

# Juvenile Corrections Changes

Assembly Bill 953

2-22-18

# Assembly Bill 953

- Lincoln Hills and Copper Lake Schools to close by January 1, 2021

# What Happens After January 1, 2021?

- Department of Corrections
  - Must establish new Type 1 juvenile correctional facilities
  - Serious juvenile offenders
  - Juveniles under adult sentences
  - Community supervision
  - \$25 million in bonding
- Department of Health Services
  - Expand Mendota Juvenile Treatment Center
  - No fewer than 29 additional juveniles
  - \$15 million in bonding

# What Happens After January 1, 2021?

- Counties

- Create secured residential care centers for children and youth (SRCCCY)
- Supervision of all other juveniles not under the supervision of DOC
- Once SRCCCYs are established, juveniles in Lincoln Hills/Copper Lake transfer to county supervision and placement

# SRCCCY

- DOC licenses, supervises, and inspects
- Sets standards and regulations for the design, construction, repair, and maintenance
- Construction plans must be approved by DOC
- DOC promulgates rules governing services and programs
  - Must include uniform data reporting standards
  - Statement of scope by August 24, 2018

# SRCCCY

- Counties, tribes, or child welfare agencies may establish (under contract)
- County options:
  - Joint
    - Majority vote of all the members of each county board
    - Maximum flexibility
  - Single county
  - Contract with another county for placement
  - Contract with a child welfare agency to establish

# Facility Transfers

- In general, a juvenile given a correctional placement under a county's supervision may only be placed in a SRCCCY
- However:
  - Administrative transfers between SRCCCYs is allowed
    - Juvenile remains under the supervision of the placing county department
  - Receiving SRCCCY must agree to the placement
  - Care and services for the juvenile must be provided under a contract

# Facility Transfers

- DOC may place in a SRCCCY
  - May transfer between SRCCCYs without a hearing
  - Receiving entity must agree to the placement
  - Care and services for juvenile must be provided under contract
  - Juvenile remains under the supervision of DOC

# Facility Transfers

- From SRCCCY to Type 1
  - Requires a court hearing
  - Finding that the SRCCCY cannot meet the treatment needs of the juvenile and the Type 1 facility can
  - Finding that the county's SRCCCY does not have space for the juvenile and no other SRCCCY placement can be found (willing and able to meet the juvenile's treatment needs)
  - Juvenile the financial responsibility of the county (daily rate)
- MJTC
  - Recommendation from DHS needed
  - Court order - change of placement order hearing

# What About Secure Detention?

- No changes to short-term secure detention
- Legislation grandfathers existing 365 programs
- No other placements may be made in a juvenile detention facility for more than 30 consecutive days
- No other 365 programs may be created

# Secure Detention - 365 Continuation

- Eligible juvenile detention facility
  - Facility at which placements for longer than 30 days is authorized as of January 1, 2018
  - If receive a state grant, must convert to a SRCCCY by January 1, 2021
  - If not awarded a state grant:
    - Can continue to hold up to 365 days, but:
      - Cannot exceed number of placements on January 1, 2021
      - Facility cannot be altered, added to, or repaired in an amount exceeding 50% of its assessed value
      - If a facility violates these conditions, no longer authorized to accept juveniles for longer than 30 consecutive days

# Juvenile Corrections Study Committee

- Within the Department of Corrections
- Research and develop recommendations:
  - Optimal locations for the new Type 1 juvenile correctional facilities
  - Rules governing the services and programming provided to juveniles in secured residential care centers for children and youth
    - Findings and recommendation to DOC no later than September 1, 2018
    - DOC to promulgate rules establishing standards for services by December 31, 2018
  - Required to consult with one or more organizations that focus on developing best practices for holding juveniles in secure custody

# Juvenile Corrections Study Committee

- 24 members
  - Secretaries or designees of DOC and DCF (co-chairs)
  - Secretary of DHS or designee
  - DPI superintendent or designee
  - State public defender or designee
  - Three assembly representatives and three senators
  - Two judges, district attorneys, law enforcement
  - One representative from a national organization that focuses on eliminating race-based discrimination
  - One representative from a nonprofit that focuses on issues relating to juvenile justice

