



OFFICE OF THE COUNTY EXECUTIVE
Milwaukee County
CHRIS ABELE • COUNTY EXECUTIVE

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Ms. Emilie Amundson, Secretary Designee, Wisconsin Department of Children and Families
201 E Washington Avenue
Madison, WI 53703

Mr. Kevin A. Carr, Secretary Designee, Wisconsin Department of Corrections
3099 E Washington Avenue
Madison, WI 53707

Members of the Act 185 Grants Committee
State Capitol
2 East Main Street
Madison, WI 53702

Dear Secretaries Amundson and Carr and Committee Members:

As Wisconsin takes the next steps in establishing a new correctional system for youth in need of restrictive custodial care, it is incumbent upon us to act with great urgency to respond to the immediate crisis at Lincoln Hills and Copper Lake Schools. At the same time, we must take deliberate action to promote youth justice system reforms that are most effective, safe, sustainable, and that support proper care and treatment of our youth. To that end, Act 185 aims to establish a regional model of state and county facilities that will replace the current model of large congregate care juvenile correctional facilities. While Act 185 has many merits, it does not go far enough in our view. Act 185, which this administration inherited, only marginally improves upon the status quo when a paradigm shift is necessary. Instead of pushing for transformational change, it outlines incremental changes. It aims to improve conditions of confinement without sufficiently pressure-testing the number of youth Wisconsin places in locked custody or aiming to reduce the state's carceral footprint.

To be sure, we will face significant challenges in the upcoming biennial budget. As you have heard today, the cost to establish a statewide, county-run network of Secure Residential Care Centers for Children and Youth according to the current parameters outlined within DOC 347 will exceed \$100 million. Additionally, the cost to establish two Type I facilities and expansion of services within the Mendota Juvenile Treatment Center will also likely exceed the current proposed allocation. We recognize that it is not within the scope of this committee to revise established policy. However, the current parameters of Act 185 and DOC 347 predispose all SRCCY proposals toward costly new construction or renovation of detention facilities, without adequately examining the risks and

needs of our confined youth or best practices locally and from other jurisdictions to minimize unnecessary confinement and rehabilitate youth in the community. This creates a situation where policy and fiscal realities are at odds and provides the committee with the impossible task of knitting together a statewide system that will be heavily focused on inadequately-funded and unsustainable institutional care that will fail to rehabilitate Wisconsin's youth or advance public safety.

Milwaukee County's Proposal

In response to the March 31, 2019 deadline, Milwaukee County submitted a 49-page proposal and 18 supporting documents outlining facility design, projected census, project and operational costs, descriptions of programming, community engagement efforts, staffing expectations, and other considerations in order to give this committee a detailed conception of the scope of programming, facility size and type, and costs necessary to effectively implement an SRCCCY under the parameters of DOC 347. We are confident that we have done our due diligence to portray the elements necessary and that the costs are accurate and reflective of that due diligence.

As a part of our research, we identified the District of Columbia as a jurisdiction that went through a similar process of closing a large, troubled juvenile correctional facility and replaced it with a secure residential facility called New Beginnings in Laurel, Maryland. Representatives from Milwaukee County's Act 185 project team visited New Beginnings on October 22 and 23rd, 2018. New Beginnings was designed to house up to 60 youth in secure care. However, due to the success of community-based programming for youth in the District of Columbia and declining juvenile crime rates, there are only 7 youth currently placed at New Beginnings under the District of Columbia's Department of Youth Rehabilitation Services. Most of the facility has been repurposed to house youth being tried as adults, who are awaiting placement in a federal corrections institution. New Beginnings is an example of both a well-designed secure residential facility and of a miscalculation by a system that opted for a first-order, incremental change that resulted in an over-reliance on facilities, rather than a second-order, transformative change that emphasized community reinvestment and smaller, home-like local facilities coupled with successful community-based programs. Such an approach from the beginning would have prevented the overbuilding of a 60- bed facility and produced better outcomes.

While we stand behind our proposal as it outlines all the elements necessary to implement Act 185 consistent with the current emergency rules under DOC 347, we also recognize that with some policy adjustments and a shift in our vision, Wisconsin can avoid similar mistakes and still maintain the urgency to close Lincoln Hills and Copper Lake Schools.

