or her own behalf, including expert testimony, and has the right to cross-examine witnesses at the hearing. The juvenile does not have the right to a jury at a waiver hearing.

If a petition for waiver of jurisdiction is

contested, the court must hear testimony and consider other relevant evidence. If uncontested, no testimony need be taken if the court determines that the decision not to contest the waiver of jurisdiction is knowingly, intelligently and voluntarily made. The court must base its decision whether to waive jurisdiction on criteria relating to: (a) the personality and prior record of the juvenile; (b) the type and seriousness of the offense; (c) the adequacy and suitability of facilities, services and procedures available for treatment of the juvenile and the protection of the public in the juvenile justice system; and (d) the desirability of trial and disposition of the entire offense in one court if the juvenile was allegedly associated in the offense with persons who will be charged with a crime in adult court.

After considering these criteria, the court must state its finding with respect to the criteria on the record. If the court determines that it is established by clear and convincing evidence that it would be contrary to the best interests of the juvenile or of the public to hear the case, the court must enter an order waiving jurisdiction and referring the matter to the district attorney for appropriate proceedings in criminal court. If the waiver is granted, the district attorney may charge the offense he or she deems appropriate and a court or jury may convict the juvenile in regard to any offense. If the waived juvenile is being held in secure custody, he or she is transferred to an appropriate officer or adult facility and is eligible for bail.

In a preliminary examination in adult court for a waived juvenile, for a violation alleged to have occurred prior to his or her 15th birthday, the court may bind the juvenile over for trial only if there is probable cause to believe that felony murder, second-degree reckless homicide, first- or second-degree sexual assault, taking hostages, kid-

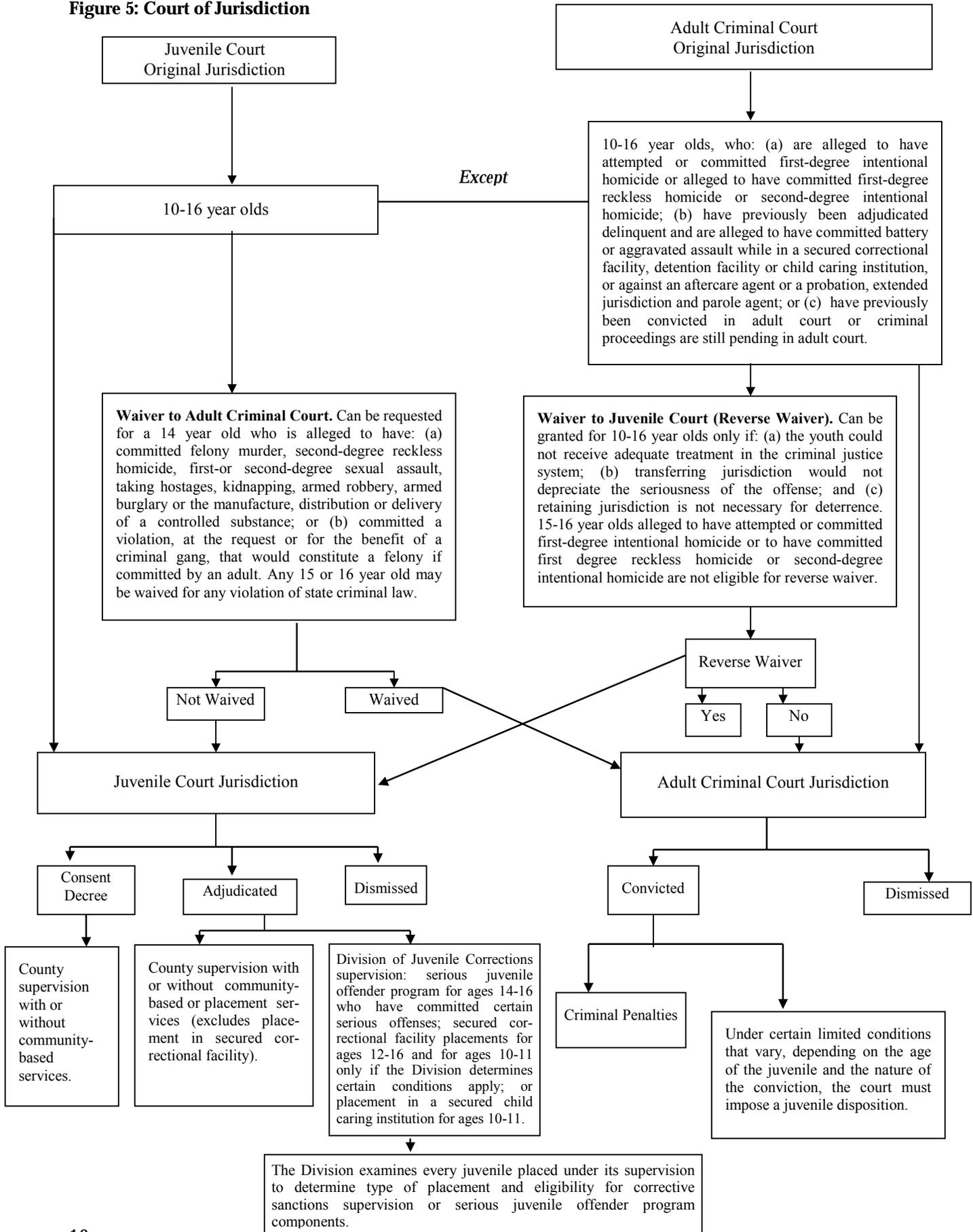
napping, armed robbery, armed burglary, or the manufacture, distribution or delivery of a controlled substance has been committed or that a crime that would constitute a felony if committed by an adult has been committed at the request of or for the benefit of a criminal gang. If the court does not make that finding, the court is required to discharge the juvenile from adult court; however, juvenile proceedings may still be brought.

Correctional Placement for Juveniles Sentenced in Adult Court

If a juvenile who has not attained the age of 16 years is sentenced to a state prison, the Department of Corrections (DOC) must place the juvenile at a secured juvenile correctional facility or a secured child caring institution. While there are some inconsistencies in current law regarding the age at which a juvenile who has been convicted in adult court may be transferred to an adult prison, it appears that for a juvenile who has not attained the age of 16 years, DOC may determine that a prison placement is appropriate based on: (a) the juvenile's prior record of adjustment in a correctional setting, if any; (b) the juvenile's present and potential vocational and educational needs, interests and abilities; (c) the adequacy and suitability of available facilities; (d) the services and procedures available for treatment of the juvenile within the various institutions; (e) the protection of the public; and (f) any other considerations promulgated by the Department by rule. Current law does not preclude DOC from designating an adult correctional institution as a reception center for the juvenile and subsequently transferring the juvenile to a secured juvenile correctional facility or a secured child caring institution.

Figure 5 provides an outline of juvenile and adult criminal court jurisdiction for juveniles ages 10 or older.

Figure 5: Court of Jurisdiction



Secure Detention

State Law

Under current law, a county board, or two county boards jointly, may establish a secure detention facility for holding juveniles in secure custody. Secure detention may be used if the juvenile: (a) meets current law criteria for placing a juvenile in secure detention prior to disposition or trial, including a juvenile less than 15 years of age who is being held for criminal proceedings under original adult court jurisdiction; (b) is subject to a disposition that includes placement in secure detention; (c) is subject to short-term detention by a caseworker or other authorized person for an investigation relating to a violation of a condition of a dispositional order, including conditions relating to aftercare supervision or placement in an intensive supervision program; and (d) is subject to a secure detention sanction for a violation of a condition of a dispositional order, including conditions relating to aftercare supervision or placement in an intensive supervision program.

DOC has the statutory authority to establish standards and regulations for secure detention facilities to ensure compliance with both federal and state law. This authority is administered under Chapter DOC 346 of the Wisconsin Administrative Code. As of December, 2004, there are 16 county-operated secure juvenile detention facilities approved by DOC, with a combined rated capacity of 593 beds. Counties may expand their existing secure juvenile detention bed capacity, under provisions in DOC 346, through the use of double-celling. Several counties have increased capacity in this manner.

There are also several alternatives to the secure detention facilities operated by Wisconsin counties. First, a county board of supervisors may contract with DOC for the use of a state secured correctional facility for the secure detention of juveniles who

meet certain criteria. A county may use a secured correctional facility for holding a juvenile only if any of the following criteria are met: (a) there is no county-operated secure detention facility within 40 miles of the county seat; or (b) there is no bed space available in a county-operated secure detention facility within 40 miles of the county seat. The county may use a secured correctional facility for holding a juvenile only if DOC approves that use based on the availability of beds in the secured correctional facility and on the programming needs of the juvenile.

A county/DOC contract must specify: (a) the per person daily rate to be paid by the county for holding a juvenile; (b) the charges to be paid by the county for any extraordinary medical and dental expenses and any programming provided for the juvenile by DOC; and (c) any other matters that are necessary and appropriate concerning the obligations, responsibilities and rights of the contracting county and DOC. A juvenile held in custody under a county/DOC contract is under the supervision and control of DOC and is subject to the rules and discipline of the Department.

Second, one or more county boards of supervisors may contract with a privately operated secure detention facility for the secure detention of juveniles. A county board of supervisors may delegate the authority to contract with a private entity to its county department providing juvenile welfare services. A secure detention contract with a private entity requires the following: (a) that the facility meet or exceed the minimum requirements for the approval and operation of a secure detention facility established by DOC; (b) that the facility be approved by DOC; (c) that the facility provides educational programming, health care and other care that is equivalent to that which a juvenile would receive in a public secure detention facility; (d) the specification of the rates to be paid by the county for holding a juvenile in the facility and charges for any extraordinary medical and dental expenses and for any programming provided to a juvenile; (e) an agreement that the

county retains jurisdiction over a juvenile held at the facility; (f) an agreement that the facility is subject to inspection by DOC; and (g) a specification of any other matters that are necessary and appropriate concerning obligations, responsibilities and rights of the contracting counties and DOC. The statutory requirements and DOC rules for public secure detention facilities would also apply to private facilities. Currently, no private entities operate secure detention facilities in Wisconsin.

Finally, a county board of supervisors may contract with one or more counties in Minnesota that operate a secure detention facility for holding juveniles. The same requirements for contracting with a privately-operated secure detention facility apply to contracting with a Minnesota county. Currently, there are no contracts of this type approved by DOC.

Federal Requirements

Federal law places strict limitations on holding juveniles in secure custody in certain types of facilities. The federal Juvenile Justice and Delinquency Prevention Act (JJDP) authorizes the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide formula grants to states for juvenile justice and delinquency prevention programs.

In order to receive a formula grant, a state is required to submit a plan for carrying out the requirements of the JJDP, which include: (1) providing that no status offenders are placed in secure detention or secure correctional facilities, except for violations of valid court orders; (2) providing that no alleged or adjudicated delinquents are detained or confined in any institution in which they have contact with incarcerated adults; (3) reducing the overrepresentation in secure juvenile detention and correctional facilities of juveniles who are members of minority groups; and (4) providing that no juveniles are detained or confined in any adult jail

or lockup. However, juveniles alleged to have committed a delinquent offense may be held in an approved juvenile portion of an adult jail or lockup for up to 24 hours outside a standard metropolitan statistical area (urban area). In addition, in standard metropolitan statistical areas, a juvenile may be held in an approved juvenile portion of an adult jail or lockup for up to six hours (an administrative hold). Juveniles detained for longer periods must be held in secure juvenile detention facilities. The JJDP requirements do not apply to juveniles who have been waived into adult court for felony offenses.

Funding in 2004-05 for JJDP is \$1,174,000 FED. The Office of Justice Assistance (OJA) administers the program in Wisconsin and reports to OJJDP on the status of Wisconsin's compliance with the JJDP requirements. OJA indicates that approximately 75% of the formula grant funds received annually by Wisconsin under the JJDP are distributed to local governments for juvenile justice programs, including delinquency prevention and early intervention services, services for serious juvenile offenders and efforts to reduce the overrepresentation of minorities in secure juvenile facilities.

Wisconsin's Secured Correctional Facilities for Juveniles

The Division of Juvenile Corrections (DJC) in DOC is authorized to operate secured correctional facilities. Currently there are two facilities for males and one facility for females for juveniles adjudicated delinquent.

The two male facilities are the Ethan Allen School, located near the village of Wales in southeastern Wisconsin (Waukesha County), and the Lincoln Hills School, located near the town of Irma in north-central Wisconsin (Lincoln County). In addition, an adventure-based education

program (SPRITE) for male juveniles in secure facilities utilizes an off-grounds facility in Oregon (Dane County).

