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**Juvenile Justice and
Youth Aids Program**

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 and 2005 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.

The 2017 session of the Legislature enacted major revisions to the secure post-disposition section of the state's juvenile justice system. Chapter 5 discusses the provisions of 2017 Act 185.

This paper provides an overview of the state's and counties' roles in juvenile justice system both pre- and post-adjudication and state funding provided to counties.

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.

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 and 10 to 12 year olds were added to the juvenile justice system, first effective January 1, 1996.

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. 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.

This chapter provides an overview of the juvenile justice process in Wisconsin from arrest to the dispositional hearing. While the general process is consistent across the state, each county is responsible for its own juvenile justice system and some variability is inherent from county to county. In addition, an overview is provided as to when a youth goes through the juvenile or adult process.

Wisconsin Juvenile Arrest Statistics

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

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.

After 2009, the FBI ceased publishing runaway data since not all states consider "running away" a crime. Wisconsin, also, ceased publishing runaway data in 2016, because many agencies ceased submitting such data as separate arrests in accordance with FBI guidelines. If agencies do submit such data, it is counted under the "All Other Arrests" category. Due to this change and consistency of reporting, runaway arrests are excluded from figures or appendices.

Beginning in 2017, in order to comply with FBI requirements, the Wisconsin UCR program began using the FBI's revised definition of rape. Because the FBI's revised definition increases the number of offenses that qualify as rape in the UCR program, the Wisconsin program created a new offense to highlight the difference. The FBI historical rape definition is: "The carnal knowledge of a female forcibly and against her will." The offense of "Rape - prior to 2017" is based on this definition. The FBI revised rape definition is: "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." The offense of "Rape - 2017" is based on this new definition, which includes sodomy/oral sex, sexual assault with an object, and male victims of rape. Due to this change, some offenses that were previously in the general sex offense arrest category are now counted in the more specific "Rape - 2017" category. This makes comparing counts from prior to 2017 to 2017 counts difficult.

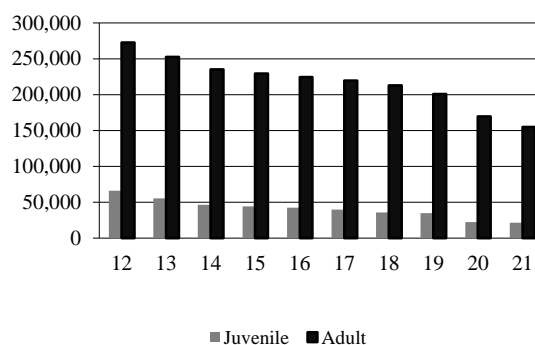
The UCR system also records 17-year-old persons in the juvenile category. While this treatment is not consistent with Wisconsin law, this practice allows for comparisons with prior year statistics and data from other states. The arrest data pro-

vided in this section covers the most recently available 10-year period (2012 through 2021). Additional crime data can be found on the Bureau of Justice Information and Analysis' website.

Total Juvenile and Adult Arrests

Over the 10-year period from 2012 to 2021, total juvenile arrests declined by 67%, from 66,253 in 2012 to 21,629 in 2021. In comparison, over the same period, total adult arrests decreased 43%, from 272,534 arrests in 2012 to 155,070 arrests in 2021. Figure 1 shows the total number of juvenile and adult arrests statewide for the years 2012 through 2021. In 2021, juvenile arrests comprised approximately 12% of all arrests in Wisconsin, while the juvenile population in 2021 comprised approximately 22% of total state population.

Figure 1
Total Wisconsin Arrests by Year
2012-2021



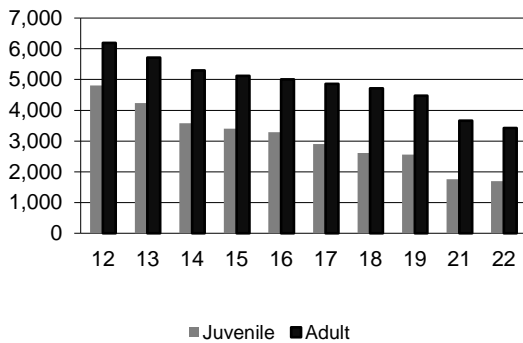
Juvenile Arrest Demographics

Of the juveniles arrested in 2021, 14,367 were male (66%) and 7,262 were female (34%). Offense categories that had the highest percentage of arrests of juvenile males included disorderly conduct, theft, curfew violations, liquor law violations, and vandalism. Offense categories that had the highest percentage of arrests of juvenile females included theft, disorderly conduct, liquor law violations, and curfew violations.

Juvenile and Adult Arrest Rates

The population under age 18 in Wisconsin declined by 3.2% between 2012 and 2021, from 1,317,004 juveniles to 1,274,605 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 5,031 arrests per 100,000 juveniles in 2012 to 1,325 arrests per 100,000 juveniles in 2021. This represents a 66% decrease in the overall juvenile arrest rate over the 10-year period. Figure 2 also shows that the adult arrest rate decreased over the same 10-year period (from 6,196 to 3,421 arrests per 100,000 population), representing a 45% decrease. Throughout the 10-year period, the juvenile arrest rate was generally lower than the adult arrest rate.

Figure 2
Wisconsin Annual Arrest Rates (Per 100,000)
2012-2021

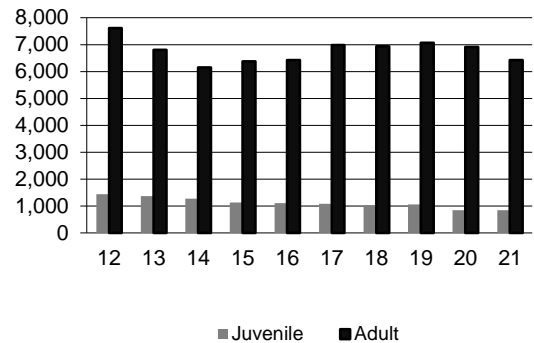


Juvenile and Adult Arrests for Violent Offenses

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 1,438 arrests in 2012 to 851 in 2021, a decrease of 40.8%. Adult arrests for Part I violent offenses decreased over the 10-year period from 7,608 arrests in 2012 to 6,421 arrests in 2021, a 15.6% increase. Figure 3 shows the total number of juvenile and adult arrests statewide for Part I violent offenses for the years 2012 through 2021. In 2021, juvenile arrests comprised 11.7% of all arrests for Part I violent offenses in Wisconsin, less than the percentage of the juvenile population in the total state population (22%).

Figure 3
Wisconsin Arrests for Part I Violent Offenses
2012-2021



Distribution of Juvenile Arrests

The 21,629 juvenile arrests in Wisconsin in 2021 were distributed among four, broad categories of offenses: (a) 3.9% were for violent offenses (murder, forcible rape, robbery and aggravated assault); (b) 9.5% were for property offenses (burglary, theft, motor vehicle theft and arson); (c) 8.5% were for status offenses (offenses which would not be crimes were they committed by an adult, such as liquor law and curfew violations); and (d) 78.1% were for other offenses (primarily disorderly conduct, drug offenses, weapons violations, simple assault and vandalism).

As noted above, arrests for violent offenses constituted 3.9% of all juvenile arrests in Wisconsin in 2021, and juvenile arrests for violent offenses decreased by 40.8% from 2012 to 2021.

The juvenile arrest rate (per 100,000) for violent offenses decreased by 38.9% over the same time period.

Between 2012 and 2021, juvenile property offense arrests (9.5% of total juvenile arrests in 2021) decreased by 81% during the 10-year period, while the juvenile property offense arrest rate decreased by 80%. Status offense arrests (8.5% of all juvenile arrests in 2021) decreased by 81.5% over the 10-year period, while the status offense arrest rate decreased by 81%. Finally, the number of juvenile arrests for the category "other offenses," which constitute 78% of total juvenile arrests, decreased by 62%, while the juvenile arrest rate for these offenses decreased by 60%.

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 2012 through 2021, the juvenile arrest rate by offense over the same time period, and total 2021 juvenile arrests by county.

Intake Process

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.

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 in 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 juvenile 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 community 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: (a) dismiss the case; (b) enter into a deferred prosecution agreement with the juvenile; or (c) 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. The intake worker must provide a copy of the agreement and order to the juvenile, parent, guardian, and/or legal custodian, and to any agency providing services under the agreement.

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 after the date 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 after the date of the referral. 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 year

end caseload data from the Director of State Courts, there were 4,215 juvenile delinquency-related cases opened in Wisconsin courts in 2021.

Over the 10-year period from 2012 to 2021, however, total delinquency cases opened declined by 52%, from 8,827 in 2012 to 4,215 in 2021. Table 1 shows the total number of juvenile delinquency proceedings opened statewide for the years 2012 through 2021.

Table 1: Delinquency Cases Opened

Calendar Year	Delinquency Proceedings
2012	8,827
2013	7,458
2014	6,791
2015	6,477
2016	6,408
2017	6,252
2018	5,767
2019	5,484
2020	4,219
2021	4,215

* Does not include cases in which adult courts had original jurisdiction over defendants under the age of 17.

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. Through-out 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.

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

Original Adult Court Jurisdiction and Waiver to Adult Court

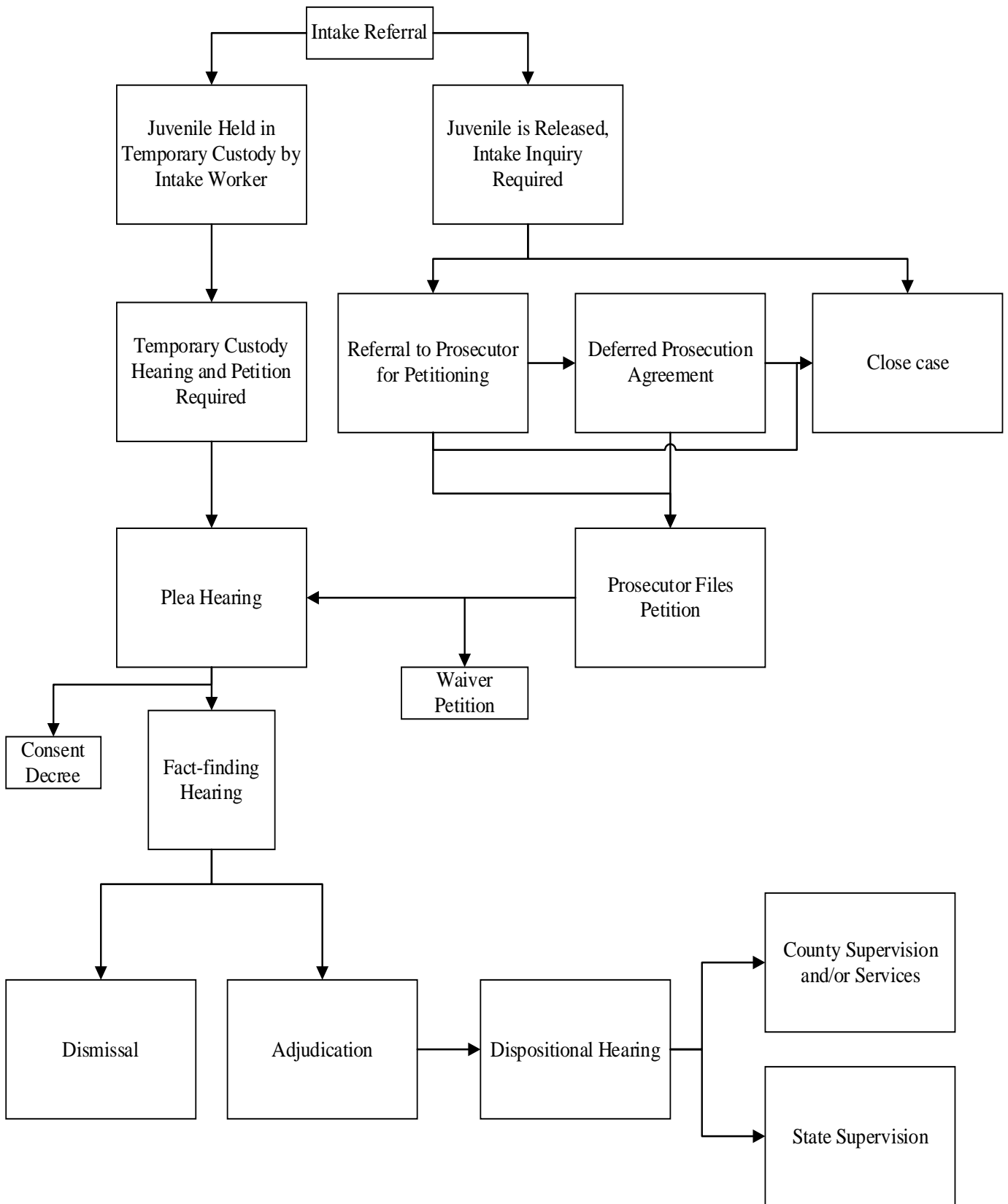
As discussed previously, under certain circumstances a youth will be treated as an adult and sent through the adult system (For more information on the adult system, see the Legislative Fiscal Bureau's informational paper "Felony Sentencing and Probation.") instead of as a juvenile and sent through delinquency system proceedings. 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 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 juvenile correctional facility, a juvenile detention facility, a secured residential care center for children and youth or a secured group home or against a community supervision agent or a probation, extended supervision and parole agent.

