



GOVERNOR'S JUVENILE JUSTICE COMMISSION

SCOTT WALKER, GOVERNOR

KATHY MALONE, CHAIR

July 24, 2018

Secretary Eloise Anderson, Department of Children and Families
Secretary Cathy Jess, Department of Corrections
Act 185 Juvenile Corrections Committee

Dear Secretary Jess, Secretary Anderson and the Juvenile Corrections Committee,

The Governor's Juvenile Justice Commission (GJJC) is the federally mandated State Advisory Group under the Juvenile Justice and Delinquency Prevention Act (JJDPA). The GJJC is comprised of dedicated individuals, including members of the judiciary, prosecutorial and defense bar, state corrections, child welfare, and private citizens with experience in law enforcement, education, and social services. Over the last decade, the GJJC has been engaged in leveraging limited federal funds to support both evidence-based practices and juvenile justice reform efforts. The funded efforts have been proven effective in addressing both public safety concerns and rehabilitation issues for youth and their families. The GJJC has gained valuable information regarding the resources and proven programs that strengthen collaboration among the state, counties, and community agencies that work with our youth population. The GJJC believes that collaboration and co-operation are vital to the outcomes for youth within the Wisconsin juvenile justice system.

At a time when a growing number of jurisdictions across the country have elected to close youth correctional facilities amidst scandal, declining juvenile crime rates, and ballooning state corrections budgets,ⁱ Wisconsin has elected to establish new Type 1 juvenile correctional facilities, new county residential care centers for children and youth (SRCCCYs), and authorize \$80 million in state bonding for the construction and expansion of new and existing juvenile facilities rather than investing in community-based alternatives shown to be less expensive and more effective.ⁱⁱ In order to avoid the typical pitfalls inherent with large juvenile correctional facilities, the GJJC advocates the Corrections Study Committee consider several key areas in developing programming for the SRCCCYs.ⁱⁱⁱ The GJJC recommends incorporating proven practices and evidence based programs that we know to be effective.

Evidence-Based Programming

To begin, it is important to note that treatment programs occurring in institutional settings generally have an unimpressive record for reducing reoffending^{iv} and most available research indicates that youth are best served through interventions that keep them at home.^v Unfortunately, there will always be some youth whose behavior will require secure placement for limited periods of time in furtherance of their rehabilitation, and there is research indicating that theoretically grounded, adequately staffed, and well-documented programs for seriously violent youth that involve institutional care can produce impressive and fiscally advantageous

results.^{vi} ^{vii} General reviews also note that institutional programs that adopt a cognitive-behavioral approach show higher reductions in reoffending.^{viii}

The cognitive-behavioral approach has been adopted by several states to better support youth with mental health needs who are disproportionately represented in the juvenile justice system. Both Louisiana and Connecticut have “embraced evidence-based practices for youth” and “research-based behavioral health screening and assessment instruments”.^{ix} States that have adopted such an approach have been able to improve the contact that they have with youth with mental health needs who come into contact with the juvenile justice system. There is extensive research suggesting that CBT shows the most “clearly and consistently positive results in outcomes such as episodes of violence and recidivism”.^x Adoption of more support for youth with mental health needs is vital to creating a holistic approach to treatment and corrections in the juvenile justice system.

Engaging Families and Communities

Act 185 shifts the Wisconsin juvenile corrections system to a hybrid state and county-based model that creates smaller facilities dispersed throughout communities. This model bears some resemblance to the model in place at the Missouri Division of Youth Services (DYS), often referred to as the “Missouri Model.” Facilities that are dispersed throughout communities are better able to engage the families and communities which “an overwhelming body of research and experience shows...is pivotal to successful youth development”.^{xi} Family-focused models have “dramatically lowered recidivism and future incarceration of treated youth in repeated trials” and “cost far less than incarceration [while] returning several dollars in benefits for every dollar spent delivering services”.^{xii} Equally as important are community-based programming which, when effective, can reduce recidivism among youth as observed in the Family Integrated Transitions model from Washington.^{xiii} In addition to programming that engages family and community, education is an essential factor in facilitating moral, social, and psychological development, and also has important implications for a youth’s long-term life experiences and well-being, including employment, income, and health.^{xiv} This is just as true for confined youth as for youth in the community.

