

**Governor's Juvenile Corrections Review Committee  
Minutes of the April 19, 2010 Meeting at the  
Department of Corrections, Secretary's Conference Room  
3099 E. Washington Ave, Madison, WI  
Open Meeting**

**Attendance:**

The following Committee members were present: Hon. Judge Wendell Askenette, John Burmaster, Greg Lewis, Bishop Charles McClelland, Mark Mertens, Jim Moeser, Hon. Judge Neal Nielsen, John Solberg, Hon. Judge Mary Triggiano (by phone), Lori Vance, Hon. Judge Glenn Yamahiro (by phone). Present from the Department of Corrections were: Secretary Rick Raemisch, Deputy Secretary Ismael Ozanne, Executive Assistant, Melissa Roberts, and Linda Eggert, Public Information Director. Division of Juvenile Corrections staff present: Margaret Carpenter, Administrator, Silvia Jackson, Assistant Administrator, Jocelyn Schoeneck, Elaine Olson, Wes Ray and David Bajkiewicz. Others in attendance at the meeting: Sarah Diedrick-Kasdorf, Susan McMurray, Patricia Raasch and Mark Wadium. A sign-in sheet was circulated at the meeting.

**I. Welcome and Introductions**

The Division of Juvenile Corrections Administrator, Margaret Carpenter, convened the meeting and welcomed everyone. She thanked the group for their willingness to serve on the Committee. Committee members and staff introduced themselves.

**II. Charge to the Committee**

Department of Corrections Secretary Rick Raemisch also welcomed everyone and outlined the charge to the Committee. He noted the juvenile arrest rate has dropped 22% over the past few years and that the juvenile institution populations have dropped by 35%. He believes the work of counties and the re-entry work by the Department have contributed to these positive changes. However, the juvenile institutions are currently operating at half occupancy and this has resulted in a projected deficit of \$25 million for the current biennium. With this as background, the Secretary asked the Committee to look closely at the institutions and decide the best direction for Juvenile Corrections in the state. He also asked the Committee for input on use of vacant bed space should they decide to consolidate the juvenile institutions. He cited the anticipated need for more AODA treatment space for adults given the new drunk driving laws.

Secretary Raemisch also discussed a general timeline for the Committee's work which is to culminate with recommendations for the Governor regarding the direction for Juvenile Corrections in the state. He thought the work could be completed over about six meetings, but he indicated this timeline could be either shortened or extended if needed. Judge Nielsen asked about the economic impact on counties when a youth is placed in

corrections. He noted that Florida's index crime rate is currently at its lowest point in 39 years. Secretary Raemisch noted that prison populations are down, and that facilities can be converted to accommodate fluctuating prison populations. Michigan's correctional population is down and they have closed eight prisons. The Secretary further noted that correctional philosophy has changed to focus on re-entry services to offenders and it seems to be working.

Bishop McClelland asked about the distance between the two juvenile institutions. Staff said the driving distance between the two is about three and one-half hours. The population split between the institutions was also mentioned: Ethan Allen School has 55% of the total male institutional population and Lincoln Hills School has 45% of the total. Judge Askenette wondered about the impact of a proposed law change that would return 17 year olds to jurisdiction of the juvenile courts, and would this result in a different need for corrections. Committee member Moeser indicated there would be a fiscal impact of such a law change. Committee member Lewis asked if the group would find out the Department's thinking on what direction to take with juvenile corrections. The Secretary said the Department has held differing views on the best direction to go, and that he was going to defer a response for now because he wants to see a solid plan and some recommendations from the Committee to help the Department move forward on the issue. Secretary Raemisch thanked everyone for agreeing to serve on the Committee.

Administrator Carpenter emphasized the independent role of the Committee, and stated her hope that the group come up with a chair and co-chair by the end of the meeting. She also indicated that staff would get back to the group in response to a question on racial composition, expressed in percentages, of the total population at the juvenile institutions.