Figure 4: Adjudication Process Following Referral to Intake Worker



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 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.

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

a. The adult court finds that the juvenile committed a lesser offense or a joined offense that is *not* any of the following: (1) an attempt to commit first-degree intentional homicide on or after the juvenile's 10th birthday; (2) first-degree reckless homicide or second-degree intentional homicide on or after the juvenile's 10th birthday; (3) battery or assault while placed in a juvenile correctional facility, a juvenile detention facility or a secured care center for children and youth or against a community supervision agent or a probation, extended supervision and parole agent; or (4) an offense for which the juvenile court may waive its jurisdiction over the juvenile; or

b. The adult court finds that the juvenile committed a lesser offense that *is* an offense specified in (1), (2), (3) or (4) 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 one of these offenses, 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, robbery of a financial institution, 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, including whether the juvenile has a mental illness or developmental disability, 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 and is eligible for bail.

Over the 10-year period from 2012 to 2021, total waivers from juvenile to adult jurisdiction declined by 48%, from 157 in 2012 to 81 in 2021. Table 2 shows the total number of waivers from juvenile to adult jurisdiction statewide for the years 2012 through 2021.

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

Table 2: Juveniles Waived into Adult Court

Calendar Year	Juveniles Waived
2012	157
2013	117
2014	121
2015	124
2016	105
2017	111
2018	121
2019	87
2020	68
2021	81

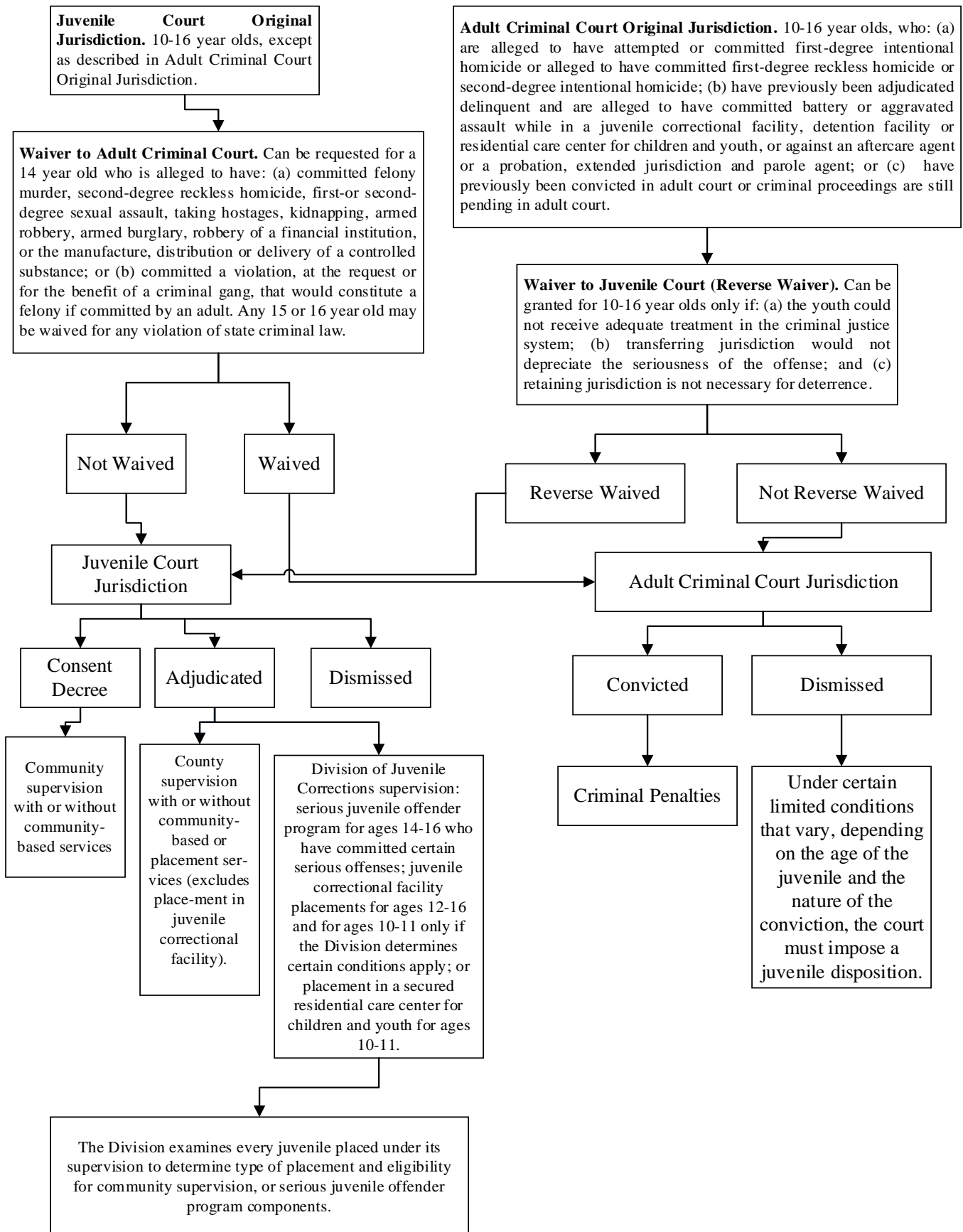
* Does not include cases in which adult courts had original jurisdiction over defendants under the age of 17

* Until 2012, statistical reports do not include Portage County, as Portage was not on the system used to produce the year-end statistics until January 2012.

probable cause to believe that felony murder, second-degree reckless homicide, first- or second-degree sexual assault, taking hostages, kidnapping, armed robbery, armed burglary, robbery of a financial institution, 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.

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

Figure 5: Court of Jurisdiction



*JUVENILE JUSTICE POST-ADJUDICATION: DISPOSITIONAL
ORDERS AND OUT-OF-HOME PLACEMENTS*

This chapter provides an overview of dispositional orders and secure out-of-home placements. Placements of juvenile in county juvenile detention facilities and the state's Type 1 facilities are discussed further. Information on placements in secure residential care centers for children and youth starting July 1, 2021 is discussed in Chapter 5.

Dispositional Orders

The court must issue a written dispositional order detailing the placement and treating of the juvenile based on evidence submitted to the court. In addition to the order, the court must make written findings of fact and conclusions of law based on evidence presented to the court, including findings as the juvenile's condition and need for special treatment or care if an examination or assessment was conducted.

The dispositional order must be in writing and contain: (a) the specific services or continuum of services to be provided to the juvenile and family; (b) if custody is to be transferred to effect the treatment plan, the identity of the legal custodian; (c) notice that the juvenile's parent, guardian, or legal guardian may request the service agency make available any record or information about the juvenile; (d) the date of the expiration of the order; and (e) a statement of the conditions with which the juvenile is required to comply. 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 (certain exceptions may apply if the placement is a foster home or treatment foster home); (b) a designation of the amount of support, if any, to be paid by the juvenile's parent, guardian or trustee; (c) an order for the juvenile's parent, if they have not already, to provide a statement of income, assets, debts, and living expenses of the juvenile and parent to the county department by a specified date (the county department must use the information to determine whether the department may claim federal foster care and adoption assistance reimbursement for the costs of the juvenile's care); (d) a permanency plan if one has been prepared; (e) 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; (f) if placed under the supervision of the county department, assigning the county department primary responsibility for providing services to the juvenile; (g) if placed in a placement recommended by a court-designated agency, a statement that the court approves the recommended placement; (h) if placed in a placement other than that recommended by the court-designated agency, a statement that the court has given bona fide consideration to the recommendations of the agency and all parties; (i) if aggravated circumstances or sexual abuse were involved in the juvenile's home, a determination that the responsible agency or department is not required to make reasonable efforts to make it possible for the juvenile to return safely to the home; or (j) if the juvenile is an Indian juvenile in need of protection or services, a finding supported by clear and

convincing evidence that continued custody of the Indian juvenile is likely to result in serious emotional or physical damage.

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. Dispositions may include counseling, supervision, teen court program, intensive supervision, placement electronic monitoring, transfer of legal custody, or restitution. (Appendix IV includes a complete list of dispositional alternatives available to the juvenile court.)

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). [For more information on residential care centers, see the Legislative Fiscal Bureau's informational paper "Child Welfare Services in Wisconsin."]

An order involving placement of the juvenile in a Type 2 residential care center for children and youth or in a juvenile 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. If the order does not specify a termination date, it shall apply for one year after the date on which the order is granted or until the juvenile's 18th birthday, whichever is earlier, unless 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 or C felony offense if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony offense if committed by an adult.

Out of Home Placements

Ten 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: (a) the home of a relative; (b) a non-relative's home not licensed for foster care for less than 30 days; (c) a licensed foster home; (d) a licensed treatment foster home; (e) a licensed group home providing residential care for five to eight juveniles; (f) a licensed residential treatment center; (g) an independent living situation, on or after the juvenile's 17th birthday, under supervision the court considers appropriate, if the juvenile is of sufficient maturity and judgment to live independently and upon proof of a reasonable plan for supervision by an appropriate person or agency; (h) a juvenile detention facility or juvenile portion of a county jail for no more than 365 days, provided a county board resolution has been passed authorizing use of the facility for dispositional purposes (under 2017 Act 185, the time period is reduced to 30 days starting in 2021, with some exceptions.); (i) a Type 2 residential care center for children and youth under the supervision of the

county department; or (j) a Type 1 juvenile correctional facility or a secured residential care center for children and youth.

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 report 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 residential care center for children and youth, a juvenile correctional facility, the serious juvenile offender program or community 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 residential care center for children and youth, a juvenile correctional facility, the serious juvenile offender program or community 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, including a state licensed attorney or a person engaged in bona fide research,

monitoring, or evaluation. 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.

Further, upon request of an entity engaged in bona fide research, monitoring, or evaluation, as determined by the Supreme Court's Director of State Courts, to review court records for the purpose of that research, monitoring, or evaluation, the court must open those records for inspection and copying by authorized representatives of that entity. The representatives must keep the records confidential and may use and further disclose those records only for the purpose for which the records were requested.

There are major exceptions to the confidentiality of juvenile court hearings and records 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. In addition, local law enforcement may provide information from the sex offender registry concerning a juvenile registrant or a juvenile proceeding in which the registrant was involved. The information may be released to an organization, an individual, or the general public if the police chief or sheriff determines that doing so is necessary to protect the public.

Correctional Placement for Juveniles Sentenced in Adult Court

If a juvenile who has not attained the age of 18 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 residential care center for children and youth. 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 18 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

residential care center for children and youth.

Under 2017 Wisconsin Act 59, the age a juvenile must attain to be placed in a state prison was changed from 16 to 18 in order to for the state to comply with federal requirements set out in the Prison Rape Elimination Act.

County Juvenile Detention

State Law

Under current law, a county board, or two county boards jointly, may establish a juvenile 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 case-worker or other authorized person for an investigation relating to a violation of a condition of a dispositional order, including conditions relating to community 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 community supervision or placement in an intensive supervision program.

