



JUVENILE CORRECTIONS STUDY COMMITTEE

MEETING MINUTES – JULY 25, 2018

Location: Wisconsin Department of Corrections
3099 East Washington Ave
Madison, Wisconsin 53707

Meeting Called to Order

Cathy Jess, Secretary, Department of Corrections

Secretary Cathy Jess called the meeting to order and requested roll call.

Attendance/Roll Call

Glen A. Mercier II, Department of Corrections

Roll call was conducted by Glen Mercier II. The following members were present.

Secretary Eloise Anderson, Department of Children & Families
Representative Mark Born, Wisconsin State Assembly
Honorable M. Joseph Donald, Milwaukee County Circuit Court
Ms. Marye Beth Dugan, Nehemiah Project, Executive Director
Ms. Emilie Amundson *for* Superintendent Tony Evers, Department of Public Instruction
Sheriff Joseph Fath, Vilas County
Representative Evan Goyke, Wisconsin State Assembly
Superintendent Ed Kamin, Racine Juvenile Detention Center
Director Kris Korpela, Department of Human Services, Dunn County
District Attorney David Lasee, Brown County
Chief of Police Greg Leck, City of Stoughton
Mr. Mark Mertens, Division of Youth & Family Services, Milwaukee County
Mr. Fred Royal, President, NAACP Milwaukee
Sheriff Dale K. Schmidt, Washington County
Representative Michael Schraa, Wisconsin State Assembly
Secretary Linda Seemeyer, Department of Health Services
District Attorney Melinda Tempelis, Outagamie County
Mr. Adam Plotkin *for* State Public Defender Kelli Thompson
Senator Van Wanggaard, Wisconsin State Senate
Mr. Carl Wesley, President, Center for Self-Sufficiency
Secretary Cathy Jess, Department of Corrections

The following members were present via teleconference.

Senator Alberta Darling, Wisconsin State Senate
Mr. Mike Dempsey, Executive Director, Council of Juvenile Correctional Administrators
Honorable William Domina, Waukesha County Circuit Court Judge
Senator Lena Taylor, Wisconsin State Senate

The following facilitators were present but not identified during roll-call.

Shay Bilcheck, Director, Center of Juvenile Justice Reform

Karley Downing, Assistant Deputy Secretary, Department of Corrections

Wendy Henderson, Director, Bureau of Youth Services, Department of Children and Families

Shelby McCulley, Assistant Administrator, Division of Juvenile Corrections, Department of Corrections

Introduction of Members

Eloise Anderson, Secretary, Department of Children & Families

The co-chairs of this committee are Secretary Jess and Secretary Anderson. Secretary Jess will be the primary facilitator for this meeting. The open meetings law was discussed and Secretary Anderson explained the limitations concerning the use of video and phone use during the meeting. She also stated that notices were appropriately posted about this meeting. Secretary Anderson reviewed the committee membership structure as outlined in [Act 185](#) and identified the appointed members of the committee.

2017 Act 185 Role	Appointed Member
DOC Secretary	Secretary Cathy Jess
DCF Secretary	Secretary Eloise Anderson
DHS Secretary	Secretary Linda Seemeyer
Superintendent of Public Instruction	Superintendent Tony Evers
State Public Defender	State Public Defender Kelli Thompson
Three State Representatives	Representative Mark Born Representative Evan Goyke Representative Michael Schraa
Three State Senators	Senator Alberta Darling Senator Lena Taylor Senator Van Wangaard
Two circuit court judges	Judge William Domina Judge M. Joseph Donald
Two district attorneys	D.A. David Lasee D.A. Melinda Tempelis
Two representatives of law enforcement agencies	Sheriff Joseph Fath Chief of Police Greg Leck
Sheriff	Sheriff Dale Schmidt
Organization focusing eliminating race-based discrimination	Mr. Fred Royal
Nonprofit focusing on juvenile justice	Ms. Marye Beth Dugan
Nonprofit for juvenile best practices	Mr. Mike Dempsey
Representatives from county departments	Superintendent Ed Kamin Administrator Mark Mertens Director Kris Korpela
Formerly involved with the Department of Corrections	Mr. Carl Wesley

Scope of Meeting

Cathy Jess, Secretary, Department of Corrections

Eloise Anderson, Secretary, Department of Children and Families

Handout: [Meeting Agenda](#)

Secretary Jess welcomed everyone to Department of Corrections Central Office and thanked the committee members for adjusting their busy schedules for this important meeting. This is a large group and there is a large task ahead. Secretary Jess gave an overview of the agenda and explained that a break is built into the agenda but there may be changes due to time constraints. Meeting agenda items include the following.