High Quality Education

Educational engagement is a risk/protective factor that must be addressed in order to properly manage and reduce a youth’s risk of reoffending, confined youth still require the educational rigor that they would get outside of a detention facility. Education is critical for the development of juveniles academically to keep them on track. Youth ought to earn high school credits while in a facility and have the opportunity to obtain a high school diploma or equivalent. Educational programming provided to youth in these facilities ought to include Driver’s Education. Young adults with driver’s licenses and access to a car have greater accessibility to employment in areas outside of struggling neighborhoods where jobs are not readily available.^{xv}

In addition to creating a positive educational environment, it is important to foster other skills for success in the community. Pre-vocational and vocational programming that is relevant to the youth’s interests and abilities should be offered to the youth who will be confined in the new facilities. For example, in Missouri, youth gain actual work experience with “nearby public and nonprofit agencies” for which they earn a minimum wage.^{xvi}

Although academic and vocational programming will take up the majority of time on weekdays, youth should spend a significant amount of time during the week and on weekends in

recreational programming which includes large muscle activity, structured recreational activities, and free time.^{xvii} The Centers for Disease Control and Prevention (CDC) recommends that children and adolescents have 60 minutes or more of physical activity daily most of which should be moderate or vigorous intensity aerobic physical activity.^{xviii} Creating an environment that is conducive to learning and recreation while confined is vital to the reintegration of youth into their communities when they are released. Any programming, including educational, vocational, and recreational programming, can only be effective in an environment that is safe, humane, and supportive.

Positive Social Environment

Likewise, there is research demonstrating that the social climate of an institutional setting affects the subsequent community outcomes of youth in that setting.^{xix} There is anecdotal evidence that this is true as well. As one youth who was recently incarcerated in Wisconsin wrote, "When you're treated like a criminal, you begin to see yourself that way as well."^{xx} The new facilities should foster a positive social climate by fostering a non-institutional environment free of traditional forms of correctional methods like cells, pepper spray, and prolonged isolation. Missouri DYS attributes the maintenance of institutional control in their facilities through constant and attentive supervision rather than physical controls typically used in traditional correctional models. This approach is consistent with the Trauma-Informed Care approach endorsed by Wisconsin's Fostering Futures Initiative which acknowledges that "in trauma sensitive organizations, interactions are respectful, consistent, and predictable" and that by "changing the way we interact with children, we can take action to make their lives better."^{xxi} The majority of youth involved with the juvenile justice system have experienced trauma, with at least 75 percent having experienced traumatic victimization.^{xxii} A recent study of youth confined in Cook County found that over 90 percent of youth had experienced at least one trauma, 84 percent experienced more than one trauma, and over 55 percent reported being exposed to trauma six or more times.^{xxiii} Wisconsin ought to look to this research, the non-institutional approaches used in other jurisdictions, and to the youth themselves in encouraging a trauma-informed, positive social climate in these new facilities.

Crucial to creating a trauma-informed, positive social environment in these new facilities will be the interpersonal relationships between the youth and staff. Missouri attributes its ability to keep youth safe in its facilities by hiring highly motivated, highly trained staff who constantly interact with youth to create an environment of trust and respect. Missouri does not employ guards, but rather youth specialists with responsibility for the "safety, personal conduct, care and therapy" of the youth personally committed to helping youth succeed. Essential to nurturing positive interpersonal relationships will be employing a staff that reflects the racial, ethnic, and gender characteristics of the youth that they are serving.