The Department of Corrections has the statutory authority to establish standards and regulations for juvenile 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 October, 2022, there are 12 county-operated juvenile detention facilities approved by DOC, with a combined capacity of 478 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 juvenile detention facilities operated by Wisconsin counties. First, a county board of supervisors may contract with DOC for the use of a state juvenile correctional facility for the secure detention of juveniles who meet certain criteria. A county may use a juvenile correctional facility for holding a juvenile only if any of the following criteria are met: (a) there is no county-operated juvenile detention facility within 40 miles of the county seat; or (b) there is no bed space available in a county-operated juvenile detention facility within 40 miles of the county seat. The county may use a juvenile correctional facility for holding a juvenile only if DOC approves that use based on the availability of beds in the juvenile 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 juvenile 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 juvenile 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 juvenile 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 juvenile 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 juvenile detention facilities would also apply to private facilities. Currently, no private entities operate juvenile detention facilities in Wisconsin.

Finally, a county board of supervisors may contract with one or more counties in Minnesota that operate a juvenile detention facility for holding juveniles. The same requirements for contracting with a privately-operated juvenile detention facility apply to contracting with a Minnesota county. Currently, there are two counties (Douglas and Bayfield) with a contract of this type approved by DOC.

County Juvenile Detention Center ADP and Demographics

Counties are allowed to keep juveniles at county facilities for 365 days subsequent to disposition. The Department of Corrections' Office of Detention Facilities (ODF) has statutory authority, in accordance with s. 301.37, for the regulation and oversight of local detention facilities including county jails, houses of correction, secure juvenile detention centers, unlocked Huber facilities and municipal lockups. Through the Office of Detention Facilities, the Department establishes

reasonable standards for the design, construction, repair, maintenance, operation and management of these facilities.

Over the period from 2013 to 2021, total juvenile detention population decreased by 1%, from 230 in 2012-13 to 228 in 2021-22. Table 3 shows the average daily population (ADP) of juvenile detention for the years 2012-13 through 2021-22.

Table 3: Juvenile Detention ADP (Fiscal Year)

2013	230
2014	240
2015	222
2016	253
2017	261
2018	236
2019	212
2020	195
2021	174
2022	228

Wisconsin's Juvenile Correctional Facilities

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

Both the male and female juvenile facilities are located near the town of Irma in north-central Wisconsin (Lincoln County), Lincoln Hills School for juvenile males; and Copper Lake School for juvenile females. In addition, the Grow Academy, a residential program with an agricultural science-based curriculum and treatment program for male juveniles, utilizes a facility in Oregon (Dane County).

Prior to 2011, in addition to Lincoln Hills

School, the Department operated Ethan Allen School located near the Village of Wales in southeastern Wisconsin. Also, the juvenile school for females was Southern Oaks Girls School in Union Grove, Wisconsin. These facilities were closed in 2011 and the Copper Lake School for females was opened on the grounds of Lincoln Hills School.

The Department of Health Services (DHS) also operates a secured mental health unit for juveniles transferred from other juvenile 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 initially came from. Corrections currently utilizes 29 beds at the Center. In 2022-23, DOC is providing \$5,434,100 [\$1,365,500 general purpose revenue (GPR) and \$4,068,600 program revenue (PR)] to DHS as reimbursement for the costs of the facility's operation.

Funding for the state costs of the juvenile justice system in 2022-23 totals \$72.2 million. Of which, \$37.8 million is allocated to the operation of the state's juvenile correctional facilities.

Table 4 shows the funding and positions allocated to each juvenile facility in 2022-23, the funding allocated to DHS for mental health treatment, and the actual average daily population for each facility in fiscal year 2021-22.

Under provisions of 2017 Act 185, beginning on July 1, 2021, courts may only place juveniles in a state juvenile correctional facility as a SJO or after a change of placement hearing. [Provisions of Act 185 are discussed in Chapter 5 of this paper.]

Juvenile Correctional Placement

A court may place any adjudicated juvenile in a juvenile correctional facility if the following

Table 4: Secured Juvenile Facilities

Facility	2022-23		2021-22
	Funding	Positions	Actual ADP
Lincoln Hills School	\$25,951,100	253	48
Copper Lake School	5,334,100	56	11
Grow Academy	<u>1,108,000</u>	<u>12</u>	<u>5</u>
Subtotal	\$32,393,200	322	64
Mendota Juvenile Treatment Center	\$5,434,100		26
Total	\$37,827,300		90

conditions are met: (a) 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 (b) 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 (SJO), 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, Class C, Class D, or Class E felonies are subject to disposition under the SJO program. This disposition provides an array of component phases, including both juvenile correctional facility and community placements, through which the juvenile may pass. The initial placement is in a juvenile correctional facility. This program is described in greater detail in a later section of this paper.

Institutional Demographic Data

During 2021, juveniles ranged from 13 years of age to over 17 years of age, with the average age of juveniles admitted to the institutions was 16.15 years for males and 15.98 years for females. The majority of juveniles committed to the facilities came from the populous counties of southeastern and southern Wisconsin, with 39.8% of male juvenile offenders and 16.7% of female juvenile offenders coming from Milwaukee County. Minority juveniles comprised 70.1% of the male institutional population and 83.3% of the female population admitted in 2021.

Average Daily Population (ADP) Statistics

In recent years, the number of juveniles placed at the institutions has been declining. The average daily population (ADP) for the facilities was 90 2021-22. The average daily population data for fiscal years 2008 through 2022 are provided in Appendix V of this paper. This data is also depicted in Figure 6 for the last 10 years. From 2013 to 2022, the ADP has declined by 60%. As of September, 2022, 82 juveniles (69 males and 13 females) resided at Lincoln Hills and Copper Lake Schools.

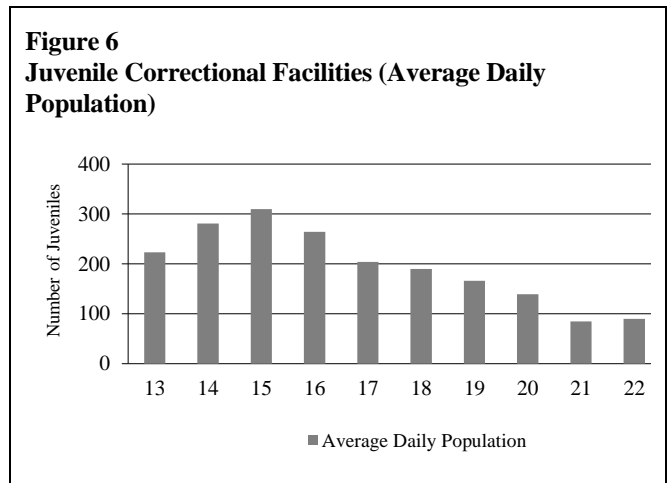
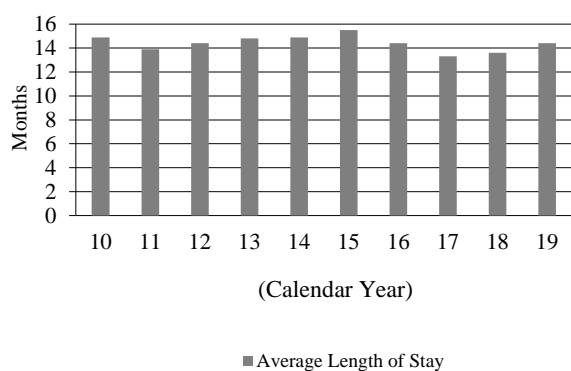


Figure 7 shows the average length of stay for juveniles placed at the secured juvenile correctional facilities for calendar years 2012 through 2021. Generally, changes in the average length of

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 community supervision or aftercare services available at any given time.

Figure 7
Average Length of Stay (Juvenile Correctional Facilities)



Reception and Programming at the Institutions

Lincoln Hills and Copper Lake School currently operates an intake program for youth during the first 14 days at the facility. During that time youth receive an orientation to the facility that includes videos with staff and areas throughout the facility, and a review of the facility handbook. A multi-disciplinary group of staff also assess the youth's needs in the areas of mental health, physical health, education, and behavior. After 14 days, youth are placed into a unit with a team that develops an individualized growth plan. Youth, their families, county and state representatives, and facility staff identify goals in their growth plan with a focus on skill building and demonstrating mastery of these skills. All youth receive cognitive behavior treatment, and skill building. Substance abuse and sex offender treatment is also available. All youth attend school that includes special education services and high school equivalency diploma

classes, until they earn a diploma. Each youth is assigned a clinician when they arrive at the facility to address mental health issues.

Educational Programming

Juvenile correctional facilities statutorily serve juveniles ranging in age from 10 to 21 years. The Department indicates that there are a total of 26 academic, special education, and vocational teachers and two supervisory staff at Lincoln Hills School and Copper Lake School. Additional services are provided by a school counselor and school psychologist.

Students can earn middle school and high school credits while placed at the juvenile correctional facilities. The credits can apply toward promotion from middle school to high school, as well as graduation from high school. In the 2021-22 school year, 138 students earned credits toward high school graduation. A total of five students earned their high school diplomas, and seven earned their high school equivalency diplomas (HSEDs).

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 periodically until a youth is discharged. Periodic testing is completed to assess a juvenile's appropriateness for HSED programming. Some general results in 2021-22 for the two schools are as follows:

Copper Lakes School. In reading, 50% of students maintained or improved grade levels and 83% maintained or improved their math scores.

Lincoln Hills School. In reading, 57% of students maintained or improved grade levels and 55% maintained or improved their math scores.

Career and technical education programming is

also provided at the schools, including woodshop, welding, and greenhouse activities. 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, such as cognitive disabilities, learning disabilities, emotional behavioral disabilities, speech and language disabilities, and visual or hearing impairments. During 2021-22, approximately 54.5% of Lincoln Hills students and 75% of Copper Lake students participated in special education programming compared to a statewide participation level of 14%.

Planning and Release Decisions

Once a juvenile 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 community supervision/aftercare agent, or both, and an OJOR representative. Within the first 35 days of placement at the facility, JPRC convenes and reviews all information conducted through the assessment and evaluation period at the facility as well as court records and other information obtained from the county committing the juvenile. The JPRC determines program objectives and makes placement recommendations for the juvenile. The JPRC may recommend placement at the facility or placement outside the

facility in an alternate care facility such as a residential 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. The 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.

Federal Requirements

Federal law places strict limitations on holding juveniles in secure custody in certain types of facilities. This section provides an overview of the Federal requirements in the Juvenile Justice and Delinquency Prevention Act and the Prison Rape Elimination Act.

Federal Requirements: Juvenile Justice and Delinquency Prevention Act

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: (a) providing that no status offenders are placed in juvenile detention or juvenile correctional facilities, except for violations of valid court orders; (b) providing that no alleged or adjudicated juveniles are detained or confined in any institution in which they have contact with incarcerated adults; (c)

reducing the overrepresentation in juvenile detention and correctional facilities of juveniles who are members of minority groups; and (d) 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.

Federal Requirements: Prison Rape Elimination Act

The federal Prison Rape Elimination Act (PREA) was passed in 2003. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.” In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June, 2009, and were turned over to the federal Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012, and compliance was required by October 1, 2017. In part, the Act requires that all secure

juvenile facilities maintain a security staff-to-juvenile ratio of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which must be fully documented for audit purposes.

Each fiscal year, the Governor must certify to the US Attorney General that prison facilities under control of the state executive branch comply with the PREA standards. If the state is non-compliant with PREA standards, it is assessed a penalty of 5% of DOJ grants that would otherwise be received for prison purposes unless the Governor can assure that the 5% will be used to achieve compliance. An estimated reduction of \$7,000 and \$9,000 annually in federal funding could occur if the state is non-compliant with PREA guidelines and the Governor could not provide assurance the funding would be used towards attaining compliance.

