

**Governor's Juvenile Corrections Review Committee  
Minutes of the May 14, 2010 Meeting at the  
Department of Corrections, Secretary's Conference Room  
3099 East Washington Avenue Madison, WI  
Open Meeting**

**Attendance:**

The following Committee members were present: Jim Moeser, Greg Lewis, Hon. Judge Wendell Askenette, Hon. Judge Mary Triggiano, Lori Vance, Bishop Charles McClelland, John Solberg and John Burmaster. Present from the Department of Corrections were: Linda Eggert, Public Information Director. Division of Juvenile Corrections staff present: Margaret Carpenter, Administrator, Silvia Jackson, Assistant Administrator, Wes Ray, Shelley Hagan, David Bajkiewicz, Elaine Olson, and Jocelyn Schoeneck. Others in attendance at the meeting: Marty Biel, Susan McMurray, Mary Bell, Michael Senn, Andy Lyons, Lance Horozewski, Sarah Diedrick-Kasdorf, and Mark Waddium. A sign-in sheet was circulated at the meeting.

**I. Review and Approval of Minutes of Previous Meetings**

Co-Chairs, Jim Moeser and Greg Lewis convened the meeting at 10:05 AM.

Committee member John Solberg moved to approve the meeting minutes from 4/19/10 and Askenette seconded the motion. All members approved the meeting minutes.

Committee member Solberg moved to approve the meeting minutes from 4/29/10 and Burmaster seconded the motion. All members approved the meeting minutes for 4/29/10.

Co-Chair Moeser noted the letter from Senator Holperin. Some Committee members had already received the letter; for those who did not receive the letter, copies were distributed.

Co-Chair Moeser mentioned that the Committee meetings will not have input from the general public at this point in time; however, counties and unions and others will be invited to address the committee.

**II. Presentations by Labor Union Leaders and Discussion**

Written testimony was distributed for the presentation by Marty Beil, Executive Director, Council 24 and Susan McMurray, Government Relations, AFSCME.

The following points highlight their presentation:

- Beil thanked the Governor and Secretary for forming this committee to assess Juvenile Correctional Institutions.
- He spoke of the Committee's charge and purpose; he addressed the Committee and explained that this is an extremely hard job in a short timeframe; he encouraged the Committee to look at the big picture.
- Beil encouraged the group to visit Southern Oaks Girls School too.

- He feels that kids being admitted to the Juvenile Correctional Institutions are much more damaged than years ago; he also explained that the population is tougher now than it was before.
- In regards to their recommendations, he began by explaining that they realize the economic status of WI.
- The following are their recommendations:
  - They encouraged the Committee to call upon the Governor to take the small steps; they believe that first and foremost, we must strive to lower the daily rate
  - Seek Federal Aid for school lunches such as public schools do; determine if the Juvenile Correctional Institutions are getting proportional dollars (per pupil); they believe the money should move with the youth; they encouraged the Committee to look at accessing Medicaid dollars.
  - Urge the legislators to pass a law keeping kids under 18 out of the adult system instead of placing them in adult prisons; aim to bring back 100 or so teens that are at RYOC (Racine Youthful Offender Correctional Facility) currently (they are being funded by GPR); take pressure off of the counties
- Beil explained, these are just a few ideas; none of these ideas are new; these ideas have been recommended in the past; none of them are easy to accomplish; in conclusion he noted, “take a bold step in your decisions and recommendations; if it ain’t broke, don’t fix it; don’t destroy a huge asset that has helped a great amount of kids.”
- He thanked the Committee for the opportunity to allow them to share their thoughts and recommendations.

Co-Chair Moeser addressed the Committee and invited them to ask questions.

Judge Askenette asked in regards to Lincoln Hills School and Ethan Allen School, “Would there be a huge cost in separating the adults with the youth at the same facility?”