Adjusting Policy to Promote Transformative Change

In their landmark 2011 publication [No Place for Kids: The Case for Reducing Juvenile Incarceration](#), the Annie E. Casey Foundation outlined six failings of America's juvenile corrections facilities: that they are dangerous, ineffective, unnecessary, obsolete, wasteful, and inadequate. In light of the poor outcomes both in terms of youth well-being and treatment as well as in regard to rehabilitation, it would be fair to similarly categorize Wisconsin's experiences with large, congregate care juvenile corrections facilities.

In response, the Casey Foundation identified six priorities for reforming juvenile corrections. They include: limiting the eligibility for correctional placements, investing in promising non-residential alternatives, changing the financial incentives, adopting best practice reforms for managing youth offenders, replacing large institutions with small, treatment-oriented facilities, and using data to hold systems accountable. The State of Missouri was the primary example that informed the Casey Foundation report. In 2000, Wayne County, Michigan (Detroit) also began implementing a continuum of expanded alternatives to locked facilities for youth that has resulted in the complete elimination of Wayne County youth in state youth correctional facilities and remarkable reductions in the number of youth in local secure care.

Most recently, reports by [the Center for Children's Law and Policy](#) and [the Columbia University Justice Lab](#) have outlined the successes of the Close to Home initiative implemented in New York City in 2011 at reducing the need for secure care for youth and at the same time producing lower youth crime rates when compared to the rest of New York State. Other jurisdictions like Philadelphia, PA and Harris County, TX (Houston) are looking to learn from Close to Home, as they respond to the failures of their large correctional facilities. The success of models like Close to Home have now prompted over 50 justice system leaders to sign a [statement](#) calling for the closing of all youth prisons and placing these youth at home with rigorous community programming, or in small, homelike facilities close to youths' homes, should that be required.

With revisions in DOC 347 allowing for a more home-like environment for the SRCCCYs, Wisconsin could develop secure placement resources that more closely resemble the "limited secure" facilities that exist in brownstones and renovated schools and convents within the boroughs of New York City, or the neighborhoods of Kansas City or St. Louis. Such a change would allow for the development of smaller, more normative secure treatment settings through partnerships between counties or tribes and local treatment providers. Only a small portion of the youth committed to restrictive custodial care under Chapter 938.34 (4m), are so assaultive that they require the type of internal security infrastructure available within a detention center or correctional facility. Most can function successfully without such a restrictive setting but require a secure building and/or perimeter to prevent them from posing a risk to the community while they receive treatment. We should tailor the structure of our new SRCCCYs toward the needs of the majority and make accommodations to serve the minority who need extra security. With revisions to DOC 347, Milwaukee County could prepare to develop smaller, more home-like secure settings for the

majority of youth and renovate two pods in the Detention Center to serve the youth in need of additional internal structure and security. We believe that such a plan could result in significant savings and reduce the overall institutional footprint, while providing a more trauma-informed and engaging treatment environment for most youth.

The type, size, and location of facilities does not provide the only recipe for success in effectively and safely treating youth in small settings close to home. It is absolutely critical to establish a strong network of responsive and effective providers, mentors, coaches, employers, teachers, advocates, and others who look like our youth, come from similar backgrounds, and have similar life experiences. There are strong components of such a network already in existence in Milwaukee. Programs like Running Rebels work to do whatever it takes to assist a young person to be successful and to lead a healthy, pro-social life. The Bakari Center is showing encouraging early results as it works to implement the Integrated Treatment Model within its residential setting. Others also provide critical support and services to keep youth from penetrating more deeply into the justice system. However, it is critical that we continue to expand the capacity for credible messengers, vocational training, alternative educational and recreational resources, and opportunities for socioeconomic advancement for underserved youth and families in Milwaukee.

Lastly, we believe that it is imperative that the Department of Corrections re-examine the need to establish two new regional "Type I" facilities to replace Lincoln Hills and Copper Lake Schools and that the legislature consider eliminating the designation of "Serious Juvenile Offenders" and go back to using the designation of "extended supervision" for qualifying youth. Young people in youth detention facilities are generally not classified according to their originating offense, but rather a combination of their behavior during confinement and other strengths and needs. Using offense of commitment to separate youth in custody, rather than a designation process aimed at placing youth according to their behavior during confinement and treatment needs, is contrary to our view of best practices.