Youth Counselor (YC) and Youth Counselor – Advanced (YCA) are the position titles of security staff at Lincoln Hills School (LHS) and Copper Lake School (CLS). There are currently 123 YC and YCA positions split between LHS and CLS. Correction's Division of Juvenile Corrections (DJC) is not currently holding any positions at LHS vacant due to having a lower average daily population (ADP) than the 86 ADP budgeted between both schools for 2021-23. As of September 17, 2022, all facilities including LHS, Copper Lake School, and Grow Academy were compliant with the PREA staffing ratio. It should be noted that there are vacant positions, but these positions are attributable to normal turnover. There are several factors that are used to determine which housing unit a youth should be placed in, including individual programming needs, security, overall facility population, and available staffing.

Monitoring of Lincoln Hills School

In August, 2018, the state settled a federal lawsuit with the American Civil Liberties Union

for \$885,000 regarding the use of solitary confinement, pepper spray, training of staff, and conditions of confinement. As a component of the agreement quarterly reports prepared by a court appointed monitor are required. The most recent report was prepared in September, 2022. Generally, each report assesses the Department's degree of compliance with specific requirements of the agreement, and provides an overview of quality of life, conditions, and institutional atmosphere and operations.

The September, 2022, report indicated: "The Defendants should be commended for their continuing commitment to improve the physical plant which improves the daily lives for staff and youth."

The September report concluded:

"The Defendants are seeing a significant increase in the average daily population at LHS/CLS combined with a significant staffing crisis which is resulting in youth being confined to their rooms, education occurring on the units, daily schedules not being implemented, reduced outdoor recreation time, and increase in youth idleness. Although the Monitor notes that outside of this reporting period, the data for August thus far shows a significant reduction in operational confinement, education resumed in the school area, and there is an increase in recreation time. The new system of care/behavior motivation program was implemented in August which will have a positive impact on conditions of confinement for youth."

"While operational confinement is not ideal, given the staffing crisis during this reporting period, it does appear to be necessary in many instances. Resolving the staffing concerns and completing a staffing assessment will help ensure proper staffing needs and coverage for posts based on facility unique criteria and incident of violence

rates. Until the staffing crisis is resolved, Defendants will have difficulty in continuing their progress with many of the areas of this Consent Decree."

"Lastly, as the Monitor continues to state in reports to the Court, there needs to be a focus on moving youth from LHS/CLS to more appropriate setting(s)."

Serious Juvenile Offender Program

The Serious Juvenile Offender (SJO) program was created under 1995 Wisconsin Act 27. Under the program, a juvenile is subject to an SJO placement for certain acts, 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 juvenile 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 juvenile 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. The SJO program is funded under a separate, general purpose revenue (GPR) appropriation (with 2022-23 funding of \$19.2 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; and (b) the care of juveniles waived into adult court and sentenced to state prison, but placed by DOC at a juvenile correctional facility or a secured residential care center for children and youth. Counties are required to pay the costs of all other adjudicated juveniles. The average daily population for the SJO program was 69 in 2021-22.

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 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 juvenile correctional facility or a secured residential care center for children and youth. 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 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 care center for children and youth.
- Intensive or other field supervision, including community 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.

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.)

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

Under provisions on 2017 Act 185, beginning on July 1, 2021, only juveniles placed in the SJO program will be held in a state juvenile correctional facility without a change of placement hearing. Chapter 5 of this paper discusses Act 185 in more detail.

JUVENILE JUSTICE POST-ADJUDICATION: COMMUNITY SUPERVISION AND RECIDIVISM

While a dispositional order may or may not include confinement in a state juvenile facility or county juvenile detention facility, the dispositional order will likely include supervised time in the community either as the disposition or after confinement. This chapter provides an overview of some community based options for dispositional orders. These options include county-based programming, state community supervision, and the Grow Academy. This chapter also discusses measuring the success of juvenile facilities through recidivism rates.

County 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 adjudicated juveniles and juveniles at risk of becoming delinquent. 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 and drug screening 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 juvenile detention facility for not more than 72 hours while the alleged violation is being investigated. Placement in a juvenile 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 juvenile 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.

Type 2 Juvenile Correctional Facility Status

Type 2 juvenile correctional facility status is available to both DOC, as a condition of community supervision, 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 juvenile 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 community supervision 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 juvenile 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 residential care center for children and youth 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 juvenile 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 residential care center for children and youth to a juvenile correctional facility, without a hearing, for not more than 10 days.

Corrections may contract with a child welfare agency to operate a Type 2 facility in the community. As of September, 2022, there are eight licensed child welfare agencies authorized to operate nine designated Type 2 facilities. The concept of Type 2 status is also used for other departmental programs. Juveniles placed by DOC in the Serious Juvenile Offender Program, (described in greater detail in a later section of this paper) are under Type 2 status when placed in the community.

In September, 2022, there were six juveniles under DOC supervision receiving care in Type 2 facilities.

Community Supervision Program

Under the community supervision program, the Department purchases or provides any of the following juvenile community correctional supervision services: (a) surveillance available 24 hours a day, seven days a week, including electronic or GPS monitoring, based on the juvenile's risk level and community safety; (b) report center programming, including social, behavioral, academic, community service, and other programming, after school, in the evening, on weekends, on other non-school days, and at other times when the juvenile is not under immediate adult supervision; (c) contacts with the juvenile and the juvenile's family of a type, frequency, and duration commensurate with the juvenile's level of risk and individual treatment needs; and (d) case management services provided by a juvenile community supervision agent.

A participant in the program remains under the supervision of DOC. 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 juvenile detention facility or return the juvenile to a juvenile correctional facility or a secured residential care center for children and youth.

Community Supervision Subsequent to Confinement

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

Following release from a juvenile correctional facility, a juvenile is usually returned to his or her family or to an alternate care facility such as a residential care center for children and youth, group home or foster home. Supervision in the community 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 community supervision services from the state. Currently, the state is the designated community supervision provider for 19 counties. The average daily population in state-provided aftercare was 57 juveniles (includes an average of 12 juveniles from counties) in 2021-22.

A community supervision plan for a juvenile placed in a juvenile correctional facility or a secured residential care center for children and youth must be prepared, within certain time limits, by the provider (DOC or the county). The 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 community supervision status may be revoked; (c) the services or programming to be provided to the juvenile while on community supervision; and (d) the estimated length of time that supervision and services will be provided to the juvenile. A juvenile may, however, be released from a juvenile correctional facility or a secured residential care center for

children and youth whether or not a community supervision or aftercare plan has been prepared.

Subject to certain written policies, if a juvenile who is on supervision administered by the county department violates a condition of that supervision, the juvenile's caseworker or any other authorized person may, without a hearing, take the juvenile into custody and place the juvenile in a juvenile 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 supervision 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.

Grow Academy

Male juveniles placed in juvenile correctional facilities may also participate in the Grow Academy, a 120 to 180-day agriculture science-based experiential education program held at a facility in Oregon, Wisconsin. The program offers comprehensive treatment for youth that consists of: (a) supervision and support 24 hours, seven days a week; (b) an agricultural science curriculum; (c) youth engagement in the local food economy through economic and community partnerships; and (d) an evidence-based skill development treatment program to help youth identify, control, and change thinking and beliefs that increase their risk of

recidivating. The pro-program began in June, 2014, and had an average daily population of five juveniles in 2021-22. Program capacity is six juveniles. Grow Academy accepts juveniles directly from counties.

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. The Department defines juvenile recidivism to be a youth committed to the Division of Juvenile Corrections, who within three-years after release in the community commits a new offense resulting in a court disposition involving the Department.

The most recent recidivism data available for juveniles is from 2018 (this allows for a three-year follow up through 2021). Reviewing the data indicates that 169 juveniles were released in 2018 from juvenile correctional facilities, with 103 returning to either a juvenile correctional facility, an adult prison, or placed on probation for a new offense, a recidivism rate of 60.9%. The majority of recidivists resulted in probation placements. This data is presented in Table 5 for each of the juvenile facilities in operation during these years. Recidivism was higher for male juveniles (62.3%), than for female juveniles (46.7%).

Table 5: Three-Year Recidivism of Released Juveniles Released in Calendar Year 2018

Released From	Number Released	Returned to Juvenile Facility Only	Returned to Prison Only	Returned to Probation	Total Returned	Recidivism Rate
Lincoln Hills School	131	6	34	40	80	61.1%
Mendota Juvenile Treatment Center	<u>23</u>	<u>0</u>	<u>5</u>	<u>11</u>	<u>16</u>	69.6
Subtotal boys	154	6	39	51	96	62.3%
Copper Lake School	<u>15</u>	<u>2</u>	<u>0</u>	<u>5</u>	<u>7</u>	46.7
Total	169	8	39	56	103	60.9%

FUNDING THE JUVENILE JUSTICE SYSTEM

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; and (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. The Department of Corrections retains oversight over direct juvenile justice services, such as juvenile correctional facilities, the serious juvenile offender program, and community supervision. The state charges each county for the cost of its juveniles placed in the state's juvenile correctional facilities (except for wards of the state and serious juvenile offenders, as noted above) and for subsequent community placements and programming for juveniles returning to the community following placement in a juvenile correctional facility.

This chapter provides an overview of how counties are charged for purchasing state juvenile justice services, and how these charges are offset through state and federal funding. Charges to counties are based on statutory daily rates established under either a 14-day passive review process or the 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 (or average daily population), divided by 365 days. Funding from the rates is designated as program revenue (PR).

**Establishing Community
Supervision Daily Rates**

The Department charges two rates for supervision based on a juvenile's placement in the

community due to the differences in supervision levels with departmental staff. The daily rates for the Juvenile Community Supervision Program are subject to a 14-day passive review by the Joint Committee on Finance. Corrections indicated that \$4,637,700 PR would need to be funded through daily rates for each placements in 2022-23.

In the 2022-23 fiscal year, the Department anticipates that it will supervise an average daily population of 60 juveniles. A projected average daily population of 17 juveniles will be supervised in residential care settings while 43 juveniles will be supervised in their homes.

For juveniles placed in residential care settings, such as residential care centers or group homes, the daily rate is \$109 per person. For juveniles living in their homes or in certain independent living arrangements, the daily rate is \$252 per person. The costs of community supervision for counties that contract with Corrections are reimbursable by the youth aids program.

Corrections projects that 47 of the 60 juveniles in the Community Supervision program will be in the Serious Juvenile Offender Program and will have the costs of their supervision paid by the Department's GPR appropriation for Serious Juvenile Offenders. It is anticipated the remaining six juveniles would be from counties that contract with the Department for community supervision services.

Establishing the Juvenile Facility Daily Rate

The juvenile correctional facilities daily rate is

established under each biennial budget. Table 6 shows the statutory daily rates for the period July 1, 2022, through June 30, 2023. Based on the statutory rate, a one-year juvenile correctional facility placement would cost \$430,000.

Table 6: Statutory Daily Rates, July 1, 2022 - June 30, 2023

	Amount
Juvenile Correctional Facilities*	\$1,178
Community Supervision:	
Residential Care	109
Independent Living	252

*Includes transfers to the Mendota Juvenile Treatment Center.

Besides the daily rate being charged to counties, it is also charged to the GPR funded serious juvenile offender program as previously described and the GPR funded adult contract bed appropriation for youth under 18 with adult sentences.

Factors Affecting Juvenile Facility Care Costs: Reducing Spending and State GPR funding

The state has attempted to relieve county spending for juvenile correctional costs through budgetary means. Under this approach, budget provisions have been enacted that provide financial benefits to counties that place juveniles in juvenile correctional facilities by lowering the daily rate for juvenile 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 juvenile 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 over the years. Funding and positions were deleted

annually in the 2005-07, 2007-09, 2011-13, and 2013-15 budgets in order to reduce the cost basis for the calculation of daily rates for care in 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 juvenile correctional facilities. As shown previously in Figure 6, populations at juvenile correctional facilities have declined 60% between 2013 and 2022. 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 300% between 2010-11 and 2021-22. Thus, the annual cost for a single juvenile placement for a one-year period has increased from \$100,400 in 2010-11 to \$430,000 in 2021-22.

Due to the decline in juvenile populations, under the 2011-13 biennial budget act, two of the juvenile schools, Ethan Allen and Southern Oaks Girls School, were closed, with a new juvenile school for female juveniles, Copper Lake School, opening in Irma, Wisconsin, on the grounds of the existing Lincoln Hills School. The schools were closed and juveniles moved to Lincoln Hills and Copper Lake in July, 2011.