Beil explained that the adult side is so over crowded, there is not even enough programming to go around, there are huge waiting lists on the adult side, and you don’t see this on the juvenile side; you won’t see the “team approach” at the adult institutions as you see at the juvenile corrections institutions. Beil explained further that “the reason that the legislature has 17 year olds on the adult side is because the counties were feeling the economic pinch, and the legislature doubled the sentence structure; a bill was passed that allowed the state and courts to send 17 year olds to RYOC; the youth at RYOC are funded 100% by GPR; counties don’t pay a dime; you gotta bring that money back with them, as this will take some pressure off.”

Co-Chair Greg Lewis asked the following questions, “How realistic is it to keep both institutions open considering the cost and the deficit? What were the cost cutting proposals from the past? How difficult would it be to keep them both open?”

Beil answered, “If you merge them all into one, the high daily rate remains the same; the number of youth remains the same; the funding mechanism remains

the same; you won't have dramatic savings; counties will still be pinched under Youth Aids; the heart of the issue is the funding mechanism."

Committee Member Solberg asked, "Could we reduce infrastructure costs?" Beil explained, "This committee has to make a very important decision; warehouse those youth or have good, quality services to provide for these youth; it will cost money no matter what; this is the decision you have to make."

Bishop McClelland asked the following, "Have you done any tracking of the youth that end up at Green Bay or other institutions? If the numbers at the schools do not increase, won't you still have the same issues?" Beil answered, "We believe if the funding mechanism was changed, the population would then increase; will they ever be as high as they once were? No. The big picture is the economics of it; factors of family, community, etc."

Bishop McClelland feels it would be important to see the data that may answer his question noted above.

Committee member Burmaster thanked Mr. Beil for his testimony. He noted, "I have to say as an educator, I have been fighting funding for public schools for my whole career; if we go down the road of looking at funding; are we beating our heads against the wall? We have been trying, and it hasn't worked." He followed up with another question, "Has staffing changed as the population has declined?" Beil mentioned that as the population declined, units have closed as well as programming units; there are vacant positions. He explained that if you don't have kids, you don't have the funding; and you don't have money to support staff. He noted that he is a believer that the more persistent you are, somebody at some point, may finally listen—he also explains that they have been watching the numbers every Friday for the last several years. He feels that this committee has an important "say" in this matter.

There was further discussion among the Committee members in regards to the testimony by AFSCME. The highlighted points included in this discussion were: cost issues, the deficit, and the funding mechanism.

Co-Chair Moeser asked Beil the following question: You alluded to RYOC; do you have any sense of the amount of these costs? Beil replied that he had no idea of the RYOC costs and explained that adult institutions have adjusted.

Co-Chair Moeser said that counties have done a lot to keep kids in the community. The question is (to Beil and McMurray): Can you provide us with any research? Beil explained that there are kids that need secure facilities, not all kids, as some do better in the community; "What we are saying is, that some of these kids may have benefited from this (juvenile correctional institution stays)."

Co-Chair Moeser mentioned to the group that adult costs are about a third of JCI's rate. Administrator Carpenter got the costs of the adult institutions.

Written testimony was distributed for the presentation by Mary Bell, President of WEAC and Michael Senn, President of WEAC Council #1.

The following points highlight their presentation:

- Bell explained WEAC's position. They believe that "it is critical that both institutions be kept open for the benefit of the youth, so each boy can continue on the path to becoming a productive, contributing member of his community."
- "Juvenile correctional services require an investment in well-trained staff and intensive, evidence based programming tailored to individual needs and risks, all delivered in safe, well-maintained facilities."
- "Youth intervention pays off in safer communities today and savings on adult correctional costs tomorrow. A balanced continuum of services that work should not be abandoned in a short-term effort to reduce current costs."
- Michael Senn, teacher at Redgranite Correctional Institute, previous teacher at Lincoln Hills School, and current President of WEAC's State Professional Education and Information Council (Council #1) highlighted three reasons they oppose the consolidation of Lincoln Hills and Ethan Allen:
  - Consolidation does not result in substantial cost savings
  - Consolidation increases security risk
  - Consolidation increases geographic isolation

Co-Chair Moeser addressed the Committee and invited them to ask questions.