- Introduction of Members
- Scope of Meeting
- Overview of Youth Justice System
- Act 185 Overview
- Stakeholder Involvement Update and Future Plan
- Overview of Draft Emergency Rule
- Overview of Youth in Custody Practice Model
- Committee Recommendation Process
- Future Meeting Dates

Handout: [Act 185 Study Committee Overall Approach](#)

Secretary Jess presented a visual timeline of committee tasks for July to November. In accordance with Wisconsin [2017 Act 185](#), this committee has two deliverables.

1. Committee recommendations for permanent administrative rules for Secure Residential Care Centers for Children and Youth – The committee’s focus for today’s meeting will be on this topic.
2. Location of new Type 1 facility – This will be discussed in more detail at future meetings.

Handout: Committee Meeting Availability Worksheet

Secretary Anderson provided a handout and asked committee members to identify dates they were available for future meetings. Committee members participating via conference call received this handout via email. Secretary Anderson asked committee members to make it to all the meetings because this is an important issue. She thanked committee members for coming.

Secretary Jess provided additional comments – She is looking forward to this opportunity to rebuild the juvenile correction system with the committee and other participants in the community. This is about what is best for the youth, their welfare, and their future.

Overview of Youth Justice System

Wendy Henderson, Bureau Director, Youth Services, Department of Children and Families

Secretary Anderson introduced Wendy Henderson, Director of Youth Services with the Department of Children and Families. She is charged with overseeing the youth justice system.

Handouts:

- [Youth Justice and Juvenile Corrections in Wisconsin](#)
- [Wisconsin's Youth Justice and Juvenile Corrections System](#).

Director Henderson introduced herself and share an experience she had with youth in a correctional setting. She discussed [938.01 \(2\), Stats](#) – the juvenile delinquency system is not just a criminal justice system. There are three key components to balanced and restorative justice – community safety, competency development, and accountability.

Director Henderson presented data including the number of youth ages 10-16 in Wisconsin (518,263), number of juvenile arrests in Wisconsin (39,825), the number of delinquency adjudications (3,829), and the number of new youth committed to juvenile corrections (162). Juvenile arrests have been trending downward since 2008. Director Henderson discusses the continuum of Wisconsin's youth justice system from prevention services, diversion services, adjudication, and correctional placement. Act 185 identifies three options for juvenile correctional placement.

1. Secure Residential Care Centers for Children and Youth – County or other agency.
2. Type 1 facilities – Department of Corrections.
3. Mendota Juvenile Treatment Center – Department of Health.

Questions/Discussion:

- There needs to be a correctional finding to send youth to a Secure Residential Care Center. Will some youth with correctional placement be grandfathered in?
- How is movement between facilities determined? Youth can be moved between facilities. Sometimes a hearing is required.

Community-based delinquency orders – home or out of home placement, shelter care, group homes, etc., will not change as a result of [Act 185](#). What will change is placement to a Type 1 facility and Secure Residential Care Center for Children and Youth.

The majority of youth are served through community-based, non-correctional services and placement. The Department of Children and Families responsibilities include standards of practice, training, data collection and analysis, program monitoring, technical assistance, and fiscal administration.

The current youth justice system encompasses youth with a variety of primary needs other than delinquent behavior. A new approach would ensure youth are served in the appropriate system and are not brought into the youth justice system in order to address other primary needs.

The department's initial work is on human behavior change, risk/needs assessments (state-wide), modernized training/innovation, and data collection.

Questions/Discussion:

- Is there a matrix to determine what youth need in the system? The department is working on an evidence-based assessment and is collaborating with national consultant. The department is also working on diversion policy to determine who is less likely to reoffend.
- The DOC ensures tools, systems, programs, services, etc., are current and evidence-based.

- Risk and need assessment tools were gathered from counties and considered for inclusion in a state-wide tool.

Wisconsin 2017 Act 185 Overview

Karley Downing, Assistant Deputy Secretary, Department of Corrections

Secretary Jess introduces Assistant Deputy Secretary Karley Downing.

Handout: [Wisconsin 2017 Act 185 – Overview and Update](#)

Assistant Deputy Secretary Downing provided a presentation summarizing major provisions of Act 185 and areas of responsibility. Major provisions of Act 185 include Type 1 facility dispositions, establishing Secure Residential Care Centers for Children and Youth, expands Mendota Juvenile Treatment Center by at least 29 beds, and converts Lincoln Hills and Copper Lake schools to adult correctional facilities. She further discussed funding distribution for these facilities. Approval from the Joint Committee on Finance is required. She also provides an overview of the changes of placement and briefly describes the three ways to transfer between facility types.