Direct State GPR Funding

The state directly funds the costs of correctional care, alternate care, and community supervision for serious juvenile offenders. The state also funds the correctional, parole, extended supervision, 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 2022-23, \$4.2 million GPR was appropriated for the general program operations of the Division.

In addition, the state funds certain facility costs. In 1999 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). This base funding of \$1,379,300 GPR annually was reduced to \$1,365,500 GPR annually in 2009 Act 28 and continues to be provided for this purpose.

In 2017 Act 59, \$1,273,900 GPR in 2017-18 and \$1,379,300 GPR in 2018-19 was provided to fund the cost of 9.0 health care positions for medication administration. In addition, Act 59 provided \$1,273,900 GPR in 2017-18 and \$1,379,300 GPR in 2018-19 to fund the cost of additional mental health services through 3.25 positions at Copper Lake. This funding results in the deletion of equivalent amounts of program revenue for this purpose, thus reducing daily rates for facility care.

In addition, DJC receives both federal and state educational grants, which partially fund educational costs.

Over or Underestimating the Average Daily Population

In order to determine the daily rate to charge counties for services, an average daily population is estimated for each of Corrections' programs. However, the estimated average daily population may be affected by a number of factors out of Corrections control, including counties juvenile care decisions.

If the average daily population in juvenile correctional facilities used for calculating the daily rate is underestimated, moneys generated by the daily rate may exceed actual fiscal year costs. If

revenue exceeds 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 or adult sentenced minors). Each county and DOC must receive a proportionate share of this excess revenue depending on the total number of days of placement in juvenile correctional facilities. Counties are required to use these funds for juvenile delinquency purposes.

If the average daily population in juvenile facilities is overestimated, the juvenile correctional services appropriation may end with a deficit. The appropriation operated with a year-end deficit from 2004-05 to 2014-15, with the deficit amount decreasing each year from 2011-12 to 2014-15. In 2014-15, the deficit was retired and the year ended with a cash surplus. Since 2015-16, the appropriation has operated again with a year-end deficit. For 2021-22, the Department reports revenues exceeded expenditures by \$12,282,000 for a year-end deficit of \$6,047,100. Declining juvenile populations were the main factor in creating the deficit. The deficit was reduced due to an increase in juvenile populations combined with lower than expected costs.

In order to reduce the deficit in the Department's juvenile operations appropriation, a \$17 add-on was created under the 2011-13 biennial budget, Act 32. Since the amount of the deficit declined, the 2013-15 biennial budget reduced the add-on to \$6. Corrections continues to use the add-on to address the deficit in the appropriation.

Youth Aids

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, costs of detention and secured residential care centers, 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 Department of Children and Families (DCF) administers the youth aids allocations, contracts with counties for delivery of services, provides counties with consultation and technical assistance, and develops program standards.

Under 2021 Act 58 (the 2021-23 biennial budget), DCF is budgeted a total of \$95,481,500 (\$93,305,700 GPR and \$2,175,800 FED) in 2022-23 in youth aids funding for counties. Of the appropriated funding, an additional \$4.7 million GPR annually is newly allocated to counties, proportionate to their base allocation. The federal funding comes from Title IV-B, subpart 1, and IV-E of the Social Security Act (for additional information regarding these funding sources, see the Legislative Fiscal Bureau's informational paper "Child Welfare Services in Wisconsin"). Table 7 summarizes youth aids funding from 2020-21 to 2022-23.

Table 7: Total Youth Aids Funding - By Funding Source

Fiscal Year	2020-21	2021-22	2022-23
GPR	\$88,591,400	\$93,305,700	\$93,305,700
FED	<u>2,175,800</u>	<u>2,175,800</u>	<u>2,175,800</u>
Total All Funds	\$90,767,200	\$95,481,500	\$95,481,500

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 enacted, effective January 1, 1982. This additional 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 funding levels have increased since the youth aids program was implemented, the base funding provided to counties has continued to be distributed according to the initial, three-factor formula plus override provisions, and has not been updated for current population, arrest and placement data. However, non-statutory language was adopted in 2019 Act 9 directing DCF to work with counties to understand their funding needs and to determine if modifications to the youth aids formula are necessary. According to DCF, several meetings with counties took place in the 2019-21 biennium which culminated in a consensus that no modifications to the formula would be recommended.

Previous Youth Aids Funding Adjustments. Youth aids funding has historically been 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, or community supervision program 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 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 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.

An additional adjustment under 2015 Act 55 was also provided for costs associated with extended out-of-home placements authorized under 2013 Act 334 for juveniles with an individualized education plan.

Over time, therefore, each county's base allocation consisted of the sum of: (a) its original base allocation, with override factors; (b) its share of increased funding provided in the past to offset daily rate increases; (c) its share of any past inflationary increases provided in the past for community programs; and (d) increases for the

expansion of out-of-home care for juveniles with an individualized education plan.

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, several biennial budget increases are also currently reallocated between counties according to certain criteria. These annual reallocations were initially provided under 1999 Act 9, 2001 Act 16, and 2007 Act 20, and were required by statute to continue through the first six months of 2017 (that is, through the end of the 2016-17 fiscal year). The Legislature has extended the required annual reallocation of these funds in each fiscal year since. The amounts provided under the various legislative actions are identified below, and are shown in Appendix VI.

Under 1999 Act 9, \$4.0 million in 2000-01 was provided as an increase to youth aids 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 juvenile correctional facility, a secured residential care center for children and youth, or a secured group home during the most recent three-year period for which

that information is available.

Under 2001 Act 16, an increase of \$2,106,500 was provided 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.

Under 2007 Act 20, \$23.0 million was provided for the 2007-09 biennium, with \$10.5 million to be allocated in 2007-08 and \$12.5 million to be allocated each year after. Allocations are based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent three-year period for which information is available.

In addition to the above allocation provisions, there are several other components of youth aids funding that are allocated annually on the basis of varying criteria. These include: (a) a supplement of \$2,124,800 annually in community supervision services funding, provided to counties on the basis of the number of approved community supervision services slots utilized by each county in that year (the amount provided to each county is based on reported county spending and is allocated following the close of calendar year); (b) 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 (c) a non-statutory 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 Act 27, but the associated funding was not deleted. The Department of Children and Families continues to

allocate the funding as it was allocated prior to the repeal). Funding allocations for each of these provisions are shown in Appendix VI.

Additionally, pursuant to 2019 Act 8, any county that operates a secured residential care center for children and youth funded by a grant under 2017 Act 185 and serving juveniles from more than one county may receive a bonus allocation of up to the lesser of \$750,000 or 15% of the county's youth aids allocation. As of January, 2023, no county meets the requirements for a bonus allocation.

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

The Department of Children and Families 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.)

In addition, DCF may carry forward \$500,000 or 10% (whichever is greater) of its youth aids funds and any emergency funds that are not spent, encumbered, or carried forward by counties by December 31 to the next two calendar years.

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 Act 9 increase (\$4.0 million annually)
- 2001 Act 16 increase (\$2.1 million annually)
- 2007 Act 20 increase (\$23.0 million biennially)
- Arrest supplement for small counties
- Out-of-home care extension (2015 Act 55)
- Correctional refunds
- Community Supervision Services funds
- Emergency funds
- County and state carryovers

Current County Youth Aids Allocations. Based on the components of youth aids funding, the initial 2022 allocations to counties total approximately \$93.2 million. This amount does not include community supervision services 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 2023 has been appropriated by the Legislature. Youth aids allocation for the second half of 2023 could vary depending on the Legislature's action in the 2023-25 biennial budget.

Appendix VII shows the initial youth aids allocation to each county in 2022.

Other State Action on and Funding for Juvenile Delinquency-Related Services

In addition to youth aids, the state provides 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).

Other State Aids to Counties

Community Aids. State funding through community aids (in the Department of Health Services) and children and family aids (in DCF) is provided to counties for human services in several broad functional areas, including social services for juvenile offenders. Of the \$309.2 million provided in calendar year 2023, \$271.0 million, or 88%, comes from two sources that counties may use for a broad range of services: (a) \$169.8 million from the basic county allocation for any eligible community aids services; and (b) \$101.2 million from the children and family aids allocation for any eligible children and family aids service. The remainder is provided to counties or tribes for four categorical allocations. Counties are required to provide a local match of 9.89% to the basic county allocation and one of the four categorical allocations, and 7.42% to the children and family aids allocation. Counties that exceed their youth aids allocation for juvenile delinquency-related expenditures may use community aids funds to provide social services for juvenile offenders.

For more information on community aids funding, see the Legislative Fiscal Bureau's informational paper, "Community Aids/Children and Family Aids."

Community Intervention Program. The Department of Children and Families distributes \$3.7 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 DCF 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. The youth diversion program administered by the Department of Justice provides grants from a mix of program revenue and federal funding to a limited number of local organizations to support gang diversion programming. In 2022-23, a total of \$954,000 is budgeted for youth diversion programming.

For more information on youth diversion funding, see the Legislative Fiscal Bureau's informational paper, "State Criminal Justice Functions."

Utility Aid and County and Municipal Aid. Through the utility aid and the 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 2023, counties are estimated to receive \$41.0 million from the utility aid appropriation, and \$122.6 million under the county and municipal aid program.

Grants Through the Department of Justice. As discussed previously in the section on secure detention, Justice has federal funding for the 2022 federal fiscal year of \$445,200 under the Juvenile Justice Delinquency Prevention Act (JJDP). 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.

Beginning on July 1, 2021, the dispositional placement options for juveniles changed such that juveniles may no longer be placed directly in a state juvenile correctional facility unless the juvenile is given a serious juvenile offender disposition. Rather, secure placements other than SJOs will be county-run secured residential care centers for children and youth (SRCCs). The changes in dispositional options occurred under provisions of 2017 Act 185. This chapter provides an overview of changes made by Act 185, subsequent modifications by 2019 Act 8, and actions taken to date under provisions of Act 185.

Act 185 Overview

Under 2017 Act 185 as modified by 2019 Act 8, counties are authorized to establish SRCCs. In addition, Act 185 created a grant program under which counties applied by June 30, 2019, for state funding towards the cost of establishing or constructing SRCCs. Once the SRCCs are established, the supervision of a juvenile under a correctional placement would transfer to the county department of human services or social services (county department) of the county in which the juvenile was adjudicated delinquent. Further, Act 185 expanded the authorized uses of youth aids for program costs in juvenile detention facilities and SRCCs. Under Act 185, counties operating SRCCs could be eligible for a bonus payment from a new appropriation to offset a portion of their operating costs, and counties operating female SRCCs could qualify for additional funding to offset operating losses.

In addition, Act 185 required Corrections to establish new Type 1 juvenile correctional facilities by July 1, 2021, subject to the approval of the Joint

Finance Committee (JFC), and authorized bonding for the new facilities. The Department of Health Services (DHS) was required to expand the Mendota Juvenile Treatment Center (MJTC), subject to the approval of JFC, and bonding for the expansion was also authorized. Further, Act 185 required the state to close the Lincoln Hills School and Copper Lake School by July 1, 2021, and authorized Corrections to convert those facilities into an adult correctional facility.

Study Committee

Under 2017 Act 185, a committee was created in the Department of Corrections to research and develop recommendations on the following: (a) optimal locations for the new Type 1 juvenile correctional facilities based on space and security needs, cost, proximity to the populations of juveniles the facilities would serve, and best practices for holding juveniles in secure custody no later than November 1, 2018; and (b) rules governing the services and programming provided to juveniles in secured residential care centers for children and youth (SRCCs) no later than September 1, 2018. Corrections was then required to submit rules in final draft form to the Governor establishing standards for services in secured residential care centers for children and youth based on those recommendations no later than December 17, 2018.

The DOC and DCF Secretaries served as co-chairpersons of the Study Committee and agencies with membership on the Study Committee provided staff to support the committee functions.

The committee submitted recommendations for rules governing the services and programming

provided to juveniles in SRCC's on August 28, 2018. The committee's recommendations on the location of the Type 1 facilities were submitted on October 16, 2018. In 2019, DOC permanent rules governing the services and programming provided to juveniles in SRCC's were approved.

