



Wisconsin Department of Justice

The Juvenile Justice and Delinquency Prevention Act (JJDP) in Wisconsin

Summer 2023

Wisconsin Juvenile Court Clerks Association Conference

<https://www.doj.state.wi.us/>

JJDP Overview

- Passed in 1974 to address inconsistencies across states and highlight best practices in the youth justice field
- Reauthorized in 2018 to strengthen core protections and better address racial and ethnic disparities
- Creates a federal-state partnership for the administration of youth justice and delinquency prevention
- Sets forth federal standards to ensure a minimum level of safety and equitable treatment for youth who interact with the justice system
- Establishes the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as the federal partner with all participating states

Roles within the JJDPA

- Wisconsin Department of Justice (WI DOJ) is the Designated State Planning Agency (DSA) under the JJDPA
- WI DOJ and the Wisconsin Department of Corrections (WI DOC) have a Memorandum of Understanding (MOU)
- WI DOJ and the Wisconsin Department of Children and Families (DCF) collaborate on various initiatives and data share
- Participating states must submit a comprehensive plan to OJJDP on a 3-year cycle
- Each state is required to designate a State Advisory Group (SAG) responsible for advising the Governor and legislature on youth justice issues, attending conferences and training opportunities, networking and outreach, collaborating with WI DOJ in developing the 3-year plan, reviewing grants, and reviewing progress and accomplishments
- The JJDPA also requires that each state demonstrate compliance with core requirements

The Wisconsin GJJC

- In Wisconsin, the State Advisory Group (SAG) is also known as the Governor's Juvenile Justice Commission (GJJC), created by Executive Order #43
- The Commission consists of not less than 15 but not more than 33 members, with all members and the chairperson appointed by the Governor
- The JJDPA and Executive Order specify membership requirements, certain groups must be represented, and certain ratios met (government, nongovernment, youth, nonprofits, victim advocacy, youth justice, lived experience, tribal, etc..)

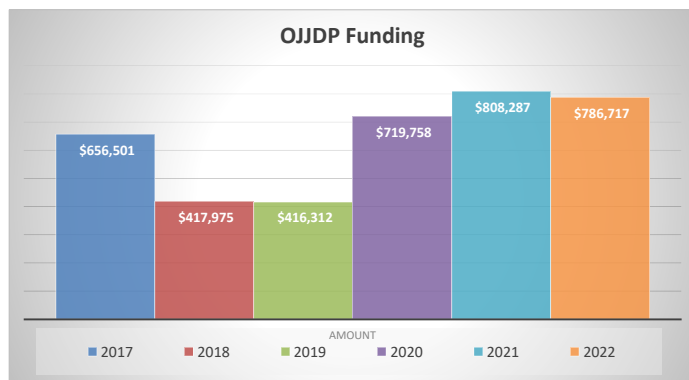
The Wisconsin GJJC (cont.)

- The GJJC consists of a variety of subcommittees and a newly formed Youth Voice Commission, aimed at getting youth input on juvenile justice topics and increasing GJJC member recruitment
- Meetings for the Youth Voice Commission are held on the last Wednesday of each month
- GJJC meetings are scheduled quarterly, with subcommittee meetings occurring more frequently throughout the year
- <https://gjjc.widj.gov/>

Compliance - Numbers and Impact

To receive full Title II formula grant funding, WI DOJ needs to certify to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) that Wisconsin remains in compliance with the requirements of the JJDPA

TITLE II FORMULA GRANT FUNDING AWARD



What Do Title II Funds Support?

- Subgrant opportunities in alignment with the Governor's Juvenile Justice Commission (GJJC) strategic plan priorities
- Funding for the GJJC
- Salaries for Compliance Staff and JJ Specialist/Racial & Ethnic Disparities Coordinator
- Administrative costs

Subgrant Examples

- Training (evidence-based intervention strategies, the adolescent brain, etc..)
- Mentoring
- Evidence-based assessment tools and training
- Restorative justice
- Disproportionate Minority Contact (DMC) initiatives
- Program evaluation
- Family centered treatment
- Truancy prevention

Core Requirements of the JJDP

The JJDP Defines Core Requirements That Must Be Monitored for Compliance

*Deinstitutionalization of Status Offenders (DSO)

*Removing Juveniles Charged as Adults (223(a)(11)(B), Interest of Justice)

Sight and Sound Separation of Juveniles from Adult Inmates (S&S)

Removal of Juveniles from Adult Jails and Lockups (JR)

Reduction of Racial and Ethnic Disparities (R/ED) (incorporated into 3-year plan, subgrants, and other areas)

Deinstitutionalization of Status Offenders (DSO)

- 34 U.S.C. 11133 (a)(11)(A) - status offenders, unauthorized immigrants, or non-offenders shall not be placed in secure detention or correctional facilities
- Applies to juvenile detention and juvenile correctional facilities (secure holding of status and non-offenders in law enforcement facilities and jails constitutes a Jail Removal violation)
- A juvenile who has committed a violation of a court order not related to status as a juvenile (an adult may be held/charged) is neither a status or non-offender (failure to appear)
- Youth Handgun Safety Act Exception
- *Valid Court Order Exception
- Interstate Compact Exception

Deinstitutionalization of Status Offenders (DSO) (cont.)