Committee member Solberg had a question for Senn. How many hours are kids spending in classrooms versus others?

Senn replied that at Lincoln Hills School, he worked in AODA, and that treatment program consisted of two periods of class for AODA per day. In regards to mental health treatment programs, about 1 period per day. In total, they have five periods of classes a day including: Math, English, Science, Social Studies, and Physical Education.

Bishop McClelland asked if any of the problems that youth come into the institutions with can be addressed before they enter the juvenile corrections institutions or before a county sends them. Are there any preventative actions taking place in the communities in regards to this?

Senn answered by giving an example of one youth that he taught; the youth went in front of the judge 13 times before he got sent to juvenile corrections, it was the last resort; he explained, the county tried to keep him in the community at all costs. Bell noted, "I can tell you that the kids they are getting these days are much different from those from several years ago; funding makes it difficult to meet the needs of these youth."

Further discussion took place among the Committee members and the WEAC union leaders. The main issues addressed included the following: how families would be affected by the consolidation of both schools, the current economic plight, how small class sizes remain very effective, and safety risks when consolidating the schools.

Co-Chair Moeser thanked both Unions for their testimony.

### **III. Juvenile Detention Issues**

Co-Chair Jim Moeser moved the group forward to the next agenda item by introducing Lance Horozewski, Compliance Monitor, Office of Justice Assistance.

Horozewski distributed a handout with Wisconsin Juvenile Detention Center data. He walked through each page of the handout and explained that questions could be fielded at any time during his presentation. The handout included: a map of the WI Juvenile Detention Centers, total juvenile detention admissions 2007-2008, WI Juvenile Arrests, and a breakdown of further data from 2007-2009 in regards to Lincoln Hills School and their short-term detention facility.

Bishop McClelland asked, what is the rationale for the drop of juvenile detention admissions? Horozewski answered that it could be a number of things including: demographics, age. "That's the million dollar question...there are several factors."

Administrator, Margaret Carpenter referred to Bishop McClelland's question above. She explained that the cost of the facilities is not attached to the piece that Horozewski is walking through.

Committee member Solberg asked if we looking at total admissions for detention only. Horozewski answered, yes, detention only.

Co-Chair Moeser raised the question that Judge Askenette fielded earlier. The question was in regards to combining youth and adults in the same facilities and if this was possible. Horozewski explained that it would be against federal laws and illegal to co-mingle youth and adults in any facility.

### **IV. Discussion of Committee's Mission and Factors to be Considered in Making Recommendations to the Governor**

Co-Chair Lewis introduced the portion of the agenda in regards to the mission of the Committee as well as their purpose statement. Co-Chair Moeser addressed the group and asked for thoughts about where to go in regards to the framework of forming their recommendations to the Governor.

Bishop McClelland suggested that they focus on the vision for the future, what can improve, and how we (as communities, family, and youth) go about making connections to the community; while at the same time showing that reentry does work.

Committee member Burmaster agreed with Bishop McClelland. He stated, "We know what works for kids—small class sizes." The charge says to "explore how best to serve juvenile offenders." We can recommend all the things we think are good for kids. I'm feeling kind of hopeless."

Committee member Solberg stated, "We need to be mindful of advocacy for youth...youth have far less people who advocate for them...some things for them

are mandated...this is far different than what we see in the adult settings; cost is a factor, is there a way of doing this more efficiently?"

Bishop McClelland explained to the group, "We have heard from the labor unions; I think it would be important for us to find the voice in the legislature. Where is this issue among the legislature?"

Co-Chair Moeser stated, "Who are we speaking to; my mind always goes to how do we function and where do we go from there; our core is what is best for kids."