Type 1 Facilities

Under Act 185, Corrections was required to establish one or more Type 1 juvenile correctional facilities subject to the approval of JFC. An existing sum sufficient appropriation was modified from the capital improvement fund for Corrections to acquire, construct, develop, enlarge, or improve adult and juvenile correctional facilities.

On October 16, 2019, Corrections submitted a plan to the Joint Committee on Finance for approval of two Type 1 facilities located in Milwaukee (\$37.2 million) and Hortonia (\$36 million). The proposed Type 1 facilities would cost a total of \$73.2 million in bonding authority and provide a capacity of 64 beds for serious juvenile offenders (SJO) and youth with adult sentences. Corrections indicated that the number of SRCC beds proposed based on the statewide plan submitted on October 1, 2019, may not contain sufficient SRCC beds based on estimated capacity need and notes that if there are insufficient SRCC beds, the SRCC youth can be placed in a Type 1 facility. Further, Corrections indicates that the number of youth with treatment needs that can be placed in MJTC was unknown. On February 12, 2020, JFC denied the Correction's plan for the location of Type 1 facilities.

During the 2021-23 biennium, 2021 Act 58 provided \$4 million in general fund supported borrowing for planning, development, site selection an environmental assessment, and design of a Type I facility and increased the project enumeration by that amount. Further, 2021 Act 252 provided an additional \$41.8 million in authorized funding for a total of \$45.8 million and increased the existing enumeration by \$41.8 million. [Total

enumerated authority for Type 1 facilities is \$70.8 million with \$45.8 million of authorized bonding.] In addition to modifying the enumeration and bonding authority, Act 252 required the Department of Administration (DOA), as soon as practicable, to report to JFC that the Department had reviewed and approved plans for a new Type 1 juvenile correctional facility in Milwaukee County. Additionally, the Act specified that DOA may not approve plans for constructing a new Type 1 juvenile correctional facility in Milwaukee County unless the site selected for the facility has the support of the governing body of the municipality in which the site is located.

On August 12, 2022, JFC received a report from the Department of Administration (DOA) indicating that the location for a Type 1 (state-administered) juvenile correctional facility in Milwaukee (7930 West Clinton Avenue, Milwaukee, Wisconsin) was reviewed and approved by DOA and local authorities.

County SRCCs

Under Act 185 as modified by 2019 Act 8, the Building Commission may authorize up to a total of \$80,000,000 in general fund supported borrowing to allow Corrections to provide grants to assist counties in designing and constructing SRCCs, and attached juvenile detention facilities. Subject to the rules promulgated by Corrections, a SRCC may be located in a portion of a juvenile detention facility or a Type 1 juvenile correctional facility. Any such state funding commitment must be in the form of a grant to a county. County boards may establish, or contract with a child welfare agency to establish a SRCC on its own or jointly with one or more counties or may contract with another county to place juveniles in that county's SRCC.

Act 185 creates a juvenile corrections grant program, administered by the Juvenile Corrections Grant Committee and Corrections. Under the juvenile corrections grant program, a county may apply for any of the following grants to pay: (a)

95% of the costs of designing and constructing a SRCC; (b) 95% of the costs of designing and constructing a facility that houses both a SRCC and a juvenile detention facility; and (c) 100% of the costs of designing and constructing a SRCC only for female juveniles or any portion that is only for female juveniles.

Act 185 created a Juvenile Corrections Grant Committee (“Grant Committee”) in DOC to administer a grant program

The Grant Committee was required to establish requirements, guidelines, and criteria for grant proposals and for awarding grants. Act 185 required a county to do all of the following in developing its grant application: (a) consider best practices in designing and operating facilities that hold juveniles in secure custody; (b) consider the feasibility of developing an existing facility into an SRCC; and (c) solicit input from juvenile court judges. Act 185 also required the Grant Committee to give preference to proposals that utilize existing facilities that consider proximity to the populations of juveniles the facility would serve, and to multi-county applications.

Under Act 185 as modified by 2019 Act 8, the deadline for counties to submit grant applications to the Grant Committee was June 30, 2019. The Grant Committee received grant applications from Brown, Dane, Milwaukee, and Racine counties. The Grant Committee met 14 times between March and September, 2019, and submitted a statewide plan of recommended grant approvals to the Joint Committee on Finance on October 1, 2019. The statewide plan recommended all four grant applications be approved. The recommended plan would provide a total of \$110.96 million in bonding authority to the four counties and provide a capacity of 111 to 125 SRCC beds.

Generally, Corrections indicated that SRCC designated beds may also qualify as short-term

detention beds.

Following is a summary of the recommended grants for Brown, Dane, Milwaukee, and Racine Counties as submitted to the Joint Committee on Finance.

Brown. Brown County would construct a new, co-located SRCC and detention facility that would serve up to 24 juveniles in a SRCC and 32 juveniles in short-term detention. Brown County indicated it would serve juveniles from across the northeast region of the state. Both co-located facilities would serve boys and girls. With construction of 32 short-term beds, Brown County would increase short-term detention capacity from 15 juveniles.

Brown County estimated the total cost associated with design and construction of the facility to be \$43,093,591. The estimated cost of the facility subject to 95% funding is estimated to be \$37,551,130. The estimated cost of the facility subject to 100% funding (facilities for females) was \$3,556,086, with a match from Brown County estimated to be \$1,976,375.

Dane. Dane County would co-locate the SRCC with the current Juvenile Detention facility. The SRCC would contain 18 to 23 beds for males and a five or six beds for females for a total of 23 to 29 beds. The majority of the juveniles would be from Dane County, but the County indicated that there would be capacity to serve juveniles from other counties in the region or other counties in the state.

Dane County operates its juvenile detention facility in a portion of the County Building. There was unoccupied space currently associated with the detention facility. Under the grant, the existing but unused detention space and adjacent office space would be renovated to become the SRCC. Dane County received approval from the Dane County Board for the project and the 5% match requirement. The estimated full project cost was

\$6.7 million for a 10,560 square foot expansion and 2,420 square feet of outdoor recreation space.

Milwaukee. Milwaukee County's grant was intended to complete one of two potential plans for male juveniles. "Plan A" was an expansion of the existing detention facility in the Vel R. Phillips Youth and Family Justice Center (Vel Phillips) and the obtainment of community-based leased facility space. "Plan A" was estimated to result in 40 total beds for juveniles; up to 22 beds at Vel Phillips and up to 24 beds at unspecified leased facilities. "Plan B" was solely an expansion of the Vel Phillips detention center and was estimated to result in 32 total beds. The majority of the juveniles held in the facility(-ies) would be from Milwaukee County. While it was unknown which plan would be used, the grant amount for Plan A or Plan B were the same. The estimated full project cost was \$24.86 million for either plan. The Milwaukee County Department of Health and Human Services was committed to funding the required 5% match.

Racine. Racine County requested funds to construct a new, co-located facility that would serve up to 32 juveniles in a SRCC and 16 juveniles in short-term detention. Racine County intended the entire co-located facility to be compliant with DOC 347 (administrative rule for SRCCs) to accommodate fluctuations in both male and female populations. The grant indicated that Racine County might serve juveniles from other counties including Kenosha, Waukesha, Manitowoc, and Washington. With the construction of 16 short-term beds, Racine County would be decreasing short-term detention capacity from 119 juveniles.

The County received support from the Racine County Executive for the project. Racine requested \$40 million to construct a new facility, with a full project budget of \$45 million. The new facility was estimated to be 72,000 square feet.

The Joint Committee on Finance met on February 12, 2020, to address the proposed grants. At the meeting, the Committee modified and approved the Grant Committee's plan for SRCC's. The Committee took Milwaukee's plan A and modified it to not include any leased space resulting in the approval of all four plans as modified and \$102 million in bonding authority. Subsequent to Committee approval, the Building Commission approved an additional \$22 million to SRCC grants from monies available for a "state purpose" due to the governor's partial veto of another project.

On July 20, 2020, Corrections sent Brown, Dane, Milwaukee, and Racine counties grant agreements. On August 14, 2020, Dane County officially declined to participate in the SRCC grant program. On that same date, Milwaukee County asked for a deferral on participation in the grant program, and Brown County declined the grant agreement proposed.

On August 12, 2022, the Department of Corrections submitted a request for modification of the statewide plan SRCCs to the Joint Committee on Finance (JFC) as required by 2017 Act 185 and modified by 2019 Act 8. On August 16, 2022, JFC approved the modifications. The modified plan amended the Brown, Dane, Milwaukee, and Racine County grant amounts. Funding for Milwaukee was increased by \$13,123,058 and funding for Racine increased by \$7,975,000 in general fund supported borrowing. Funding for the Brown and Dane county projects decreased by the total of these amounts (\$21,098,058).

Change of Placement to Transfer Between Facilities

Generally, beginning on July 1, 2021, juveniles given a correctional placement under county supervision must be placed in an SRCC, and not in a Type 1 juvenile correctional facility, but transfers

between facilities are allowed.

Moving a County Juvenile From an SRCC to a Type 1 Juvenile Correctional Facility. A juvenile may be transferred to a Type 1 juvenile correctional facility, and to have supervision of the juvenile transferred from the county to DOC, under certain circumstances. A juvenile with a correctional placement may be placed in a Type 1 juvenile correctional facility if either of the following criteria are met: (a) the juvenile is placed at an SRCC that is unable to meet the juvenile's treatment needs, the programming at the Type 1 juvenile correctional facility is able to meet his or her treatment needs, and no other SRCC is willing and able to meet the juvenile's treatment needs; or (b) the county's SRCC does not have space for the juvenile and no other SRCC is willing and able to meet the juvenile's treatment needs. A juvenile with a correctional placement may only be transferred to the Mendota Juvenile Treatment Center upon a recommendation by DHS. A hearing is required before a court changes a juvenile's placement from an SRCC to a Type 1 juvenile correctional facility, and DOC has an opportunity to object to the transfer. If a court orders a change of placement to a Type 1 juvenile correctional facility, then the county must pay DOC for the cost of the juvenile's care at the statutory daily rate.

Moving a County Juvenile From One SRCC to Another SRCC. A juvenile with a correctional placement may be transferred from one SRCC to another, if the sending SRCC cannot meet the treatment needs of the juvenile, and if the receiving SRCC is able to meet the juvenile's treatment needs and offers more appropriate care and services. This transfer may be done without a court hearing if the receiving SRCC agrees. The county must contract with the receiving SRCC for care and services for the juvenile, who remains under the supervision of the sending county.

Moving a DOC Juvenile to an SRCC. Corrections may place a juvenile under its supervision in an SRCC, if the receiving SRCC agrees.

Corrections may also transfer a juvenile from one SRCC to another, if the first SRCC is unable to meet the juvenile's treatment needs and the second SRCC is consulted and is able to meet the juvenile's treatment needs. These placements and transfers may be done by DOC without a court hearing. Corrections must contract with the receiving SRCC for the care and services provided to the juvenile, and the juvenile remains under DOC supervision.

County Juvenile Detention Facilities

The Act prohibits a court from placing a juvenile in a juvenile detention facility for more than 30 consecutive days, unless the facility is an "eligible juvenile detention facility." An "eligible juvenile detention facility" is a facility in which juvenile placements of more than 30 days were authorized as of July 1, 2018, also known as a "180/365 Day Program." An "eligible juvenile detention facility" may continue to receive juvenile placements of more than 30 consecutive days by receiving a grant under the competitive process and becoming an SRCC as of July 1, 2021. Additionally, certain juvenile detention facilities are grandfathered and may continue receiving juvenile placements of more than 30 consecutive days without becoming an SRCC. Specifically, an "eligible juvenile detention facility" may continue to receive these longer-term juvenile placements without becoming an SRCC by meeting all of the following criteria: (a) the juvenile detention facility is not awarded a grant; (b) the facility does not house a larger number of juveniles after July 1, 2021 than the average daily population of juveniles between July 1, 2018 and June 30, 2021; and (c) the facility is not altered, added to, or repaired in excess of 50% of its assessed value. If the "eligible juvenile detention facility" violates these conditions, it is no longer authorized to accept juvenile placements for more than 30 consecutive days and is subject to the same prohibition on receiving long-term placements as other juvenile detention facilities.

