

### 3. Program Narrative

#### A. Statement of the Problem.

##### 1. System Description:

###### **Structure and Function of the Juvenile Justice System.**

Wisconsin's Juvenile justice Code, Wis. Stats. Ch. 938, governs how delinquent youth and juveniles in need of protection or services; e.g., truants, runaways, uncontrollable, are processed through the system. Wisconsin's juvenile justice system is county-based, which means there are essentially 72 juvenile justice systems. The juvenile court has jurisdiction over any juvenile age 10-16 that is alleged to have violated any state or federal criminal law, except for youth who fall under the original jurisdiction of the adult court or who are waived into adult court. Juveniles under the age of 10 who commit a delinquent act are subject to the jurisdiction of Sec. 938.13, jurisdiction over juveniles alleged to be in need of protection or services (JIPS). Sec. 938.02(10m) defines "juvenile" as a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "juvenile" does not include a person who has attained 17 years of age.

Wisconsin's Children's Code, Wis. Stats. Ch. 48 governs how children in need of protection or services are processed and, if necessary, taken into physical custody or held in a juvenile detention facility. Sec. 48.02(2) defines "child" as a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "child" does not include a person who has attained 17 years of age.

A full description of the components of the State of Wisconsin's formal juvenile justice system is attached as Appendix A-1.

##### 2. Analysis of juvenile delinquency problems (youth crime) and needs.

The data that supports this section represents the most recent data available at the time of application submission and is attached as Appendix A-2.

###### **b. State priority juvenile justice needs/problem statements.**

In September 2017, the DOJ submitted a Training and Technical Assistance request to the Center for Coordinated Assistance to States (CCAS) to facilitate a strategic planning meeting for the GJJC to develop Wisconsin's Three Year Plan. On January 11-12, 2018, members of the GJJC and DOJ staff met with Dr. Lisa Hutchinson to participate in an overview of the JJDP, the GJJC's role as SAG, and the development of a three-year plan for juvenile justice in Wisconsin. The strategic planning was well attended by GJJC members. The group engaged in productive discussions and had worthwhile breakout exercises. The priorities listed below are the outcome of that meeting.

**The following three priorities are identified for the 2018-20 plan:**

- 1) Maintain Compliance with the JJDPA;**
- 2) Address/Reduce Disproportionate Minority Contact/Disparities; and**
- 3) Implement Juvenile Justice System Improvement.**

**B. Goals and Objectives for 2018-2020.**

- (1) GOAL: Maintain compliance with the Juvenile Justice and Delinquency Prevention Act (PA 19 Compliance Monitoring)**
  - a. OBJECTIVE: To maintain compliance with the Core Requirements of the JJDPA and restore compliance where necessary. For example, OJJDP placed a special condition on Wisconsin’s FY17 Formula Grant due to noncompliance with the SAG membership requirements.
  - b. OBJECTIVE: Maintain a robust compliance plan to continue ongoing participation in the Title II Formula Funds application process.
  - c. OBJECTIVE: Manage existing challenges and barriers to ensure compliance.
  - d. OBJECTIVE: Foster good relations with DOC partners, DOJ field representatives, and law enforcement agencies to maintain consistent compliance practices.
  
- (2) GOAL: Address/Reduce Disproportionate Minority Contact/Disparity (PA 21 DMC)**
  - a. OBJECTIVE: Promote policy and practices including increasing law enforcement education and training on implicit bias, with intentional focus on the front end of the system and the residential portions of the juvenile justice system.
  - b. OBJECTIVE: Explore valid and reliable measures of DMC—specifically searching the literature or testing Wisconsin unique tools to identify culturally or racially oriented risk/protective factors and then assigning promising practices to those risk or protective factors.
  - c. OBJECTIVE: Continue providing support to the JDAI pilot sites as well as the promising replication sites.
  - d. OBJECTIVE: Promote expansion of JDAI as a more generic “detention alternatives” approach.
  - e. OBJECTIVE: Support the field testing and data collection of the Detention Risk Assessment Instrument (DRAI) to expand its use to other counties.
  
- (3) GOAL: Implement Juvenile Justice System Improvement (PA 27 Juvenile Justice System Improvement)**
  - a. OBJECTIVE: Support training and technical assistance to local jurisdictions to increase their capacity and skills to provide culturally and developmentally appropriate effective services.
  - b. OBJECTIVE: Support efforts to disseminate and share information across jurisdictions related to effective practices and policies.
  - c. OBJECTIVE: Identify and promote school based strategies to improve policies that have a disparate impact related to suspension, expulsion and discipline.

- d. OBJECTIVE: Support and leverage the Wisconsin Juvenile Justice Network (WJJN), assist with organizational development to provide ways to share information, enhance the learning collaborative comprised of key state and local agencies.
- e. OBJECTIVE: Continue providing support to the JDAI pilot sites as well as the promising replication sites.
- f. OBJECTIVE: Promote expansion of JDAI as a more generic “detention alternatives” approach.
- g. OBJECTIVE: Support the field testing and data collection of the Detention Risk Assessment Instrument (DRAI) to expand its use to other counties.

### **C. Implementation (Activities and Services).**

#### **Goal 1: Maintain Compliance with the Juvenile Justice and Delinquency Prevention Act**

**PA 19. Compliance Monitoring.** Programs, research, staff support, or other activities primarily to enhance or maintain a state’s ability to adequately monitor jails, detention facilities, and other facilities to ensure compliance with the deinstitutionalization of status offenders, separation and jail removal requirements at 34 U.S.C. §§ 11133(a)(11), (12), (13), and (22) of the JJDP.

##### **a. Program Objectives**

- Fund compliance monitoring positions.
- Provide education to key juvenile justice stakeholders concerning compliance and the four core requirements of the JJDP.
- Maintain a robust compliance plan and restore compliance where necessary to continue ongoing participation in the Title II Formula Funds application process.
- Manage existing challenges and barriers to ensure compliance.
- Foster good relations through regular meetings and written communication with DOC partners, DOJ field representatives, and law enforcement agencies to maintain consistent compliance practices.

##### **b. Implementation (Activities and Services)**

Wisconsin DOJ employs two .5 LTE Compliance Monitors and a FTE position that is .5 Juvenile Justice Specialist and .5 Compliance Monitor. The DOJ also uses its LTE Field Representatives who are assigned to six geographic regions of Wisconsin to assist with site inspections. In addition, DOJ is partnering with the Department of Corrections (DOC), [Office of Detention Facilities \(ODF\)](#) Inspectors who are assigned to five geographic regions of Wisconsin.

The DOJ and the GJJC have made restoring and maintaining compliance with the JJDP a priority since learning Wisconsin was out of compliance due to an inadequate monitoring universe. The DOJ is the designated state agency for purposes of preparing and administering the formula plan as well as ensuring compliance with the JJDP. (See [Sec. 165.25, Wis. Stat. 2015-16.](#))

DOJ staff have engaged in considerable planning and coordination of all compliance activities including, but not limited to:

- Developing strategies to maintain its broadened monitoring universe;
- Identifying and managing barriers and challenges to resolve compliance issues;
- Communicating routinely with OJJDP on issues and problem areas on compliance;
- Requesting Training and Technical Assistance from CCAS;
- Coordinating compliance activities with DOJ field staff and Wisconsin Department of Corrections (DOC) Detention Specialists;
- Ensuring uniform practices in compliance practices and reports;
- Conducting regular meetings and written communication with DOC partners, DOJ field representatives, and law enforcement agencies to maintain consistent compliance practices; and
- Being proactive in response to the reduced amount of federal funds available to Wisconsin and the special condition placed on current funding due to noncompliance with SAG membership requirements.

As of August 23, 2016, OJJDP informed DOJ that the June 2015 Audit was closed because Wisconsin addressed the 13 recommendations regarding its current system of monitoring. As of March 15, 2017, the U.S. DOJ and Wisconsin DOJ executed a settlement agreement concerning the federal funds awarded from 2011 to 2015, which provided a release of funds to DOJ to reimburse subgrantees of awards made using 2011-13 Title II Formula Funds as well as operation of the GJJC. The settlement agreement also provided that the remaining Formula Funds be terminated, deobligated and reobligated by OJJDP through a fund announcement open to units of local government. During this time period, DOJ expanded the monitoring universe and obtained data from 100 percent of law enforcement agencies concerning the secure detention of all persons under 18-years old.

## **Goal 2: Address/Reduce Disproportionate Minority Contact/Disparity**

**PA 21 Disproportionate Minority Contact.** Programs, research, or other initiatives to eliminate or prevent the placement of accused or adjudicated status offenders and non-offenders in secure facilities, pursuant to Section 223(a)(11) of the JJDP.

### **a. Program Objectives**

- Promote policies, practices, and system changes that reduce disparate practices and impacts on minority youth.
- Promote policy and practices including increasing law enforcement education and training on implicit bias, with intentional focus on the front end of the system and the residential portions of the juvenile justice system.
- Address DMC in the juvenile justice, child welfare, and school systems.
- Provide training and support to improve professional practice related to DMC-reduction.

- Explore and develop alternative methods to evaluate the effectiveness of the DMC-reduction efforts.

**b. Implementation (Activities and Services)**

In 2015 and 2016, the point of arrest continued to be the point of contact with the highest statistically significant Relative Rate Index value, with the greatest magnitude, and involving the greatest volume of activity statewide as well as in four local jurisdictions. Wisconsin is committed to addressing this initial point of contact in the 2018-2020 period by facilitating meetings and providing technical assistance to law enforcement. The DOJ can promote best practices with law enforcement to address DMC at the point of arrest/contact. In furtherance of this effort, the DMC Coordinator will coordinate the solicitation or development of law enforcement training and education on implicit bias and developmentally appropriate responses to teen behavior, with intentional focus on the front end of the system. The training will be made available to interested local law enforcement agencies and focus on juvenile law, developmental explanation of normative teen behaviors, strategies for working with juveniles, and recognizing and addressing implicit bias.

