JUVENILE JUSTICE REFORM
GOVERNOR EVERS’ 21-23 BUDGET RECOMMENDATIONS

TOPLINES

- Governor Evers’ budget is setting an ambitious goal of transforming Wisconsin’s outdated juvenile justice system.
- The changes passed under 2017 Act 185 have failed to be realized due to inaction by the legislature. The Governor is proposing to press beyond Act 185 with a multi-faceted approach.
- Strategic long-term investments in a statewide community-based youth justice system are needed in order to reduce the number of youth requiring secure placement.
- The governor remains committed to closing Lincoln Hill and Copper Lake and is proposing a practical way forward to accomplish that goal by creating smaller, community-based facilities in the face of legislative deferral.
- Changing the juvenile justice system will require a variety of approaches ranging from funding effective programs to modernizing statutes.

OVERVIEW

Alternatives to Youth Incarceration
The governor is proposing a wholesale investment in intensive, community-based youth justice services with the goal of dramatically reducing the need for removing youth from their communities and placing them in secure or highly restrictive settings. This proposal will build a better continuum of services statewide.

Elevating Quality Statewide – Approx. $1 Million
An investment in statewide training and quality assurance will provide a baseline of knowledge and quality for youth justice agencies throughout the state. In order to advance the youth justice system toward effectively serving youth in the community, counties and workers need the support of a foundation of quality practice throughout Wisconsin.

Unlike child welfare training, there is no foundational training for youth justice. This additional funding will allow for the development and delivery of a training continuum for staff to ensure that all youth justice staff in Wisconsin have common knowledge and understanding in key topics, such as adolescent brain development, youth engagement, evidence-based services for delinquency, and the needs of girls and LBGTQ youth.

This funding will also support training for counties on quality assurance and continuous quality improvement. Finally, this funding will be used to develop research-informed standards of practice, along with best practices guidance and technical assistance to counties.

Community-Based Services Grant Program - $8.932 Million
This grant pilot program will allow counties to significantly elevate their case management practices and use of intensive, evidence-based treatment services. Additionally, the grant program will help maintain moderate and high-risk youth in their communities rather than placing them in out-of-home care to receive behavioral health services. Under the grant, counties would be required to select an evidence-based treatment model that is appropriate for delinquent youth and to partner with community clinical service providers and clinicians who will be trained in the treatment model. Additionally, counties will be required to incorporate the voices of lived experience and collaborate with justice system partners in developing and implementing their programs.
Residential Services Grant Program - $1.591 Million

This grant program is for out-of-home care providers to provide intensive services specifically for justice-involved youth who require treatment services in an out-of-home setting. Overall, the grant will prevent secure placements of youth who cannot safely remain in their own communities by instead providing dedicated placement resources to serve this population with the staffing and services needed to meet their treatment needs.

The grant could go to congregate care providers who would be required to have a treatment model that includes clinical services and incorporates treatment into all aspects of the program. The target population would be moderate and high-risk delinquent male youth with aggressive behaviors.

This funding could also be awarded to child-placing agencies to recruit, support, and retain treatment foster care placements for hard-to-place youth. Providers would be required to provide or coordinate provision of clinical treatment services either in the home or the community.

Realigning Juvenile Justice

Act 185 relies on the Serious Juvenile Offender (SJO) designation to determine where a youth will be placed. The SJO program was created in the 1990s, at a time when there was a perception across the country that youth crime was rising and required harsher punishment. However, we now know that the SJO program is an outdated model that incarcerates youth for longer periods of time and results in worse outcomes, including an increased likelihood of adult incarceration and behavioral health issues. Data shows little difference between the risk and needs of youth adjudicated as SJOs or under standard juvenile correctional placements.

The governor is proposing repealing the SJO program and replacing it with an extended jurisdiction approach that will provide courts with additional options to better serve youth in the juvenile justice system. This new model would allow a court to sentence an individual to both a juvenile disposition and an adult disposition. The governor recommends transferring the funds that would have been allocated towards the SJO program from DOC to counties through an increase in county youth aids.

Secure Confinement Model of Treatment

The governor’s budget will establish a single-tier secure confinement model in which Type 1 facilities are eliminated and SRCCCYs are run by either the state or individual counties. These facilities will effectively serve youth through research-supported treatment models and a comprehensive model of aftercare support. A more cohesive single-tier regional model will allow for better management of services and supports for youth and their families. Importantly, youth would receive the same or similar research-supported behavioral management and treatment services regardless of the facility they are in. This model would also allow for consistent services and supports when youth are transitioning out of facilities to a lower level of care or back with their families.

Under the single-tier model, county-run juvenile detention facilities would continue to be responsible for predispositional confinement and short-term holds. However, a movement to a single model of post-dispositional secure confinement would include the elimination of detention for long-term post-dispositional placements. Most detention facilities were not designed for lengthy stays in programming or facility. This would shift youth either to community-based services, non-secure placement settings, or SRCCCYs. While Racine is the only county actively working towards creating a county-run SRCCCY at the moment, the remainder of the county SRCCCY grants remains available.
**Additional Reforms**
These items will further advance Wisconsin’s youth justice system in alignment with best practices. The governor is proposing the following changes to complement the above initiatives, align statutes with evidence, rethink the use of detention, and make better use of existing resources.