The history of failures of juvenile prisons spanning decades and across over 30 states, territories, and the District of Columbia, coupled with our own tragic and troubling experiences within Lincoln Hills and Copper Lake Schools more than justify the call for the closing of all youth prisons. Act 185 does not go far enough to answer this call. Under the current Act, we will replace two remote youth prisons with two regional youth prisons. Even though we are aware of no analysis of Wisconsin's youth in custody or of best practices designed to place youth in the community, the net reduction in beds from Act 185 is zero. By funding and constructing more secure beds than are necessary, we guarantee that we will allocate more resources to secure custody than are necessary for another generation. We can do much better than that.

We are not the first state to experience the failings of large youth prisons. Other jurisdictions we have consulted with have found that, when they have thoroughly and collaboratively examined the data concerning their court-involved youth, reviewed best practices nationally, and conducted site visits and/or brought other model site personnel to speak to their stakeholders, they were

able to adopt best practices and reduce the number of youth held in locked custody in favor of a more successful, community-based and community-integrated system. Many states have had their own Lincoln Hills, and yet the response has always started with an explicit push to reduce incarceration, first and foremost. As a state, we have not done our due diligence in examining safe and effective alternatives to divert moderate or even low risk youth from penetrating into the deep end of our justice system. States like Kansas, Virginia, Georgia, New York, West Virginia, and others are finding these alternatives. We should follow their examples.

Moreover, Wisconsin has the 2nd highest rate of disparity in confinement between white and black youth in the nation. Black youth are 15 times more likely than white youth to be confined in our state. This is not only true in Milwaukee. It is true across our state. We cannot incarcerate our way out the problems our youth are facing. We must find a better way and our best opportunity is now.

While it is prudent to establish regional facilities to treat our most violent youth, it is also prudent to establish a new culture with new expectations about how those youth should be treated. To that end, the state should develop two regional secure residential treatment centers to serve these youth in a way that assures that no more youth are housed in them than absolutely necessary and that trained staff will use proper engagement and de-escalation skills within an integrated treatment environment in lieu of chemical or physical restraints or punitive seclusion. If we aspire to establish a new, more therapeutic treatment culture in our youth justice system we must understand that words matter. Elimination of the “Type I” category and the policy and practice expectations associated with it would be a step in the right direction.

Similarly, the term “Serious Juvenile Offender”, or “Serious Juvenile Offender Program” is a legislative vestige of the “superpredator” era. It serves no useful purpose, and its stigma only serves to interfere with rehabilitation and reform for our youth. There is no negative impact on community safety by eliminating the label and returning to the term “extended supervision” for youth who qualify under Chapter 938.34(4)(a). If we single out a category of youth, give them a negative label, and place them in a separate and specialized environment, we are setting the stage for those youth to be treated more harshly. We must do everything within our power to assure that our history of abusive institutions does not repeat itself and we must do so at this critical juncture.

We believe that these proposed changes will position our state to continue to pursue second order transformative improvements, and it is only through this pursuit that we can establish an effective, sustainable, and fiscally responsible youth justice system. Wisconsin should not waste this tremendous opportunity to redefine who we are as a state when it comes to youth justice. We ask for your advocacy in advancing these critical policy changes. Thank you for your consideration.

Sincerely,



Chris Abele
Milwaukee County Executive

Resources Referenced:

Executive Summary of *No Place for Kids* (AE Casey Foundation) <https://www.aecf.org/m/resourcedoc/AECF-NoPlaceForKidsIssueBrief-2011-Full.pdf>

Executive Summary of Moving Beyond Youth Prisons (Columbia Justice Lab) https://justicelab.columbia.edu/sites/default/files/content/Moving%20Beyond%20Youth%20Prisons%20-%20C2H%20Executive%20Summary_0.pdf

CCLP report on implementing Close to Home (full report) <http://www.cclp.org/wp-content/uploads/2018/02/Close-to-Home-Implementation-Report-Final.pdf>

Statement from Youth Correctional Leaders for Justice: <https://yclj.org/statement>