



JUVENILE CORRECTIONS STUDY COMMITTEE

MEETING MINUTES – SEPTEMBER 14, 2018

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

MEETING CALLED TO ORDER

Secretary Eloise Anderson, Department of Children and Families

Secretary Anderson opened the meeting and requested roll call.

ATTENDANCE/ROLL CALL

Glen A. Mercier II, Department of Corrections

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

Representative Mark Born, Wisconsin State Assembly
Senator Alberta Darling, Wisconsin State Senate
Honorable M. Joseph Donald, Milwaukee County Circuit Court
Ms. Marye Beth Dugan, Nehemiah Project, Executive Director
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. Fred Royal, President, NAACP Milwaukee
Sheriff Dale K. Schmidt, Washington County
Representative Michael Schraa, Wisconsin State Assembly
Secretary Linda Seemeyer, Department of Health Services
Zach Benson for Senator Lena Taylor, Wisconsin State Senate
District Attorney Melinda Tempelis, Outagamie County
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
Secretary Eloise Anderson, Department of Children & Families

The following members were present via teleconference.

Mr. Mike Dempsey, Executive Director, Council of Juvenile Correctional Administrators

The following members were not present.

Honorable William Domina, Waukesha County Circuit Court Judge
Administrator Mark Mertens, Division of Youth & Family Services, Milwaukee County

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

RJ Binau, Director, Bureau of Capital Budget & Construction Administration, Department of Administration
Kristi Dietz, Director, Office of Detention Facilities, Department of Corrections
John Klenke, Administrator, Division of Facilities Development & Management, Department of Administration
Shelby McCulley, Assistant Administrator, Division of Juvenile Corrections, Department of Corrections

APPROVAL OF MINUTES

Secretary Cathy Jess, Department of Corrections

Secretary Jess stated that the open meeting notice was posted. Meeting minutes were sent out to the committee for review on September 12th.

Discussion: Meeting minutes from August 28th meeting did not capture the committee member's name who moved to approve meeting minutes from August 20th.

MOTION by Judge M. Donald.

Judge M. Donald renewed a motion from August 28th - Move to accept meeting minutes from August 20th.

Seconded by Representative Evan Goyke.

On August 28th, this motion Passed without dissent.

MOTION by Kelli Thompson.

Move to accept August 20th meeting minutes.

Seconded by Eloise Anderson.

Motion Passed without dissent.

AGENDA REVIEW & MEETING SCOPE

Secretary Eloise Anderson, Department of Children and Families

Secretary Anderson briefly discussed the purpose of meeting, reviewed the committee's charges, and discussed the purpose of upcoming meetings. This meeting will set the stage to provide information regarding Type 1 facilities and determine an approach to making recommendations to the Department of Corrections. The next meetings will be dependent on how the committee decides to move forward.

Secretary Anderson reviewed the meeting agenda. Secretary Jess introduced Kristi Dietz, Director of Office of Detention Facilities, who will provide the first presentation.

OVERVIEW OF OFFICE OF DETENTION FACILITIES

Kristi Dietz, Director, Office of Detention Facilities, Department of Corrections

Handout: Office of Detention Facilities Slides

Director Kristi Dietz introduced herself and thanked the committee for their time. She presented a high level overview of the Department of Corrections by utilizing the department organizational chart. Under the Deputy Secretary, Stephanie Hove, there are four divisions. One of which includes the Division of Juvenile Corrections who oversee juveniles and staff. The Office of Detention Facilities falls under the Assistant Deputy Secretary's supervision. There is supervisory separation between the department's program divisions and the Office of Detention Facilities. The Office of Detention Facilities has 6.5 FTE positions, five of which are regional inspectors who work in partnership with the stakeholder of county run facilities such as the jails, secure juvenile detention facilities and local municipalities operating municipal lockups, etc.

Handout: Excerpt from Chapter 301, Wis. Stats.

Wis. Stats §301.37 provides oversight to the department for local detention facilities including county jails, houses of correction, secure juvenile detention facilities, unlocked Huber facilities, municipal lockups, and secure residential care centers for children and youth. The department establishes reasonable standards for design construction repair maintenance, operation and management of these facilities.

The department posts the most recent annual inspection of all facilities we inspect on the public website. The inspection reports provide for transparency of the department and also provide insight regarding the provisions that must be maintained when operating a detention facility in Wisconsin. The Office of Detention Facilities works to message correctional best practices.