### **III. DJC Historical Budget and Population Overview**

DJC budget staff, Wes Ray and David Bajkiewicz, presented historical information on the juvenile Average Daily Population (ADP) of the male institutions. The ADP has declined 29% over the last five fiscal years. An overview of Youth Aids was covered. The Youth Aids funding mechanism created in 1979 allocates funds to each county annually, and they use the money to cover the costs of juvenile services including placement of youth in the state juvenile institutions. Counties receive all the Youth Aids funds allocated by the legislature. For fiscal year 2010 (FY 10), counties received \$100.8 million in Youth Aids funding. A question from the Committee arose about the juvenile population trend line and what accounted for the spikes over the years. Staff replied that the occasional spikes could be due to a variety of things at the local level including policing activity and the cycle of the school calendar with summer vacations and holidays.

Budget staff also explained the Division's revenue which is derived primarily from the daily rate charged to counties for care of youth sent to the institutions. A handout was distributed that showed the daily rates from FY 05 to FY 11 (which will start on July 1, 2010). The daily rates during this time period ranged from \$187 per day to \$275 per day

which will be the rate effective July 1, 2010. Daily rates are set in statute through the state's biennial budget process. It was noted that funding for Serious Juvenile Offenders is handled differently; through a separate General Purpose Revenue allocation by the legislature. Counties are not charged for the care of youth sent to the Department as Serious Juvenile Offenders. Grant funding sources for the Division totaled \$3.7 million in fiscal year 2009. Grants include Title I and IV-B which are federal funding sources. Some Special Education grant money is received based on the number of juveniles in care. Also, some funding is captured through competitive grant applications. AODA and Sex Offender Treatment Grants are currently operating in the Division. Lastly, some Independent Living Program and Foster Grandparent Program grant money is made available to DJC.

Committee member Solberg asked about the portion of Youth Aids funded by federal money. Staff noted that in the current fiscal year, \$11.8 million of the \$100.8 million in Youth Aids was replaced with federal stimulus money. Most of Youth Aids (90%) is state money. Judge Triggiano wondered about the impact on grant funding if an institution is closed. Committee member Moeser inquired about the number and percent of Serious Juvenile Offenders in the institutional population. Staff replied that about 15% of the population comprises this type of juvenile commitment. On the funding issue, Administrator Carpenter noted that DJC does not get school aid funding based on the number of students enrolled like local school districts do.

Discussion occurred about the daily rate charged by Residential Care Centers (RCC) in comparison to the daily rate charged to counties by DJC. Staff noted that counties are billed a rate set in statute when a youth is placed in an RCC after release from a juvenile institution. Currently, this rate is \$298 per day. Committee member Vance asked about the \$50 rate jump between FY 07 and FY 08. Staff explained the rate increase was due to declining populations, and increases in employee health care costs. Committee member Mertens noted that the FY 08 rate increase was fully funded by the Youth Aids allocation. This does not always happen now, as it did historically, when the Youth Aids allocation was increased to accommodate an increase in the institution daily rate.

Lastly, budget staff covered a handout which showed the operating costs of the juvenile institutions over the past five fiscal years. Administrator Carpenter noted that the Southern Oaks Girls School was not a part of the Committee's review, but the daily operating costs of the Girls School were provided as follows:

<b>FY 05-</b>	<b>\$465.23</b>	<b>per day</b>		
<b>FY 06-</b>	<b>476.00</b>		“	“
<b>FY 07-</b>	<b>449.74</b>		“	“
<b>FY 08-</b>	<b>443.17</b>		“	“
<b>FY 09-</b>	<b>391.63</b>		“	“

The daily costs at the Girls School are higher than at the Boys Schools because of the smaller number of girls in care, and the fact that the daily rate for Girls reflects the additional cost of providing specialized Mental Health treatment.