The DOJ will continue providing support to the JDAI pilot sites as well as any promising replication sites in their efforts to reduce unnecessary and inappropriate secure detention of young people without jeopardizing public safety. Milwaukee County, one of the JDAI pilot sites, partnered with the W. Haywood Burns Institute to evaluate the county’s detention data. Milwaukee found that youth detained as a result of warrants made up over thirty percent of all admissions and releases from secure detention. Most of those detained were youth of color. This remained true in 2017 when Milwaukee was selected by the Annie E. Casey Foundation to join a group of JDAI sites and related TA organizations which agreed to join together to study, implement and assess case processing reform efforts. The DOJ will work with the Milwaukee County Case Processing group as it works towards reducing the number of days youth are spending in secure detention between 0-3 days by 30 percent by reforming its policies and procedures and developing appropriate and effective alternatives to detention for those youth.

**Goal 3: Implement Juvenile Justice System Improvement**

**PA 27 Juvenile Justice System Improvement.** Programs, research, and other initiatives to examine issues or improve practices, policies, or procedures on a system-wide basis (e.g., examining problems affecting decisions from arrest to disposition and detention to corrections).

**a. Program Objectives**

- Support training and technical assistance to local jurisdictions to increase their capacity and skills to provide culturally and developmentally appropriate effective services.
- Support efforts to disseminate and share information across jurisdictions related to effective practices and policies.

- Support and leverage the Wisconsin Juvenile Justice Network (WJJN), assist with organizational development to provide ways to share information, enhance the learning collaborative comprised of key state and local agencies.
- Identify and promote school based strategies to improve policies that have a disparate impact related to suspension, expulsion and discipline.
- Continue providing support to the JDAI pilot sites as well as the promising replication sites.
- Promote expansion of JDAI outside of the pilot and replication sites by using targeted initiatives that are appropriate for the jurisdiction's demographics.
- Support the field testing and data collection of the Detention Risk Assessment Instrument (DRAI) to expand its use to other counties.

**b. Implementation (Activities and Services)**

The GJJC intentionally selected the broad area of juvenile justice system improvement as one of the state's goals in the three-year plan. Fund announcements under this general category provide flexibility for subgrantees to tailor projects to meet their needs along the juvenile justice continuum. This type of funding can accommodate both urban and rural population needs. The GJJC wants to promote more system collaboration with agency partners. For example, this grant activity should strive to complement existing efforts.

Wisconsin has historically supported Evidence-Based Practices by funding training. Wisconsin can promote promising practices by making grant dollars available to create new programs that are not yet time tested to be an evidence based practice. The GJJC values and supports the use of evidence based practices (EBP) and promising practices to promote evidence-informed practices. The overarching goal is to improve the quality of services associated with juvenile justice for youth and their families.

The DOJ continues to support the Juvenile Detention Alternative Initiative (JDAI) in Wisconsin. The Annie E. Casey Foundation (Casey) funding supports the meeting logistics. In the past, the GJJC approved the use of Formula Funds to support the county based juvenile detention alternative work. However, the funding support ended when OJJDP placed a special condition on Wisconsin's Formula Funds in anticipation of the compliance audit in 2015. The JDAI efforts have managed to continue without federal funding due to the commitment of site managers working in conjunction with the State JDAI Coordinator and the Casey Training and Technical Assistance Leader.

The DOJ continues to work to field test a statewide Detention Risk Assessment Instrument (DRAI). Data from the second iteration of the tool is being analyzed by DOJ and an independent consultant. Initial results will be presented to the DRAI Committee in 2018 followed by recommendations for modifying the DRAI and for handling specific problem populations that may have been identified in the field test. The DOJ will continue to develop an instrument with strong predictability and expand its use to other counties. The DOJ State JDAI Coordinator will continue to develop an instrument with strong predictability utilizing resources of the [Bureau of Justice Information and Analysis](#).

## **Population Specific Plans.**

### **(1) Gender specific services for the prevention and treatment of youth delinquency.**

The paucity of services for girls is driven in large part by the fact that fewer girls enter the juvenile justice system. The data in Appendix A-2 illustrates this difference in 2016 from arrest (14,061 females/28,422 males) to secure detention (1,737 females/4,845 males). In fact, respondents of the Juvenile Justice Three Year Plan Stakeholder Survey (discussed in greater detail below) indicated that resources is the main juvenile justice need in their jurisdictions (85.65 percent). This lack of resources applies across the board, meaning that gender specific services are equally neglected. Creating safe and supportive school environments for all youth, including those who identify as Lesbian, Gay, Bisexual, and Transgender (LGBT) is essential for their educational success. For this reason, the Wisconsin Department of Public Instruction (DPI) has developed a [Social Policy Report on Safe Schools for LGBT Students](#).

The DOJ already partners with the Annie E. Casey Foundation (AECF) to advance the Juvenile Detention Alternatives Initiative in Wisconsin. The AECF has developed a guide specific to detention reform among this population.

<http://www.aecf.org/resources/lesbian-gay-bisexual-and-transgender-youth-in-the-juvenile-justice-system/>

### **(2) Services for the prevention and treatment of youth delinquency in rural areas.**

Over 68% of Wisconsin residents live in urban areas, with the [Greater Milwaukee](#) area home to roughly one-third of the state's population. With a population of around 233,000 and metropolitan area of over 600,000, Madison is both the state capital and a large college town. As of 2011, there were 12 cities in Wisconsin with a population of 50,000 or more, accounting for 73% of the state's population. Wisconsin is the [23rd largest state by total area](#) and the [20th most populous](#). The rural areas present challenges for many services, including those needed to prevent and address delinquency. In general, rural areas have an overall shortage of services for juveniles. However, resources is the number one juvenile justice need that respondents identified in the DOJ Three Year Plan Stakeholder Survey. Both urban and rural areas have inadequate levels of services for different reasons. The GJJC can allocate grant funds were needed on a case-by-case basis, encouraging subgrantees to collaborate to their advantage with existing state resources.

### **(3) Mental health services to youth in the juvenile justice system, including information on implementation and how the state is targeting those services to youth in the system who need them most.**

The GJJC recognizes the importance of agency collaboration to address mental health needs in its youth population. While the state continues to face the challenge of lack of access to its already awarded Formula Funds, the GJJC can in the interim educate its members. The DOJ is poised to partner with other state agencies on multiple

levels; but has been constrained by the lack of federal resources and limited staffing at the state level. The [Wisconsin Office of Children's Mental Health](#) (OCMH) is an invaluable resource. The level of federal funding Wisconsin receives from the Formula Grant Program cannot match the state funding that the OCMH receives. It is to Wisconsin's advantage that DOJ partner with OCMH as much as possible in making sure that mental health services are provided to youth who need them the most.

The DOJ has a leadership role in a unique collaboration of state and local agencies that is the [Wisconsin Juvenile Justice Network](#) (WJJN). The WJJN is a learning and leadership network of juvenile justice professionals dedicated to improving the lives of children and families at risk of or in contact with the juvenile justice system. Leadership of WJJN is by a collaboration of key stakeholders and juvenile justice decision-makers at the state and county level. The intent of the leadership structure is to promote a "bottom up" perspective related to sharing best practice information, highlight the accomplishments and successes of existing programs at the state and local levels, and promote a "peer learning and support network" to build statewide momentum in doing things that work for youth, for families, and for communities.

#### **Consultation and participation of units of local government.**

In anticipation of developing Wisconsin's three-year plan, the DOJ sent out a Survey Monkey to the following state and local stakeholders:

- Regional juvenile justice supervisors and regional juvenile intake workers groups
- Current juvenile justice subgrantees
- The 11 federally-recognized tribes
- The Great Lakes Inter-Tribal Council
- Children's Trust Fund
- District Attorneys
- Kids Forward, Ken Taylor, Executive Director
- Police Chiefs
- Sheriffs
- Wisconsin Association of Family and Children's Agencies
- Wisconsin Association of School District Administrators
- Wisconsin County Human Service Association
- Wisconsin Court Appointed Special Advocates Association
- Wisconsin Department of Children and Families/Youth Services Division and Youth Leadership Teams
- Wisconsin Department of Corrections
- Wisconsin Department of Health Services
- Wisconsin Department of Public Instruction
- Wisconsin Family Ties
- Wisconsin Juvenile Court Intake Association
- Wisconsin Juvenile Detention Superintendents
- Wisconsin Juvenile Officers Association
- Wisconsin Office of the Public Defender/Trial Division Director Jennifer Bias
- Wisconsin Office of State Courts
- Wisconsin Police Executive Group

- Wisconsin Sheriff's and Deputy Sheriff's Association
- Wisconsin Supreme Court
- Community Action Agencies
- Community Development Block Grant (CDBG) funded agencies
- School Resource Officers (SROs)

The survey asked six questions concerning the three leading juvenile justice problems in their jurisdiction; the three main juvenile justice needs in their jurisdiction; and any new/innovative/creative solution to juvenile justice problems their jurisdiction has developed. The survey also asked respondents, "Is there anything else you would like us to know?" The DOJ received 221 responses.

The three leading problems indicated in order are 1) mental health issues; 2) AODA/substance abuse issues; and 3) status offender (runaway/truancy) issues. The category "Other" ranked 4<sup>th</sup> and included: dysfunctional families, misinformation, poverty, sexual offenses, lack of resources and services, unresolved trauma/generational trauma, Adverse Childhood Experiences, habitual theft, lack of parental involvement, and lack of respect.

1. What are the three leading juvenile justice problems in your jurisdiction (county, municipality/tribe)?

- AODA/Substance Abuse
- Status Offender (Runaway/Truancy)
- Mental Health Issues
- Disproportionate Minority Contact
- Returning 17 YO to the Juvenile Justice System
- Other (please specify)

\* 2. What is your jurisdiction doing to solve these problems?

**3. What are the three main juvenile justice needs in your jurisdiction? Please provide details for each need.**

- Collaboration
- Use of Evidence-based practices
- Strategic Planning
- Resources
- Data/Information Sharing

Please provide details here.