The female facility, the Southern Oaks Girls School, is located in Union Grove in southeastern Wisconsin (Racine County). Prior to October, 1994, juvenile girls were located at the Lincoln Hills School.

Finally, the Department of Health and Family Services (DHFS) operates a secured mental health unit for juveniles transferred from other secured correctional facilities. The Mendota Juvenile Treatment Center, located at the Mendota Mental Health Institute (Dane County), provides treatment to male juvenile offenders with complex emotional and behavioral problems. Following treatment, juveniles either are placed in the community or are returned to the facility that they came from. The Center has a capacity of 43 beds, but fewer beds are utilized due to declining juvenile populations placed at the facilities and budget constraints. In 2004-05, DOC is providing \$3,534,900 [\$1,379,300 general purpose revenue (GPR) and \$2,155,600 program revenue (PR)] to DHFS as reimbursement for the costs of the facility's operation.

Funding for the state costs of the juvenile justice system in 2004-05 totals \$188.8 million, of which approximately \$88.3 million is provided to counties for community youth and family aids, known as "youth aids". (Youth aids are discussed in a separate section of this paper.) Of the remaining \$100.5 million, \$54.1 million is allocated to the operation of the state's secured juvenile correctional facilities.

Table 1 shows the funding (PR) and positions allocated to each DOC juvenile facility in 2004-05, the funding allocated to DHFS (all funds) for mental health treatment, and the actual average daily population for each facility in 2003-04.

The courts have two dispositional options that result in a juvenile being placed in a secured

Table 1: Secured Juvenile Facilities

Facility	2004-05		2003-04
	Funding	Positions	Actual ADP
Ethan Allen School	\$22,448,500	357	322
Lincoln Hills School	19,032,200	285	263
SPRITE	545,000	8	9
Southern Oaks Girls School	<u>8,579,400</u>	<u>132</u>	<u>70</u>
Subtotal	\$50,605,100	782	664
Mendota Juvenile Treatment Center	\$3,534,900		29
Total	\$54,140,000		693

correctional facility: (a) a direct secured correctional placement; and (b) the disposition of the juvenile as a serious juvenile offender.

Secured Correctional Placement

A court may place any adjudicated juvenile in a secured correctional facility if the juvenile is 12 years of age or over. If the juvenile is under 12 years of age, he or she may be placed in a secured child caring institution or in a secured group home. However, in some cases a placement in a secured correctional facility is permissible, if the following conditions are met: (a) DOC determines, following an examination of the juvenile, that placement in a secured correctional facility is more appropriate; (b) the juvenile was found delinquent for the commission of an act which, if committed by an adult, would be punishable by a sentence of six months or more; and (c) the juvenile was found to be a danger to the public and to be in need of restrictive custodial treatment.

If the court has determined that a juvenile is not appropriate for placement in the Serious Juvenile Offender Program, the following conditions are deemed to provide sufficient evidence for a finding that the juvenile is a danger to the public and in need of restrictive custodial treatment: (a) the juvenile has committed any one of various violent acts that would be a felony if committed by an adult; (b) the juvenile possessed, used or threatened to use a firearm while committing a delinquent act that

would be a felony if committed by an adult; or (c) the juvenile illegally possessed or went armed with a dangerous weapon.

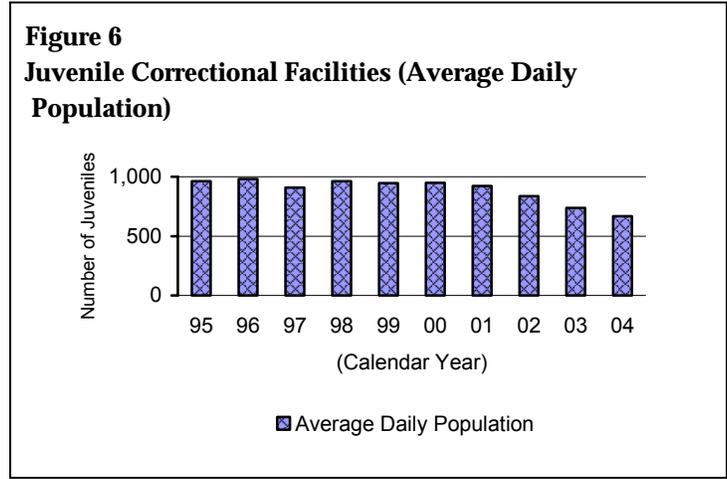
Serious Juvenile Offender (SJO) Program

Certain juveniles who have committed offenses equivalent to certain Class A, Class B, or Class C felonies are subject to disposition under the SJO program. This disposition provides an array of component phases, including both secured correctional facility and community placements, through which the juvenile may pass. The initial placement is in a secured juvenile correctional facility. This program is described in greater detail

in a later section of this paper.

Institutional Demographic Data

The most recent demographic analysis available from DOC is for juveniles who were placed at secured correctional facilities in 2003. During 2003, juveniles ranged from 12 years of age to over 20 years of age (due to extended juvenile court jurisdiction). The 2003 data indicates that the average age of juveniles admitted to the institutions was 15.3 years for males and 15.0 years for females. The majority of juveniles committed to the facilities came from the populous counties of southeastern and southern Wisconsin, with 47% of male juvenile offenders and 25% of female juvenile offenders coming from Milwaukee County. Minority juveniles comprised 63% of the male institutional population and 51% of the female population admitted in 2003.



Average Daily Population (ADP) Statistics

As of December 17, 2004, 663 juveniles (616 males and 47 females) resided at the secured correctional facilities. The number of juveniles placed at the institutions has been declining in the last four years. The average daily population (ADP) for all institutions was 948 in 2000, 923 in 2001, 836 in 2002, 737 in 2003, and is estimated at 668 in 2004. The average daily population data for calendar years 1994 through 2004 are provided in Appendix V of this paper. This data is also depicted in Figure 6 for the last 10 years. Historically, the average daily populations at the institutions rose steadily from 1991 through 1996. Between 1996 and 1997, populations declined by 7.3%, but increased again in 1998, by 5.8%. Then, from 1998 to 2004 (estimated), the ADP has declined by nearly 31%.

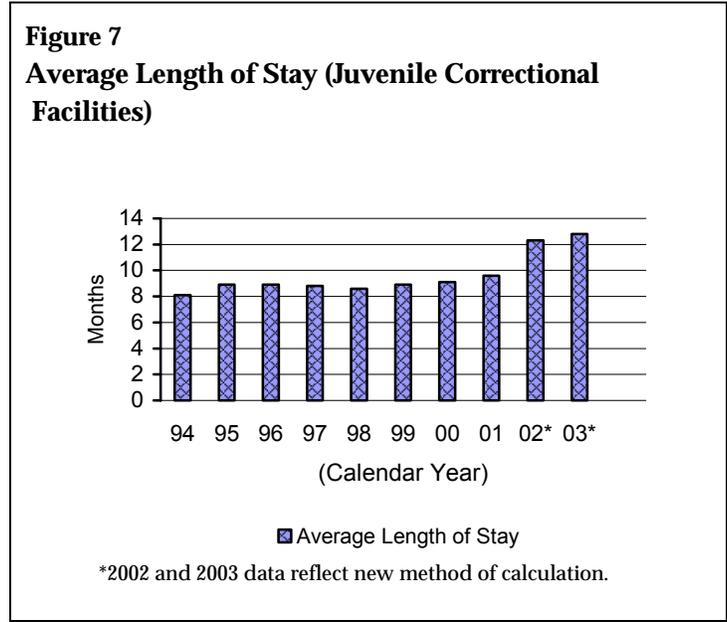


Figure 7 shows the average length of stay for delinquents placed at the secured juvenile correctional facilities (Ethan Allen School, Lincoln Hills School and Southern Oaks Girls

School) for calendar years 1994 through 2003. Historically, after remaining fairly constant between 1990 and 1994, the average length of stay increased from 8.1 months in 1994, to 8.9 months in 1995 and 1996. In the following two years, the average declined to 8.8 in 1997 and to 8.6 in 1998. The average returned to 8.9 months in 1999 and increased to 9.1 months in 2000 and to 9.6 months in 2001.

After 2001, however, DOC instituted a different method of calculating the average length of stay, which takes into account additional periods of placement after initial release, such as sanctions for violations of supervision rules. Under this new method, average length of stay for juveniles whose commitments ended in 2002 was 12.3 months, and was 12.8 months for juveniles whose commitments ended in 2003. Because the calculation method is different, the 2002 and 2003 figures are not strictly comparable to those from previous years. Generally, changes in the average length of stay over time are affected by a variety of factors, including: (a) the number, types and effectiveness of treatment and rehabilitation programs; (b) the degree to which institutional population exceeds or under-utilizes the capacity of available facilities; (c) the nature of the delinquent acts committed by juveniles and the dispositions that result; and (d) the capacity of aftercare services available at any given time.

Reception and Programming at the Institutions

Ethan Allen School and Lincoln Hills School each operate a reception cottage where juveniles are placed for approximately 30 days for assessment upon their arrival at the institution. (Lincoln Hills School also has an abbreviated reception period for certain juveniles receiving alcohol and other drug abuse treatment.) Similarly, there is a six-bed, reception and assessment unit at Southern Oaks Girls School where staff assess each girl's needs and develop individual treatment plans. Thereafter, juveniles are placed in one of the cottages or units most suited to their treatment needs. Some cottages

specialize in a treatment area such as alcohol and other drug abuse, mental health or sex offender treatment. Each of the juvenile correctional facilities also operates a security unit where juveniles are placed temporarily as a consequence of serious disciplinary violations or other behavioral problems.

Educational Programming

Juvenile correctional facilities serve juveniles ranging in age from 10 to 21 years. The Department indicates that there are a total of 78 academic and vocational teachers and five supervisory staff at Ethan Allen School, Lincoln Hills School, and the Southern Oaks Girls School. Additional services are provided by guidance counselors and school psychologists. In 2003, combined enrollment for the three schools was 704 students, resulting in a teacher-to-student ratio of approximately 1:9.

Students can earn high school credits while placed at the secured juvenile facilities. The credits can apply toward graduation after release. In 2003, students earned more than 2,210 credits toward high school graduation, an average of 3.14 credits per student. On average, more than 96 students are enrolled in the high school equivalency diploma (HSED) preparation programs at any given time and 116 students earned their HSED in 2003.

Vocational programming is also emphasized at the three schools. Approximately 538 vocational credits were earned during the 2002-03 school year.

Educational staff conduct in-depth educational evaluations of students that include diagnostic assessment in reading and mathematics. Evaluation of academic gains is approached through the implementation of formal testing administered at intake and at least every six months thereafter. Results are reported to the student's parents/guardian every 90 days. Some general results in 2002-03 for the three schools are as follows:

Southern Oaks Girls School. Students generally

made academic gains in reading and mathematics equivalent to two grade levels throughout the average period of incarceration.

Ethan Allen School. Juveniles with initial test scores at or below 75 percent of their same-age peers had a median level of improvement of 0.8 grade level in reading and 1.1 grade levels in mathematics. Juveniles who tested in the upper 25 percent of same-age peers at admission had a median level of improvement of 2.6 grade levels in reading and 3.0 grade levels in mathematics.

Lincoln Hills School. Students had average gains in reading of approximately 1.3 grade levels in comprehension and 0.8 grade levels in vocabulary. Average mathematics gains showed an increase of approximately 0.8 grade level.

In addition, the schools offer special education programming in accordance with the federal Individuals with Disabilities Education Act (IDEA) and state special education law. The Department reports that a high proportion of students enter the juvenile justice system with a history of special education needs. During 2002-03, some 41% of the students at secured juvenile correctional facilities participated in special education programming compared to a statewide participation level of 12%.

Between December 2, 2002, and December 1, 2003, 27 special education students at the three schools graduated with either a high school degree or HSED diploma. Over 350 special education students returned to public school to continue their education, and 31 special education students were referred to treatment facilities for further assessment and treatment.

Planning and Release Decisions

Once a delinquent is placed at one of the juvenile correctional institutions, the Office of Juvenile Offender Review (OJOR) in DJC is authorized to make all placement decisions with respect to the delinquent, including release from secure custody.

Consistent with Chapter 938, OJOR decisions are made with the goal of placing juveniles in the least restrictive setting consistent with their needs and the protection of the public.