[Act 185](#) also creates two committees: the Juvenile Corrections Study Committee and the Juvenile Corrections Grant Committee. Assistant Deputy Secretary Downing reviews the membership requirements and roles of both committees. The Juvenile Corrections Study Committee will make recommendations to the Department of Corrections on administrative code related to Secure Residential Care Center programming and services. They will also make recommendations on a new location for a Type 1 facility. The Juvenile Corrections Grant Committee will establish requirements, guidelines and criteria for Secure Residential Care Center grants, review grant applications, recommend state-wide plan for Joint Committee on Finance approvals, and oversee the progress of grant funded projects.

Assistant Deputy Secretary Downing identified some key dates for 2017 Act 185.

- September 1, 2018 – Juvenile Correction Study Committee recommendations for services and programming in for Secure Residential Care Center recommendations are due to the Department of Corrections.
- November 1, 2018 - Juvenile Correction Study Committee recommendations for Type 1 facility locations are due to the Department of Corrections.
- December 31, 2018 – Emergency rule for Secure Residential Care Centers for Children and Youth will be effective.
- March 1, 2019 - Secure Residential Care Center grant applications are due to the Juvenile Corrections Grant Committee.
- July 1, 2019 - Juvenile Corrections Grant Committee submits plan to the Joint Committee on Finance.
- January 1, 2021 – Youth are transferred from Copper Lake and Lincoln Hills Schools to new type 1 facilities and Secure Residential Care Centers.

Questions/Discussion:

The Office of Detention Facilities is responsible for promulgating administrative rules for Secure Residential Care Centers. This rule will involve programming, services, design, construction, and maintenance standards. A statement of scope for the emergency rule has been approved by the Governor. The Office of Detention Facilities

will regulate and provide oversight of Secure Residential Care Centers for Children and Youth. A workgroup is currently working on drafting the emergency rule so counties are aware of what is required.

Questions/Discussion:

- The 40 million dollar grant program is for design and construction of facility. Is the funding for program/services all inclusive?
- There were concerns about Milwaukee County which were referred to Legislature.

The Division of Juvenile Corrections will establish and operate Type 1 facilities. The Department of Health Services will expand Mendota Juvenile Treatment Center. Operating costs will be included in the both agency's 2019-2021 budget request. Counties and tribes will establish and operate Secure Residential Care Centers. They may be individual, joint, or contracted with another county, tribe, or a child welfare agency. Counties and tribes will supervise youth on correctional placements under [938.34 \(4m\), Stats](#).

Questions/Discussion:

- The Division of Juvenile Corrections has been working on what Type 1 facilities will look like. They have made improvements at Lincoln Hills and Copper Lake schools using research and evidence-based principles. Mike Dempsey and his organization are a part of this committee, which will be discussed further in the meeting. The department hopes to receive public input and committee member feedback so decisions are made collectively.
- Health care for Secure Residential Care Centers for Children and Youth should also be considered.
- There was a concern that decisions are already made and committee would be charged with buy-in on those decisions.

Stakeholder Involvement Update and Future Plan

Shelby McCulley, Assistant Division Administrator, Division of Juvenile Corrections, Department of Corrections

Secretary Jess introduces Assistant Administrator Shelby McCulley.

Assistant Administrator McCulley discusses the importance of asking the right questions to receive meaningful feedback regarding evidence-based practices, correctional placement for youth, funding, and operating budgets. Assistant Administrator McCulley provided an overview of her handout.

Handouts:

- [Act 185 Initial Stakeholder Input Themes](#)
- [Act 185 Initial Stakeholder Input Gathering Plan](#)

Assistant Administrator McCulley reviewed common stakeholder interests. County and other local agencies express a strong interest in the implementation of 2017 Act 185 and the development of local Secure Residential Care Centers for Children and Youth. Coordination and communication will be an important part of this effort.

The [Act 185 webpage](#) will be located on DOC's public website. This is a place for the public, committee members, and stakeholders to provide input and feedback regarding Act 185 issues.

It is important to identify what stakeholder groups the committee and departments should reach out to. Assistant Administrator McCully requested the members of the committee write down stakeholder group suggestions on provided note cards. Members can also submit suggestions on using the [contact form](#) on the website.

Questions/Discussion:

- We need to ensure we deliberately engage with individuals who have been through the juvenile system. The Departments of Correction and Children and Families are actively engaging with youth.
- It is important to establish core principles and values of what programs and services should or should not include and share it with the public. We are looking at transforming the system, not just rearranging the current system.

Committee Break

Secretary Jess directed a break at 11:00 a.m. for 10 minutes. Meeting continued at 11:10 a.m.