Committee member Solberg asked for the number of juveniles in the adult system. Committee member Burmaster asked for the definition of a Serious Juvenile Offender, and if they are placed at both Lincoln Hills and Ethan Allen School. Staff noted these youth are placed at all the juvenile facilities. A Serious Juvenile Offender is a type of juvenile disposition that judges may use, and it is based on a list of serious crimes that are designated by class, such as Class A and B. Staff will get the Committee a list of eligible offenses for the Serious Juvenile Offender disposition, and the number of youth in DJC committed with this disposition.

Committee member Lewis asked about payment of youth who are sent to the adult system. The adult system pays for their care. Judge Triggiano asked about the capacity at Ethan Allen and Lincoln Hills School. Administrator Carpenter indicated that it is about 500 youth each. She further noted that as the number of youth in placement decreased, the number of staff did not. Staff was not laid off as in past years. Some housing units were closed, but staff was reallocated. Committee member Moeser asked for the number of staff at each facility and this information will be obtained. Committee member Lewis inquired about overtime costs given the staffing levels. Staff explained that overtime was specific to certain types of positions and shifts. Committee member Mertens asked how Wisconsin compares to other states in capturing federal money in its juvenile operation. This information will be obtained for the committee.

Discussion occurred about the cost of providing health services to youth. Committee member Moeser noted that health care costs are incorporated in the DJC daily rate. Committee member Mertens noted that other states may capture federal dollars for health care costs. Committee member Lewis asked if health care services are supplied by private providers. Staff indicated that DJC uses a combination approach. DJC provides some health services, and some such as dental care are purchased. Also, specialized care such as dialysis and treatment of HIV are purchased. It was noted that DJC has youth with high medical care needs and costs.

Committee member Solberg asked if staff will be laid off if a juvenile institution is closed and will they be able to go to another institution. Staff answered that people with the highest seniority have the first opportunity for open positions in other institutions. Also, Secretary Raemisch wants the Committee to consider how to use vacant bed space if a recommendation is made to close an institution. The need for additional bed space for adults convicted under the new OWI laws was noted. Committee members said they had received letters from State Senators Holperin and Kedzie that expressed concern about loss of jobs in their respective districts if either juvenile institution is closed. Committee member Lewis questioned the role of the Committee and expressed his view that the Department would have a better idea of how to proceed in this situation. Administrator Carpenter reiterated the need to have an independent look at the institutions by the Committee. She told the Committee that an outside, non-corrections perspective is valuable. Committee member McClelland commended the Administrator on her response and a desire for a broader perspective from the Committee. Administrator Carpenter

noted there has been debate about the best direction, and that she wanted due diligence for the staff at each institution.

#### **IV. Institution Program Overview and Topics for On-Site Visits**

Administrator Carpenter walked through a handout which listed the topics for the Committee's upcoming site visits at the institutions. Starting with Reception, the list includes Security Units, Treatment Programs, Educational Programs and Transition/Re-entry Services. The visits will conclude with a Youth Panel.

#### **V. DJC Case Management and Flow Chart**

Assistant Administrator, Silvia Jackson, explained the components of the Division's Case Management system and walked through a flow chart of how youth move through the system starting with: adjudication as a delinquent and commitment to the Department, placement in reception, an orientation and assessment process, development of an Individualized Case Plan, periodic reviews, and placement of a youth in the 90-day Transition Phase for preparation to return to the community. Ms. Jackson noted that as of April 15, 2010, the reception period for most youth was shortened from 35 days to 21 days. Serious Juvenile Offenders will continue to have about 35 days in reception since they are committed for longer time periods. The case planning process was described as the glue that holds together the case management system. Each youth has an Individualized Case Plan based on their risk factors and criminogenic treatment needs such as anti-social thinking and substance abuse issues. Assessment tools are completed and analyzed, and reports are written by staff. At the conclusion of reception, a planning conference is held by staff. The assessment material is reviewed and an Individualized Case Plan is developed with 3-5 broad treatment goals one of which is education. The case plan is a road map, and it outlines the programs that each youth will be assigned to at the institution. Progress summaries are prepared and each case is reviewed by staff every 90 days.