**Jurisdiction**
- Eliminate automatic original adult court jurisdiction for youth under the age of 18.
- Modify the conditions under which a youth under the age of 18 may be waived into adult court.
- Increase the age of delinquency from 10 years of age to 12 years of age.

Wisconsin is one of only three states in the nation that automatically treats 17-year-olds as adults for the purposes of criminal prosecution. The governor is once again proposing to transfer 17-year-olds to the juvenile justice system. The budget also provides an appropriation to counties to help with the costs associated with this move.

**Reducing Use of Detention**
- Eliminate the Valid Court Order (VCO) exception. Under current law, youth who have committed status offenses (e.g. running away, truancy) may be placed in detention for a violation of a valid court order. This practice is contrary to a wide body of research and best practice, and it has already been banned in two-thirds of states.
- Limit the use of detention sanctions or holds for juveniles to situations where there is a public safety risk.

**Best Practices**
- Create a sentence adjustment procedure for individuals who commit criminal offenses prior to the age of 18. Create certain mitigating factors that a court must consider when sentencing an individual who committed a criminal offense prior to the age of 18.
- Eliminate the life without the possibility of extended supervision for juvenile offenders.
- Prohibit the use of restraints on anyone under the age of 18, when appearing before a juvenile or criminal court, unless the court orders their use after finding that their use is necessary under certain conditions.

**Youth Aids**
The governor’s budget proposal recommends altering Youth Aids in a way that complements the proposals outlined above. The proposal recommends updating Youth Aids to increase transparency, reduce complexity, and provide flexibility to adapt to the changes in the youth justice landscape.
GOVERNOR’S 21-23 BUDGET

- Alternatives to Youth Incarceration
  - Elevating quality statewide - $980,800
  - Community-Based Services Grant Program - $8.932 million
  - Residential Services Grant Program - $1.591 million

- Realigning Juvenile Justice
  - Eliminate the Serious Juvenile Offender program. Establish an extended juvenile jurisdiction blended sentence model.
  - Authorize the Department of Children and Families to distribute an additional $5,327,500 GPR in fiscal year 2021-22 and $13,529,700 GPR in fiscal year 2022-23 youth aids to ensure counties can meet an increase in youth offender services that arise from the elimination of the Serious Juvenile Offender program.

- Secure Confinement Model of Treatment
  - Establish a single-tier secure confinement model in which Type 1 facilities are eliminated and SRCCYs are run by either the state or individual counties.
  - Eliminate detention for long-term post-dispositional placements.
  - Modify the closure date for Lincoln Hills and Copper Lake to align it with the establishment of suitable replacement facilities.

- Additional Reforms
  - Jurisdiction
    - Eliminate automatic original adult court jurisdiction for youth under the age of 18.
    - Modify the conditions under which a youth under the age of 18 may be waived into adult court.
    - Increase the age of delinquency from 10 years of age to 12 years of age.
    - Return 17-year-olds to the juvenile justice system.
    - Create a new sum sufficient appropriation and provide $10 million GPR in each fiscal year to reimburse counties for increased the cost associated with raising the age that a circuit court or municipal court exercises adult court jurisdiction on individuals from 17 years of age to 18 years of age.
  - Reducing Use of Detention
    - Eliminate the Valid Court Order (VCO) exception.
    - Limit the use of detention sanctions or holds for juveniles to situations where there is a public safety risk.
  - Best Practices
    - Create a sentence adjustment procedure for individuals who commit criminal offenses prior to the age of 18. Create certain mitigating factors that a court must consider when sentencing an individual who committed a criminal offense prior to the age of 18.
    - Eliminate the life without the possibility of extended supervision for juvenile offenders.
    - Prohibit the use of restraints on anyone under the age of 18, when appearing before a juvenile or criminal court, unless the court orders their use after finding that their use is necessary under certain conditions.
  - Youth Aids – Modify the youth justice statutes and appropriations to provide more flexibility in allocating Youth Aids funding and enhancing system improvements.
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<tr>
<th>Current Law</th>
<th>Governor’s 21-23 Budget Proposal</th>
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<tbody>
<tr>
<td><strong>Delinquency minimum age</strong></td>
<td>10 years old</td>
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<td><strong>Adult court minimum age</strong></td>
<td>17 years old</td>
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<td><strong>Jurisdiction for a juvenile committing certain offenses or previously</strong></td>
<td>Automatically waived into adult court</td>
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<td>under adult court jurisdiction</td>
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<td><strong>Waiver to adult court</strong></td>
<td>15 years old for any crime or 14 years old for certain crimes</td>
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<td><strong>180/365 long-term county programs</strong></td>
<td>No new 180/365 programs can be created. Existing programs are grandfathered in if they meet certain criteria, including not expanding the size of the program after July 1, 2021</td>
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<td><strong>Long-term county placements</strong></td>
<td>180/365 long-term county programs or SRCCCY</td>
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<td><strong>Serious Juvenile Offenders</strong></td>
<td>Status determined by court for certain offenses</td>
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<td><strong>Life without the possibility of parole or extended supervision</strong></td>
<td>If a person is convicted of a serious felony on three separate occasions or a serious child sex offense on two separate occasions</td>
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