Committee member Solberg said, "We are framed around Lincoln Hills School and Ethan Allen School, and then there are other correctional facilities; I'm forcing myself to look a little broader. To some degree we need to be broader in view points as part of this committee."

Bishop McClelland stated, "In my opinion, we don't want to be labeled with the same old "déjà vu" report; to just crank out something that will get kicked to the side; let's consider the budgetary impact that may need to be addressed."

Co-Chair Lewis stated, "We need to go ahead, we have an opportunity here...consider ourselves significant; if we are not truthful; whatever you are thinking, get it out on the table, so that we can get it together as a group."

Judge Askenette felt that key things have come out after researching and looking at data. Family must be included with this. "Realizing the importance of family is how I have reached a certain attitude of what we are doing here."

Committee member Vance explained that she saw good things happening in both institutions. She feels that her primary focus is how that is working; another thought she had was that at Ethan Allen School, the level of restraints was a concern to her; another factor is the bridge back into the community; those bridges are important to her.

Administrator Carpenter told the group that the Secretary is willing to let them know what the Department of Corrections' position is in regards to this matter; and that she too, has a position and opinion; but they are trying not to bias the committee, but give the group the data they need; they want to be sure they are not influencing the outcome whatsoever.

#### **V. Review of Data Requested by the Committee and Discussion with Staff**

Co-Chair Moeser began by going over logistic details with the committee members, including the travel reimbursement sheet. He also suggested two dates to the Committee that may be possible after they are granted an extension for their recommendations. He asked the group if June 2<sup>nd</sup> or June 3<sup>rd</sup> worked better for the majority. According to the majority of the group in attendance, June 2<sup>nd</sup> works best as of right now. As soon as the Committee is granted approval to move forward into June, Jocelyn will request June 2<sup>nd</sup> 10 AM- 4 PM via email.

Administrator Carpenter thanked all of the Division of Juvenile Corrections staff for helping with the committee. She also thanked, Julie Peters, who is a staff member at Ethan Allen School for being in attendance.

OJOR Director, Shelley Hagan, walked the group through the first graph of data, Wisconsin Youth Population Projections for 2005-2035. Hagan then covered the Wisconsin Population Projections for Youth Age 10-17. She pointed out that analyzing data in regards to Wisconsin Births by Year and Mother's Marital Status is beneficial when anticipating youth population projections; a table on the next handout displayed this data.

Hagan moved to the Missouri Model data handouts. The first table included a Comparison of Missouri and Wisconsin Juvenile Corrections Systems. Several factors were listed which showed the comparison of the two states. Hagan noted the two major differences; in Missouri, the state provides a broader range of services than Wisconsin. In Missouri they do early intervention. They serve kids from felons to status offenders. Also, they do things through state government versus through counties and the private sector. Hagan pointed out the annual commitments. She walked through remaining portion of the handout and explained the secure care facility design, the low secure care design, and the published daily rate. Hagan explained that Missouri's funding comes from GPR.

Co-Chair Moeser asked, "Do we have a statute for locked RCC's?" Hagan stated that Homme Home does have one locked wing.

Hagan moved to the next handout, titled, "Adopting the Missouri Model in Wisconsin: Changes and Considerations Financing of Daily Rate." She noted that fringe benefits, mental health care, and health care are *not* included in the Missouri daily rate. She also pointed out that while the funding for educational services in state facilities are included in Missouri's daily rate; they are funded through the MO Department of Elementary and Secondary Education. As far as for health services, in Missouri health care at secure facilities is funded through Medicaid (a state only program). The changes that would be needed to adopt the Missouri Model include: paying for medical and treatment services through federally-funded or state-only Medicaid, and paying for educational services via state school aids.

Judge Triggiano asked, "Is there any data on the outcomes? How were they (Missouri) doing before versus now?" Hagan replied that she was unsure if they did a comparison study in regards to this model. Administrator, Margaret Carpenter stated, "We can get you that data."