**4. Do you have any new/innovative/creative solutions to juvenile justice problems in your jurisdiction (or in the state)? (Look beyond "additional funding", "additional personnel time", instead describe possible solutions even if they might need additional funding or personnel).**

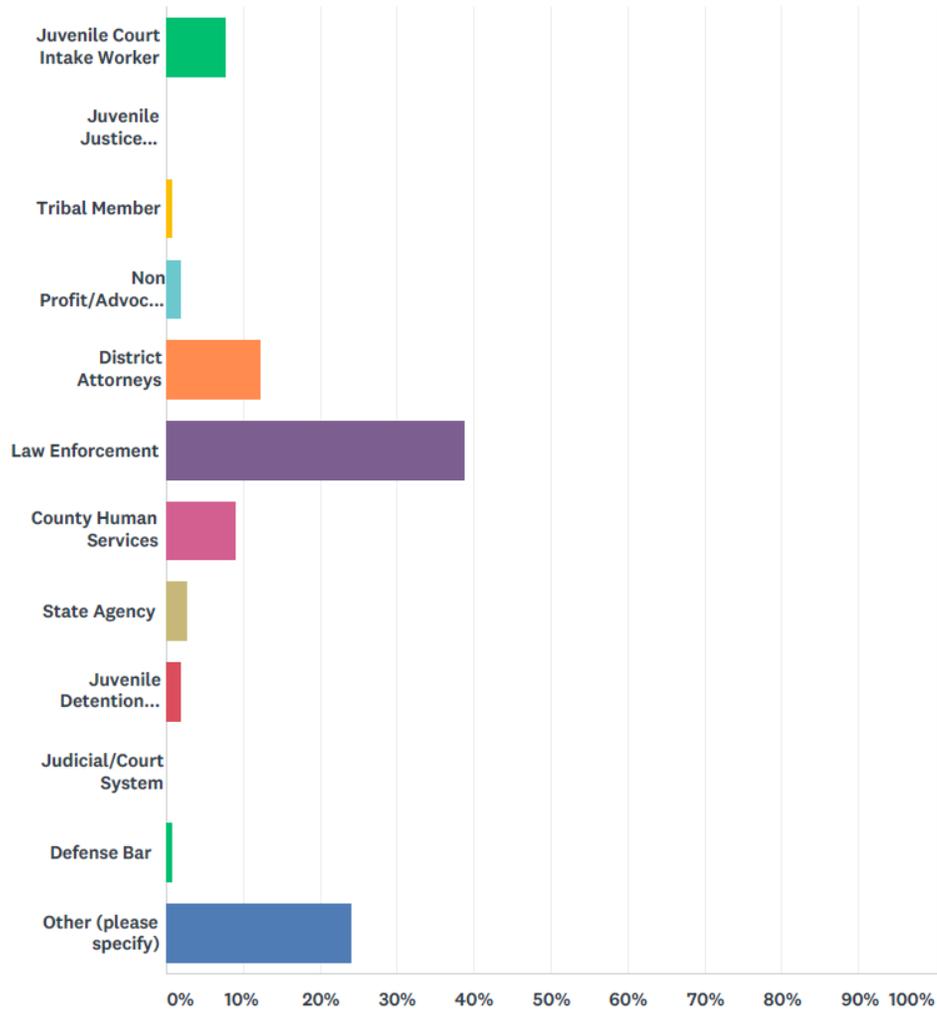
**5. What is your jurisdiction doing to reduce recidivism and improve outcomes for youth?**

**6. Is there anything else you would like us to know?**

The charts below illustrate the general categories of respondents as well as their responses to Questions 1 and 3.

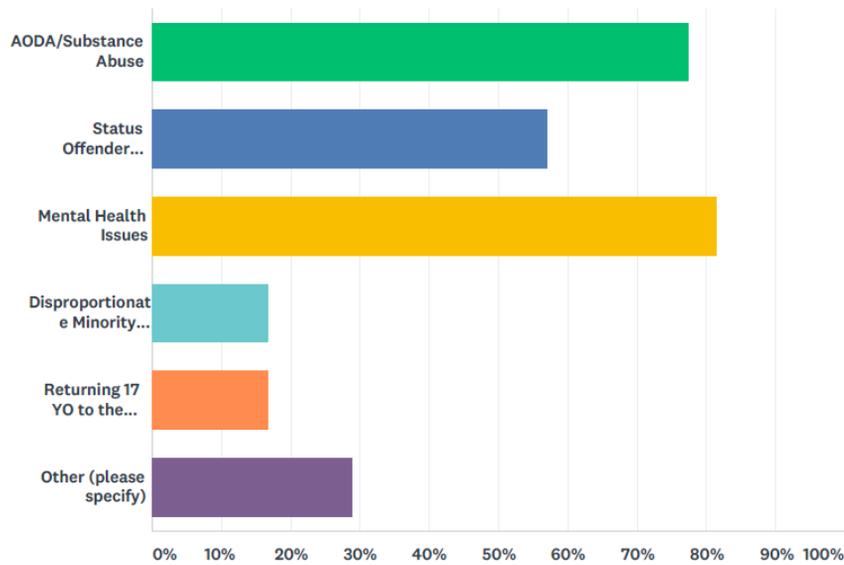
Q7 Please check the box below that best describes your occupation.

Answered: 220 Skipped: 1



## Q1 What are the three leading juvenile justice problems in your jurisdiction (county, municipality/tribe)?

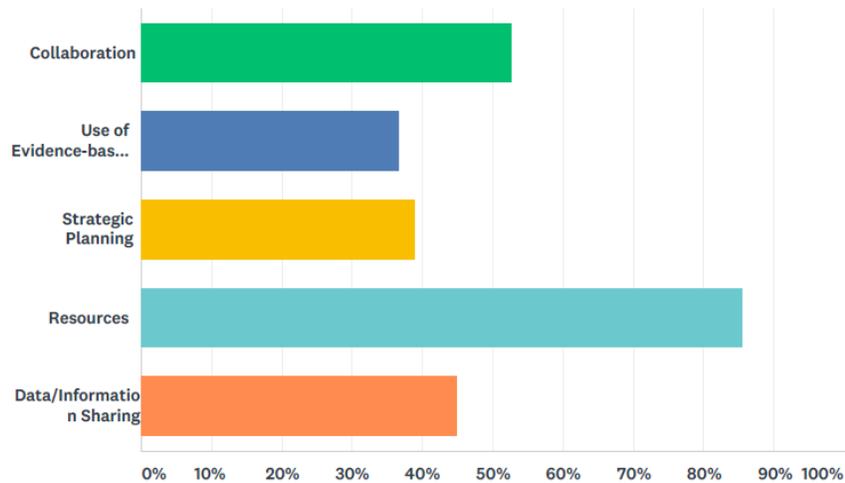
Answered: 221 Skipped: 0



ANSWER CHOICES	RESPONSES	
AODA/Substance Abuse	77.38%	171
Status Offender (Runaway/Truancy)	57.01%	126
Mental Health Issues	81.45%	180
Disproportionate Minority Contact	16.74%	37
Returning 17 YO to the Juvenile Justice System	16.74%	37
Other (please specify)	28.96%	64
Total Respondents: 221		

Q3 What are the three main juvenile justice needs in your jurisdiction?  
Please provide details for each need.

Answered: 216 Skipped: 5



ANSWER CHOICES	RESPONSES	
Collaboration	52.78%	114
Use of Evidence-based practices	36.57%	79
Strategic Planning	38.89%	84
Resources	85.65%	185
Data/Information Sharing	44.91%	97
Total Respondents: 216		

**Collecting and sharing juvenile justice information.**

The [Wisconsin Department of Children and Families](#) (DCF) took responsibility for fiscal and programmatic oversight of the Youth Aids allocation and the community based juvenile justice system. This represents approximately The DCF established the [Secretary’s Advisory Council on Youth Justice](#). The Council is comprised of key youth justice leaders from state agencies, county-based justice system stakeholders, prevention service providers, and affected youth and families. Together these leaders and community members provide advice to DCF on matters related to supporting a stronger community-based youth justice system. Council members are appointed by and serve at the pleasure of the Secretary of the Department of Children and Families. The Wisconsin Attorney General is a member of this Council.

In 2016, the DCF Bureau of Youth Services (BYS) became the state agency responsible for fiscal and programmatic oversight for the Youth Aids allocation in the approximate

amount of \$90 million. The DCF [legislative authority](#) covers enforcement of laws; juvenile welfare services; prevention, treatment, and education; reimbursement for tribal delinquency placements; standards for services; and juveniles programming research and recommendations. In 2016, the BYS formed four [Youth Leadership Teams](#) from geographic areas of the state with the goal of involving young people in juvenile justice decision making and giving them the opportunity to share their perspectives in the process. They have provided a [report](#) on their founding year (2016-17) and developed a timeline for [2017-18 activities](#). This is valuable work that can be informative to the GJJC and the DOJ in making funding decisions. The BYS is a valuable partner to the DOJ and the GJJC in all matters concerning juvenile justice.

The DOJ is a member of the [Wisconsin Juvenile Justice Network](#) (WJJN), which is comprised of juvenile justice practitioners, supervisors, delinquency service managers, state agency leadership and key advocacy and community stakeholders from various county, state and professional associations. The mission of the WJJN as a learning collaborative is to promote, support, and advance effective practice in working with youth and their families who are in or at risk of involvement in the juvenile justice system. WJJN recognizes there is a need for a service delivery approach reflective of a collective voice for advancing evidence-based practices and policies, establishing guiding principles, sharing information and resources, and promoting a fair and effective juvenile justice system throughout Wisconsin.

1. Describe the state's process for gathering juvenile justice information and data across state agencies and how the state makes this information available across agencies and incorporates the data into its comprehensive three-year plans and annual plan updates.

Wisconsin has a county-based juvenile justice system, which means some data are collected only at the local level and not on a statewide basis. Local law enforcement agencies report juvenile arrest data to the state's Bureau of Justice Information and Analysis, which is housed in DOJ. The data are available on DOJ's website. However, other statewide juvenile justice data such as the number of cases diverted and dispositions are not available statewide. The number of petitions filed is available on the Office of State Courts website. Local school districts report school-related information such as truancy, suspensions/expulsions, graduation rates, and dropout rates to the Department of Public Instruction, and that information is available on the Department's website. The Department of Children and Families collects statewide child welfare data. Statewide data relating to substance abuse and mental health are not readily available. Statewide data from the Youth Risk Behavior Survey, detailing self-reported juvenile drug use, is available from the Department of Public Instruction.

2. Identify specific barriers the state encounters with the sharing of juvenile information on at-risk youth among state agencies, including local law enforcement; for example, where state statute, regulation, or policy prohibits the sharing of this information.

