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ADMINISTRATOR'S MEMO TO COUNTIES

MEMO # 14-10
Revised 11-10-14

DATE: October 28, 2014
TO: County Departments of Human/Social Services Directors
FROM: Cari J. Taylor, Administrator 
SUBJECT: Serious Juvenile Offender Program

For county agencies, courts and local communities seeking an effective response to juvenile crime, the Serious Juvenile Offender Program is an available option in certain cases. Compared to the standard one- to two-year juvenile corrections order, the Serious Juvenile Offender (SJO) disposition offers a longer period of supervision, normally five years. The Department of Corrections (DOC) Division of Juvenile Corrections provides SJO youth with a full range of juvenile correctional services in both secure institutions and community placement settings. The cost of SJO services is paid entirely by the state, and the Department does not bill county Youth Aids funds once an SJO youth is committed to DOC.

This memo is a reminder that the SJO disposition should be considered in cases where eligible youth may require an extended period of supervision and services in order to protect the public, provide appropriate consequences for significant law violations, and help youth to gain skills for future success. We hope the attached reference materials will be helpful in this regard. A list of contact persons is also attached should you have questions concerning the SJO Program.

cc: Edward F. Wall, Secretary, DOC
Deirdre Morgan, Deputy Secretary, DOC
Scott Legwold, Assistant Deputy Secretary, DOC
Fredie-Ellen Bove, Administrator, DCF/DSP
Ron Hermes, Director, Bureau of Permanence and Out of Home, DCF/DSP
Emily Tofte, Section Chief, Child Welfare Licensing Section, DCF/DSP
John Tuohy, Director, Bureau of Regional Operations, DCF/DES
Bill Hanna, DHS Area Administrator
Greg Van Rybroek, Director, DHS/MJTC
DHS/DCF Area Administrators
DHS/DCF Human Service Area Coordinators
DOC/DJC Management staff
County Youth Aids contacts
Court-attached juvenile court intake offices

**Wisconsin Division of Juvenile Corrections
Serious Juvenile Offender Program
Questions and Answers**

1. Who is eligible to participate in the Serious Juvenile Offender Program?

The juvenile court has the option to place an adjudicated delinquent into the Serious Juvenile Offender (SJO) Program under s. 938.34 (4h) if:

- The youth is age 14 or older and has been adjudicated delinquent for having committed an offense that would be punishable as an eligible felony [see table] if committed by an adult; or the youth is age 10 or older if the offense was a violation or attempted violation of s. 940.01 (first-degree intentional homicide), or a violation of ss. 940.02 (first-degree reckless homicide) or 940.05 (second-degree intentional homicide); and
- The court finds that the only other disposition appropriate for the youth is placement in a secured correctional facility under s. 938.34 (4m).

2. How does DOC administer the Serious Juvenile Offender Program?

Facilities and programs: SJO Program participants have the same program options as all other juveniles placed with the department. After the initial 30-day reception period at a secured juvenile correctional institution designated by the court, SJO youth are placed in the living unit at the secured juvenile correctional institution that best meets their educational, programming and security needs. Lincoln Hills School, Copper Lake School for Girls, the Mendota Juvenile Treatment Center and the Grow Academy all are available to provide programming for SJO youth. All decisions on movement between SJO Program components involve the Office of Juvenile Offender Review. When placed in the community, SJO participants are supervised under the Corrective Sanctions model, including electronic monitoring, as long as is appropriate. SJO youth in the community are on "Type 2" secured correctional facility status, and thus can be moved within the range of program components by administrative transfer [s. 938.538 (4) (b)].

Minimum and maximum incarceration periods: Youth in the SJO Program must have a minimum confinement period of one year if adjudicated delinquent for an offense that would be a Class A felony if committed by an adult. [s. 938.538 (3) (a) 1] Youth adjudicated delinquent for an offense that would be a Class B or lower felony if committed by an adult may be placed in a secured correctional facility for no more than three years of their five-year SJO disposition. [s. 938.538 (3) (a) 1] Note that in practice, youth placed in the SJO Program for a Class A felony-type offense have been retained in a Type 1 secured correctional facility for far longer than the one-year minimum. The Legislature reclassified two serious child sex crimes as Class A felony offenses – see table below.