A Joint Planning and Review Committee (JPRC) makes planning and placement recommendations with respect to each delinquent. The JPRC consists of a representative of the juvenile correctional facility, a representative of the county that committed the juvenile or an aftercare agent, or both, and an OJOR representative. The JPRC reviews the assessment of the juvenile conducted in the reception cottage at the institution as well as court records and other information obtained from the county committing the juvenile. The JPRC then recommends program objectives and makes a placement recommendation for the juvenile. The JPRC may recommend placement in a particular cottage or placement outside the institution in an alternate care facility such as a residential care center, a group home or a foster home or in the juvenile's own home. If the JPRC does not reach a consensus, final decision-making authority with respect to the juvenile's placement is delegated to OJOR. OJOR decisions may be appealed to the DJC division administrator. A juvenile who remains at the juvenile correctional facility generally is reviewed by OJOR every 90 days to: (a) assess the juvenile's progress towards fulfilling treatment goals and release from the institution; and (b) recommend placement or program changes, if necessary.

Aftercare Supervision

Dispositional orders cover the entire time a juvenile is under supervision, including the time spent in a secured correctional facility and a period of time following the juvenile's return to the community. Juveniles adjudicated delinquent are generally released from the secured facility with time remaining on their dispositional orders so that they may be placed on "aftercare supervision."

Following release from a secured correctional facility, a juvenile is usually returned to his or her

family or to an alternate care facility such as a child caring institution, group home or foster home. Aftercare supervision is provided to monitor juveniles following their release from secure care to ensure school attendance, participation in treatment programs and compliance with other conditions of the juvenile's release. Counties may provide their own aftercare supervision or purchase these services from the state. Currently, the state is the designated aftercare provider for 22 counties. The average daily population in state-provided aftercare was 177.8 juveniles in 2003-04.

An aftercare plan for a juvenile placed in a secured correctional facility or a secured child caring institution must be prepared, within certain time limits, by the aftercare provider (DOC or the county). An aftercare plan must include all of the following: (a) the minimum number of supervisory contacts per week; (b) the conditions, if any, under which the juvenile's aftercare status may be revoked; (c) the services or programming to be provided to the juvenile while on aftercare; and (d) the estimated length of time that aftercare supervision and services will be provided to the juvenile. A juvenile may, however, be released from a secured correctional facility or a secured child caring institution whether or not an aftercare plan has been prepared.

Subject to certain written policies, if a juvenile who is on aftercare supervision administered by the county department violates a condition of that supervision, the juvenile's aftercare caseworker or any other authorized person may, without a hearing, take the juvenile into custody and place the juvenile in a secure detention facility, the juvenile portion of a county jail or in a place of nonsecure custody for not more than 72 hours while the alleged violation and the appropriateness of revoking the juvenile's aftercare status are being investigated. This provision only applies if, before the violation, the juvenile has acknowledged in writing that he or she has read (or has had read to him or her) and understands those conditions.

Type 2 Institutional Status

Type 2 institutional status is available to both DOC, as a condition of aftercare, and to the juvenile court, as a dispositional option. When given "Type 2" institutional status by DOC or the court, a juvenile is allowed to serve all or part of his or her dispositional period in a less restrictive community placement, rather than in a "Type 1" secured correctional facility. Legally, the juvenile in a Type 2 placement continues to be on institutional status and may be administratively transferred to different placements, including more restrictive placements.

A Type 2 administrative transfer does not require a hearing. This provides the Department with an alternative to releasing a juvenile to aftercare with the right to a hearing in the event of future changes in placement. Thus, a juvenile with Type 2 status who violates a condition of his or her placement in a Type 2 facility may be returned to a secured correctional facility without an administrative revocation hearing.

At the discretion of the court, a juvenile may be given a disposition that places the juvenile in a Type 2 child caring institution under the supervision of the county and subject to Type 2 status, if all of the following apply: (a) the juvenile has been found to be delinquent for an act that would be punishable by a sentence of six months or more, if committed by an adult; and (b) the juvenile has been found to be a danger to the public and to be in need of restrictive custodial treatment. This disposition provides the court with an alternative to placement in a secured correctional facility for appropriate juveniles. It also provides the counties with the ability to administratively transfer a juvenile who violates a condition of his or her placement in the Type 2 child caring institution to a secured correctional facility, without a hearing, for not more than 10 days.

DOC may contract with a child welfare agency to operate a Type 2 facility in the community. As of

October, 2004, there are 14 licensed child welfare agencies authorized to operate 18 designated Type 2 facilities. The concept of Type 2 status is also used for other departmental programs. Juveniles placed by DOC in the Corrective Sanctions Program (described in greater detail in a later section of this paper) are under Type 2 status when placed in the community, as well as juveniles placed in the Serious Juvenile Offender Program.

As of October 20, 2004, 304 juveniles were placed in a Type 2 facility or assigned to another community placement under Type 2 status.

Serious Juvenile Offender Program

The Serious Juvenile Offender (SJO) program was created under 1995 Wisconsin Act 27. A juvenile is subject to an SJO placement for certain acts committed on or after July 1, 1996, as follows: (a) if the juvenile is 14 years of age or more and has been adjudicated delinquent for committing a delinquent act that is equivalent to certain Class A, Class B, or Class C felony offenses; or (b) the juvenile is 10 years of age or more and has been adjudicated delinquent for attempting or committing first-degree intentional homicide or for committing first-degree reckless homicide or second-degree intentional homicide. An SJO disposition may only be made for these juveniles if the judge finds that the only other disposition that would be appropriate is placement in a secured correctional facility.

For a juvenile receiving a disposition as a Serious Juvenile Offender, the court is required to make the order apply for a period of five years if the adjudicated act was a Class B or Class C felony offense, or until the juvenile reaches 25 years of age if the adjudicated act was a Class A felony offense. The disposition includes the concept of Type 2 status, which allows the Department to administratively transfer a juvenile through an array

of component phases, including both secured correctional facility and community placements.

All components of the SJO disposition, described below, are state funded; counties have no financial responsibility for a juvenile placed in the SJO program. Prior to July 1, 1996, the state was required to fund the correctional costs of: (a) violent juvenile offenders who committed one of six violent felony offenses; and (b) persons over the age of 19 who had committed one of four violent felony offenses and were placed in either a juvenile correctional institution or a prison under the extended jurisdiction of the juvenile court. Beginning July 1, 1996, the SJO program assumed the placement costs associated with these violent and extended jurisdiction juveniles.

The SJO program is funded under a separate appropriation (with 2004-05 funding of \$15.3 million) and is authorized to pay the costs of: (a) the care of juveniles, including aftercare services, who have been adjudicated as serious juvenile offenders; (b) the care of juveniles waived into adult court and sentenced to state prison, but placed by DOC at a secured juvenile correctional facility or a secured child caring institution; (c) correctional or aftercare services for juveniles adjudicated as violent juvenile offenders for certain offenses committed prior to July 1, 1996; and (d) correctional or aftercare services for juveniles under extended jurisdiction orders prior to July 1, 1996. Counties are required to pay the costs of all other adjudicated juveniles.

Under the SJO program, a juvenile is subject to supervision, care and rehabilitation that is more restrictive than ordinary supervision in the community. The program provides for component phases (various sanctions) that are intensive, highly structured and based on both public safety considerations and the participant's needs. The Department of Corrections determines that one or more component phases are provided to each juvenile in the program. The Department is authorized to contract with the Department of Health and Family Services, a county department or

any public or private agency for the purchase of goods, care and services for SJO participants. The available component phases include the following:

- Placement in a secured correctional facility or a secured child caring institution for a period of not more than three years (except that, if the juvenile committed a Class A felony offense, he or she is subject to a mandatory minimum period of confinement of not less than one year and no maximum period of confinement, within the duration of the order).

- Placement in alternate care, including placement in a foster home, treatment foster home, group home, residential care center, or secured child caring institution.

- Intensive or other field supervision, including corrective sanctions supervision or aftercare supervision.

- Electronic monitoring.

- Substance abuse outpatient treatment and services.

- Mental health treatment and services.

- Community service.

- Restitution.

- Transitional services for education and employment.

- Other programs as prescribed by DOC.

Prior to July 3, 1998, Wisconsin law provided that an SJO participant, age 17 or older, could be placed in an adult prison as a component phase of the SJO program. In addition, DOC had statutory authority to transfer a juvenile to the Racine Youthful Offender Correctional Facility, an adult prison, if the juvenile was 15 years of age or more and the Office of Juvenile Offender Review determined that the conduct of the juvenile in a secured correctional facility presented a serious problem to the juvenile or others.

However, on July 3, 1998, the Wisconsin Supreme Court decided (*State of Wisconsin v. Hezzie R.*), which held that the placement of juveniles in an adult prison, based on a juvenile adjudication process that does not allow for a jury trial, was unconstitutional in violation of Article I, s. 7 of the Wisconsin Constitution and the 6th and 14th Amendments of the U. S. Constitution,.

The Department may provide the sanctions listed above in any order, provide more than one sanction at a time and return to a sanction that was used previously for a participant. A participant is not entitled to a hearing on the Department's exercise of authority regarding the selected sanctions unless a hearing is required by rule. (The community placement components under SJO are classified as Type 2 secured correctional placements. Such placements allow DOC to provide less restrictive placements while keeping the juvenile in a custodial status that allows for a return to a more restrictive placement, without a hearing, if the conditions of the placement are violated by the juvenile.)

A juvenile under the SJO program always begins his or her placement in a secured correctional facility. The Office of Juvenile Offender Review has the authority to release a participant to aftercare supervision at any time after the participant has completed two years of participation in the SJO program. Aftercare supervision under SJO is provided by DOC at state expense. The Department may discharge a participant from the program and from DOC supervision and control at any time after the participant has completed three years of participation in the program.

Other Placement Alternatives Operated by the State

Two alternative programs for juveniles placed at secured correctional facilities are available under

current law: the juvenile corrective sanctions program and the SPRITE program.

Juvenile Corrective Sanctions Program

Under current law, DOC is required to provide a corrective sanctions program to serve an average daily population of 136 juveniles (or more, if additional funding and positions are provided by the Joint Committee on Finance or otherwise become available) in not less than three counties, including Milwaukee County. The Office of Juvenile Offender Review evaluates and selects juveniles for the program who have been placed in a secured correctional facility. Under the program, a juvenile is placed in the community and provided with intensive surveillance. In addition, an average of not more than \$3,000 annually is provided to purchase community-based treatment services for each corrective sanctions slot. Funding for the corrective sanctions program in 2004-05 is \$4.3 million, with 53.22 positions allocated to the program. Any county may request corrective sanctions services and, in September, 2004, 21 counties were being billed for corrective sanctions services.

The intensive surveillance component of the program must be available 24 hours a day, seven days a week, and DOC may provide electronic monitoring of program participants. Corrective sanctions caseloads are specified by statute. A contact worker providing services under the program has a caseload of approximately 10 juveniles and, during the initial phase of placement in the community, the contact worker must have at least one face-to-face contact per day with the juvenile. Case management services are provided by a corrective sanctions agent, who has a caseload of approximately 15 juveniles. The Department must also provide a report center in Milwaukee County to provide on-site programming after school and in the evening for juveniles from Milwaukee County who are placed in the corrective sanctions program. The center also houses an alternative school operated by the Milwaukee Metropolitan School District providing educational programming to an average

of 10 to 12 juveniles each school day.

A participant in the program remains under the supervision of DOC and in Type 2 status. If a juvenile violates a condition of the program, DOC may, without a hearing, take the juvenile into custody and place the juvenile in a secured detention facility or return the juvenile to a secured correctional facility or a secured child caring institution.

SPRITE Program

Male juveniles placed in secured correctional facilities may also participate in SPRITE (Support, Pride, Respect, Initiative, Teamwork, Education), a 28-day intensive, adventure-based education program held off-grounds (Oregon, Wisconsin). The program is designed to teach juveniles problem solving, independent living skills, responsibility through wilderness expeditions, rock climbing, problem-solving exercises, urban exploration, and community service. The program can serve 12 juveniles per month. The program also accepts juveniles directly from counties.

Girls at the Southern Oaks Girls School participate in a separate program, supervised by SPRITE staff, that currently operates one or two, eight-day sessions annually.