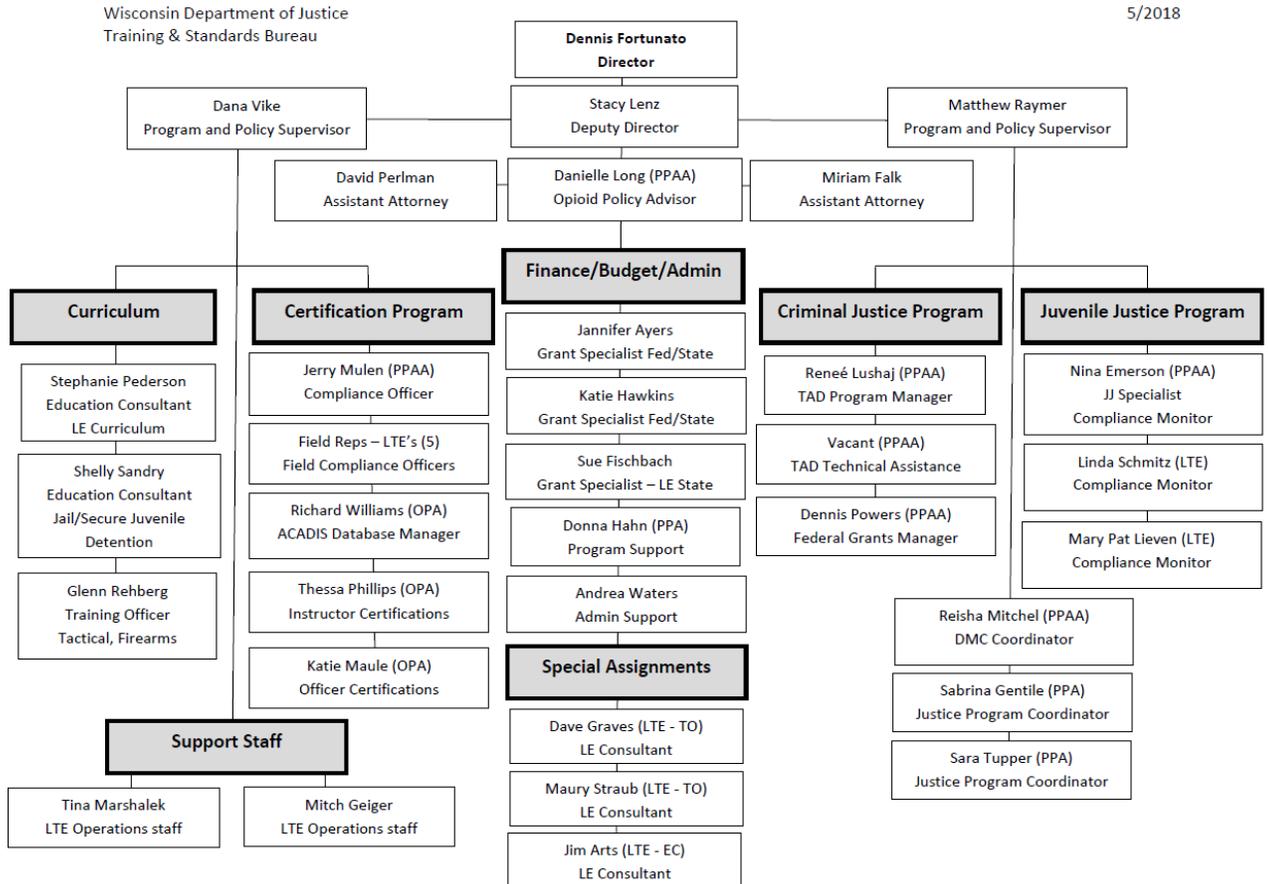
Wisconsin does not have a consolidated, statewide juvenile justice records or information-sharing system. Only some juvenile justice data are collected statewide,

and that collection is fragmented among various agencies. There is no “one-stop” shop where interested parties can go to obtain statewide juvenile justice data. Statewide juvenile arrest data are publicly available and are kept by DOJ. Local law enforcement agencies are required to report the arrest data to DOJ, but DOJ is not able to determine how many arrests were municipal citations and how many arrests resulted in referrals to county intake for the filing of formal charges.

Data on the number of petitions filed are available from the Office of State Courts, but the only public information is the number of petitions filed in each county and it is not available by charge, age, race, or gender. DOJ has an agreement with the Director of State Courts Office to receive that more detailed information for the purpose of completing the Title II Formula grant application, but the information is otherwise not publicly available. There are no statewide data on the disposition of those petitions or how many youth arrested are diverted without the filing of a petition. That information is available at the county level, but not statewide.

Data on the number of youth admitted to secure detention facilities and secure correctional facilities (training schools) are available statewide, as is the number of youth waived into adult court. However, there are no statewide recidivism data or statewide data on youth outcomes tied to risk levels or program outcomes.

**d. Formula Grants Program Staff.**



**Wisconsin 3 Year Juvenile Justice Plan Section: Department of Justice**  
**FUNCTIONAL DESCRIPTION FOR 2018 APPLICATION**  
 Juvenile Justice and Delinquency Prevention Act Funded Staff Positions

**Matt Raymer, Justice Programs Supervisor:** This position provides general program supervision of the Juvenile Justice Team within the Department of Justice, Training and Standards Bureau (12% for JJDPA).

**Nina Emerson, Juvenile Justice Specialist/Compliance Monitor:** This is the primary contact for the Title II Formula, JABG, and Title V programs. The position is supported by funds from all the programs in recognition of the interrelationship that exists between the programs in order to support a comprehensive and coordinated program to reduce delinquency and improve the juvenile justice system. The position provides policy analysis, training on evidence-based practice, grants management, serves as a statewide resource on juvenile justice issues, provides juvenile justice-related technical assistance, and serves as staff to the SAG (50% for JJDPA).

**Reisha Mitchell, DMC Coordinator:** This 1.0 FTE position will coordinate and devote .5 FTE to promote DMC initiatives in the juvenile justice, child welfare, and school systems. The additional .5 FTE time will address DMC issues in the adult criminal justice system. Specifically, the DMC Coordinator will work with the new DMC subgrantees on grant projects that include Fair and Impartial Police Training, Municipal Court Youth DMC Reduction Initiative, School Based Apprehension Reduction Training, and Cultural Competency Training to reduce DMC. In addition, DMC Coordinator will work with the existing JDAI sites to ensure their continued success and will assist in the expansion of JDAI and alternatives to detention in general (50% JJDP).

**Katie Hawkins, Grants Specialist:** Acts as principle financial contact for all issues relating to fiscal oversight for juvenile justice-funded projects. This position is responsible for the review of grant applications to determine the appropriateness of the budget request, monitors budgets to identify unallowable costs, responds to requests for budget adjustments, authorizes payments, and responds to fiscally-related questions (40% of full-time activity provided as matching funds).

**Sabrina Gentile, Program Support:** Serves as the primary administrative person for internal and external activities associated with the administration of the juvenile justice program. This person prepares materials, schedules and coordinates meetings, takes and prepares minutes, maintains the front end functions for the grant management system, prepares grant award documents, and monitors special condition compliance (20% of full-time activity, state-funded position).

**Linda Schmitz and Mary Pat Lieven, Compliance Monitors:** Limited Term Employee positions, act as field representatives in the completion of OJJDP facility inspections (80% of full-time activity, Compliance-funded positions).

### **Compliance and DMC Plans.**

The state of Wisconsin's 2017 compliance data and supporting documentation for all four core requirements for the time period October 1, 2016, to September 30, 2017 was submitted separately from this application to OJJDP's compliance monitoring tool on April 2, 2018.

The Wisconsin Department of Justice (DOJ) is the [designated state agency](#) (DSA) under the juvenile justice and delinquency prevention act of 1974, P.L. 93-415 (JJDP) to prepare and administer a state comprehensive juvenile justice improvement plan. As the DSA, the DOJ has the [authority to collect information](#) concerning the number and nature of offenses known to have been committed in this state and other information as may be useful in the study of crime and the administration of justice regarding the criminal and juvenile justice systems.

The Wisconsin Governor has the statutory [authority](#) to create non-statutory committees by executive order; specifically, the Governor's Juvenile Justice Commission (GJC) to serve as the state advisory group (SAG) as provided under the JJDP. The JJDP states that the SAG shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State. However, the Wisconsin Executive Order #8 Relating to Creation of the Governor's Juvenile Justice Commission states the GJC's membership composition shall be not less than 15 but no more than 20, and in accordance with the federal Act, to serve at the pleasure of the Governor. The GJC membership is reflected in Appendix D of this application.

The GJC shall meet at least quarterly to review the progress and accomplishments of the juvenile justice initiatives funded under the state plan as established by its By-Laws. The GJC shall prepare an [Annual Report](#) to the Governor and Legislature detailing the Commission's accomplishments.

#### **A. Plan for compliance with the first three core requirements of the JJDP and the state's compliance monitoring plan.**

##### **An overall timetable for achieving compliance.**

January 18, 2018: The DOJ Compliance Staff conducted an overview of the OJJDP Compliance Training conducted in September 2017 for the DOC-ODF specialists who partner with DOJ on compliance monitoring.

April 13, 2018: In-person Compliance Review Meeting with compliance monitors, Justice Programs Coordinator and Deputy Director Stacy Lenz to review the compliance process, the number of violations, and whether any forms needed to be revised.

May 17-18, 2018: DOJ Compliance Monitors will attend the *2018 Juvenile Superintendents Conference* in the Wisconsin Dells, WI. A summary of the Compliance Report will be provided.

##### **Summer 2018:**

The DOJ will reach out to the specific agencies identified in this Compliance Report with DSO violations to educate administrative staff on the Core Requirements of the JJDP and

how to eliminate future violations. In addition, the DOJ will provide general outreach and education to law enforcement agencies concerning the Core Requirements of the JJDP.

August – September 30, 2018: The three DOJ Compliance Monitors will divide responsibility for the 13 juvenile detention facilities and two DOC detention placements for purposes of scheduling record review and site visits. Each Compliance Monitor will be responsible for monitoring five juvenile detention facilities. The JJDP Annual Survey will be emailed to ALL law enforcement agencies the last week of September 2018.

October – January 2018: The DOJ Compliance Monitors will conduct site inspections and review agency records as determined for the second year of the three-year compliance cycle. DOJ staff will work on tracking the collection of Annual Survey responses and determining if additional information is needed to determine if there are any violations.

**(1) Plan for deinstitutionalization of status offenders (DSO).**

**Strategies for achieving and maintaining compliance**

The DSO violation rate decreased from 17.76 in the 2016 Compliance Report to 13.59 in 2017 to 3.26 in 2018. The 2018 rate is significantly reduced and well under the new compliance standard of 9.89.