Discussion:

- Whoever is running an SRCC facility, they will be accountable to the administrative rule.
- The Office of Detention Facilities works closely with staff with the Department of Children and Families.
- Has the Office of Detention Facilities visited the Duluth facility? Consistent with state statute, if Wisconsin county has a contract with the Arrowhead regional facility located in Duluth, MN (3 counties do) we inspect that facility annually and have done so for several years.
- Is there going to be flexibility with facilities? The department is asking questions to find out what the needs are. The department is trying to provide flexibility while incorporating nationally recognized best practice standards, case law, etc. We have to be mindful when drafting the rule that it works to provide for a safe environment and enables positive outcomes for those who are placed there.
- A committee member stated that they have worked with Office of Detention Facilities and appreciates their hard work and partnership mindset.
- What goes into an inspection? Inspections are based on administrative rules. The Office of Detention Facilities evaluates the conditions of confinement based on the administrative rule requirements which include the facility's policies as required in the rule.
- Do reports include use of force or other issues? There are incidents that have to be reported to the Office of Detention Facilities, such as a death in custody or suicide. The inspectors do review use of

force incidents as part of the annual inspection or as deemed necessary. The rule provides for use of force provisions that facility staff must follow as a minimum standard.

- The Office of Detention Facilities shares resources from other agencies (such as checklists after a use of force occurs) and shares promising practices with other agencies within our state.
- A committee member stated that they communicate with jail inspectors regularly. Inspectors ask pointed questions but they are also a great resources. They consider them a partner to help do things the best way they possibly can. They are not there just for the annual inspection once a year. They probably see inspectors 5-6 times a year unannounced.

Secretary Jess stated that Director Dietz and her staff are involved in drafting the emergency administrative rule for Secure Residential Care Centers for Children and Youth. The workgroup is collaborating with the Department of Children and Families, reviewing the committee recommendations recently received for programs and services, and other information received during input session for other groups. The goal is to use the rule to help develop Secure Residential Care Centers for Children and Youth.

JUVENILE POPULATION DATA

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

Handouts: Juvenile Corrections Population Data

Assistant Administrator McCulley provided the committee with a handout titled *Juvenile Corrections Population Data*. The report uses average daily population, or ADP, rather than data from a single point in time. In most cases, the data is from the most recent full five year period, 2013 through 2017, as well as the more recent six month period of January through June 2018.

Assistant Administrator McCulley briefly discussed the following data in the report.

- Figure 1 - Historical trends in statewide ADP, all juvenile corrections facilities youth
- Tables 1-2 – All juvenile corrections facilities youth statewide, by facility and commitment type
 - All juvenile corrections facilities youth, by county
 - Table 3 – All counties, alphabetical
 - Table 4 – Top 10 by percent state total
 - Figure 2 – Maps: By average, January to June 2018
- SJO and adult commitment youth, by county
 - Table 5 – All counties, alphabetical
 - Table 6 – Top 10 by % state total
 - Figure 3 – Maps: By average, January to June 2018
- Female youth
 - Table 7 – Statewide, by commitment type
 - Table 8 – Serious juvenile offender and adult females, all counties, alphabetical
 - Table 9 – Serious juvenile offender and adult females, top counties by percent state total

Discussion:

- We are not entirely sure why there was a slight increase in 2014.
- The numbers are too small to identify geographic trends.

- The committee discussed other reports that would be useful Department staff made note of these reports.

STAKEHOLDER INPUT TYPE 1 FACILITIES

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

Handout: Stakeholder Input Gathering Update Slides

Assistant Administrator McCulley provided a review and update of Act 185 stakeholder input gathering activities. Her presentation and an input gathering summary document from the last meeting are posted to the Act 185 webpage. Stakeholder input gathering efforts continue, with additional meetings and sessions being scheduled (including a session in Milwaukee). Input is encouraged through the website or by contacting the department directly for in-person or phone meetings.

Assistant Administrator McCulley briefly reviewed the input gathering questions that were asked at the sessions. Common themes regarding Type 1 facility locations included:

- Location(s) in Milwaukee and/or Southeastern Wisconsin.
- Consider proximity to families and community resources.
- Smaller facilities.
- Wings or pods within facilities.
- Attention to overall capacity and future needs.

Discussion:

- Will facilities specialize in certain areas or will they all operate the same? There has not been a decision on having specialty facilities.
- Will lower risk youth be comingled with higher risk youth? This is something we have to consider. We also have to look at age, programming needs, etc.
- Judges cannot directly send a child to Mendota Juvenile Treatment Center.
- It is important to look at the continuum of care. There may be a need to web both systems together – child welfare and juvenile justice.

BREAK

The committee took a 15 minute break.

OVERVIEW OF STATE BUILDING PROGRAM

RJ Binau, Director, Bureau of Capital Budget & Construction Administration, Department of Administration

Secretary Jess introduced RJ Binau and discussed his role.

Handout: Overview of State Building Program Slides

Director Binau provided some background on the process for construction of buildings. The state of Wisconsin has a centralized building program. All state agency buildings are managed by a central authority – Eight-member board which the Governor chairs. The building commission will manage the project that constructs the Type 1 facility and the Mendota Juvenile Treatment expansion. Department of Administration staff act as staff to the commission. Under law the Department of Administration holds the contract.

The Department of Administration hired a consultant to begin the process of determining what amount of land, design, and features will be needed. The Architect/Engineer selection and final design is dependent on the site selected.