Operating Loss Reimbursement Program

Under Act 185, Corrections is required to reimburse a county that operates a SRCC that holds female juveniles in secure custody and that was established using funding from the grant program for any annual net operating loss. A county seeking reimbursement is required to submit its request and supporting financial statements for the prior fiscal year to Corrections and the Legislative Audit Bureau (LAB). Corrections would then request an audit of a county's net operating costs for a SRCC that holds female juveniles for the purpose of determining the amount, if any, of a net operating loss to be reimbursed by Corrections to a county. As determined by LAB, Corrections is required to reimburse the county for the amount of the net operating loss.

Act 185 created a sum sufficient to reimburse counties for the costs identified in the LAB audit. In addition to reimbursing counties for operating losses, the appropriation may also be used by Corrections to reimburse LAB for the cost of the county audit. Currently unknown factors that will impact future costs include: (a) how many counties or which county or counties may operate a program for juvenile females; (b) operating costs for female SRCCs; (c) the female juvenile populations; and (d) the LAB determined definitions of operating costs and operating loss. Costs for the operating losses would not occur until a year after female SRCCs are operational.

Community Youth and Family Aids - Bonus for County Facilities

Under Act 185, the DCF must allocate an amount equal to 15% of a county's youth aids allocation in the preceding fiscal year or \$750,000, whichever is less, in additional funds for a county that operates a joint SRCC funded by a grant under Act 185. It is not known: (a) how many counties or which county or counties may operate a program for juveniles; and (b) how much each

county's youth aids allocation will be at the time bonus payment may be made. Costs associated this program would not occur until a year after SRCCs are operational.

Authorized Uses For Youth Aids

As mentioned above, Act 185 expanded the authorized uses of youth aids for program costs in juvenile detention facilities and SRCCs. In addition, under current law, a subsection of a county's youth aids allocation is based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent three-year period. Under Act 185, in addition to the juveniles placed in juvenile correctional facilities, the number of juveniles placed in SRCCs is included in each county's proportion. The effect of this provision would not occur until SRCCs become operational.

Tuition Payments by the State

Under law prior to Act 185, the Department of Public Instruction paid tuition for pupils attending public schools in the following circumstances: (a) pupils in children's homes; (b) pupils whose parents or guardians are employed at and reside on the grounds of a state or federal military camp, federal veteran hospital or state charitable or penal institution; and (c) pupils in certain foster homes or group homes, if the foster home or group home is located outside the school district in which the pupil's parent or guardian resides. Act 185 expanded tuition payments to pupils in SRCCs. It is not known: (a) how many counties or which county or counties may operate a program for juveniles; (b) how many youth will be eligible for tuition payments; or (c) what the tuition payments may be. Tuition payments would not occur until after SRCCs are operational.

Expansion of MJTC

Under Act 185, the Department of Health Services is required to construct an expansion of the

Mendota Juvenile Treatment Center, to accommodate at least 29 additional juveniles, an increase to the existing 29-bed facility. The Act authorized \$15,000,000 general fund supported borrowing for this purpose.

In 2019, in response to this requirement, the Department proposed an expansion totaling 64 new beds. The proposal would include opening an existing 14-bed unit within the MJTC building (previously used for adult patients at the Mendota Mental Health Institute), plus the construction of a new 50-bed building addition. The proposed 50-bed addition would include two units for males, with a total of 30 beds, and two units for females, with a total of 20 beds. In addition to housing units, the building addition would include programming and classroom space, recreation space, nurse stations, staff offices, and utility space. The male units would be separated from the female units, although the building would be configured so that both males and females could utilize common spaces at staggered times. The Department of Administration's Division of Facility Development and Management estimated the cost of the project at \$58.9 million, including design and contingencies.

Under 2019 Act 9, funding and staffing were provided for the 14-bed unit, anticipating an opening in early 2021. However, the opening of this unit was delayed, as the juvenile population at MJTC declined in 2020. Instead, the unit has continued to be used for adult patients.

Act 9 also increased the bonding authorization for the MJTC building addition, to provide a total

of \$43,994,000. In signing the Act, the Governor used a partial veto to modify a \$15,000,000 bonding authorization for an unrelated project, indicating his intent that this funding be repurposed for the MJTC expansion. With this reallocation of bonding authority, a total of \$58,994,000 would be available for the project, matching the estimated cost.

To proceed with the MJTC construction project, DHS was required to receive the approval of the Joint Committee on Finance. Pursuant to this requirement, the Department submitted a request to the Committee on October 16, 2019, for approval to construct the 50-bed the addition. On May 6, 2021 JFC approved the Department's request. Construction on the building addition began in March of 2022 and is anticipated to be completed in early 2023. Once the new building is ready for occupancy, work will begin on the renovation of the existing facility, with final completion of the entire project expected in early 2025.

Lincoln County Correctional Institution

Under Act 185, Lincoln Hills and Copper Lake School is renamed as Lincoln County Correctional Institution. Staffing and operational costs associated with operating the facility as an adult institution would occur after the closing of Lincoln Hills. Although Act 185 required that Lincoln Hills and Copper Lake School closed by July 1, 2021, the schools continue to operate as juvenile correctional facilities.

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, 2012 through 2021
Appendix II	State of Wisconsin Juvenile Arrest Rates, 2012 through 2021
Appendix III	Juvenile Arrests by Wisconsin County, 2021
Appendix IV	Dispositional Options Available to the Juvenile Court for Delinquency Adjudications
Appendix V	Average Daily Populations of Juvenile Correctional Facilities, 2008-2022
Appendix VI	Youth Aids Formula -- Initial Calendar Year 2022 Allocations
Appendix VII	2022 Youth Aids Allocations by County

APPENDIX I

State of Wisconsin Total Juvenile Arrests, 2012 through 2021

Offense	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	% Change 2021-2021	10-Year Average
Violent Offenses												
Murder	15	8	10	19	7	14	12	15	21	21	40.0%	14
Forcible Rape	123	166	127	132	123	235	224	231	168	220	78.9	175
Robbery	553	550	556	477	440	318	257	255	221	163	-70.5	379
Aggravated Assault	<u>747</u>	<u>639</u>	<u>577</u>	<u>500</u>	<u>531</u>	<u>521</u>	<u>532</u>	<u>553</u>	<u>396</u>	<u>447</u>	-40.2	<u>544</u>
Violent Total	1,438	1,363	1,270	1,128	1,101	1,088	1,025	1,054	806	851	-40.8%	1,112
Property Offenses												
Arson	71	65	51	53	48	59	41	45	29	30	-57.7%	49
Burglary	1,176	973	744	659	666	646	483	366	344	209	-82.2	627
Motor Vehicle Theft	395	333	362	449	536	563	595	506	470	468	18.5	468
Theft	<u>9,061</u>	<u>7,194</u>	<u>6,736</u>	<u>5,966</u>	<u>4,955</u>	<u>4,908</u>	<u>3,575</u>	<u>3,191</u>	<u>1,945</u>	<u>1,347</u>	-85.1	<u>4,888</u>
Property Total	10,703	8,565	7,893	7,127	6,205	6,176	4,694	4,108	2,788	2,054	-80.8%	6,031
Status Offenses	9,877	7,781	5,624	4,903	4,544	4,074	3,255	3,275	2,535	1,832	-81.5%	4,770
Other Offenses*	44,235	37,545	31,781	30,999	30,609	28,486	26,853	26,742	16,330	16,892	-61.8%	29,047
Grand Total	66,253	55,254	46,568	44,157	42,459	39,824	35,827	35,179	22,459	21,629	-67.4%	40,961

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

APPENDIX II

State of Wisconsin Juvenile Arrest Rates, 2012 through 2021 (Number of Arrests Per 100,000 Juveniles)

Offense	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	% Change 2012-2021	10-Year Average
Violent Offenses												
Murder	1	1	1	1	1	1	1	1	2	2	44.7%	1
Forcible Rape	9	13	10	10	10	18	18	17	13	17	84.8	13
Robbery	42	42	43	35	34	25	20	19	17	13	-69.5	29
Aggravated Assault	<u>57</u>	<u>49</u>	<u>44</u>	<u>36</u>	<u>41</u>	<u>41</u>	<u>42</u>	<u>40</u>	<u>31</u>	<u>35</u>	-38.2	<u>42</u>
Violent Total	109	104	98	82	85	85	81	77	63	67	-38.9%	85
Property Offenses												
Arson	5	5	4	4	4	5	3	3	2	2	-56.3%	4
Burglary	89	75	57	48	52	50	38	27	27	16	-81.6	48
Motor Vehicle Theft	30	25	28	33	42	44	47	37	37	37	22.4	36
Theft	<u>688</u>	<u>551</u>	<u>518</u>	<u>435</u>	<u>384</u>	<u>383</u>	<u>281</u>	<u>232</u>	<u>153</u>	<u>106</u>	-84.6	<u>373</u>
Property Total	813	656	607	519	481	481	369	299	219	161	-80.2%	461
Status Offenses	750	596	432	357	352	318	256	239	199	144	-80.8%	364
Other Offenses*	3,359	2,875	2,443	2,258	2,373	2,221	2,111	1,948	1,281	1,325	-60.5%	2,219
Grand Total	5,031	4,231	3,580	3,217	3,291	3,105	2,816	2,563	1,762	1,697	-66.3%	3,129

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

APPENDIX III

Juvenile Arrests by Wisconsin County, 2021

County	Juvenile Population	Total Juvenile Arrests	Total Arrests Per 100,000	Total Part I Arrests *	Total Part II Arrests **	Total Status Arrests***
Adams	2,743	98	3,572	9	88	1
Ashland	3,412	30	879	10	19	1
Barron	9,751	91	933	18	71	2
Bayfield	2,493	7	281	2	5	0
Brown	63,543	1,381	2,173	152	1,107	122
Buffalo	2,684	3	112	1	2	0
Burnett	2,981	5	168	1	4	0
Calumet	12,557	190	1,513	23	163	4
Chippewa	15,089	181	1,200	23	141	17
Clark	10,153	57	561	10	42	5
Columbia	12,343	295	2,390	43	203	49
Crawford	3,111	36	1,157	16	19	1
Dane	118,493	1,165	983	357	740	68
Dodge	17,842	330	1,850	37	252	41
Door	4,828	36	746	0	30	6
Douglas	9,299	286	3,076	19	247	20
Dunn	9,591	146	1,522	22	116	8
Eau Claire	22,882	421	1,840	35	313	73
Florence	705	1	142	0	1	0
Fond du Lac	21,791	804	3,690	71	667	66
Forest	1,874	42	2,241	8	34	0
Grant	11,846	86	726	9	62	15
Green	8,374	82	979	7	65	10
Green Lake	4,101	66	1,609	6	60	0
Iowa	5,467	32	585	2	28	2
Iron	875	1	114	0	1	0
Jackson	4,441	2	45	0	2	0
Jefferson	19,172	266	1,387	27	227	12
Juneau	4,960	2	40	0	2	0
Kenosha	38,611	559	1,448	62	450	47
Kewaunee	4,397	85	1,933	2	81	2
La Crosse	26,148	437	1,671	69	322	46
Lafayette	4,341	31	714	5	18	8
Langlade	3,582	15	419	2	13	0
Lincoln	5,173	271	5,239	74	179	18
Manitowoc	16,493	758	4,596	57	625	76
Marathon	32,047	454	1,417	53	339	62
Marinette	7,712	212	2,749	37	162	13
Marquette	2,720	5	184	0	5	0
Menominee	1,143	0	0	0	0	0

APPENDIX III (continued)