In lieu of submitting a plan to maintain full compliance, Wisconsin submits the certification in **Appendix M**.

**(2) Plan for separation of juveniles from adult inmates.**

**A strategy for achieving and maintaining compliance.**

The DOJ's strategy for achieving and maintaining compliance with sight and sound separation is supported by existing state statutes and administrative code. The DOJ will use the existing laws to work with law enforcement agencies to eliminate the separation violations.

By letter dated August 28, 2017, OJJDP Acting Administrator informed DOJ of the following:

**Based on this re-evaluation, although Wisconsin reported 12 violations of the separation requirement, the state has provided sufficient documentation to demonstrate compliance under the prior compliance standards. Therefore, Wisconsin is eligible to receive its full FY 2017 Title, Part B, Formula Grants Program allocation.**

In lieu of submitting a plan to maintain full compliance, Wisconsin submits the certification in **Appendix M**.

NOTE: All of the separation violations occurred in the Milwaukee Police Department (MPD) Districts 3, 5, 6 and 7. These districts process a high volume of adults and juveniles. All of the MPD violations involved 17-year old juveniles. In Wisconsin, a 17-

year-old charged with a state or federal criminal law is considered an adult. The challenge is that a 17-year-old could still be under juvenile court jurisdiction. What typically happens is that the 17-year-old will automatically get processed as an adult and be placed in an adult cell block. The officer might then learn that the youth was under juvenile court jurisdiction and transport the 17-year-old to the Milwaukee County Juvenile Detention Facility. However, the person may have already been placed in the adult booking area and an adult cell block. The MPD is committed to compliance with the JJDP Act. The DOJ will continue to work with MPD to improve the booking practices in the seven district locations.

**(3) Plan for removal of youth from adult jails and lockups.**

In lieu of submitting a plan to maintain full compliance, Wisconsin submits the certification in **Appendix M**.

**Provide information on how the designated state agency and SAG will work together to maintain compliance with the core requirements of the JJDP Act.**

The DOJ compliance staff and administration have a good working relationship with all law enforcement agencies; mainly because the monitoring functions are housed in the Training and Standards Bureau (Bureau) of the Division of Law Enforcement Services. The Bureau coordinates a variety of criminal justice initiatives and serves as the staff of the Law Enforcement Standards Board (LESB). It administers the programs of the LESB for certification of law enforcement, jail and secure detention officers; of instructors; and of academies. The Bureau administers reimbursement of training expenses for participants in LESB programs and coordinates and supports statewide training provided by the DOJ to the Wisconsin law enforcement community.

Wisconsin's SAG is the Governor's Juvenile Justice Commission (GJJC), which meets quarterly. The GJJC has a Policy, Legislative and Compliance (PLC) Committee that meets before the quarterly meetings. The GJJC will receive a copy of Wisconsin's Compliance Report and the DOJ will work with the PLC Committee to move forward on its efforts to achieve compliance.

**B. Plan for compliance monitoring for the first three core requirements of the JJDP Act.**

**States must provide a plan describing how their system for compliance monitoring meets each of the following 10 elements of an adequate compliance monitoring system.**

**(1) Policy and procedures.** As part of its Compliance Monitoring Report due on March 31, 2017, DOJ provided an electronic copy of its *State of Wisconsin Compliance Manual, Implementing the Core Requirements of the Juvenile Justice and Delinquency Prevention Act of 2002*, revised June 2016. Nine of the 13 OJJDP Audit Recommendations pertained to specific revisions for DOJ to make to its *Compliance Manual*.

- (2) **Monitoring authority.** Under [sec. 165.845](#), Wis. Stat. 2015-16, the DOJ has the legal authority to collect and inspect data from all facilities in which youth might be detained or confined pursuant to law enforcement or juvenile court authority. This statutory authority is provided on page 13 of the *Compliance Manual*.
- (3) **Monitoring timeline.** The DOJ provided a three-year monitoring timeline for the 2015-2017 reporting cycle. The timeline for the compliance monitoring cycle just completed is provided on pages 29-30 of the *Compliance Manual*.
- (4) **Violation procedures.** The DOJ is the designated state agency in charge of ensuring compliance with the JJDPA. DOJ employs a team of compliance monitors who are responsible for receiving, investigating, and responding to reports of compliance violations. The procedures are provided on pages 41-42 of the *Compliance Manual*.
- (5) **Barriers and strategies.** The *Compliance Manual* identifies and addresses the barriers to compliance on pages 33-35.
- (6) **Definition of terms.** An Appendix with the Definition of Terms is provided on pages 47-49 of the *Compliance Manual*.
- (7) **Identification of the monitoring universe.** This is provided on page 22 of the *Compliance Manual*.
- (8) **Classification of the monitoring universe.** A discussion of this is provided on pages 23-28 of the *Compliance Manual*.
- (9) **Inspection of facilities.** A summary of annual monitoring tasks and responsibilities is provided on page 37 and the inspection of facilities is covered on pages 39-40 of the *Compliance Manual*.
- (10) **Data collection and verification.** This topic is covered under “Data Collection and Verification Policies and Procedures” is provided on page 21 of the *Compliance Manual*.

**C. Plan for compliance with the disproportionate minority contact (DMC) core requirement.**

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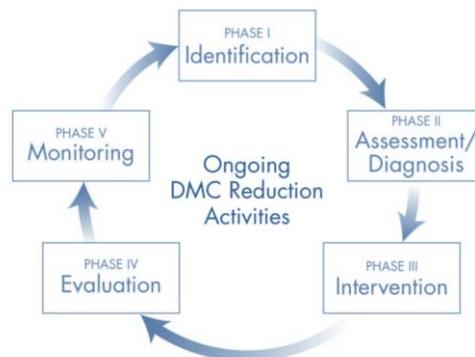
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**Introduction**

Pursuant to the Juvenile Justice and Delinquency Prevention Act (JJDP) at 42 U.S.C. 5633(a)(22), states and territories must “address youth delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.”

Disproportionate Minority Contact (DMC) exists if the rate of the contact with the juvenile justice system for a specific minority group is significantly different than the rate of contact for non-Hispanic whites or other minority groups.



OJJDP'S five-phase DMC Reduction model helps states determine whether disproportionality exists within their jurisdiction and, if it does, provides a step-by-step model to guide their DMC reduction efforts. Wisconsin, as mandated by the JJDP, is addressing the DMC core requirement through the guidelines set forth in the Formula Grants Consolidation Regulations 28 CFR Part § 31.303(j)-(k); utilizing the recommended DMC Reduction Cycle above (OJJDP, 2009); addressing DMC continually through identification (identifying the extent to which DMC exists), assessment (examining and determining the factors that contribute to DMC, if it exists), interventions (developing and implementing strategies to reduce DMC), evaluation (evaluating the efficacy of implemented strategies), and monitoring (tracking DMC trends over time). The first three of these phases are addressed below.

### **Phase I: Identification**

The purpose of the identification phase of a state's DMC effort is to determine whether disproportionality exists and the extent to which it exists.

In Wisconsin, Relative Rate Index (RRI) data show that, at every point of contact, disparities for all minority groups exist and in some counties have increased.

#### **(1) Updated DMC Identification Spreadsheets**

*(See Appendix #2 for statewide and local jurisdictions)*

RRI data from the 2016 calendar year are submitted to OJJDP through OJJDP's DMC Web-Based Data Entry System and uploaded to OJJDP's Compliance Monitoring Tool as Appendix 2.

#### **(2) DMC Data Discussion**

OJJDP requires states to collect, analyze, and enter the data statewide and for at least three local jurisdictions, approved by OJJDP every three years. This year, WI DOJ collected, analyzed and entered data statewide as well as for Milwaukee, Dane, La Crosse, and Racine counties.

**Note:** Wisconsin's juvenile justice system generally fits the [OJJDP points of contact] model. Wisconsin's juvenile justice system is county-based, encompassing 72 local juvenile justice systems. Each county operates its own record keeping system. This means that not all counties can produce the full range of decision points. It also means that data definitions for various decision points may vary slightly between counties. The juvenile court has jurisdiction over any juvenile age 10-16 alleged to have violated any state or federal criminal law. Youth aged 17 who fall under the original jurisdiction of the adult court or who are waived into adult court are the exception. Juveniles under age 10 who commit a delinquent act are not subject to delinquency proceedings, but are considered juveniles in need of protection or services (JIPS) and are handled under the JIPS provisions in Chapter 938, Wisconsin Statutes. Juvenile courts have concurrent jurisdiction with municipal courts over juveniles 12 or older. There is not a separate juvenile court system in Wisconsin; circuit courts serve as juvenile courts.

It should also be noted that Wisconsin uses a duplicated count in its compilation of data. The reported data reflect the actual number of system contacts. As a further effort to identify issues related to DMC reduction, the Designated State Agency (DSA) has included the need to submit as much of the locally- available information in all the applications for juvenile justice funding, whether the projects are related to the DMC reduction effort or not.

- (a) Analysis and discussion the RRIs obtained for statewide local jurisdictions, comparison of the updated data with FY 2015-2017 data, and illustration of how the data inform/guide the state's FY 2018-2020 3-Year Comprehensive Plan DMC Reduction efforts.

### **Statewide DMC RRI Overview**

**Arrest.** Over the past decade, Wisconsin has experienced a significant decline in the total number of juvenile arrests. 42,462 juvenile arrests were made in Wisconsin in 2016.<sup>1</sup> Youth of color, particularly Black and Native American youth, continue to be overrepresented with respect to arrest, and across all levels of the juvenile justice system. The same is true with rates of arrests. Wisconsin RRI data show that while total arrests and arrest rates have declined, those declines have been uneven across racial groups with greater declines for White youth than for youth of color. The RRIs for both groups show they are arrested and securely detained at rates higher than White youth. In 2016, the arrest rate for Black youth in Wisconsin was over three times higher than the arrest rate for White youth (3.20) and the arrest rate for American Indian youth was more than two times greater than the arrest rate for White youth (2.14). For Asian American youth, a disparity also exists, but in the opposite direction. Asian American youth make up the one racial group consistently less likely to be arrested than White youth. Asian youth in Wisconsin are two thirds less likely than White youth to be arrested in Wisconsin (0.34). The rates for Asian youth show they are less likely than White youth to be arrested or receive secure detention. Following arrest, disparities among racial groups continued to exist, though RRI values tended to decrease once juveniles are actually in the juvenile justice system.