When a youth is placed in the 90-day Transition Phase, the lead on the case is picked up by the assigned agent. During the Transition Phase, staff focus on targeted activities that will prepare the youth for return to the community. Case plans are revised and transition team meetings are held with the youth, family members and service providers. The agent also reviews the case plan and the rules of supervision with the youth prior to release to the community.

Judge Askenette noted that parenting role models are often lacking in the Native American community for youth. Staff indicated that youth may be referred to clinical services for help dealing with their traumatic and abusive backgrounds. Sometimes youth may have to return to volatile situations in the community, but the Division does use alternative placements. Administrator Carpenter noted that staff tries to find a balance between the youth's home situation and other options. Wherever possible, staff will work with limitations and try to send youth home.

Committee member Solberg asked about the community case plan for youth and services that are still available in DJC as a result of the Going Home project. Staff cited several things: the continuing strategic focus on the 90-day Transition Phase, increased effort to help youth obtain training and to find jobs (an employment specialist was hired under the Going Home Grant and the position continues), an increased effort to enroll youth in school back in the community before they leave the facilities, and connecting/introducing youth to follow-up service providers before they leave the institutions.

## **VI. Summary of Previous Institution Reviews**

Assistant Administrator Jackson walked through summaries of the institutional assessment reports prepared by Kathy Malone and Gerald Huber. The purpose of these assessments was to look at programs. Each reviewer spent a day at the institutions and then wrote a report about their observations.

Mr. Huber's summary report included the following points:

- Counties have a range of issues as to why youth are sent to state corrections.
- Counties need to think of themselves as a “purchaser” of state services.
- There is lack of consistency among counties and how they work to create a bridge back to the community for youth.
- Cost reduction methods need to be considered for correctional placements.
- Access to the state's Juvenile Justice Information System is desired by counties and this would allow for instant access to information about case activity.
- Training for county staff is needed on the Division's re-entry system and Evidence-Based Programs.
- Counties could be more involved with the Office of Juvenile Offender Review. It was noted that changes have been made. Now, the Review staff document decisions and note any disagreements among county, state staff and others.
- The use of regional step-down programs was raised as a way to improve re-entry planning.
- Sanctions for minor violations in the community need to be examined instead of having youth return to the institutions.
- The re-entry bridge to the community needs to be strengthened.

Following the summary of Mr. Huber's assessment, Committee members made comments and asked questions as follows:

1. Member Solberg noted that Community Aids funding for counties was also cut and he questioned if money would be available to build up re-entry bridges at the local level. He also asked about the number of youth who are sanctioned at in the institutions, and the number of youth who are in detention at Lincoln Hills School. These numbers will be gathered by staff.
2. Member Mertens asked if the Committee should be looking at regional step-down facilities. Administrator Carpenter replied positively and further indicated that she would like to hear the Committee's thoughts on what will work well. Member

- Merten noted that Missouri uses smaller regional non-secure facilities, and perhaps there is another model of this structure that could work in Wisconsin.
3. Member Solberg asked if the juvenile correctional model has to be managed by the state, and how the Missouri secure care model compares to Wisconsin's secure care model. Staff replied that juvenile corrections does not have to be operated by the state. Information about Missouri's secure care model will need to be gathered. Missouri does have non-secure models that appear to be working.
  4. Judge Nielsen also asked if a juvenile facility needs to be run by the state. Member Moeser state no legal barriers exist for them to be run by entities other than the state.
  5. Patricia Raasch, Youth Counselor at Lincoln Hills School, addressed the Committee and mentioned that sometimes youth do poorly and end up in security. But, then something may "click" and they decide to be cooperative and turn around their behavior.
  6. Bishop McClelland and Judge Nielsen talked about the involvement of parents. Judge Nielsen noted that most of the youth he sends to Lincoln Hills School do not have intact families. If they do, problems are likely. Staff noted that parents do often attend case planning meetings.