If the committee is leaning toward an existing facility, a thorough review should be prepared before a decision is finalized. This review should assess the cost of renovation, infrastructure availability, deed restrictions, or other unique circumstances, etc., to ensure the site may be utilized as required.

The Department of Corrections requested the Division of Facilities Development and Management provide an underutilized facilities report to this committee. The Division was instructed to provide underutilized facilities that have more than five acres.

Under Act 185, the new model for juvenile facilities will be separate and distinct from the adult correction system model in Wisconsin. Additionally, federal and state statutes limit adult and juvenile proximity and crossover at correctional centers. Therefore, this report does not include any of Wisconsin's adult correctional facilities.

Discussion:

- Given the legislative budget, do you think it is sufficient to make more than one facility? This is one reason to get an architect/engineer under contract.
- Do you anticipate problems with the cost being raised and identifying contractors to do this work? We continue to see good bids on complicated projects. Some projects bid favorable and some don't. There is enough work to go around for contractors.
- Is the Department of Administration in a position to suggest where to build a facility? Director Binau stated that he will assist with building it wherever it is decided. Every project has its external site conditions, but the inside of a building could be replicated.

INVENTORY OF STATE-OWNED FACILITIES

John Klenke, Administrator, Division of Facilities Development and Management, Department of Administration

Cathy introduced Administrator John Klenke.

Handout: Inventory of State-owned Facilities Slides and Handout

Administrator Klenke provided a handout that included under-utilized state buildings. Each agency self-reports underutilized buildings. Anything that is not used by 65 percent is considered underutilized.

Administrator Klenke reviewed six underutilized facilities as examples. He stressed that he was not suggesting that any of them should be used, but they are being provided as examples of what an underutilized facility would look like. Buildings are usually built for a specific purpose and older buildings may not meet the need that are

used today. There may be land that is adjacent to underutilized buildings that could accommodate the needs of Type 1 facility.

Administrator Klenke stated that he could provide a lot more information on specific properties if requested. He also noted that some buildings have historical designation that would require further coordination with the historical society.

Discussion:

- There was a discussion about using Ethan Allan property. Director Binau noted that many buildings on the property were built before 1925.
- Are any of these items on the list viable options? Renovating the buildings on many of these properties could be difficult and costly. But the land could be useful.
- The Department of Corrections requested a list of properties that met certain requirements: 5 acres or more, does not include adjacent adult facilities, meets PREA requirements, and is not currently being utilized. Act 185 required an inventory.
- Are there zoning requirements that need to be considered? That is something we would need to look at.
- Can we put it in vacant land in Waupun and then utilize resources (laundry) from another adult facility? There needs to be site/sound separation (adult/juvenile) but it is possible we could share the resources from another facility. Green Bay and Waupun Correction Institutions are our oldest prisons and may not have much life. As you consider this, think about how long you will be able to utilize what you currently have.
- Other considerations include availability of workforce, transportation/access for families, access to services (medical, education), and training. What is our vision for this location?

TYPE 1 FACILITY LOCATION RECOMMENDATION PROCESS

Secretary Eloise Anderson, Department of Children and Families

Secretary Anderson asked the committee to consider two things during the following discussion. Staff will develop agendas based on this discussion.

1. What do you want the recommendation/decision making process to look like?
2. What criteria do you want to use to establish criteria?

Discussion:

- The committee engaged in brainstorming on what topics and factors to consider that could determine location recommendations to the department.
- The Department of Corrections has been looking at developing a Wisconsin model that has 26-32 youth at the facility, outdoor recreation space, visitor space, high risk/low risk programming needs, health services, school, therapy, intake areas, office space, parking lot, and other areas. This is the reason why the department asked the Department of Administration to identify locations that were 5-7 acres.
- Factors/Criteria discussed:
 - Milwaukee area and number of youth currently in the system from Southeast, Wisconsin.
 - Access to the family and community of the youth before placement.

- Possibility of more than one facility.
- Estimated budget costs for security and other parameters.
- Transportation systems and commuting distances for family members.
- Needs of stakeholders.
- Outside of Southeast, Wisconsin, what other locations should be considered.
- Workforce availability – Mental health providers, security staff, technical schools, etc.

NEXT STEPS/ADJOURNMENT

Secretary Eloise Anderson, Department of Children and Families

Next meeting will be October 1st. Secretary Anderson requested a motion for adjournment.

MOTION to adjourn by Kelli Thompson.

Seconded by Secretary Seemeyer.

Motion passed without dissent.

POST-MEETING ITEMS

Parking-lot items posted by committee members:

- Prior meeting: No parking lot items were posted during the previous meeting.
- Today's meeting: No new parking lot items were posted during this meeting.

Future meeting dates:

- October 1, 2018 – 9:00am – 12:00pm
- October 16, 2018 – 9:00am – 12:00pm