**Diversions.** Although statewide data on cases diverted from the juvenile justice system is not currently available (see *Issues in DMC Data Collection*, below), it is important to note that in all but one focus county (La Crosse), not only were Black youth more likely

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<sup>1</sup> According to the standard definition of arrest as provided by OJJDP, “[y]outh are considered to be arrested when law enforcement agencies apprehend, stop, or otherwise contact them and suspect them of having committed a delinquent act.” The definition of arrest used by WI DOJ follows the definition used in the Uniform Crime Reporting program which includes “all persons processed by arrest (booking), citation, or summons (when served by an officer) for committing an offense in its jurisdiction.”

than White youth to be arrested and held in secure detention, they were also less likely to be diverted from the juvenile justice system.

**Secure Detention.** Since 2011, secure detention RRIs for Black and American Indian youth have remained more than double the secure detention rate of White youth while the secure detention rate for Asian youth was equal to that of White youth.

Of the focus counties, Dane and Racine counties demonstrated the highest RRI for secure detention in 2016, with Black and Hispanic youth in Milwaukee County nearly twice as likely to receive secure detention as White youth (1.94 and 1.89, respectively) and Black youth in Dane County nearly three and a half times as likely to receive secure detention as White youth (3.36).

**Transfer/Waiver.** In 2016, there were 111 petitions filed in Wisconsin requesting courts to waive juvenile court jurisdiction under the juvenile justice code and transfer jurisdiction to adult court, a 14.6 percent decrease from 2015 in waiver petitions filed. This decrease was most significant for White youth, who had a 44.6 percent decrease in petitions filed. A majority of waiver petitions in 2016 (56%) were filed against African American youth, resulting in an RRI of 3.83 for African American youth. In 2016, there RRIs increased for both Black youth (3.83) and Hispanic youth (4.23) at this decision point. Notably, the increase in RRI for Hispanic youth from 2.18 in 2015 to 4.23 in 2016 resulted from two additional petitions filed for Hispanic youth.

**Corrections.** There are currently two juvenile correctional facilities in Wisconsin: Lincoln Hills and Copper Lake Schools. In 2016, there were 111 admissions to those two facilities (a 36 percent decrease from 2015). Though the correctional placement point of contact contains the lowest volume of youth who come into contact with Wisconsin's juvenile justice system, the highest rates of disproportionality are most evident at this point. During 2016, Black, and Hispanic youth were placed in secure correctional facilities at significantly higher rates than White youth (3.83, and 4.23 respectively).

## **Milwaukee County**

Milwaukee County has a total youth population of approximately 98,828, the largest among any other Wisconsin county. Sixty four percent of the youth population is minority, significantly higher than the state proportion and almost double that of Dane County, the second largest Wisconsin county. Racial disparities are present at nearly every point of contact in Milwaukee County.

**Arrest.** For several years, Milwaukee County has had the State's lowest RRI in terms of arrest for Black youth hovering around 2.0. From 2012-2015, the arrest RRI for Black youth in Milwaukee was decreasing incrementally from 2.32 in 2012 to 1.91 in 2015 (a

17.6% decrease). In 2016, the RRI for Black youth was 2.43. Asian youth in Milwaukee County were arrested at rates significantly lower (0.20) than White youth in Milwaukee County in 2016.

**Referral to Juvenile Court.** After arrest, Black youth in Milwaukee County were referred to juvenile court at rates more than twice as high than White youth in Milwaukee County (2.69). There were no statistically significant RRIs at this decision point for any other minority group in Milwaukee County.

**Diversion.** Despite arrest and referral rates more than twice as high as those for White youth in 2016, Black youth in Milwaukee County were diverted from the juvenile justice system at a rate half that of White youth in Milwaukee County (0.53). Hispanic youth were also diverted at rates lower than White youth (0.65). Following arrest, Black and Hispanic youth in Milwaukee County were held in secure detention at higher rates than White youth.

**Secure Detention.** Of the 2016 focus counties, Milwaukee was among the lowest RRIs for secure detention in 2016, with the secure detention rates of Black and Hispanic youth in Milwaukee County nearly twice as high (1.94 and 1.89, respectively) than the secure detention rates for White youth. The 2016 RRI values at this point of contact were significantly lower than the RRI values at this point of contact in 2015 (2.35, 2.44, respectively).

**Petitions and Adjudications.** Petitions were filed for Black youth in Milwaukee County at a rate significantly higher than the rate of White youth (1.75) in 2016. This was also true for Hispanic youth (1.56). These RRI values are essentially the same as 2015. Both of these groups were adjudicated delinquent at higher rates (1.09 and 1.11, respectively), though only the RRI for Black youth was statistically significant at this contact point.

**Probation Placement.** Although rates of arrest, referral, petition, adjudication, and secure detention were higher for Black youth in Milwaukee County, there were no statistically significant RRIs for probation placement.

**Corrections and Transfers.** In 2016, Milwaukee County decreased admissions to correctional facilities by 37 percent. Admissions for Black youth in particular were reduced by 45 percent. Still, as only one of 68 youth sent to correctional facilities from Milwaukee County was White, RRIs could not be calculated by the Excel DMC Data Spreadsheet for any minority group. The same is true for cases transferred to adult court. In 2016, there were 30 youth from Milwaukee County transferred to adult court. 26 of those 30 youth were Black.

## **Dane County**

Dane County is the second most populous county in Wisconsin, after Milwaukee County. Dane County has a total youth population of approximately 48,154, the second largest among any other Wisconsin county. Dane County also has a relatively significant minority youth population (28.6%).

**Arrest.** In Dane County, there has been a steady decline in juvenile arrests across all racial groups since their highest point in 2007. 2016 marked the fourth consecutive year that the total number of juvenile arrests declined in Dane County and the lowest total number of arrests for Black and Asian youth in the last decade. This downward arrest trend has been uneven across minority groups, with arrests of White youth declining by 67 percent since 2006 while arrests of Black youth declined by 51 percent over the same period of time. Between 2006 and 2012, Black youth in Dane County typically had an arrest rate four and a half times greater than White youth, but that number has increased in 2016 so that even though Black youth make up less than 10 percent of the total youth population in Dane County, they make up approximately 46 percent of the county's juvenile arrests and, in 2016, were arrested at a rate six times (6.33) higher than the rate of White youth in Dane County. Asian youth in Dane County were arrested at significantly lower rates than White youth (0.22).

**Referral to Juvenile Court.** Following arrest, Black youth in Dane County were referred to juvenile court at higher rates than White youth in 2016 (1.84).

**Diversions.** Even though Black youth were more likely to be arrested in Dane County, they were less likely (0.71) than White youth to be diverted from the juvenile justice system.

**Secure Detention.** The total number of juveniles in Dane County who receive secure detention has fallen significantly over the last five years (73% decrease). Despite the decline in the overall juvenile detention rate in Dane County however, the detention rate for Black youth remains over three times higher than the detention rate for White youth in Dane County (3.36).

Although in 2015 there was no statistically significant RRI for Hispanic youth with respect to secure detention, in 2016, Hispanic youth in Dane County were securely detained at a rate almost three times higher than White youth (2.78).

**Petitions and Adjudications.** Petitions for Black and Hispanic youth in Dane County were filed at higher rates than White youth in 2015 (1.31 and 1.38, respectively). There was no statistically significant RRI for any minority group with respect to adjudications in 2016.

**Probation Placement.** The rates of probation placement for all minority youth in Dane County remained statistically equivalent in 2016.

**Corrections and Transfers.** As only three of 14 youth sent to correctional facilities in Dane County in 2016 was White, RRIs could not be calculated by the Excel DMC Data Spreadsheet for any minority group. There were two youth waived into adult court in Dane County in 2016, both of whom were Black.

### **La Crosse County**

**Arrest.** La Crosse County was the recipient of Juvenile Accountability Block Grant (JABG) funds in 2015 and 2016 aimed at DMC reduction. La Crosse County has a strong partnership among juvenile justice system stakeholders and, in 2008, formed the Juvenile Justice Arrest and Disproportionate Minority Contact Inter-Agency Task Force.

The La Crosse Juvenile Justice Arrest and Disproportionate Minority Contact Inter-Agency Task Force published a Full Report in 2014 finding that the juvenile arrest rate in La Crosse County is much higher for all juveniles than the national juvenile arrest rate, the Wisconsin juvenile arrest rate, and the arrest rates of similarly sized Wisconsin counties. La Crosse County also had the highest RRI at arrest for Black youth of the three focus counties (8.80) in 2016, which is an increase of almost 2.0 from the 2014 year, when the RRI was 6.25. Consistent with the RRIs for Asian American youth at arrest statewide, the RRI for Asian American youth in La Crosse is 0.56, demonstrating that Asian youth were arrested at a rate almost half the rate for White youth.

**Referral to Juvenile Court.** Following arrest, Black youth in La Crosse County were referred to juvenile court at higher rates than White youth (1.87).

**Cases Petitioned.** Not only were Black youth in La Crosse County arrested and referred to juvenile court at higher rates than White youth, they also were securely detained at higher rates (1.80) than White youth.

In La Crosse County, there were no statistically significant RRIs with respect to cases diverted, cases resulting in delinquent findings, or probation placement for any minority group. There were no youth in La Crosse County waived into adult court or confined in secure juvenile correctional facilities in 2016.

### **Racine County**

**Arrest.** In Racine County, African American youth were arrested at a rate five times higher than the rate of White youth (5.05).

**Referrals and Diversion.** While both African American and Hispanic youth were referred to court at higher rates than White youth in Racine County, African American youth were diverted at a lower rate than White youth (0.78), while Hispanic youth were diverted at rates higher than white youth (1.68).

**Secure Detention.** Following arrest, both African American and Hispanic youth in Racine County were securely detained at rates higher than white youth (2.52 and 1.53, respectively).

**Petitions and Adjudications.** Petitions were filed for Black youth in Racine County at a higher rate than White youth (1.77). There were no other statistically significant RRI values for any other minority groups in Racine County. There were no statistically significant RRI values for any minority group with respect to cases resulting in delinquent findings.