Assistant Administrator Jackson continued with summary points of Kathy Malone's assessment of the institutions as follows:

- Ms. Malone noted a key need for more supportive family connections. For a number of youth, lack of parental support makes transition planning nearly impossible and leads to entrance of youth into the adult system.
- Ms. Malone found the staff to be friendly and engaged with youth, and that the institutions felt safe for both staff and youth.
- Staff is not culturally representative of the youth they serve.

Committee members had follow-up questions and comments as follows:

1. Bishop McClelland indicated the issue of staff diversity needs to be moved to the top of the list of priorities.
2. Committee member Vance asked if Huber and Malone had a different task with their institution assessments. Staff indicated this was correct as their focus was on program assessment.
3. Committee member Burmaster requested recidivism rates. Administrator Carpenter said the information would be gathered both with the old and new definitions. Judge Triggiano asked to have this information broken down by counties.

Administrator Carpenter reviewed summaries of educational assessments which were prepared at her request by the Department's Education Director and a Human Resources staff person. She noted that steps are being taken to address issues at Ethan Allen School including professional development training for staff. She noted that she is also mentoring a couple of staff herself. At Lincoln Hills School, the flow of educational

information was improved and now the education reports are being sent to the case planning and review committee. Bishop McClelland noted that morale appears to be poor at the institutions.

## **VII. Institution Program Summaries**

Elaine Olson walked through a handout that summarized the major treatment programs at the institutions. Among others, programs highlighted included: Juvenile Cognitive Intervention, Sex Offender Treatment, Cultural Awareness Programs, AODA treatment (at Lincoln Hills School) and AODA Education (at Ethan Allen School), Mental Health Treatment, Victim Impact, and Transitional Services. The program summaries included information about the curriculum content of each program, the number of sessions and evaluation information. Youth who are admitted at Ethan Allen School and found to be in need of AODA treatment (based upon initial assessment), are sent to Lincoln Hills School for programming.

Administrator Carpenter briefly walked through a handout on Education. She covered educational assessment and scheduling, and core academic courses offered at the middle and high school levels. She noted that High School Diplomas are awarded to youth. HSEDs and GEDs are awarded by the Department of Public Instruction. She also noted the number of academic credits earned by youth as shown in a chart on the handout.

Assistant Administrator Jackson distributed a handout and highlighted other services offered at the institutions. Among others, these include: health services, religious services, restorative justice activities, the Foster Grandparent Program and parenting programs.

## **VIII. Committee Timeline and Site Visits**

The Committee discussed the need for a chair and co-chair. Judge Nielsen noted that since half of the youth in DJC are from Milwaukee County, it would be good to have committee leadership from the Milwaukee Judges if they are able to serve. Bishop McClelland stated that members outside of the legal arena should not be excluded. After further discussion, the group agreed to have leadership responsibilities shared among three co-chairs. Two people volunteered: Jim Moeser and Greg Lewis, and the group will await a decision by Milwaukee Judges Yamahiro and Triggiano to see if either one is able to serve as the third co-chair.

The site visit dates at the institutions were agreed upon: April 29, 2010 at Ethan Allen School and May 7, 2010 at Lincoln Hills School. Time at the end of the site visit will be reserved for a meeting of the Committee. The second and third Committee meetings in Madison will be on May 14, 2010 and May 21, 2010. These meetings will be scheduled from 10:00AM-4:00PM in the Secretary's Conference Room. The Committee's recommendations are due to the Governor by May 31, 2010 unless more time is requested.

If committee members have questions between the meetings, they may send them to Jocelyn Schoeneck, staff to the committee, and she will get them to Administrator Carpenter.

Prepared by Staff to the Committee:  
Elaine Olson and Jocelyn Schoeneck