Emergency Rule Overview –DOC 347 – Secure Residential Care Centers for Children & Youth

Karley Downing, Assistant Deputy Secretary, Department of Corrections

Handouts:

- [Key Dates for 2017 Act 185](#)
- [Emergency Rule Statement of Scope relating to Secure Residential Care Centers](#)

Assistant Deputy Secretary Downing reviewed the key dates for [Act 185](#) that she introduced in her previous presentation. She summarized the department's Statement of Scope for the creation of Chapter 347, relating to Secure Residential Care Centers for Children and Youth. Objectives of the scope include programing, services, design, constructions, etc. She briefly introduced overarching themes of the emergency rule but emphasized the department will receive and consider public input.

Question/Discussion:

- Is there room for community involvement for Secure Residential Care Centers for Children and Youth? This will be discussed at the next portion of this meeting.
- When will public input be incorporated? Per statute, a public hearing for the emergency rule will occur after the rule is promulgated; however, as Assistant Administrator McCulley discussed, the DOC will request stakeholder participation and feedback for the emergency rule during the drafting stage.
- Who is collecting data? How can we ensure it is being used and that the data is meaningful? The information being collected will be in the rule. Standards will be established. What is measurable? How will it be collected? What are the signs of a successful facility?

Overview of the Youth in Custody Practice Model

Mike Dempsey, Executive Director, Council of Juvenile Correctional Administrators

Shay Bilchick, Director, Center of Juvenile Justice Reform

Handouts:

- [The Youth in Custody Practice Model Initiative](#)
- [Youth in Custody Practice Model: An Abbreviated Guide](#)
- [How to Get the Most Out of Risk Assessment in Juvenile Justice](#)
- [Improving the Effectiveness of Juvenile Justice Programs](#)
- [Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development](#)

Mr. Dempsey provided an overview of both the Council of Juvenile Correctional Administrators and the Center of Juvenile Justice Reform. He introduced himself and Mr. Shay Bilchik. Mr. Bilchik stated that their goal is to identify what works to reduce recidivism and assist in achieving positive outcomes. The video, [Youth in Custody Practice Model](#), is presented to the committee.

Questions/Discussion:

- *Question:* Do you have a list of questions that could be put into a matrix to identify risk factors for youth that are incarcerated? *Answer:* This is already implemented in risk assessments that Wisconsin is already using. However, the organization can provide the department with further information.
- *Question:* What states have implemented this model and what are some positive/successful outcomes? *Answer:* Locations identified the practice model was created four years ago. Every element in the practice model is research based.
- *Question:* What is the flexibility of this model with how the state could define and construct security within facilities? *Answer:* The model could be applied to a specific level of security. There is great flexibility regarding security types.

Mr. Mike Dempsey and Shay Bilchik stated that they are available to the committee and believe that Wisconsin could be a model for the program. Secretary Cathy Jess stated that Mike Dempsey is also a participating member of the committee. Act 185 requires the committee consults with at least one organization regarding best practices for youth in custody.

MOTION by Secretary Jess:

Move for Juvenile Corrections Study Committee to partner with the Council of Juvenile Correctional Administrators and the Center for Juvenile Justice Reform, to use their resources to assist in making recommendations around secure custody programs and services.

Seconded by Administrator Mark Mertens.

Discussion: Are there are other options? Are there other organizations that offer similar services? This is one organization being presented today but there may be others. Structure of the contract and technical assistance with the Center of Juvenile Justice Reform was also discussed. These organizations would provide technical assistance to the committee. Wisconsin 2017 Act 185 requires the Juvenile Corrections Study Committee to consult with an organization on best practices for holding juveniles in secure custody. The department has contracted with this group previously for assistance on Type 1 facilities, not Secure Residential Care Centers for Children and Youth. The purpose of the motion is for the Juvenile Corrections Study Committee to educate the

committee on operations, programs, services, best practices, and developmental approaches for youth in custody.

MOTION PASSED unanimously

Committee Recommendation Process

Secretary Cathy Jess, Department of Corrections

Information regarding Act 185 can be sent to the department's general email address. The department will have another email address specific for Act 185 in the next few days (DOCWIAct185@wisconsin.gov). Secretary Jess stated that a [letter from Governor's Juvenile Justice Committee](#) was received and it will be posted to the [Act 185 webpage](#). Additional meeting information and handouts will be posted as well. The webpage will also include a [contact form](#) for people to ask questions and provide input.

Question/Discussion:

- Will there be a draft emergency rule for review at the next meeting? There is a rule workgroup established and they are currently working on drafting the rule.
- Future meeting topics may include experience from juvenile facility visits, guiding principles, programs, and services, and stake holder feedback sessions.

Future Meeting Dates

Secretary Eloise Anderson, Department of Children & Families

Return meeting availability worksheets to Secretary Anderson before committee members leave. Assistant Administrator Shelby McCulley asked the committee members to return notecards to the back table.

Meeting is adjourned at 12:31pm.