**Probation, Corrections, and Waivers.** There were no statistically significant RRIs for any minority group in Racine County with respect to cases resulting in probation placement, cases resulting in confinement in secure correctional facilities, or cases transferred to adult court. There were no youth from Racine County ordered to secure juvenile correctional facilities in 2016, and 11 total youth waived into adult court. Because only 2 of those youth were White and the others were black, the RRI spreadsheet was unable to calculate an RRI at this contact point.

### **Issues in DMC Data Collection**

**Hispanic Arrest Data.** The data used by Wisconsin DOJ in calculating juvenile arrests comes from the Wisconsin DOJ's Bureau of Justice Information and Analysis (BJIA), which manages the Wisconsin Uniform Crime Reporting (UCR) program and is the keeper of juvenile justice data at the state level. The State does not require law enforcement agencies to identify Hispanic youth in arrest reporting, although they are identified in secure detention data. Without Hispanic arrest data, we cannot analyze the respective arrest and detention rates and subsequent RRIs. A similar limitation also applies to mixed race youth in both arrest and detention data.

By not including Hispanic arrest data, and only categorizing arrests as "Black" or "White" the number of "White" youth arrested is likely inflated and the white/black disparity is likely obscured.

**American Indian Data.** There are 11 federally recognized Indian Tribes in Wisconsin and tribal law enforcement agencies are not required to submit arrest data to WI DOJ. In 2016, six tribal law enforcement agencies reported data to WI DOJ. American Indian youth are also subject to prosecution and disposition within tribal courts, which may exclude some offenses from county data. For these reasons, there is a possibility that the arrests of American Indian and Alaskan Natives may have been undercounted.

**Missing Data Elements.** Wisconsin is missing data for three of nine contact points (referral to juvenile court, cases diverted, and cases resulting in probation placement).

**(a) Current and future barriers to adding contact points**

Wisconsin's juvenile justice system is county-based, which means that there are 72 local juvenile justice systems. County-level human service agencies are responsible for initial screening of juveniles who have been taken into custody. County workers also make recommendations to the district attorney as to whether the case should be dismissed, entered into deferred prosecution (diversion), or whether formal delinquency proceedings should be initiated. Juvenile supervision or probation is also provided at the county level. There is currently no statewide requirement that the counties collect most of this data nor is there a system in place to collect it statewide. For this reason, statewide level data has been difficult to obtain at certain contact points (referrals to juvenile court, cases diverted, and cases resulting in probation placement).

**(b) Agencies, Organizations, or individuals responsible**

The Wisconsin Department of Children and Families (DCF) began working in 2017 to develop a plan for short and long term comprehensive juvenile justice data collection. In 2018, DCF will begin to collect statewide data on referrals to juvenile court intake and human services intake decisions. WI DOJ will continue to partner with DCF in order to collect, analyze, and submit this data to OJJDP.

During the FY 2015-2017 time period, WI DOJ requested and submitted county level RRI data from three local jurisdictions. In 2016, WI DOJ requested county level RRI data from those three counties in addition to three other counties order to get a better sense of the statewide picture. WI DOJ received RRI data from two additional counties and submitted the RRI data from Racine County this year. RRI data from a second county was not submitted due to concerns about its accuracy. The DMC Coordinator will continue efforts to increase both the number of counties reporting this data to WI DOJ as well as provide technical assistance to reporting counties to improve the quality of the data submitted.

(b) RRI Tracking Sheet Discussion:

**Table 1: Statewide RRI Analysis Tracking Sheet**

Statewide RRI Analysis Tracking Sheet							
State: Wisconsin	Black or African American	Hispanic or Latino	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Other/Mixed	All Minorities
1. Juvenile Arrests	3.20 S,M,V,C	**	0.34 S,M	*	2.14 S,V	*	1.32 S
2. Refer to Juvenile Court	**	**	**	*	**	*	**
3. Cases Diverted	**	**	**	*	**	*	S
4. Cases Involving Secure Detention	2.93 S,M,V,C	**	0.75	*	3.84 S,M,C	*	3.36 S,M,V,C
5. Cases Petitioned	1.9 S,V,C	**	1.00	*	2.32 S,M,C	*	2.58 S,V,C
6. Cases Resulting in Delinquent Findings	1.12	0.99	1.18	*	0.91	*	1.03
7. Cases resulting in Probation Placement	**	**	**	*	**	*	**
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	4.49 S,M,C	4.82 S,M,C	**	*	**	*	3.82 S,M,C
9. Cases Transferred to Adult Court	3.83 S,M,C	4.22 S,M,C	**	*	**	*	3.12 S,M,C

Key: RRI = relative rate index; S = statistically significant; M = magnitude of RRI; V = volume of activity; C = compared with other jurisdictions; CX = contextual considerations.

**Wisconsin.** Youth of color, particularly Black and Native American youth, continue to be overrepresented with respect to arrest, and across all levels of the juvenile justice system in Wisconsin. In 2016, nearly every point of contact for African American and Native American youth for which the State has data contained a statistically significant RRI, with arrest, secure detention, confinement in secure juvenile correctional facilities, and transfers to adult court having the greatest magnitude. Of the statistically significant RRI values with the greatest magnitude, arrests and cases involving secure detention for Black and Native American youth had the greatest volume. In order to reach statistical parity at the point of arrest, there needed to be 8,103 fewer arrests of Black youth statewide. Wisconsin intends to focus future interventions at this point of contact.

**Table 2: Milwaukee County RRI Analysis Tracking Sheet**

Milwaukee County RRI Analysis Tracking Sheet							
State: Wisconsin County: Milwaukee	Black or African American	Hispanic or Latino	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Other/Mixed	All Minorities
1. Juvenile Arrests	2.43 S,M,V	**	0.20 S	*	**	*	**
2. Refer to Juvenile Court	2.69 S,M,V,C	**	**	*	**	*	**
3. Cases Diverted	0.53 S	0.65 S	**	*	**	*	0.54 S,M,V,C
4. Cases Involving Secure Detention	1.94 S,M,V,C	1.89 S,C	**	*	**	*	1.93 S,C
5. Cases Petitioned	1.75 S,M,V,C	1.56 S,C	**	*	**	*	1.73 S,V,C
6. Cases Resulting in Delinquent Findings	1.09 S,M	1.11	**	*	**	*	1.10 S
7. Cases resulting in Probation Placement	0.94	0.87	**	*	**	*	0.93 S
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	**	*	**
9. Cases Transferred to Adult Court	**	**	**	*	**	*	**

Key: RRI = relative rate index; S = statistically significant; M = magnitude of RRI; V = volume of activity; C = compared with other jurisdictions; CX = contextual considerations.

**Milwaukee County.** In Milwaukee County, nearly every point of contact for African American youth contained a statistically significant RRI. Of those that were statistically significant, the points of contact with the greatest magnitude (or those with the highest degree of disproportionate contact) were arrests, referrals to juvenile court, cases involving secure

detention, and cases diverted. The RRIs for Hispanic youth in Milwaukee County were generally low, but detention and petition rates were high and diversions were low. The highest volume was at arrest for Black youth (Milwaukee County would have to have arrested more than half as many Black youth (2,713) in order to achieve statistical parity) and diversion for Black and Hispanic youth (Milwaukee County would have to have diverted 987 additional Black youth and 151 additional Hispanic youth in order to achieve statistical parity).

**Table 3: Dane County RRI Analysis Tracking Sheet**

Dane County RRI Analysis Tracking Sheet							
State: Wisconsin County: Dane	Black or African American	Hispanic or Latino	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Other/ Mixed	All Minorities
1. Juvenile Arrests	6.33 <i>S,M,V,C</i>	**	0.22 <i>S</i>	*	**	*	2.35 <i>S,M,V</i>
2. Refer to Juvenile Court	1.84 <i>S,M,V,C</i>	**	**	*	**	*	2.00 <i>S</i>
3. Cases Diverted	0.71 <i>S,M</i>	0.64 <i>S</i>	**	*	**	*	0.71 <i>S</i>
4. Cases Involving Secure Detention	3.36 <i>S,M</i>	2.78 <i>S</i>	**	*	**	*	3.31 <i>S</i>
5. Cases Petitioned	1.31 <i>S,M</i>	1.38 <i>S</i>	**	*	**	*	1.31 <i>S</i>
6. Cases Resulting in Delinquent Findings	0.97	1.07	**	*	**	*	0.99
7. Cases resulting in Probation Placement	0.95	**	**	*	**	*	0.95
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	**	*	**
9. Cases Transferred to Adult Court	**	**	**	*	**	*	**

Key: RRI = relative rate index; *S* = statistically significant; M = magnitude of RRI; V = volume of activity; C = compared with other jurisdictions; CX = contextual considerations.

**Dane County.** In Dane County, there was a statistically significant RRI at nearly every point of contact for Black youth. Of those that were statistically significant, the points of contact with the greatest magnitude (or the highest degree of disproportionate contact) was arrest for Black youth.

Dane County would have had to make more than 1,000 fewer arrests in order to reach statistical parity with White youth. Cases involving secure detention also had a considerable magnitude. In order to achieve statistical parity, law enforcement in Dane County would have had to have made 1,227 fewer arrests of Black youth. There would have to be 47 fewer Black youth detained in secure detention in Dane County to achieve statistical parity.

**Table 4: La Crosse County RRI Analysis Tracking Sheet**

La Crosse County RRI Analysis Tracking Sheet							
State: Wisconsin County: La Crosse	Black or African American	Hispanic or Latino	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Other/Mixed	All Minorities
1. Juvenile Arrests	8.80 S,M,V,C	0.43 S	0.56 S	*	**	*	2.67 S,M,V
2. Refer to Juvenile Court	1.87 S,M,C	**	**	*	**	*	1.69 S
3. Cases Diverted	0.99	**	**	*	**	*	0.98
4. Cases Involving Secure Detention	1.80 S,M	**	**	*	**	*	1.82
5. Cases Petitioned	1.32	**	**	*	**	*	1.28
6. Cases Resulting in Delinquent Findings	1.22	**	**	*	**	*	1.26
7. Cases resulting in Probation Placement	**	**	**	*	**	*	**
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	**	*	**
9. Cases Transferred to Adult Court	**	**	**	*	**	*	**

Key: RRI = relative rate index; S = statistically significant; M = magnitude of RRI; V = volume of activity; C = compared with other jurisdictions; CX = contextual considerations.

