



WISCONSIN LEGISLATIVE COUNCIL

Jessica Karls-Ruplinger, Acting Director

TO: REPRESENTATIVE MICHAEL SCHRAA
FROM: ^{KBC} Katie Bender-Olson, Senior Staff Attorney
RE: Type 1 and Type 2 Juvenile Correctional Facilities and SRCCCYs
DATE: April 8, 2019

You requested a description of Type 1 juvenile correctional facilities, Type 2 juvenile correctional facilities, and secure residential care centers for children and youth (SRCCCYs). This memorandum briefly describes each type of facility and addresses distinctions between the facility types.

DESCRIPTION OF FACILITIES

Type 1 Juvenile Correctional Facilities

A Type 1 juvenile correctional facility is a secure facility for juveniles who have received a correctional order from a court, and is operated or contracted for by the Department of Corrections (DOC) or operated by the Department of Health Services (DHS). The only Type 1 juvenile correctional facilities that currently exist in Wisconsin are the Lincoln Hills and Copper Lakes Schools run by DOC and the Mendota Juvenile Treatment Center run by DHS.¹

¹ Under the statutory definition, "Type 1 juvenile correctional facility" means a juvenile correctional facility, but excludes any correctional institution that qualifies as a juvenile correctional facility solely because of its status under s. 938.533 (3) (b), Stats., (DOC operation of community supervision for a juvenile on Type 2 status as a Type 2 juvenile correctional facility), s. 938.538 (4) (b), Stats., (DOC operation of component phases within the Serious Juvenile Offender Program as a Type 2 juvenile correctional facility), or s. 938.539 (5), Stats. (child welfare agency operation of a residential care center or less restrictive placement as a Type 2 juvenile correctional facility). [s. 938.02 (19), Stats.] A "juvenile correctional facility" is a correctional institution operated or contracted for by DOC or operated by DHS for holding in secure custody persons adjudged delinquent, including the Mendota Juvenile Treatment Center. [s. 938.02 (10p), Stats.]

Type 2 Juvenile Correctional Facilities

A Type 2 juvenile correctional facility is not a distinct type of physical facility. Rather, facilities that serve a variety of juveniles and not simply juveniles with correctional orders can receive a "Type 2 juvenile correctional facility" designation from DOC. The agency does not currently operate any stand-alone Type 2 juvenile correctional facilities or other facilities with a Type 2 designation. Instead, DOC or counties contract with third-party child welfare agencies that operate nonsecure facilities called residential care centers that receive DOC Type 2 designations.²

SRCCCYs

An SRCCCY is a secure facility that is operated by a county, tribe, or child welfare agency to hold juveniles who have received a correctional order from a court. State law contained a definition of SRCCCY and authorized creation of these facilities prior to enactment of 2017 Wisconsin Act 185. The prior definition referred to a residential care center operated by a child welfare agency, without reference to holding juveniles in secure custody. Act 185 altered the definition to provide that SRCCCYs are facilities operated by a county, tribe, or child welfare agency for holding adjudicated juveniles in secure custody. No SRCCCY currently exists in Wisconsin, but a number of counties and tribes have indicated preliminary interest in creating one to the Juvenile Corrections Grant Committee.³

DISTINCTIONS BETWEEN FACILITY TYPES

Type 1 juvenile correctional facilities can be distinguished from SRCCCYs based on the entity that operates or contracts for them. Type 1 juvenile correctional facilities are operated or contracted for by DOC or DHS, while SRCCCYs are operated or contracted for by a county or tribe.

Type 1 juvenile correctional facilities and SRCCCYs can be distinguished from Type 2 juvenile correctional facilities based on the security of the facility. Type 1 juvenile correctional facilities and SRCCCYs are both secure facilities for holding juveniles who have a correctional order from a court, while current Type 2 juvenile correctional facilities are nonsecure residential care centers that have received Type 2 designations from DOC.

Finally, Type 1 juvenile correctional facilities can be distinguished from Type 2 juvenile correctional facilities and SRCCCYs based on whether any presently exist as stand-alone

² Under the statutory definition, "Type 2 juvenile correctional facility" means a juvenile correctional facility that qualifies as such solely because of its status under specified statutory subsections relating to intensive community supervision, community components of the Serious Juvenile Offender Program, or placement in a residential care center. The definition includes juvenile correctional facilities excluded from the definition of a "Type 1 juvenile correctional facility." [s. 938.02 (20), Stats.]

³ The current statutory definition of "secured residential care center for children and youth" means a facility operated by an Indian tribe or a county or by a child welfare agency licensed by DOC to hold in secure custody persons adjudged delinquent. [s. 938.02 (15g), Stats.]

physical facilities. Three stand-alone Type 1 facilities currently exist - Lincoln Hills, Copper Lakes, and Mendota Juvenile Treatment Center. In contrast, no SRCCCYs or stand-alone Type 2 juvenile correctional facilities presently exist.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

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