3. What characteristics of a youth would make her or him appropriate for the Serious Juvenile Offender program?

Public safety and youth accountability are important in determining whether a youth should be placed in the SJO Program. As noted above, a youth must have been adjudicated delinquent for an offense that would be a serious felony if committed by an adult. The longer duration of the SJO order allows for greater control over the placement and behavior of youth who present a danger to their communities for a longer period of time than would be possible under a standard juvenile court commitment. Program needs also are important factors to consider. As an alternative to waiver to adult court, the juvenile court may wish to impose the SJO disposition to assure that a youth receives age-appropriate educational and program interventions within the juvenile correctional system, while still receiving a sanction of a significant duration. Because youth placed in the SJO Program are in "Type 2" secured correctional facility status, the DOC may place or re-place them in any component of the program through administrative transfer, including return to a Type 1 secured correctional facility, thus making consequences for rules violations more swift and certain.

4. How is the Serious Juvenile Offender Program funded?

Unlike other state juvenile correctional services, the Department does not bill county Youth Aids funds for services to SJO Program participants. The state bears the cost of both institutional and community supervision services throughout the duration of the SJO order. If the Department is billed for holding an SJO youth in secure detention, responsibility for payment will be transferred to the committing county.

5. What are the specific requirements for a Serious Juvenile Offender Program dispositional order?

Duration of order: A youth given the SJO disposition for committing a Class A felony offense must be placed with DOC until the youth attains age 25. A youth whose committing offense is a Class B or lower felony must receive an order of 5 years in duration [s. 938.355 (4) (b)].

Original disposition: The placement of a youth in the SJO Program must occur at the time of the original dispositional order. The court cannot issue an original order that does not place the youth in the SJO Program and later place the youth in SJOP for the same delinquent offense. A stayed order for the SJO disposition, imposed when the stay is lifted by the court, is an original order for this purpose.

Wording of order: There is no special language needed to effect a dispositional order for the SJO Program. SJO court orders may read "Commit youth to the Department of Corrections for participation in the Serious Juvenile Offender Program for five years (or to age 25)."

**Division of Juvenile Corrections
Serious Juvenile Offender Program Contact Persons
Updated 11-10-14**

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**Serious Juvenile Offender Program
 Eligible Offenses – Wisconsin Statutes**

Offenses for which a youth age 14 and older can be placed in SJOP

Class	Statute	Description of Offense
B	939.32 (1)(a)	Attempt to commit crime for which penalty is life imprisonment
*	940.03	Felony murder: death results in act of committing other certain crimes
D	940.06	Reckless homicide, 2 nd degree
C	940.21	Mayhem
B	940.225 (1)	Sexual assault, 1st degree
B	940.305 (1)	Taking hostages
C	940.305 (2)	Taking hostages, releasing unharmed before arrest
C	940.31 (1)	Kidnapping
B	940.31 (2)(a)	Kidnapping with intent to transfer property
C	940.31 (2)(b)	Kidnapping with intent to transfer property; victim released without permanent injury before trial
C	941.327 (2)(b)4.	Tampering with household products resulting in death
C	943.02	Arson
E	943.10 (2)	Burglary, armed or with commission of a battery
C	943.23 (1g)	Operating vehicle without owner's consent, use of dangerous weapon
C	943.32 (2)	Robbery, armed; includes attempted armed robbery
A	948.02 (1)(am)	Sexual contact or intercourse with a child under age 13, causes great bodily harm
B	948.02(1)(b)	Sexual intercourse with a child under age 12
B	948.02(1)(c)	Sexual intercourse with a child under age 16 by use or threat of force or violence
B	948.02(1)(d)	Sexual contact with a child under age 16 by use or threat of force or violence if actor is at least age 18
B	948.02(1)(e)	Sexual intercourse or contact with a child under age 13
A	948.025 (1)(a)	Repeated acts of sexual assault of same child; at least three were violations of s. 948.02(1)(am)
B	948.025(1)(b)	Repeated acts of sexual assault of same child; at least three were violations of s. 948.02(1)(am), (b) or (c)
B	948.025(1)(c)	Repeated acts of sexual assault of same child; at least three were violations of s. 948.02(1)(am), (b), (c) or (d)
B	948.025(1)(d)	Repeated acts of sexual assault of same child; at least three were violations of s. 948.02(1)
C	948.025(1)(e)	Repeated acts of sexual assault of same child; at least three were violations of s. 948.02(1) or (2)
C	948.30 (2)	Abduction of another's child, use of or threat of force

Offenses for which a youth age 10 and older can be placed in SJOP

Class	Statute	Description of Offense
A	940.01	1st degree intentional homicide; committing
B	940.01	1 st degree intentional homicide, attempting
B	940.02 (1) or (1m)	1st degree reckless homicide; committing in a manner showing utter disregard for human life or an unborn child
C	940.02 (2)	1st degree reckless homicide, committing under certain circumstances
B	940.05 (1) or (2g)	2nd degree intentional homicide, committing

* s. 940.03 is an unclassified felony