**La Crosse County.** In La Crosse County, there were a number of RRI values that were statistically significant (arrests for Black and Asian youth, and Cases Referred and Cases

Petitioned for Black youth). In order to achieve statistical parity with White youth, La Crosse County would have needed to make 381 fewer arrests, 85 fewer referrals, and 10 fewer petitions for Black youth.

**Table 5: Racine County RRI Analysis Tracking Sheet**

Racine County RRI Analysis Tracking Sheet							
State: Wisconsin County: Racine	Black or African American	Hispanic or Latino	Asian	Native Hawaiian or Other Pacific Islander	American Indian or Alaskan Native	Other/Mixed	All Minorities
1. Juvenile Arrests	5.05 S,M,V,C	**	**	*	**	*	1.78 S,M,V
2. Refer to Juvenile Court	1.68 S,M,C	1.41 S	**	*	**	*	2.07 S,M,C
3. Cases Diverted	0.78 S	1.35 S,C	**	*	**	*	0.89 S,M,V
4. Cases Involving Secure Detention	2.52 S,M,V,C	1.53 S,C	**	*	**	*	2.33 S,M,C
5. Cases Petitioned	1.77 S,V,C	1.06	**	*	**	*	1.64 S,V,C
6. Cases Resulting in Delinquent Findings	0.91	1.04	**	*	**	*	0.93
7. Cases resulting in Probation Placement	0.9	1.3	**	*	**	*	0.95
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	**	*	**
9. Cases Transferred to Adult Court	**	**	**	*	**	*	**

Key: RRI = relative rate index; S = statistically significant; M = magnitude of RRI; V = volume of activity; C = compared with other jurisdictions; CX = contextual considerations.

**Racine County.** In Racine County, the RRI value for arrests for Black youth was statistically significant, had the greatest magnitude, and involved the greatest volume of activity. Racine County would have had to make 785 fewer arrests of Black youth in order to reach statistical parity. The RRI values for African American and Hispanic youth were statistically significant at several other points of contact (arrest, referrals to juvenile court, cases diverted, cases involving secure detention, and cases petitioned). Of those that were statistically significant, those with the greatest magnitude are referrals to juvenile court and cases involving secure detention for Black youth, which involve the greatest volume of activity. Racine County would have had to refer 121, and securely detain 167 fewer Black youth in order to reach statistical parity.

## **Phase II: Assessment/Diagnosis**

The assessment stage is an in-depth examination of how DMC occurs. An assessment is a search for the factors that contribute to DMC, with the goal that the results may lead to strategies or interventions to reduce DMC (OJJDP, 2009). In order to meet the grant requirements of OJJDP, the Wisconsin Department of Justice (WI DOJ) contracted with the University of Wisconsin-Madison Population Health Institute (UW PHI) in 2014 to conduct an evaluation of efforts to reduce Disproportionate Minority Contact (DMC) with juveniles in Wisconsin. This report was completed in September of 2014, published, and submitted to OJJDP in 2015, and has been a guiding tool for the State Advisory Group as they make decisions on priorities for our state.

### **(1) Brief Summary of statewide DMC assessment study**

The UW PHI report identified that DMC was most prevalent when analyzing arrest data, particularly for Black youth, demonstrating a need for a greater focus on this initial point of contact into the juvenile justice system. The UW PHI report also pointed to differential offending as a possible explanation for the level of DMC observed for arrest data in Wisconsin. The research literature raises the possibility that the rates at which youth from various racial and ethnic groups are involved in delinquent activity may differ (e.g., Lauritsen, 20015). The UW PHI evaluation found disproportionate arrest rates for black and American Indian youth statewide that continued to increase and remain above the national average for both violent and property crimes throughout the state and in focus counties. The report found that in 2012, Black youth in Wisconsin had a violent crime arrest rate that was twelve times higher than the violent crime arrest rate for White youth. The report also noted that while many program changes had been developed to target this, such as Fair and Impartial Policing training and revisions of school policies around juvenile offenses or behaviors, there has not been consistency in system changes or widespread use in standardized programming across counties.

The UW PHI report did not address any other factors that may contribute to DMC in Wisconsin nor did the report recommend meaningful interventions for change or next steps and a new DMC assessment would be beneficial in order to prioritize interventions. One of the most significant barriers to completing a new statewide DMC assessment is decreased funding for juvenile justice programming. In order to overcome this obstacle, Wisconsin anticipates using WI DOJ resources, as well as collaborating with outside resources such as a university or other state agencies, to complete a new assessment. An additional challenge is access to DMC data at all contact stages. The plan will include an approach to identifying and collecting additional data needed to support the assessment process. BJIA will assist with the research design and analysis to identify factors contributing to DMC in select jurisdictions and contact points identified through our 5-Step RRI Tracking and Analysis process. The assessment will be a significant step in identifying areas for intervention, programming, and potential system changes and the implementation of those efforts will then be part of the monitoring of DMC trends over time.

### **Phase III: Intervention**

#### **(1) Progress made in FY 2017.**

As noted in the FY 2017 DMC Compliance Plan, Wisconsin was in a position where all of the federal Title II Formula funds were frozen due to an audit by OJJDP. As a result, Wisconsin was not able to utilize Title II Formula Funds to fund any DMC reduction activities from FY 2013-2015. In FY 2016, Wisconsin did receive an award, which was diminished due to noncompliance with the other three core requirements. As a result, there were insufficient funds to fund any of the planned DMC activities.

Despite not having access to formula funds, the Governor's Juvenile Justice Commission (GJJC) authorized a funding announcement identified to reduce the disproportionate minority contact in Wisconsin by using the remaining Juvenile Accountability Block Grant (JABG) funds to assist units of local government in developing strategies to reduce DMC through sustainable and measurable efforts.

The following details all of the programs funded in FFY17 using the remaining and final amount of JABG funds.

#### **DMC Pilot Sites**

Through this fund announcement, funds were made available for a DMC Reduction Pilot Project to Dane, La Crosse, and Milwaukee counties to receive intense training, technical assistance, and support in the area of implicit bias by the Perception Institute. The Perception Institute will conduct direct training which is grounded in empirical research within the social sciences and developed by a multidisciplinary team who brings substantial expertise in research, training, and assessment of programs throughout the country. Perception Institute will then work directly with representatives of each agency to contextualize the training, identify the decisions, practices, and behaviors that likely contribute most significantly to racial disparities, and develop relevant interventions.

These trainings were completed in December of 2017.

#### **Milwaukee County**

##### **Milwaukee County Department of Human Services – Delinquency and Court Services**

##### **Youth Employment Project (formerly Power of Harambee).**

**Award: \$23,242.00**

##### **Project Summary:**

This program served a high number of males of color who were involved in the alternative to corrections program, Milwaukee County Accountability Program (MCAP).

This program provides employment related training and is the only program for youth involved in the juvenile justice system to get a job at the end of programming. This provides an option for youth to earn money and to participate in prosocial activities, along with support beyond program involvement.

### **Additional DMC Reduction Activities**

#### **Annie E. Casey Foundation—Juvenile Detention Alternatives Initiative (JDAI)**

The Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) began in 1992 as an effort to reduce unnecessary and inappropriate secure detention of young people without jeopardizing public safety. Reducing racial and ethnic disparities is one of JDAI’s core strategies.

Pursuant to Wisconsin’s 2009-2011 Juvenile Justice Plan, the Governor’s Juvenile Justice Commission selected Manitowoc, Milwaukee and Racine Counties to pilot the Annie E. Casey Foundation Juvenile Detention Alternatives Initiative. All JDAI sites are required to:

- Ensure collaboration—between juvenile justice agencies, government, and community;
- Use accurate data—to diagnose system strengths and weaknesses to assess reform impact;
- Use objective admissions instruments—to replace subjective decision-making;
- Implement non-secure alternatives to detention for youth who would be incarcerated;
- Implement case processing reforms—expedite cases: reduce length of stay in secure detention, expand availability in non-secure programs, ensure timely interventions;
- Review procedures for special detention cases—youth in secure detention for court order violations/warrants/awaiting placement must be re-examined and minimized;
- Reduce racial disparities—use strategies eliminating bias for fairness for youth of color; and;
- Improve conditions of confinement—routine, rigorous inspection of secure facilities.

Wisconsin is continuing to follow the recommendation contained in the 2014 UW PHI Report to work to add JDAI sites across Wisconsin. In 2017, JDAI efforts in Wisconsin were expanded to La Crosse County.

### **FFY 2018-2020 DMC Compliance Plan**

**Each state’s DMC Compliance Plan shall, where DMC has been demonstrated and contributing factors determined, provide an intervention plan for reduction. The plan must be based on the results of the identification data and assessment study**

**and must include at least one of the five activities below: (diversion, prevention, reintegration, policies and procedures, staffing and training)**

### **Training and Technical Assistance**

As indicated above, the 2014 UW PHI report identified that DMC was most prevalent when analyzing arrest data, particularly for Black youth, demonstrating a need for a greater focus on this initial point of contact into the juvenile justice system. Statewide and local RRI data from 2015 and 2016 indicate that this is still the case. In 2015 and 2016, arrest continued to be the point of contact with the highest statistically significant RRI values, with the greatest magnitude, and involving the greatest volume of activity statewide as well as in all four local jurisdictions. Wisconsin is committed to addressing this initial point of contact into the system in the 2018-2020 period.

In order to address disparities at arrest, Wisconsin will continue to provide training and technical assistance to local and statewide system stakeholders including law enforcement officers on best practices for working effectively with young people, including training on juvenile brain development and recognizing and addressing implicit bias.

### **Policies and Procedures**

As indicated above, cases involving secure detention had statistically significant RRI values, significant magnitude, and a significant volume of activity statewide in 2016. The RRI values were statistically significant with the greatest magnitude in all four of the focus counties.

In 2014, Milwaukee County partnered with the W. Haywood Burns Institute to evaluate the county's detention data. Milwaukee found that youth detained as a result of warrants made up over thirty percent of all admissions and releases from secure detention. Most of those detained were youth of color. This remained true in 2017 when Milwaukee was selected by the Annie E. Casey Foundation to join a group of JDAI sites and related TA organizations which agreed to join together to study, implement and assess case processing reform efforts.

Through training and technical assistance, Wisconsin will support Milwaukee County in its effort to reduce racial and ethnic disparity through case processing reform.