Recidivism of Juvenile Offenders

The effectiveness of correctional programs is often measured by examining recidivism rates. Although there are many ways to measure recidivism, reduction in the frequency and severity of offenses committed by juveniles following release is an important measure of program effectiveness. DOC published its most recent report on juvenile recidivism in May, 2004. This report provides an analysis of recidivism over a two-year follow-up period for juveniles released in 2000 and

2001. The report defined recidivism as placement in either a Wisconsin secured juvenile correctional facility or an adult prison as a consequence for a new offense, including an adult probation rule violation, after being released from a secured juvenile correctional facility.

The number of juveniles released in 2000 totaled 763 youth. As a result of new offenses, 251 of these juveniles were returned either to a secured juvenile correctional facility or to an adult prison (or, in some cases to both types of facilities) within a two-year period. This is a recidivism rate of 32.9%. In 2001, 851 juveniles were released from secured juvenile correctional facilities, with 258 returning to a juvenile or an adult facility for a new offense; a recidivism rate of 30.3%.

The combined data for these two years is summarized in Table 2. This data is presented for each of the juvenile facilities in operation during these years. The overall recidivism rate for the two years totaled 31.5%. Recidivism was significantly higher for male juveniles (34.3%), than for female juveniles (10.9%).

A similar two-year follow-up study was

published by the Department in March 2000, for juveniles released in 1993, 1994, and 1995. This study showed that recidivism rates declined from 31.6% of juveniles released in 1993 to 29.5% of those released in 1994, and 29.4% in 1995. [A similar study, published in May, 1996 by the Office of Policy and Budget in the Department of Health and Social Services (now the Department of Health and Family Services) showed that the two-year recidivism rate for juvenile offenders released in 1992 was 42.4%.]

It appears that recidivism has remained relatively constant, at around the 30% level, in both of the DOC studies described above. This rate is lower than the 42.4% reported by the Department of Health and Social Services for juvenile offenders released in 1992. However, comparisons between the three studies are difficult to make. Crime and arrest rates have changed over these years and significant public policy changes have occurred. For example, in 1996, the age of criminal court jurisdiction was lowered from 18 to 17 and the age of waiver to adult court for certain offenses was lowered from 16 to 15 years. This means that certain juveniles committing serious offenses were never placed in secured juvenile correctional facilities after 1996, as they would have been prior to this time. Further, the Department indicates that beginning in the late 1990s, counties increased their resources for community programming, diverting youth from state correctional placement.

As a result of such changes, DOC believes that increasingly it is caring for a higher proportion of complex, behaviorally challenging and emotionally disturbed juveniles. For this reason, maintaining recidivism rates near 30% for the juveniles now being released from secured juvenile correctional facilities, may arguably be viewed as

Table 2: Two-Year Recidivism of Released Juveniles -- Calendar Years 2000 and 2001

Released From	Number Released	Returned to Juvenile Facility Only	Returned to Prison Only	Returned to Juv. Facility and Prison	Total Returned	Recidivism Rate
Ethan Allen School	671	42	198	12	252	37.6%
Lincoln Hills School	634	51	142	5	198	31.2
Mendota Juvenile Treatment Center	41	6	13	0	19	46.3
Juvenile Boot Camp*	75	5	12	2	19	25.3
Subtotal Boys	1,421	104	365	19	488	34.3
Southern Oaks Girls School	184	17	3	0	20	10.9
Other**	9	1	0	0	1	11.1
Total	1,614	122	368	19	509	31.5%

*The juvenile boot camp program ended in March, 2002.

**Due to data-entry errors, juveniles in the other category cannot be identified with a specific juvenile facility.

a positive result.

Youth Aids

Under current law, counties are financially responsible for the costs of juvenile delinquency-related services, except for: (a) the care of a juvenile who has been adjudicated as a serious juvenile offender; (b) juveniles under the original jurisdiction of or waived into adult court and sentenced to state prison, but placed by DOC at a juvenile facility; (c) correctional or aftercare services for juveniles adjudicated as violent juvenile offenders for certain offenses committed prior to July 1, 1996; and (d) juveniles under extended jurisdiction orders prior to July 1, 1996, who receive juvenile services.

The community youth and family aids program (youth aids) provides each county with an annual allocation of state and federal funds from which a county may pay for juvenile delinquency-related services, including out-of-home placements and non-residential, community-based services for juveniles. Counties may supplement their expenditures on juvenile delinquency-related services with funding from other sources, including community aids, other state aids to counties, county tax revenues and special grant monies.

The state bills each county for the cost of its juveniles placed in the state's secured correctional facilities (with the exceptions noted above) and for subsequent community placements and programming for juveniles returning to the community following placement in a secured correctional facility. Charges are based on statutory daily rates established under each biennial budget. Daily rates for a given year are calculated by dividing the total budget for each type of care by the projected number of juveniles expected to receive that type of care in a year, divided by 365 days. Table 3 shows the statutory daily rates for the period

Table 3: Statutory Daily Rates, July 1, 2004 - June 30, 2005

	Amount
Secured Correctional Facilities*	\$187.00
Residential Care Center	239.00
Group Homes	149.00
Corrective Sanctions	87.00
Treatment Foster Homes	92.00
Regular Foster Homes	49.00
Aftercare Supervision	26.00

*Includes transfers to the Mendota Juvenile Treatment Center.

July 1, 2004, through June 30, 2005. Based on the statutory rate, a one-year secured correctional facility placement would cost \$68,300.

Table 4 summarizes youth aids funding levels by fiscal year for the period 2002-03 through 2004-05. As shown in Table 4, current law provides a total of \$88,290,200 (\$85,841,000 GPR and \$2,449,200 PR) annually in the 2003-05 biennium in youth aids funding for counties. The program revenue funding comes from federal funds received by the Department of Health and Family Services (DHFS) and transferred to DOC for out-of-home care for certain eligible juveniles. Youth aids funding has remained unchanged since the 2002-03 fiscal year. The most recent increases in youth aids funding were provided in the 2001-03 biennial budget act and totaled \$1.0 million in 2001-02 and \$2.1 million in 2002-03.

Table 4: Total Youth Aids Funding - By Funding Source

Fiscal Year	2002-03	Current Law	
		2003-04	2004-05
GPR Funding	\$85,841,000	\$85,841,000	\$85,841,000
PR Funding	<u>2,449,200</u>	<u>2,449,200</u>	<u>2,449,200</u>
Total All Funds	\$88,290,200	\$88,290,200	\$88,290,200

Historical Development of Youth Aids Funding

The youth aids program was enacted as part of Chapter 34, Laws of 1979. Prior to the

establishment of youth aids, each county social service agency paid for community-based juvenile delinquency programs with its community aids allocation and county funds. However, counties were not financially responsible for juveniles that were placed in the state's secured juvenile correctional institutions. Concerned that the system created a fiscal incentive for counties to recommend the placement of juveniles in secure care, the Legislature enacted the youth aids program. Under youth aids, counties assumed responsibility for the costs of caring for juveniles placed at the juvenile correctional institutions, thereby eliminating the financial incentive to place juveniles at the institutions. The state, in turn, allocated funds that were formerly appropriated to the Department of Health and Social Services for operating the juvenile correctional schools, state aftercare and alternate care to the counties through youth aids.

The youth aids program was implemented over a two-year period. In 1980, 10 pilot counties received youth aids formula funding as well as capacity building funds for the development of community programs. In 1981, approximately \$25.5 million in youth aids base funding was distributed among all 72 counties. Additional capacity building money was also provided in 1981. Counties were also required to determine the amount of community aids and other funding they expended on the youth aids target population in 1979. Counties were required to expend this amount as a maintenance of effort before they could expend youth aids funds. In 1988, over \$26 million in community aids funding earmarked for juvenile delinquency-related services (the youth aids maintenance-of-effort) was transferred from community aids to youth aids and was consolidated within youth aids base funding.

Youth Aids Allocations

Original Allocation. Counties' original base youth aids allocations were determined by a three-factor formula with an additional override factor.

The basic formula calculated each county's percentage of: (a) the total state juvenile population (ages 0 through 17) in 1979; (b) statewide juvenile arrests for Part I crimes as defined by the federal Uniform Crime Reporting System for the period 1975 to 1978; and (c) statewide secured juvenile correctional placements for the same period. The override factor provided that no county could receive an allocation which was less than 93% nor more than 115% of the amount it would have received if juvenile correctional placements were the sole factor used to determine county allocations.

A second override factor was soon enacted, effective January 1, 1982. This new factor provided that no county would receive less than \$19,000 or less than 65% of the amount it would have received by using the three-factor formula. The first of these two override factors had the effect of placing greater emphasis on juvenile correctional institution placements in that minimum and maximum allocations were established based on the variation of placement rates from the average rate under all three factors. The second override factor ensured a minimum allocation to certain smaller counties.

While youth aids funding levels have increased over the 24-year period since the youth aids program was implemented, the initial base funding provided to counties has never been redistributed according to the initial, three-factor formula plus override provisions, as updated for current population, arrest and placement data.

Previous Youth Aids Funding Adjustments. Youth aids funding is typically adjusted as part of the state's biennial budget process. Some funding increases become a part of each county's continuing base allocation after an initial distribution is made. For example, under previous law, if the daily rate for the juvenile correctional facilities, alternate care, state aftercare or corrective sanctions increased, the state was required to increase the total youth aids funds available to

counties proportionately. (This statutory requirement was eliminated, effective July 1, 1996, under 1995 Wisconsin Act 27.) Typically, youth aids funding provided in prior years to offset rate increases was distributed to counties as a separate allocation during the year it was initially provided. The distribution was based on each county's relative usage (over the previous three years) of each of the state-provided services for which the daily rate increased. In subsequent years, that amount was incorporated into each county's continuing base allocation. For example, if a county received a youth aids increase of \$5,000 in a given year for a juvenile correctional institution rate increase and \$500 for a state aftercare rate increase, a total of \$5,500 would be incorporated into the county's base youth aids allocation in the following year.

Similarly, inflationary increases for community programs (which were also eliminated under 1995 Wisconsin Act 27) were initially distributed separately, based on each county's relative portion of the statewide annual average balance of youth aids funding available for community programs over the previous three years. In subsequent years these amounts would be incorporated into the county's continuing base youth aids allocation.

Over time, therefore, each county's base allocation consisted of the sum of: (a) its original base allocation; (b) its original maintenance-of-effort amount; (c) its share of any special adjustments to the base allocation; (d) its share of increased funding provided in the past to offset daily rate increases; and (e) its share of any past inflationary increases provided in the past for community programs.

Other Youth Aids Components. Within the base funding amount, however, there is a share of funding that is adjusted annually, relating to \$1,333,400 that is designated for alcohol and other drug abuse (AODA) treatment programs. This earmarked funding is allocated each year on the basis of each county's youth aids balance available

for community expenditures for the previous three calendar years divided by the statewide community programs balance. While considered a base allocation, the amount distributed to each county varies annually and is not incorporated as a fixed amount into a county's overall base allocation

Further, recent biennial budget increases are also currently reallocated between counties according to certain criteria. These annual reallocations are required by statute to continue through the first six months of 2005 (that is, through the end of the 2004-05 fiscal year). The Legislature may, or may not, extend the required annual reallocation of these funds beyond 2004-05. The increases were provided in 1999 Wisconsin Act 9 and 2001 Wisconsin Act 16.

Under 1999 Wisconsin Act 9, \$4,000,000 in 2000-01 was provided as an increase to youth aids and is required to be reallocated each calendar year (through the first six months of 2005) based on three equally-weighted factors. The three factors are: (a) each county's proportion of the total statewide juvenile population for the most recent year for which that information is available; (b) each county's proportion of the total Part I juvenile arrests reported statewide under the uniform crime reporting system of the Office of Justice Assistance during the most recent three-year period for which that information is available; and (c) each county's proportion of the number of juveniles statewide who are placed in a secured correctional facility, a secured child caring institution or a secured group home during the most recent three-year period for which that information is available. (In making the initial 2005 county allocations to counties, DOC assumed this funding will be continued in the 2005-07 biennial budget and reallocated \$4,000,000 in 2005 according to the three-factor formula, updated for recent data. This funding is shown separately in Appendix VI.)

Under 2001 Wisconsin Act 16, an increase of \$2,106,500 was provided in 2002-03 and is required to be reallocated each calendar year (through the

first six months of 2005) based on the three factors described above, plus an additional override factor. The override factor provides that no county will receive an allocation of this additional funding that is less than 93%, nor more than 115% of the amount it would have received if juvenile correctional placements (the third factor in the three-factor formula) were the sole factor used to determine county allocations. (In making the initial 2005 county allocations to counties, DOC assumed this funding will be continued in the 2005-07 biennial budget and reallocated \$2,106,500 in 2005 according to the three-factor formula and override provision, updated for recent data. This funding is also shown separately in Appendix VI.)