# Juvenile Corrections Study Committee

- One representative from a nonprofit that focuses on best practices for holding juveniles in secure custody
- Three county representatives (human or social services department)
  - Milwaukee County
  - County that operates a regional juvenile detention center that is an eligible juvenile detention facility
  - Non-Milwaukee County that does not operate a regional juvenile detention center
- Citizen who has been, or family member of a citizen who has been, under the supervision of DOC under Chapter 938

# Juvenile Corrections Grant Program

- Created within DOC
- Counties may apply for grants:
  - 95% of the costs of designing and constructing a SRCCCY
  - 95% of the costs of designing and constructing a facility that houses both a SRCCCY and a juvenile detention facility
  - 100% of costs of designing and constructing a SRCCCY or a portion of a SRCCCY for female juveniles
  - Eligible construction costs include costs of renovating an existing structure
  - Successful applicants will also be reimbursed for 95% of design costs incurred in preparing a grant application
- \$40 million in general fund supported borrowing

# Juvenile Corrections Grant Program

- Multiple counties may jointly submit a grant
- Committee (10 members):
  - Establish requirements, guidelines, and criteria for the grant program
  - In developing a grant application, applicant must consider:
    - Best practices in designing and operating facilities that hold juveniles in secure custody
    - Feasibility of developing an existing facility
    - Must solicit input on the design of the facility from judges at the juvenile court for each county participating in the grant application
  - Favor proposals that utilize existing facilities (proximity to populations served), and encourage multicounty coordination by favoring applications submitted jointly by multiple counties

# Juvenile Corrections Grant Program

- Applications due March 31, 2019
- Committee to work with applicants to modify applications to increase likelihood of a successful application
- Committee to work with DCF and DOC to develop a statewide plan that recommends which of the grant applications to approve based on an overall view towards a Wisconsin model of juvenile justice
- Application cannot be approved unless DOC approves plans and specifications for the site and design and construction of facility

# Juvenile Corrections Grant Program

- Submit its plan to the Joint Committee on Finance by July 1, 2019
- JCF approval needed - passive review process
- Committee to monitor progress of projects
- Committee terminates on or before January 1, 2021

# Facilities for Girls

- 100% of construction or remodeling costs covered
- State to reimburse for operating losses of a girl's facility or wing
  - County submit request and supporting financial statements
  - Audit to be conducted by Legislative Audit Bureau (LAB)
  - If LAB agrees operating loss exists, DOC to make payment to county
  - New sum sufficient state appropriation created
    - Operating loss reimbursement program

# Youth Aids

- Can now be used for cost of basic care and supervision in juvenile detention facilities
- Bonus Payment
  - New appropriation
  - 15% of a county's prior year youth aids payment
  - Capped at \$750,000
  - For counties that operate a joint SRCCCY that was funded by the juvenile corrections grant program

# OJOR/Early Release/Aftercare

- Counties will be responsible for their own aftercare
  - Counties must try to release to aftercare within 30 days after which the county determines the juvenile is eligible for release
- Counties may establish a program for the early release and intensive supervision of juveniles
- State Office of Juvenile Offender Review only applies to juveniles in a Type 1 facility

# DOC Employees

- Authorizes some preferential treatment for employees of Lincoln Hills/Copper Lake
- Applicant may be selected by the county without regard to the requirements of any county civil service system that would otherwise apply
  - Initial interview to be granted if county enters into contract with a child welfare agency

# Timeline

- September 30, 2018 - committee to provide criteria for administrative rules to DOC
- December 31, 2018 - DOC to have administrative rules promulgated for SRCCCYs
- March 31, 2019 - county grant applications due
- July 1, 2019 - grants committee to make grant recommendations to JCF
- January 1, 2021 - Lincoln Hills/Copper Lake to close

# What Happens to Lincoln Hills?

- Converts into an adult correctional institution
- Lincoln County Correctional Institution