Racial and Ethnic Disparities

In addition, with the fifth highest Black-White commitment disparity rate in the country, Wisconsin must begin to address longstanding racial and ethnic disparities in the juvenile justice system. Racial and ethnic disparities diminish the credibility and legitimacy of a justice system that purports to treat everyone equally.^{xxiv} In Wisconsin, youth of color, particularly Black and Native American youth, are disproportionately represented at virtually every stage of the juvenile justice system leading up to and including placement in juvenile correctional facilities. In Wisconsin, although youth of color make up approximately 25 percent of the youth population

(age 10-17), they made up 82 percent of admissions to Lincoln Hills and Copper Lake Schools in 2016. Black youth in particular made up over 70 percent of youth committed to juvenile correctional facilities in 2017.^{xxv} While correctional facilities do not have exclusive control over which youth enter the front door, facilities that engage with youths' families and communities, offer culturally competent programming, and employ racially and ethnically diverse staff^{xxvi} that reflect the youth they are serving have the ability to produce better outcomes than those that do not.^{xxvii} This issue must be addressed within these facilities or inequitable justice will persist. Other states have seen positive outcomes with investments in "culturally competent community-based alternatives to out-of-home placement".^{xxviii} In the states that have adopted culturally competent practices, they have observed lower recidivism rates and lower financial costs.^{xxix} In addition, the staff of facilities should be diverse in terms of race, gender, and ethnicity to reflect the youth that they are serving.^{xxx} Without a diverse staff, there is a disconnect between diversity and cultural understanding, making community reintegration more difficult when juveniles are released.^{xxxi}

Along with the evidence-based recommendations listed above, the GJJC urges the Study Committee to familiarize itself with both the Youth in Custody Practice Model (YICPM) Guide published by the Council of Juvenile Correctional Administrators and the Center for Juvenile Justice Reform at Georgetown University and The Conditions of Confinement document published by The Annie E. Casey Foundation. The YICPM Guide is a guide to best practice in Youth Corrections while the Casey document includes a comprehensive list of "major areas of institutional conditions and practices" including classification and separation issues; health and mental health care; access to counsel, the courts, and family; programming, education, exercise, and recreation; training and supervision of institutional staff; environment, sanitation, overcrowding, and privacy; restraints, isolation, punishment, and due process; and safety issues for staff and confined children.^{xxxii} These seven major areas are critical to ensuring that a facility is tailored to the needs of the juveniles that it serves. These areas of concern must be constantly kept in mind and viewed through the context of the disparate youth of color that are incarcerated.^{xxxiii} Data collection is an essential precursor to reducing racial and ethnic disparities.

Data Collection and Performance-Based Standards

Performance-based Standards (PbS) is a data-driven improvement model grounded in research that holds juvenile justice agencies, facilities and residential care providers to the highest standards for operations, programs and services. Currently, Lincoln Hills and Copper Lake Schools are two of hundreds of facilities in 27 states that participate in PbS. The new facilities should similarly subscribe to the PbS process in order to be positioned to make data-informed decisions and to monitor the progress of their changes.

This is a crucial and opportune time for DOC and DCF to work together in developing an improved juvenile justice system using shared resources and expertise to ensure success. The structure and delivery of programming that the Study Committee recommends will shape the services provided to the population of Wisconsin youth who enter the justice system for years to come. The GJJC strongly recommends that the Study Committee rely on research on what has proven to be effective in juvenile corrections and set up standards with desired outcomes that will enable the evaluation of the new juvenile correctional facilities. The GJJC further urges the

Study Committee to consider holding a series of public hearings to gain feedback from youth, their families, citizens, and counties.

The GJJC intends to submit a second letter in regard to recommendations for Type 1 juvenile correctional facility location, size, and structure prior to the November 1, 2018 deadline.

Please do not hesitate to reach out for any assistance you need from the Governor's Juvenile Justice Commission. (A list of the GJJC Members is attached.)

Sincerely,



Kathy Malone
Chair, Governor's Juvenile Justice Commission

ⁱ Rovner, J. n.d. *Repurposing: New Beginnings for Close Prisons*. Retrieved from <https://www.sentencingproject.org/wp-content/uploads/2016/12/Repurposing-New-Beginnings-for-Closed-Prisons.pdf?eType=EmailBlastContent&eld=3e297e10-32be-44f7-89bb-f6897f51fecc>

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