In addition to these provisions, there are several other components of youth aids funding that are allocated annually on the basis of varying criteria. These include: (1) a supplement of \$2,124,800 annually in corrective sanctions funding, provided to counties on the basis of the number of approved corrective sanctions slots utilized by each county in that year (with funding allocated following close of calendar year); (2) emergency funds totaling \$250,000 annually awarded to counties with populations under 45,000 that demonstrate unplanned but appropriate juvenile correctional facility or residential care center placements; and (3) a nonstatutory arrest supplement of \$200,000 annually for counties with populations under 50,000, based on each county's share of Part I juvenile arrests for all counties under 50,000 in the two most recent years for which data is available. (The arrest supplement provision was repealed under 1995 Wisconsin Act 27, but the associated funding was not deleted. The Department continues to allocate the funding as it was allocated prior to the repeal.)

Finally, certain adjustments to county youth aids funding are made to reflect overpayments or under-spending by counties. First, if moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care and institutional child care costs by 2% or more, all

moneys in excess of 2% must be remitted to the counties during the subsequent calendar year (or transferred to a DOC appropriation account during the subsequent fiscal year to reflect such overpayments by the state for serious juvenile offenders). Each county and DOC must receive a proportionate share of this excess revenue depending on the total number of days of placement in foster care, treatment foster care, group home care or institutional child care. Counties are required to use these funds for juvenile delinquency purposes.

Second, DOC may carry forward for a county from one calendar year to another youth aids funds that are not spent or encumbered. The amount of carryover for a county may not exceed 5% of the amount allocated to the county for the 12-month period ending December 31 of a given year. The funds carried forward do not affect a county's base youth aids allocation. (A state carryover provision, as described in Appendix VI, may also result in additional funding for some counties.)

An explanation of each component of the annual youth aids funding allocation to counties is provided in Appendix VI. In summary, these allocation components are as follows:

- Base allocation
- Alcohol and other drug abuse base allocation
- 1999 Wisconsin Act 9 increase (\$4,000,000 annually)
- 2001 Wisconsin Act 16 increase (\$2,106,500 annually)
- Arrest supplement for small counties
- Correctional refunds
- Corrective sanctions funds
- Emergency funds
- County and state carryovers

Current County Youth Aids Allocations. Based on these components of youth aids funding, the initial 2005 allocations to counties total \$86.2 million, including correctional refunds relating to 2003-04.

This amount does not include corrective sanctions funds, emergency funds or county carryover amounts, which are allocated late in, or following the close of, the calendar year. Because the state budgets on a July 1 to June 30 fiscal year basis, only the first six months of youth aids funding for 2005 has been appropriated by the Legislature. Counties have been notified that an estimated total of \$88.6 million in youth aids funding (including \$2.1 million in corrective sanctions funding and \$250,000 in emergency funding not yet allocated) will be provided in 2005, based on the assumption that the Legislature will appropriate the same amount in the second half of calendar year 2005 as it did in the first half. The actual youth aids allocation for 2005 could be higher or lower depending on the Legislature's action on the 2005-07 biennial budget.

Appendix VII shows the initial youth aids allocation to each county in 2005.

Factors Affecting Juvenile Facility Care Costs

While the last increase in youth aids funding was provided in 2001 Wisconsin Act 16, the state has attempted to relieve county spending for juvenile correctional costs through other budgetary means. Under this approach, budget provisions have been enacted that provide financial benefits to counties that place juveniles in secured correctional facilities by lowering the daily rate for secured correctional facility care. As noted above, the projected cost for a given type of care and population projections are used to establish daily rates.

Daily rate reductions relating to secured correctional facilities are accomplished both by directly reducing the costs of facility care and by partially funding certain juvenile facilities with GPR funds. (These provisions affect the daily rates for facility care, but do not affect the daily rates for other types of juvenile care.)

With respect to reducing facility costs, several legislative actions have been taken in recent years.

In 1999 Wisconsin Act 9, \$1,273,900 GPR in 1999-00 and \$1,379,300 GPR in 2000-01 was provided to partially fund the cost of care for juveniles at the Mendota Juvenile Treatment Center (MJTC). Base funding of \$1,379,300 GPR annually continues to be provided for this purpose. This funding results in the deletion of equivalent amounts of program revenue for this purpose, thus reducing daily rates for facility care. Under 2001 Wisconsin Act 16 \$2,172,400 PR annually was deleted relating to the funding of 53.25 vacant positions. Finally, under 2003 Wisconsin Act 33, two cost-reduction actions were taken: (1) \$2,615,200 PR and 46.0 PR positions annually were deleted relating to the elimination of the juvenile boot camp program; and (2) \$3,591,200 PR and 46.04 PR positions annually were deleted from other juvenile correctional facility operations. All of these reductions reduce the cost basis for the calculation of daily rates for care in secured juvenile correctional facilities, resulting in lower daily rates for facility care.

Such spending reductions have been made possible in large part because of the decline in average daily populations in recent years at the secured juvenile correctional facilities. Appendix V shows that populations at secured juvenile correctional facilities have declined 31% between 1998 and 2004. However, a population decline of this magnitude has resulted in increasing daily rates for facility care during this period, despite the cost reduction measures described above. Consequently, daily rates have increased by over 21% between 1999-00 and 2004-05. Thus, the annual cost for a single juvenile placement for a one-year period has increased from \$56,200 in 1999-00 to \$68,300 in 2004-05. Such increases in the cost of juvenile care are a concern for counties, particularly in the absence of funding increases for youth aids.

Out-of-Home Placement Costs and Youth Aids Allocations

In prior years, counties reported expenditure data and associated information for social service

spending each calendar year under the Human Services Reporting System (HSRS), maintained by the Department of Health and Family Services. This data was self-reported and unaudited and, at least for some counties, contained inaccuracies. However, it was the only data available to indicate relative spending for various out-of-home placements. While individual county data for spending in these areas may not have been entirely accurate, the statewide totals likely reflected the relative spending in these areas.

Between 2001 and 2004, counties have participated in a transition to a new reporting and case management system for child welfare cases: the Wisconsin statewide automated child welfare information system (WISACWIS). This new database is an automated child welfare system that assists case workers and administrators in managing child welfare services, and may include juveniles adjudicated delinquent or juveniles in need of protection and services (JIPS). Counties are now required to report certain data through HSRS (the number of clients served, services received, and overall expenditures for services) for all youth who are provided services under youth aids or other county resources. In addition, counties must report more detailed information for juveniles in the child welfare system through WISACWIS, including information on the type of out-of-home placements being made and placement payments.

Due to problems in the transition of these reporting systems, county data on juveniles in out-of-home placements in 2002 and 2003 cannot be accurately summarized or reconciled at this time. The most recent reliable data available on the numbers of juveniles in out-of-home placements, by type of placement and by county, is the 2001 HSRS data. Appendix VIII provides the reported spending for various out-of-home placements of juveniles by counties in 2001, based on HSRS reporting for all counties except Milwaukee, which discontinued HSRS reporting in 1999. The Milwaukee County data for 2001 was provided separately, based on other data sources. Appendix

VIII will not be updated for a more recent year until the transitional problems between the two systems are resolved.

Out-of home placement costs include both state- provided care at secured correctional facilities, as well as community-based facilities. These costs reflect the care of many juveniles who are never disposed to state care. Counties use various funding sources to pay for out-of-home placement costs, including youth aids funding. It should be noted that youth aids are not intended to cover the total costs of out-home placements. However, the data provided in Appendix VIII illustrates the significant cost to counties of out-of home placements and the relative extent to which youth aids may help to defray these costs.

According to the data, a total of \$90.4 million was expended on out-of-home placements in 2001. Out-of-home placement categories include: foster homes (with \$6.8 million in total spending); group homes (\$14.2 million); child caring institutions, which are now designated as residential care centers (\$27.1 million); and secured correctional facilities (\$42.3 million). The expenditures for state secured correctional facilities represent 47% of total out-of-home placement spending. On a statewide basis, the 2001 costs of out-of-home care for juveniles (\$90.4 million) exceed 2001 youth aids funding (\$87.0 million) by \$3.4 million. At the county level, out-of-home placement costs exceeded youth aids allocations in 35 counties. While comparable data for 2002 and 2003 is not available at this time, it is likely that this general pattern continues.

Other State Funding for Juvenile Delinquency-Related Services

In addition to youth aids, the state provides significant amounts of funding to counties through community aids, other general state aids and

grants which counties may use to offset the costs of providing juvenile delinquency-related services. The state also provides direct funding for institutional and administrative costs, as discussed below.

Other State Aids to Counties

Community Aids. State funding through community aids is provided to counties for human services in several broad functional areas, including social services for juvenile offenders. Of the estimated \$206.2 million in community aids provided in calendar year 2005, \$186.5 million, or 90%, represents the basic county allocation; this funding may be spent for any eligible community aids service. The remainder of community aids is provided to counties or tribes for five categorical allocations. Counties are required to provide a local match of 9.89% to the basic county allocation and one of the five categorical allocations. Counties that exceed their youth aids allocation for juvenile delinquency-related expenditures may use community aids funds to provide social services for juvenile offenders.

Community Intervention Program. DOC distributes \$3.8 million GPR annually for early intervention services for first-time juvenile offenders and for intensive community-based intervention services for seriously chronic juvenile offenders. The community intervention program was formerly termed capacity building funds. Funding is distributed to eligible counties using a formula that calculates each county's allocation on the basis of data for the previous two years, as follows:

- 33% of the funds are allocated on the basis of juvenile arrests for Part I violent crimes (murder, forcible rape, robbery and aggravated assault);
- 34% of the funds are allocated on the basis of juvenile arrests for all Part I crimes (violent crime plus serious property crimes); and

- 33% of the funds are allocated on the basis of juvenile correctional placements.

In order to be eligible to receive community intervention program funds, a county must submit a plan to DOC that ensures that the county targets the funding to appropriate programs. The plan must include measurable objectives and an evaluation of the preceding year's activities.

Youth Diversion Program. A total of \$1,396,400 is provided to the Office of Justice Assistance (OJA) in 2004-05 for youth diversion programming (\$380,000 GPR, \$716,400 PR from penalty assessment revenue administered by OJA and \$300,000 PR from federal funds administered by DHFS.) Of this total, \$498,400 combined GPR and PR from penalty assessment funds is distributed to an organization in Milwaukee County to provide services designed to divert juveniles from gang activities into productive activities. The \$300,000 provided from DHFS federal funding is designated for the provision of substance abuse education and treatment services for juveniles participating in the organization's youth diversion program. In 2004-05, this organization is the Social Development Commission, which provides or subcontracts for youth diversion services, including substance abuse services.

In addition, \$598,000 (composed of GPR and PR from penalty assessment funds) is budgeted for organizations in Brown, Kenosha, and Racine Counties and the City of Racine. These organizations provide gang diversion services, including substance abuse education and treatment services for program participants. OJA is required to distribute \$149,500 annually to one organization in each site to provide or subcontract services for the youth diversion program. Currently, these organizations are: the Boys' and Girls' Club in Brown County, the Kenosha County Department of Social Services, the Taylor Home in Racine County and the George Bray Center in the City of Racine.

Shared Revenue and County and Municipal Aid. Through the shared revenue and county and municipal aid programs, Wisconsin distributes state tax revenues to county governments to use at their discretion for any service provided by the county. In 2004, counties received state shared revenue funding of \$17.1 million and a total of \$157.2 million in county and municipal aid payments.

Grants through the Office of Justice Assistance. As discussed above in the section on secure detention, OJA has 2004-05 federal funding of \$1,174,000 as a result of its participation in the Juvenile Justice Delinquency Prevention Act (JJDP) formula grant program. The Office indicates that approximately 75% of these formula grant funds under JJDP are distributed to local governments for juvenile justice programs, including delinquency prevention, early intervention and other services and efforts to reduce the overrepresentation of minorities in secure juvenile facilities.

Direct State Funding

The state directly funds the costs of correctional care, alternate care and aftercare for serious juvenile offenders and juveniles sentenced to extended jurisdiction. While the authority to extend the jurisdiction of the juvenile court in this manner was repealed, effective July 1, 1996, a small number of juveniles under extended jurisdiction remain in the system. The state also funds the correctional, parole and probation costs of all juveniles sentenced under the original jurisdiction of an adult court or who are waived into adult court and sentenced to prison or probation, under either adult or juvenile corrections state funding. For juveniles that fall into these categories, counties are no longer responsible for the cost of their correctional care.