Hagan explained that they (Missouri) made an up front investment for this model.

Co-Chair Moeser asked, "Are they free to move those kids around? Can they move them from high to low?" Hagan replied, "Yes."

Judge Triggiano asked, "Do we know whether they are experiencing the same decline (as we are in Wisconsin)? And how have they responded to that? Is it easier when they have smaller facilities, etc?"

Administrator Carpenter replied, "The U.S. has had a decline in crime."

Co-Chair Moeser then mentioned, "The push in Missouri is that no kid is too far from home."

Committee member Burmaster asked, "Why are two schools (Lincoln Hills School and Ethan Allen School) exempt from school aid and Medicaid? We don't get the money for those two schools?"

Assistant Administrator, Silvia Jackson, explained the history of Youth Aids in the Division of Juvenile Corrections.

Administrator Carpenter mentioned, "Each county contributes a portion of the education funding. That is the short answer." Committee Member Burmaster noted from the data documents, that 40% of the youth are in special education. Administrator Carpenter explained that the Division receives SPED funds, and Title I funds, both are via federal grants. Committee member Burmaster suggested that we absolutely need to insist that the money follow our kids; this is non-negotiable.

Co-Chair Moeser asked, "Has there been a question over time in regards to creating a Western youthful offender program? Has there been any discussion of creating a small facility?" Assistant Administrator Jackson replied that the Department has not had a formal discussion in regards to this.

Co-Chair Moeser moved the group forward to the next data documents. Wes Ray and David Bajkiewicz presented the budget/cost data. They walked the group through the following handouts: Average Daily Population of Type 2 Sanctions and County Detention, Community Intervention Program (CIP) Funding by Fiscal Year, Employee Count at Institutions with Status, DJC Recidivism Rates by County (2005 Release Cohort), Daily Cost per Youth at Juvenile Correctional Institutions, Daily Rate Calculation Scenarios, Group Home Master List, Residential Care Center Master List, Administrator's Memo Series for Counties #09-08, and the Office of Juvenile Justice and Delinquency Prevention Data for Federal Fiscal Year 2009 Formula Block Grant Awards. The following are highlights of the discussion between Committee members and staff in regards to the above distributed handouts.

In regards to the CIP handout, Committee member Solberg asked, "How is that money spent?" Bajkiewicz answered that it is up to the counties how they use this funding.

In regards to the Employee Count handout, Co-Chair Moeser asked, "Is there not a suggestion that reducing staff further would adjust costs?" Administrator Carpenter replied that lay offs have not been permitted (in regards to no lay offs since 2004). She also mentioned that the Division is managing vacancies and keeping overtime down. Assistant Administrator Jackson explained the history of how the Division managed a deficit.

Committee members were provided with a handout that stated the student to teacher ratio per institution.

Co-Chair Moeser asked, "Who actually furloughs at the institutions, do they rotate?" Bajkiewicz explained that every state employee is required to furlough.

Bishop McClelland suggested that the committee needs to be very "candid". He feels they (the committee) should not be blamed for those taking action on these issues previously. Administrator Carpenter encouraged Bishop McClelland and the entire Committee to keep this in mind when making their recommendations and writing their report.

Assistant Administrator Jackson stated that the Division has done many things in order to take action including a rate study that was sent to the legislature in 2007 (requiring DJC staff to document all costs, etc.). Co-Chair Moeser suggested to the group that it would be good for members to see the 2007 Rate Study.

In regards to the recidivism data, Administrator Carpenter stated, "I'm going to insert a bias—I have a real concern, and that concern is that we track our success based on our failures. Our policies don't allow us to reach beyond corrections. We need to be looking at what is success for our kids."

In regards to the Daily Rate Calculation scenarios, Ray addressed the Committee and noted that if they were to do nothing, the daily rate would increase \$100 more, and bringing it to \$375.