Juvenile Arrests by Wisconsin County, 2019

County	Juvenile Population	Total Juvenile Arrests	Total Arrests Per 100,000	Total Part I Arrests *	Total Part II Arrests **	Total Status Arrests***
Milwaukee	215,769	2,514	1,165	577	1,766	171
Monroe	11,190	48	429	6	42	0
Oconto	7,927	75	946	4	65	6
Oneida	6,581	239	3,632	15	196	28
Outagamie	43,817	783	1,787	136	559	88
Ozaukee	19,076	280	1,468	20	226	34
Pepin	1,450	5	345	1	4	0
Pierce	9,800	19	194	1	18	0
Polk	9,878	106	1,073	8	94	4
Portage	15,001	211	1,407	36	150	25
Price	2,290	23	1,004	2	18	3
Racine	43,677	475	1,088	72	391	12
Richland	3,951	63	1,595	9	50	4
Rock	37,285	1,190	3,192	123	984	83
Rusk	2,706	45	1,663	10	28	7
Sauk	11,954	61	510	3	52	6
Sawyer	3,741	53	1,417	3	50	0
Shawano	8,870	338	3,810	30	201	107
Sheboygan	28,930	848	2,931	95	693	60
St. Croix	20,671	323	1,563	27	273	23
Taylor	4,633	21	453	7	14	0
Trempealeau	7,162	96	1,340	2	88	6
Vernon	7,789	17	218	6	10	1
Vilas	3,712	24	647	4	20	0
Walworth	23,096	766	3,317	32	683	51
Washburn	3,045	39	1,281	6	33	0
Washington	30,090	896	2,978	84	745	67
Waukesha	85,034	882	1,037	99	670	113
Waupaca	9,935	373	3,754	20	305	48
Waushara	4,403	28	636	1	27	0
Winnebago	36,694	1,467	3,998	153	1,257	57
Wood	15,317	83	542	13	59	11
Tribal		184		29	141	14
State Agency		<u>85</u>		<u>2</u>	<u>75</u>	<u>8</u>
Grand Total	1,285,245	21,629	1,683	2,905	16,892	1,832

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 forgery, fraud, embezzlement, stolen property, vandalism, drug offenses, weapons, prostitution, sex offenses, gambling, operating while intoxicated, liquor violations, disorderly conduct, and vagrancy, and curfew.

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

Source: Arrests - Bureau of Justice Information and Analysis (BJIA); Population - DHS WISH (Juvenile population of each county calculated using 2021 county populations and the proportion of 2020 0-17 year old populations.)

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 juvenile detention facility, the juvenile portion of a county jail or in a place of nonsecure custody for a total of not more than 365 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 residential care center for children and youth under the supervision of the county department and subject to automatic placement a more restrictive setting if the juvenile violates the conditions of the original placement.
- Placement in the Serious Juvenile Offender program.
- Placement in a juvenile correctional facility or a secured residential care center for children and youth designated type II by 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 juvenile correctional facilities and secured care center for children and youths, except that educational provisions applicable to secured care center for children and youths do not apply to secured group homes.
- Community supervision for juveniles who have been released from a juvenile correctional facility or a secured residential care center for children and youth (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 Juvenile Correctional Facilities, 2008-2022

Fiscal Year	Average Daily Population	Annual Change in Population	
		Number	Percent
2008	586	--	--
2009	563	-23	-4%
2010	466	-97	-17
2011	349	-117	-25
2012	315	-34	-10
2013	223	-92	-29
2014	281	58	26
2015	310	29	10
2016	264	-46	-15
2017	204	-60	-23
2018	190	-14	-7
2019	166	-24	-13
2020	139	-27	-16
2021	87	-52	-37
2022	90	3	3

APPENDIX VI

Youth Aids Formula – Initial Calendar Year 2022 Allocations (GPR Funds Except as Indicated)

Base Allocation	\$72,949,400 (including \$2,175,800 FED)	<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 Act 9)	4,000,000	<ul style="list-style-type: none"> Under 1999 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 juvenile correctional facility, a secured care center for children and youth, or a secured group home during the most recent three-year period for which that information is available.
Budget Increase (2001 Act 16)	2,106,500	<ul style="list-style-type: none"> Under 2001 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.
Budget Increase (2007 Act 20)	12,500,000	<ul style="list-style-type: none"> Under 2007 Act 20, \$12,500,000 was appropriated in 2008-09 as ongoing funding and allocated based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent three-year period for which information is available.
Arrest Supplement For Small Counties	200,000	<ul style="list-style-type: none"> Statutory provision governing the payment of supplemental funds repealed under 1995 Act 27, but funding left in youth aids appropriation Only counties with a population of less than 50,000 are eligible for supplemental funds Funds prorated on the 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
Out-of-Home Care Extension	89,400	<ul style="list-style-type: none"> Increase in funding associated with extending out-of-home placements to youth over the age of 18 as provided in 2015 Act 55
Initial Allocations	\$93,178,700	<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>Purchase of Community Supervision Services</u> - \$2,124,800 annually: A county arranges with the state to receive services and is allocated funding based on the number of approved slots actually used. Funding is allocated following close of the calendar year. Based on reported county spending through the first six months of 2022, DCF estimates \$460,800 in Community Supervision Services funding will be allocated for calendar year 2022. <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 is 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. DCF 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 (\$93,178,700), funds for Community Supervision Services (\$460,800) and emergency funds (\$250,000) total \$93,889,500 in currently projected allocations in 2022. Amounts shown are funded with GPR, unless otherwise indicated.</p>		

APPENDIX VII

2022 Youth Aids Allocations by County

County	Initial Base Allocation	AODA Allocation*	1999 Act 9	2001 Act 16	Arrest Supplement	2007 Act 20	Out-of-Home Care Extension	Total Initial Youth Aids and AODA Allocations
Adams	\$187,459	\$985	\$15,213	\$9,457	\$9,185	\$57,870	\$388	\$280,557
Ashland	187,050	4,295	12,403	0	16,000	0	388	220,136
Barron	407,939	7,704	14,296	0	5,333	0	284	435,556
Bayfield	135,659	3,248	3,376	0	741	0	482	143,506
Brown	1,817,701	38,545	183,647	58,473	0	289,352	2,406	2,390,124
Buffalo	50,666	1,052	2,985	0	148	0	190	55,041
Burnett	186,232	2,691	3,468	0	444	0	190	193,025
Calumet	257,209	5,050	21,079	3,898	0	19,290	190	306,716
Chippewa	515,132	11,561	26,223	0	0	0	284	553,200
Clark	432,867	7,939	11,642	0	2,815	0	672	455,935
Columbia	313,465	7,815	34,781	18,915	0	115,741	284	491,001
Crawford	129,044	2,712	5,997	0	3,556	0	190	141,499
Dane	4,864,622	89,744	475,625	327,857	0	2,006,173	5,382	7,769,403
Dodge	591,149	12,242	31,984	0	0	0	1,440	636,815
Door	181,489	2,349	10,648	3,898	5,185	19,290	94	222,953
Douglas	969,450	18,824	40,012	28,372	18,666	173,611	482	1,249,417
Dunn	199,912	4,312	16,990	0	10,667	0	578	232,459
Eau Claire	949,680	15,045	54,182	11,695	0	57,870	2,502	1,090,974
Florence	50,313	1,043	746	0	0	0	190	52,292
Fond du Lac	827,974	12,801	52,633	11,695	0	57,870	1,536	964,509
Forest	61,384	464	6,024	3,172	3,259	19,290	0	93,593
Grant	236,283	5,352	21,030	7,796	0	38,580	482	309,523
Green	207,241	3,255	21,072	12,610	5,778	77,160	482	327,598
Green Lake	114,757	1,385	8,538	0	6,074	0	388	131,142
Iowa	147,647	2,791	10,556	0	6,519	0	284	167,797
Iron	40,651	672	3,286	3,152	444	19,290	284	67,779
Jackson	163,911	1,369	6,580	0	2,519	0	578	174,957
Jefferson	559,298	12,367	44,189	0	0	0	958	616,812
Juneau	217,639	4,776	6,424	0	296	0	94	229,229
Kenosha	2,731,455	56,855	156,402	110,336	0	675,154	4,226	3,734,428
Kewaunee	104,450	2,265	7,366	0	4,000	0	578	118,659
Lacrosse	1,130,351	23,543	67,073	3,898	0	19,290	1,250	1,245,405
Lafayette	66,013	1,459	4,770	0	148	0	190	72,580
Langlade	339,816	6,751	11,922	9,457	444	57,870	190	426,450
Lincoln	330,598	7,739	14,536	3,898	11,259	19,290	94	387,414
Manitowoc	543,731	12,118	48,853	3,898	0	19,290	862	628,752
Marathon	1,314,239	22,196	73,690	19,491	0	96,451	2,596	1,528,663
Marinette	461,387	9,740	36,090	34,677	7,407	212,191	388	761,880
Marquette	83,417	1,705	3,265	0	148	0	284	88,819
Menominee	453,474	7,735	5,640	6,305	0	38,580	482	512,216
Milwaukee	26,971,721	447,730	1,160,072	1,049,773	0	6,423,617	30,048	36,082,961
Monroe	621,267	12,554	22,142	3,898	12,741	19,290	482	692,374
Oconto	298,433	5,068	24,543	18,915	4,296	115,741	284	467,280
Oneida	466,060	7,398	23,879	15,762	8,444	96,451	482	618,476
Outagamie	1,520,871	27,365	120,105	46,779	0	231,481	1,250	1,947,851

APPENDIX VII (continued)

2022 Youth Aids Allocations by County

County	Initial Base Allocation	AODA Allocation*	1999 Act 9	2001 Act 16	Arrest Supplement	2007 Act 20	Out-of-Home Care Extension	Total Initial Youth Aids and AODA Allocations
Ozaukee	\$597,131	\$10,354	\$45,773	\$24,105	\$0	\$135,031	\$1,156	\$813,550
Pepin	55,379	1,169	1,910	0	296	0	94	58,848
Pierce	260,373	5,407	17,100	0	10,519	0	388	293,787
Polk	374,791	7,474	17,893	3,898	7,556	19,290	672	431,574
Portage	455,624	8,315	53,255	34,677	0	212,191	1,630	765,692
Price	123,594	2,525	9,493	6,305	3,852	38,580	482	184,831
Racine	3,636,618	69,983	107,998	23,389	0	115,741	3,554	3,957,283
Richland	80,401	1,825	6,962	0	2,963	0	284	92,435
Rock	2,895,242	59,794	83,157	0	0	0	2,596	3,040,789
Rusk	200,817	3,808	3,836	0	1,185	0	284	209,930
Saint Croix	527,224	9,874	38,155	11,695	0	57,870	388	645,206
Sauk	433,278	8,602	47,087	24,797	0	135,031	388	649,183
Sawyer	163,513	3,547	4,803	0	593	0	482	172,938
Shawano	470,984	10,663	31,510	18,915	10,815	115,741	0	658,628
Sheboygan	1,022,448	22,536	93,153	46,779	0	231,481	768	1,417,165
Taylor	179,384	3,260	15,203	12,610	1,630	77,160	482	289,729
Trempealeau	110,533	2,963	9,412	0	2,519	0	94	125,521
Vernon	181,931	2,387	12,336	0	6,815	0	190	203,659
Vilas	245,108	2,164	16,829	18,915	741	115,741	284	399,782
Walworth	779,820	14,293	49,659	15,593	0	77,160	862	937,387
Washburn	144,176	1,796	4,805	0	1,037	0	0	151,814
Washington	1,115,523	22,122	67,436	0	0	0	672	1,205,753
Waukesha	3,224,298	67,070	143,611	15,593	0	77,160	3,554	3,531,286
Waupaca	471,179	10,661	26,620	0	0	0	768	509,228
Waushara	236,782	4,004	12,987	9,457	2,963	57,870	94	324,157
Winnebago	1,379,884	23,779	101,893	0	0	0	1,734	1,507,290
Wood	1,142,233	18,416	51,147	11,695	0	57,870	2,112	1,283,473
County Total	\$72,949,374	\$1,333,400	\$4,000,000	\$2,106,500	\$200,000	\$12,500,000	\$89,400	\$93,178,674
Estimated Community Supervision Services funding allocated following the close of the calendar year								\$460,800
Emergency funding allocated late in calendar year								<u>\$250,000</u>
Total Projected Youth Aids in 2022								\$93,889,474

*AODA allocations are provided separately from the Youth Aids contract, but such funding provides AODA services to the Youth Aids target population.