The state also directly funds certain administrative costs of the Division of Juvenile Corrections in DOC. In 2004-05, \$0.9 million GPR was appropriated for the general program

operations of the Division.

Community-Based Juvenile Justice Programs

Studies have indicated that an effective and comprehensive community juvenile justice program should include a sufficient range of services to meet the needs of juveniles entering the juvenile justice system. Wisconsin counties either directly provide or contract with private organizations to provide a wide variety of community-based programs and services for juvenile delinquents and juveniles at risk of becoming delinquents. Some common non-residential community programs include early intervention programs, day treatment programs, intensive supervision programs and restitution programs. The following sections provide a brief summary of these major types of community-based programs.

Early Intervention Programs

Early intervention programs encompass a variety of programs targeting juveniles at risk of committing delinquent acts or juveniles who have committed a minor offense and are at risk of further delinquent behavior. They include school programs designed to: (a) identify children at risk and intervene to strengthen the skills of the children and their families; (b) provide volunteer programs linking juveniles at risk with adult mentors; and (c) provide individual counseling and treatment programs and intensive in-home family treatment programs.

Day Treatment Programs

Day treatment programs generally provide specialized educational programming for delinquent juveniles in a structured, self-contained environment. Services may also include individual, group and/or family counseling, structured

recreational activities and supervised work programs. Juveniles are on-site during the school day and remain on-site for additional after-school activities at some day treatment programs.

Intensive Supervision Programs

Counties are also authorized to provide intensive supervision for juveniles who have been adjudicated delinquent and ordered to participate in an intensive supervision program. Under the program, a county must purchase or provide intensive surveillance and community-based treatment services for participants. Electronic monitoring may also be provided. A caseworker providing intensive supervision services may not have a caseload of more than 10 juveniles and must have at least one face-to-face contact per day with each juvenile. If a juvenile violates a condition of the program, the juvenile's caseworker or other authorized person may, without a hearing, take the juvenile into custody and place the juvenile in a secure detention facility for not more than 72 hours while the alleged violation is being investigated. Placement in a secure detention facility for up to 72 hours is also a possible sanction for violating a condition of the program. If the juvenile is held in a secure detention facility for more than 72 hours, he or she has a right to a hearing. The caseworker may also, without a hearing, take the juvenile into custody and place the juvenile in a place of nonsecure custody for not more than 30 days as crisis intervention, if the juvenile is in need of crisis intervention.

Restitution Programs

If a juvenile commits an offense which results in damage to the property of another or physical injury to another, excluding pain and suffering, a court may order the juvenile (either alone or with the assistance of a parent with custody of the juvenile) to make reasonable restitution for the damage or injury as a condition of a deferred prosecution agreement, a consent decree or as part of a formal delinquency disposition. Restitution programs attempt to restore the losses of the victim as well as hold offenders accountable for their actions. Forms of restitution include: (a) monetary restitution requiring a juvenile to make payments to compensate the victim for damages; (b) community service requiring a juvenile to provide meaningful work to the community rather than monetary compensation; (c) direct victim services, if the victim agrees, requiring a juvenile to work for the victim to repair damage done; and (d) victim-offender reconciliation wherein, with the victim's consent, the victim and the offender meet with a professional mediator to discuss the offense.

To enter a restitution program, a finding must be made that the juvenile alone (or a parent, if applicable) is financially able to pay or that the juvenile is physically able to perform the services. Juveniles under 14 years of age cannot be ordered to make more than \$250 in restitution or perform more than 40 hours of services for the victim.

Appendices

Appendices to this paper provide the following summary data pertaining to Wisconsin's juvenile justice system:

Appendix I	State of Wisconsin Total Juvenile Arrests, 1994 through 2003
Appendix II	State of Wisconsin Juvenile Arrest Rates, 1994 through 2003
Appendix III	Juvenile Arrests by Wisconsin County in 2003
Appendix IV	Dispositional Options Available to the Juvenile Court
Appendix V	Average Daily Populations of Juvenile Correctional Facilities, 1994-2004
Appendix VI	Youth Aids Formula -- Calendar Year 2005
Appendix VII	Initial 2005 Youth Aids Allocations by County
Appendix VIII	Out-of-Home Placement Costs and Youth Aids Allocations, 2001

APPENDIX I

State of Wisconsin Total Juvenile Arrests

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	% Change 1994-2003	10-Year Average
Offense	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003		
Murder	93	68	97	78	97	163	134	147	112	132	41.9%	112
Forcible Rape	133	131	147	156	159	176	216	192	244	196	47.4	175
Robbery	927	938	803	707	628	639	491	536	578	510	-45.0	676
Agg. Assault	<u>1,521</u>	<u>1,410</u>	<u>1,249</u>	<u>1,382</u>	<u>1,292</u>	<u>1,304</u>	<u>1,089</u>	<u>1,068</u>	<u>1,220</u>	<u>1,131</u>	-25.6	<u>1,267</u>
Total Violent	2,674	2,547	2,296	2,323	2,176	2,282	1,930	1,943	2,154	1,969	-26.4%	2,229
Burglary	3,662	3,283	3,684	3,530	3,185	2,566	2,519	2,210	2,424	2,292	-37.4%	2,936
Theft	22,687	22,795	22,473	20,776	18,800	17,356	15,978	15,880	16,209	14,991	-33.9	18,795
Auto Theft	3,206	3,372	2,858	2,656	2,365	2,103	1,498	1,482	1,266	1,224	-61.8	2,203
Arson	<u>412</u>	<u>344</u>	<u>325</u>	<u>282</u>	<u>265</u>	<u>221</u>	<u>210</u>	<u>164</u>	<u>182</u>	<u>176</u>	-57.3	<u>258</u>
Total Property	29,967	29,794	29,340	27,244	24,615	22,246	20,205	19,736	20,081	18,683	-37.7%	24,191
Status Offenses	32,917	33,940	35,197	36,320	35,021	33,252	29,036	27,095	26,473	24,028	-27.0%	31,328
Other Offenses*	<u>70,209</u>	<u>72,901</u>	<u>77,875</u>	<u>79,153</u>	<u>81,570</u>	<u>80,092</u>	<u>77,924</u>	<u>75,680</u>	<u>73,752</u>	<u>72,544</u>	3.3%	<u>76,170</u>
Total Arrests	135,767	139,182	144,708	145,040	143,382	137,872	129,095	124,454	122,460	117,224	-13.7%	133,918

* Includes negligent manslaughter (a Part I offense) and all Part II offenses excluding status offenses.

APPENDIX II

State of Wisconsin Juvenile Arrest Rates Number of Arrests Per 100,000 Juveniles

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	% Change 1994-2003	10-Yr. Average
Offense	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003		
Murder	7	5	7	6	7	12	10	11	8	9	35.5%	8
Forcible Rape	10	10	11	11	12	13	16	14	18	14	40.7	13
Robbery	69	70	59	52	45	46	36	39	42	36	-47.5	49
Agg. Assault	<u>114</u>	<u>105</u>	<u>92</u>	<u>101</u>	<u>93</u>	<u>94</u>	<u>80</u>	<u>78</u>	<u>88</u>	<u>81</u>	-29.0	<u>92</u>
Total Violent	200	189	169	169	157	164	142	141	155	141	-29.7	163
Burglary	274	244	271	257	230	184	186	160	174	164	-40.3%	215
Theft	1,698	1,692	1,655	1,516	1,360	1,246	1,179	1,153	1,165	1,071	-36.9	1,374
Auto Theft	240	250	210	194	171	151	111	108	91	87	-63.6	161
Arson	<u>31</u>	<u>26</u>	<u>24</u>	<u>21</u>	<u>19</u>	<u>16</u>	<u>16</u>	<u>12</u>	<u>13</u>	<u>13</u>	-59.2	<u>19</u>
Total Property	2,242	2,212	2,161	1,987	1,781	1,597	1,492	1,433	1,444	1,334	-40.5%	1,768
Status Offenses	2,463	2,520	2,592	2,649	2,534	2,388	2,143	1,968	1,904	1,716	-30.3%	2,288
Other Offenses*	<u>5,253</u>	<u>5,412</u>	<u>5,735</u>	<u>5,774</u>	<u>5,901</u>	<u>5,751</u>	<u>5,752</u>	<u>5,496</u>	<u>5,303</u>	<u>5,181</u>	-1.4%	<u>5,556</u>
Total Arrests	10,159	10,333	10,656	10,580	10,373	9,901	9,530	9,037	8,805	8,372	-17.6%	9,775
Juvenile Population	1,336,450	1,347,019	1,357,935	1,370,894	1,382,258	1,392,554	1,354,673	1,377,114	1,390,743	1,400,133	4.8%	1,370,977

*Includes negligent manslaughter (a Part I offense) and all Part II offenses excluding status offenses.

APPENDIX III

Juvenile Arrests by Wisconsin County, 2003

County	Juvenile Population	Total Juvenile Arrests	Total Arrests Per 100,000	Total Part I Arrests *	Total Part II Arrests **	Total Status Arrests***
Adams	5,214	63	1,208	15	48	0
Ashland	4,314	322	7,464	67	255	62
Barron	11,700	454	3,880	107	347	71
Bayfield	3,923	145	3,696	15	130	23
Brown	59,858	4,960	8,286	1,115	3,845	980
Buffalo	3,564	53	1,487	15	38	6
Burnett	4,113	23	559	6	17	5
Calumet	7,905	260	3,289	37	223	46
Chippewa	14,121	749	5,304	131	618	186
Clark	8,931	254	2,844	44	210	64
Columbia	13,763	816	5,929	81	735	266
Crawford	4,438	134	3,019	15	119	48
Dane	113,566	7,868	6,928	1,579	6,289	1,641
Dodge	21,033	1,872	8,900	366	1,506	539
Door	7,349	334	4,545	48	286	118
Douglas	11,112	752	6,767	117	635	202
Dunn	10,535	394	3,740	87	307	101
Eau Claire	24,961	2,017	8,081	364	1,653	485
Florence	1,324	13	982	1	12	0
Fond du Lac	24,449	1,914	7,829	292	1,622	423
Forest	2,590	314	12,124	43	271	49
Grant	12,870	517	4,017	112	405	135
Green	8,812	507	5,754	56	451	153
Green Lake	4,931	286	5,800	49	237	44
Iowa	5,912	338	5,717	66	272	57
Iron	1,769	47	2,657	11	36	28
Jackson	4,982	196	3,934	44	152	46
Jefferson	21,291	2,310	10,850	292	2,018	638
Juneau	6,459	357	5,527	47	310	38
Kenosha	39,330	3,718	9,453	614	3,104	1,414
Kewaunee	5,265	144	2,735	24	120	10
LaCrosse	27,743	3,293	11,870	487	2,806	709
Lafayette	4,122	184	4,464	26	158	92
Langlade	5,374	363	6,755	74	289	50
Lincoln	7,655	1,022	13,351	95	927	139
Manitowoc	21,507	2,469	11,480	284	2,185	462
Marathon	32,474	2,369	7,295	584	1,785	453
Marinette	11,211	479	4,273	83	396	226
Marquette	3,796	66	1,739	14	52	0
Menominee	1,171	433	36,977	49	384	121

APPENDIX III (continued)

Juvenile Arrests by Wisconsin County, 2003

County	Juvenile Population	Total Juvenile Arrests	Total Arrests Per 100,000	Total Part I Arrests *	Total Part II Arrests **	Total Status Arrests***
Milwaukee	240,059	30,593	12,744	5,363	25,230	4,064
Monroe	10,724	1,247	11,628	180	1,067	285
Oconto	9,506	466	4,902	62	404	77
Oneida	9,552	889	9,307	152	737	195
Outagamie	45,410	3,999	8,806	809	3,190	937
Ozaukee	21,524	970	4,507	101	869	195
Pepin	1,913	42	2,196	6	36	5
Pierce	10,327	346	3,350	67	279	117
Polk	11,017	610	5,537	173	437	48
Portage	17,513	1,149	6,561	229	920	269
Price	4,052	191	4,714	42	149	48
Racine	48,725	2,934	6,022	583	2,351	488
Richland	4,605	243	5,277	36	207	61
Rock	39,423	5,845	14,826	1,044	4,801	1,041
Rusk	3,912	393	10,046	78	315	72
Saint Croix	17,275	739	4,278	120	619	150
Sauk	14,649	1,425	9,728	299	1,126	357
Sawyer	4,268	205	4,803	43	162	76
Shawano	10,549	818	7,754	238	580	170
Sheboygan	29,247	2,897	9,905	419	2,478	647
Taylor	5,030	201	3,996	25	176	42
Trempealeau	7,038	157	2,231	41	116	45
Vernon	7,309	188	2,572	33	155	34
Vilas	5,523	353	6,391	40	313	127
Walworth	25,081	2,614	10,422	496	2,118	583
Washburn	4,224	175	4,143	39	136	67
Washington	31,093	2,879	9,259	509	2,370	515
Waukesha	94,667	5,475	5,783	753	4,722	1,806
Waupaca	13,859	1,151	8,305	146	1,005	242
Waushara	6,265	207	3,304	26	181	54
Winnebago	40,887	3,077	7,526	570	2,507	654
Wood	19,474	1,707	8,766	378	1,329	355
DNR	0	189	0	0	189	72
State Patrol	0	41	0	0	41	0
Total State	1,400,137	117,224	8,372	20,656	96,568	24,028

Because one arrest may be for more than one offense, the total number of arrests may be less than the number of arrests by offense.