Committee member Solberg asked, "What comprises that \$14 million?" (in regards to the handout mentioned above). Bajkiewicz replied that it is a number of things: fixed costs, variable things, the majority being staffing. Committee Member Solberg feels it would be helpful to know what the Division is projecting for staffing and are those assumptions built in to these scenarios. Ray replied, "Yes; we have more staff than we need right now for our population."

Beil noted that the \$275 was a composite rate. He followed up with the following statement, "I think the committee needs to know that Southern Oaks Girls School is much higher and drives that high rate." Administrator Carpenter referred to the handout of the Daily cost per youth at JCI's. She explained that we do not have a mental health unit outside of Southern Oaks Girls School and we have that piece embedded in the daily cost for Southern Oaks Girls School.

Administrator Carpenter mentioned that when the Department quotes its deficits, the quotes do not reflect the Division of Juvenile Corrections, because we are program revenue. She also summarized the current staffing positions (Employee Count handout).

Sarah Diedrick-Kasdorf stated that the daily rates have gone up and this has not been funded to the counties. Judge Triggiano replied that when she is on the bench, she is not thinking daily rate; she believes that counties think of ways to keep kids in the communities as far as costs go.

Ray stated that at either Lincoln Hills School or Ethan Allen School, the capacities are able to hold more than the total number we have now.

Administrator Carpenter explained that the Serious Juvenile Offenders are funded by the state and not by the counties.

Assistant Administrator Jackson walked the group through the handout titled, "Living Arrangement of Youth Upon Release from Juvenile Correctional Institutions in 2009."

Then, Bajkiewicz walked through the Group Home Master List handout, the Residential Care Center Master List handout, and the Administrator's Memo #09-08 Admin Memo Series for Counties. Both Ray and Bajkiewicz mentioned that all Youth Aids funds go to the counties.

There was a discussion among the Committee members in regards to length of stay of the juvenile corrections institutions versus the group homes and residential care centers.

The group then moved to the Treatment Programs and Education Programs comparison tables.

Committee member Solberg asked, "What was the theory of keeping technical classes at Ethan Allen School and taking it away from Lincoln Hills School?" Assistant Administrator Jackson answered that they took vacancies and eliminated vacancies, and that the Division did get a grant from a technical school to do things onsite at Ethan Allen School. Then, about 2 ½ years ago, the vocational school had to be pulled.

Judge Triggiano asked if there was any specialization for the fact that AODA is only at one school. Assistant Administrator Jackson replied that there was a state law change. In order to run an AODA program, there must be AODA supervision by a clinical supervisor; we did not have that in funding for staff.

Co-Chair Moeser posed the question, "If the facilities were consolidated—would you then try to have everything at that one facility?" Administrator Carpenter answered, "Yes. We do not want to lose the quality that those programs bring."

Co-Chair Moeser addressed the Committee and asked them if they needed any further information for the next meeting.

The Juvenile Arrest Trends data document was distributed to the group.

Committee member Burmaster would like to see the visitation data documents. Administrator, Margaret Carpenter, replied, "We have the data; and now it is an official request; we can email that info to you."

Co-Chair Moeser would like to see the youth complaints data documents and the grievances reports. Administrator Carpenter replied that DJC tracks that information through JJIS; we can get that to the Committee. In addition to that data, Co-Chair Moeser would also like to see any staff issues and/or staff grievances. Administrator Carpenter answered, "We have the data too, and we have redacted names of staff and youth for reasons of confidentiality." He also

asked, "do you track restraints?" Administrator Carpenter answered, "Yes, we do."

It was then addressed to the entire group that meetings between Committee members *cannot* take place over phones, emails, etc.

Judge Triggiano would like more information in regards to using the other institution (alternative uses). Administrator Carpenter replied that she will have a conversation with Secretary Raemisch in regards to this.

The meeting adjourned at 3:58 PM.

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