*Part I Offenses: Murder, manslaughter, forcible rape, robbery, aggravated assault, burglary, theft, motor vehicle theft and arson.

**Part II offenses include simple assault, driving while intoxicated, disorderly conduct, weapons violations, liquor and drug-related violations, vandalism, fraud, family offenses, and status offenses.

***Status offenses are offenses only when they are committed by a juvenile, such as curfew violations, runaways and certain liquor law violations. Status offenses are a subset of Part II offenses.

Source: Office of Justice Assistance, Crime and Arrests in Wisconsin -- 2003.

APPENDIX IV

Dispositional Options Available to the Juvenile Court For Delinquency Adjudications (not all options available for all offenses)

- Counseling for the juvenile or the parent, guardian or legal custodian.
- Supervision of the juvenile provided by an agency (typically a county social services department), the Department of Corrections or, with DOC approval, a suitable adult, under conditions prescribed by the court.
- For a misdemeanor offense, participation in a volunteers in probation program under conditions determined by the court.
- For a misdemeanor offense, participation in a teen court program if the juvenile admits or pleads no contest to the allegations and the juvenile has not successfully completed participation in a teen court program during the previous two years.
- Participation in a county intensive supervision program.
- If it is shown that the rehabilitation, treatment and care of the juvenile cannot be accomplished by means of voluntary consent of the parent or guardian, transfer of legal custody of the juvenile to a relative, a county department or a licensed child welfare agency.
- Placement in one of the following: (a) the home of a parent or other relative of the juvenile; (b) an unlicensed home if placement is for less than 30 days; (c) a foster home or treatment foster home or a group home; or (d) a residential care center.
- Placement in an independent living situation effective on or after the juvenile's 17th birthday, under a supervision plan approved by the court.
- Placement in a secure detention facility, the juvenile portion of a county jail or in a place of nonsecure custody for a total of not more than 30 days and allow the juvenile to attend school, work or approved activities, if the county board has approved the use of those placements as a disposition.
- Placement in a Type 2 child caring institution under the supervision of the county department and subject to automatic placement in a more restrictive setting if the juvenile violates the conditions of the original placement.
- Placement in the Serious Juvenile Offender program.
- Placement in a secured correctional facility or a secured child caring institution under the supervision of DOC or in a secured group home under the supervision of a county. A secured group home is subject to the same limit of five to eight juveniles as a regular group home, but the facility is treated in the same manner and subject to the same requirements as secured correctional facilities and secured child caring institutions, except that educational provisions applicable to secured child caring institutions do not apply to secured group homes.
- Aftercare supervision for juveniles who have been released from a secured correctional facility or a secured child caring institution (must be ordered with all correctional placement orders).
- Electronic monitoring of a juvenile placed in the community under the following dispositions: (a) supervision; (b) intensive supervision; (c) a nonsecure placement; (d) the Serious Juvenile Offender Program; or (e) aftercare supervision.

- Restitution to repair the damage to property or for the damage or injury to a person that results from a delinquent act.

- Participation in a supervised work program.

- Participation in a community service work program.

- Participation in a victim-offender mediation program if the victim of the juvenile's delinquent act agrees.

- Order for the juvenile's parent to provide the special treatment or care that the court determines is needed.

- Order for an integrated service plan to be developed and implemented, if the court determines one is needed.

- Alcohol or drug treatment, education or drug testing.

- Attendance at a nonresidential educational program provided by the school district in which the juvenile resides or by a subcontractor of the school district.

- Participation in a wilderness challenge program or other experiential education program.

- Order the juvenile to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center.

- Participation in an educational program that is designed to deter future delinquent behavior.

- Participation in vocational assessment, counseling and training.

- Participation in a day treatment program, if specialized educational needs are identified.

- Forfeiture (generally in the amount of the adult fine for the equivalent offense or \$100 for a status offense), based upon a determination that this disposition is in the best interest of the juvenile and his or her rehabilitation and that the juvenile alone is financially able to pay the forfeiture.

- Delinquency victim and witness surcharge payment of \$20.

- Order to restrict or suspend the operating privilege of a juvenile who is adjudicated delinquent under a violation of any law in which a motor vehicle is involved or for a controlled substances violation.

- Suspend the juvenile's vehicle operating privilege for certain bomb scares and firearm violations

- Restrictions on the juvenile's use of computers if the juvenile committed a computer crime.

- If the juvenile is adjudicated delinquent for sexual assault (and at the court's discretion for certain other offenses and where the juvenile is found not responsible for an action by reason of mental disease or defect), require the juvenile to provide a biological specimen to the state crime laboratories for DNA analysis.

- If the juvenile is adjudicated delinquent for sexual assault or certain crimes against children (and at the court's discretion for certain other offenses), require the juvenile to comply with the reporting requirements of the sex offender registration program, unless the court determines, under certain circumstances and after a hearing on a motion made by the juvenile, that the juvenile is not required to comply. If ordered to comply, the court may require the juvenile to continue to comply with the reporting requirements until his or her death.

- Stay of dispositional order contingent on the juvenile's satisfactory compliance with any conditions specified in the order and explained to the juvenile by the court.

APPENDIX V

Average Daily Populations of Secured Juvenile Correctional Facilities 1994 - 2004

Calendar Year	Average Daily Population	Annual Change In Population	
		Number	Percent
1994	867	---	---
1995	963	96	11.1%
1996	981	18	1.9
1997	909	-72	-7.3
1998	962	53	5.8
1999	947	-15	-1.6
2000	948	1	0.1
2001	923	-25	-2.6
2002	836	-87	-9.4
2003	737	-99	-11.8
2004 (estimated)	668	-69	-9.4

APPENDIX VI

Youth Aids Formula – Initial Calendar Year 2005 Allocations (GPR Funds Except as Indicated)

Base Allocation	\$78,275,500 (including \$2,449,200 PR)	<ol style="list-style-type: none"> Original allocation, based on three factors with override: <ul style="list-style-type: none"> County juvenile population (0-17/1980 census) Average # arrests/county for Part I arrests (1975-78) Average # county juvenile correctional placements (1975-78) Overrides: counties would receive no less than 93% nor more than 115% of amount if correctional placements were only factor; also, counties would receive no less than 65% of amount provided by using the three-factor formula. One-time adjustments to base allocation Adjustment to correctional rates in prior years Inflation increase for community programs in prior years <p>The county allocations of this base amount are not subject to change under current law.</p>
AODA Base Allocation	1,333,400	<ul style="list-style-type: none"> Earmarked for AODA treatment County youth aids balance available for community expenditures, CY 1999 thru 2001 ÷ statewide community programs balance = County % County % x \$1,333,400 = County allocation While considered a base allocation, the amount distributed to each county varies annually and is not incorporated as a fixed amount into a county's overall base allocation
Budget Increase (1999 Wisconsin Act 9)	4,000,000	<ul style="list-style-type: none"> Under 1999 Wisconsin Act 9, \$4,000,000 was appropriated in 2000-01 as ongoing funding and will continue unless modified in subsequent legislation. The amount is allocated on the basis of the following factors, each factor weighted equally: (1) each county's proportion of the total statewide juvenile population for the most recent year for which that information is available; (2) each county's proportion of the total Part I juvenile arrests reported statewide under the uniform crime reporting system of the Office of Justice Assistance during the most recent three-year period for which that information is available; and (3) each county's proportion of the number of juveniles statewide who are placed in a secured correctional facility, a secured child caring institution or a secured group home during the most recent three-year period for which that information is available.
Budget Increase (2001 Wisconsin Act 16)	2,106,500	<ul style="list-style-type: none"> Under 2001 Wisconsin Act 16, \$2,106,500 was appropriated in 2002-03 as ongoing funding and will continue unless modified in subsequent legislation. The amount is allocated on the basis of the three factors described above, but with an override provision that no county receives less than 93% nor more than 115% of the amount it would have received if juvenile correctional placements (the third factor) were the sole factor used to determine county allocations.
Arrest Supplement For Small Counties	200,000	<ul style="list-style-type: none"> Statutory provision governing the payment of supplemental funds repealed under 1995 Wisconsin Act 27, but funding left in youth aids appropriation Only counties with population of less than 50,000 eligible for supplemental funds Funds prorated on basis of each county's share of Part I juvenile arrests for all counties under 50,000 population for the most recent two years for which data is available
Prior-Year Correctional Refunds	293,241	<ul style="list-style-type: none"> If dollars paid by counties in daily rates exceed state expenditures, the state may retain 2% of surplus. The remainder is returned to counties and the state in the same proportion as paid in by each.
Initial Allocations	\$86,208,641	<ul style="list-style-type: none"> Initial allocations do not include other funds allocated late in, or after the end of, the calendar year. See below.
<p>Other Funds:</p> <ol style="list-style-type: none"> <u>Corrective Sanctions</u> - 2,124,800 annually: 136 slots available; a county arranges with the state to receive services and is allocated funding based on the number of approved slots actually used (at an estimated \$62 per day of service). Funding allocated following close of calendar year. <u>Emergency Funds</u> - \$250,000 annually: Only a county with population under 45,000 is eligible. Eligible counties must demonstrate unplanned but appropriate juvenile correctional facility or CCI placements. Funding allocated late in calendar year. <u>County Carryover</u> - If unexpended youth aids at year end, county may carry over balance up to 5% of youth aids allocation or its unexpended balance, whichever is lower. <u>State Carryover</u> - Up to \$500,000 of youth aids or 10% of the total dollars unexpended by counties after county carryover is allocated, whichever is greater. DOC may allocate these funds to counties with persistently high rates of juvenile arrests for serious offenses, or for community-based juvenile delinquency-related services. The allocation of these monies is separate from the youth aids allocation and does not affect a county's base allocation. <p>Note: Initial allocations (\$86,208,641), corrective sanctions funds (\$2,124,800) and emergency funds (\$250,000) total \$88,583,441 in currently projected allocations in 2005. Amounts shown are funded with GPR, unless otherwise indicated.</p>		

APPENDIX VII

Initial 2005 Youth Aids Allocations by County

	Initial Base Allocation	AODA Base Allocation	1999 Act 9 Increase	2001 Act 16 Increase	Arrest Supplement	Prior Year Correctional Refunds	Initial 2005 Allocation
Adams	\$201,146	\$5,616	\$6,837	\$2,481	\$806	\$0	\$216,886
Ashland	200,707	5,640	12,020	5,956	6,012	0	230,335
Barron	437,723	12,524	24,178	6,947	10,264	0	491,636
Bayfield	145,564	5,145	6,250	1,489	2,419	0	160,867
Brown	1,950,413	51,622	156,072	50,130	0	167	2,208,404
Buffalo	54,365	2,474	4,740	496	953	0	63,028
Burnett	199,829	1,529	7,926	4,816	696	0	214,796
Calumet	275,988	8,863	11,658	3,971	2,163	0	302,643
Chippewa	552,743	13,196	35,024	17,869	0	0	618,832
Clark	464,470	18,231	13,118	1,489	4,032	0	501,340
Columbia	336,353	11,352	24,233	3,971	0	4,043	379,952
Crawford	138,466	4,531	7,246	1,489	2,053	1,970	155,755
Dane	5,219,794	84,654	300,833	158,590	0	22,624	5,786,495
Dodge	634,309	19,338	44,469	7,942	0	6,387	712,445
Door	194,739	8,025	9,843	496	2,896	0	215,999
Douglas	1,040,231	40,441	21,450	4,962	9,604	0	1,116,688
Dunn	214,508	3,278	20,204	8,933	6,562	0	253,485
Eau Claire	1,019,018	19,200	73,220	29,285	0	13,546	1,154,269
Florence	53,987	2,183	1,310	0	113	0	57,593
Fond Du Lac	888,426	23,411	51,517	17,373	0	0	980,727
Forest	65,866	1,327	5,781	1,985	2,529	0	77,488
Grant	253,533	6,766	20,299	5,460	0	0	286,058
Green	222,371	5,212	14,682	1,489	5,352	2,189	251,295
Green Lake	123,136	2,657	9,712	3,971	3,152	0	142,628
Iowa	158,427	6,571	9,579	0	4,985	0	179,562
Iron	43,619	1,862	2,301	0	880	0	48,662
Jackson	175,878	7,144	9,389	496	4,839	0	197,746
Jefferson	600,133	22,067	45,892	3,475	0	0	671,567
Juneau	233,529	9,338	9,485	991	3,372	0	256,715
Kenosha	2,930,882	43,111	135,884	88,306	0	0	3,198,183
Kewaunee	112,075	3,398	8,507	1,985	2,603	0	128,568
La Crosse	1,212,879	38,581	76,477	24,320	0	0	1,352,257
Lafayette	70,833	3,022	5,235	0	1,576	0	80,666
Langlade	364,627	12,446	12,480	3,971	5,169	489	399,182
Lincoln	354,735	11,089	17,995	4,467	8,248	0	396,534
Manitowoc	583,430	0	59,425	28,787	0	2,215	673,857
Marathon	1,410,193	37,605	82,731	28,291	0	0	1,558,820
Marinette	495,073	13,567	23,969	11,416	8,358	0	552,383
Marquette	89,507	0	7,285	3,841	1,246	721	102,600
Menominee	486,584	14,100	9,128	7,224	3,702	0	520,738

APPENDIX VII (continued)

Initial 2005 Youth Aids Allocations by County

	Initial Base Allocation	AODA Base Allocation	1999 Act 9 Increase	2001 Act 16 Increase	Arrest Supplement	Prior Year Correctional Refunds	Initial 2005 Allocation
Milwaukee	\$28,940,959	\$106,745	\$1,251,794	\$1,029,162	\$0	\$199,925	\$31,528,585
Monroe	666,626	20,065	30,406	10,918	14,699	554	743,268
Oconto	320,222	8,700	17,875	5,956	5,828	0	358,581
Oneida	500,087	13,345	26,909	10,918	13,013	0	564,272
Outagamie	1,631,913	41,694	110,618	37,227	0	0	1,821,452
Ozaukee	640,729	19,891	31,127	5,956	0	0	697,703
Pepin	59,422	2,493	2,571	496	623	0	65,605
Pierce	279,383	11,376	14,576	1,489	4,949	0	311,773
Polk	402,155	11,242	24,096	6,452	11,217	0	455,162
Portage	488,891	13,055	36,221	9,431	0	824	548,422
Price	132,618	3,900	7,017	1,985	2,603	386	148,509
Racine	3,902,132	36,236	199,068	154,936	0	7,366	4,299,738
Richland	86,270	2,075	8,183	2,481	2,639	0	101,648
Rock	3,106,628	78,312	138,662	68,494	0	0	3,392,096
Rusk	215,479	7,944	8,838	2,481	4,802	0	239,544
St. Croix	565,718	21,318	23,880	2,977	0	0	613,893
Sauk	464,912	0	38,761	19,854	0	5,949	529,476
Sawyer	175,451	5,465	7,804	2,481	2,933	0	194,134
Shawano	505,371	18,250	30,214	11,416	16,090	0	581,341
Sheboygan	1,097,098	12,297	81,923	43,184	0	8,241	1,242,743
Taylor	192,480	5,606	7,714	1,985	1,650	0	209,435
Trempealeau	118,604	3,301	11,398	2,481	3,996	0	139,780
Vernon	195,215	8,102	8,832	0	1,979	0	214,128
Vilas	263,003	8,111	11,185	5,460	3,666	0	291,425
Walworth	836,757	17,775	63,832	19,358	0	7,417	945,139
Washburn	154,703	5,698	7,753	2,977	2,786	0	173,917
Washington	1,196,968	37,845	63,559	10,422	0	4,661	1,313,455
Waukesha	3,459,707	132,056	152,918	18,364	0	77	3,763,122
Waupaca	505,580	12,076	27,929	11,912	0	0	557,497
Waushara	254,070	8,004	9,580	3,971	1,943	39	277,607
Winnebago	1,480,631	34,081	101,234	46,160	0	3,451	1,665,557
Wood	<u>1,225,629</u>	<u>45,226</u>	<u>45,139</u>	<u>5,956</u>	<u>0</u>	<u>0</u>	<u>1,321,950</u>
Total	\$78,275,500	\$1,333,400	\$4,000,000	\$2,106,500	\$200,000	\$293,241	\$86,208,641

Corrective Sanctions funding allocated following the close of the calendar year \$2,124,800

Emergency funding allocated late in calendar year \$250,000

Total Projected Youth Aids in 2005 \$88,583,441

APPENDIX VIII

Out-of-Home Placement Costs and Youth Aids Allocations 2001

	Foster Homes	Group Homes	Child Caring Institutions*	Secured Correctional Facilities	Total Out-of-Home Expenditures	Youth Aids Allocation	Youth Aids Allocation Over (Under) Out-of-Home Costs
Adams	\$36,313	\$9,920	\$53,917	\$1,541	\$101,691	\$229,163	\$127,472
Ashland	30,276	209,617	320,495	197,738	758,126	247,135	-510,991
Barron	171,288	299,478	547,575	123,098	1,141,439	503,017	-638,422
Bayfield	4,734	20,596	140,001	66,474	231,805	160,562	-71,243
Brown	158,114	265,215	333,504	853,344	1,610,177	2,176,958	566,781
Buffalo	17,250	149,285	0	0	166,535	65,670	-100,865
Burnett	79,498	39,646	96,468	217,020	432,632	233,314	-199,318
Calumet	58,015	138,037	0	93,051	289,103	324,661	35,558
Chippewa	224,541	47,003	199,752	219,702	690,998	627,049	-63,949
Clark	81,828	23,733	360,719	27,022	493,302	512,194	18,892
Columbia	27,870	13,071	198,551	81,080	320,572	391,284	70,712
Crawford	11,166	139,963	107,902	23,125	282,156	167,367	-114,789
Dane	647,788	1,906,804	2,904,859	2,873,505	8,332,956	5,926,072	-2,406,884
Dodge	108,265	78,846	581,493	56,038	824,642	708,980	-115,662
Door	32,060	35,196	225,006	0	292,262	218,898	-73,364
Douglas	101,288	89,837	240,163	92,619	523,907	1,125,844	601,937
Dunn	66,700	172,583	170,586	226,317	636,186	299,224	-336,962
Eau Claire	258,564	478,441	365,786	503,294	1,606,085	1,175,241	-430,844
Florence	18,548	0	0	0	18,548	58,696	40,148
Fond Du Lac	125,831	458,789	570,058	312,446	1,467,124	969,611	-497,513
Forest	7,257	0	0	0	7,257	76,100	68,843
Grant	46,817	0	83,592	118,558	248,967	287,968	39,001
Green	13,719	74,228	227,928	80,841	396,716	265,767	-130,949
Green Lake	41,758	92,597	49,641	114,600	298,596	169,263	-129,333
Iowa	21,842	110,663	274,751	0	407,256	178,019	-229,237
Iron	0	0	0	0	0	52,544	52,544
Jackson	23,457	18,771	206,368	0	248,596	211,999	-36,597
Jefferson	119,698	129,139	556,127	59,902	864,866	672,110	-192,756
Juneau	12,312	27,714	40,322	10,323	90,671	258,549	167,878
Kenosha	266,607	991,898	942,329	2,231,704	4,432,538	3,153,163	-1,279,375
Kewaunee	14,131	72,437	11,794	0	98,362	130,494	32,132
La Crosse	147,666	107,736	98,690	336,811	690,903	1,340,084	649,181
Lafayette	43,572	39,012	91,038	0	173,622	81,143	-92,479
Langlade	64,626	25,709	230,852	58,721	379,908	420,063	40,155
Lincoln	0	4,160	31,203	78,769	114,132	395,538	281,406
Manitowoc	228,378	381,925	730,272	616,804	1,957,379	690,675	-1,266,704
Marathon	375,549	839,504	1,194,519	392,252	2,801,824	1,548,053	-1,253,771
Marinette	38,261	60,426	5,561	84,229	188,477	545,832	357,355
Marquette	53,088	0	64,913	116,767	234,768	125,348	-109,420
Menominee	34,309	33,284	52,958	158,515	279,066	543,143	264,077

APPENDIX VIII (continued)

**Out-of-Home Placement Costs and Youth Aids Allocations
2001**

	Foster Homes	Group Homes	Child Caring Institutions*	Secured Correctional Facilities	Total Out-of-Home Expenditures	Youth Aids Allocation	Youth Aids Allocation Over (Under) Out-of-Home Costs
Milwaukee	\$476,742	\$2,013,535	\$5,070,873	\$22,716,084	\$30,277,234	\$31,419,750	\$1,142,516
Monroe	110,850	236,984	100,165	50,360	498,359	746,036	247,677
Oconto	88,905	39,510	89,750	159,989	378,154	357,338	-20,816
Oneida	13,827	193,801	388,093	149,113	744,834	574,329	-170,505
Outagamie	228,030	192,657	427,406	787,446	1,635,539	1,870,902	235,363
Ozaukee	6,033	57,136	186,458	155,339	404,966	703,162	298,196
Pepin	0	0	0	0	0	85,773	85,773
Pierce	26,203	66,580	97,578	29,275	219,636	314,044	94,408
Polk	70,358	57,426	428,913	143,269	699,966	464,333	-235,633
Portage	151,702	48,590	128,898	179,571	508,761	541,329	32,568
Price	17,829	80,163	27,829	39,529	165,350	160,215	-5,135
Racine	217,437	428,845	1,828,155	2,319,471	4,793,908	4,463,911	-329,997
Richland	19,026	0	0	13,741	32,767	112,527	79,760
Rock	147,440	294,206	1,118,284	1,256,113	2,816,043	3,472,841	656,798
Rusk	7,938	0	25,863	0	33,801	239,592	205,791
St. Croix	91,840	119,776	163,423	41,429	416,468	630,143	213,675
Sauk	55,489	41,483	227,113	474,364	798,449	526,852	-271,597
Sawyer	16,871	39,105	34,723	94,513	185,212	198,069	12,857
Shawano	11,280	0	35,861	99,967	147,108	602,814	455,706
Sheboygan	156,801	590,872	612,455	867,976	2,228,104	1,240,406	-987,698
Taylor	41,813	30,559	28,232	29,492	130,096	210,685	80,589
Trempealeau	23,144	13,427	125,814	36,602	198,987	159,997	-38,990
Vernon	469	100,223	102,894	0	203,586	217,845	14,259
Vilas	45,705	174,225	182,454	152,847	555,231	285,931	-269,300
Walworth	114,616	145,714	796,657	392,144	1,449,131	915,427	-533,704
Washburn	76,407	35,298	89,850	16,422	217,977	184,884	-33,093
Washington	80,592	167,741	528,490	405,049	1,181,872	1,348,356	166,484
Waukesha	84,687	156,099	572,329	372,940	1,186,055	3,786,202	2,600,147
Waupaca	16,597	55,828	124,694	276,674	473,793	582,522	108,729
Waushara	51,760	34,706	93,300	36,435	216,201	273,842	57,641
Winnebago	290,034	971,131	733,813	470,838	2,465,816	1,688,826	-776,990
Wood	<u>277,409</u>	<u>181,470</u>	<u>438,781</u>	<u>113,834</u>	<u>1,011,494</u>	<u>1,369,952</u>	<u>358,458</u>
Total	\$6,830,818	\$14,152,353	\$27,118,841	\$42,307,035	\$90,409,047	\$87,015,630	-\$3,393,417
Without Milwaukee	\$6,354,076	\$12,138,818	\$22,047,968	\$19,590,951	\$60,131,813	\$55,595,880	-\$4,535,933

*Child caring institutions are now termed residential care centers.