- ...shall not be placed in secure detention facilities or secure correctional facilities.
- Placed or placement: when a juvenile charged with a status offense is detained or confined in a secure correctional facility for juveniles or a secure detention facility for juveniles;
 - For 24 hours or more before an initial court appearance
 - For 24 hours or more following an initial court appearance
 - For 24 hours or more for investigative purposes or identification
- Accused status offenders – secure hold limited to 24 hours prior to and 24 hours after an initial court appearance (federal definition excludes weekends and holidays).
- Non-offenders (including CHIPS) – cannot be placed in secure detention, no exceptions. However, accused runaway, accused truant, other accused status offense youth under CHIPS jurisdiction fall under the placement provisions above.

Deinstitutionalization of Status Offenders (DSO) (cont.)

- Adjudicated status offenders – cannot be held securely, **except** juveniles found to have violation a Valid Court Order may be placed in a secure juvenile detention or correctional facility.

Valid Court Order (VCO) Requirements

- Must be previously adjudicated for a status offense and warned on the record of potential secure custody for violation of the order.
- An appropriate public agency must promptly be notified that the status offender was held in custody for violating the VCO.
- Within 24 hours, an authorized representative must interview the youth, in person.
- Within 48 hours, an agency representative shall submit an assessment to the court regarding the immediate needs of the status offender.
- Within 48 hours, the court shall conduct a hearing to determine whether there is reasonable cause to believe that the status offender violated the order and appropriate placement.
- Within 48 hours, the court must issue a written order with certain findings (identifies the valid court order violated, specifies the factual basis, findings that there is no less restrictive alternative, length of time is not to exceed 7 days in secure custody, may not be renewed or extended).

Deinstitutionalization of Status Offenders (DSO) (cont.)

Considerations:

- Whenever possible, do not place non-offenders in detention or correctional settings
- If a youth is an accused status offender, be aware of triggers that would result in a youth being “placed” in a facility, resulting in a violation under the JJDP
- If an adjudicated status offender violates a valid court order, be mindful of the required time frames and documentation to avoid a JJDP violation
- DOJ staff are always available to answer situation specific questions and troubleshoot individual cases

Audits

- DOJ has access to eWISACWIS and runs reports of youth held in each juvenile detention facility
- DOJ works with DOC – DJC and DHS to get youth data for CLS/LHS and MJTC
- Any violation concerns are investigated, with requests for documentation from social workers, courts, detention/corrections

Removing Juveniles Charged as Adults (223(a)(11)(B), Interest of Justice)

- 34 U.S.C. 11133 Sec. 223(a)(11)(B) - a juvenile who is charged as an adult cannot be detained or confined in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, unless certain provisions are met
- For a juvenile with a pending adult waiver case to be housed in an adult jail or lockup, the court must consider 7 enumerated factors set forth in the JJDP and make a finding as to whether the juvenile should be sight and sound separated from adult inmates
- These findings must be reviewed at a hearing every 30 days
- Detention in a jail or lockup for adults is limited to 180 days unless the court finds good cause for an extension, or the juvenile waives the limitation

Removing Juveniles Charged as Adults (cont.)

Required findings, incorporated into form CR-219:

1. the age of the juvenile;
2. the physical and mental maturity of the juvenile;
3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
4. the nature and circumstances of the alleged offense;
5. the juvenile's history of prior delinquent acts;
6. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and
7. any other relevant factor(s)

Considerations:

- Hearings can be held virtually
- Hearings can be held if the defendant/juvenile fails to appear, if represented by an attorney and all requirements are met
- This provision does not apply to youth housed at a juvenile detention facility
- The provision also does not apply to youth charged with original adult jurisdiction offenses under state law

Wisconsin – JJDPA Violation Data

2018 – 2022 Compliance Comparison

Year	Total Holds	DSO	Separation	Jail Removal
2018	8816	42	5	100
2019	9055	36	5	65
2020	6980	35.31	0	46.45
2021	5705	21	1	21
2022	4312	24	0	29

DOJ Compliance Monitoring

- Effective system of monitoring (Monitoring Universe)
- Jails, Law Enforcement Agencies, Municipal Lockups, Juvenile Detention Facilities, Secure Mental Health Facilities, Court Holdings, and Correctional Facilities
- Training and technical assistance, violation response
- Annual reporting
- On-site audits
- Data collection and submission to OJJDP

DOJ Audit Process – begins mid October

- The DOJ Compliance Monitors and the DOC Office of Detention Facilities work in collaboration
- Any facility that has a secure characteristic; locking interview room, locking holding cell, cuffing bench/bar/rail, construction design that prevents free egress; must be inspected once every three years (collocated juvenile detention centers are inspected yearly)
- Nonsecure law enforcement agencies confirm this status each year and are subject to random audits
- DOC Office of Detention Facilities does the physical inspection of the adult correctional facilities, jails and court holdings, DOJ does the records review (yearly annual survey, record review every 3 years)

DOJ Audit Process (cont.)

What happens during the audit?

- Tour of the facility from the perspective of a juvenile being brought in for a status offense, identification, booking, interviewing, or a delinquency offense
- The compliance monitor will review secure hold logs for juveniles and adults
- DOJ collects and reviews agency policy and procedure to ensure compliance with JJDPA requirements and offer information about best practices
- DOJ provides signage and technical assistance

DOJ Audit Process (cont.)

What does DOJ do with the Audit Information?

- Facility Audit Form
- Violation Reports
- Training and technical assistance/follow-up
- Data compilation into an annual report submitted to OJJDP

DOJ Audit Process (cont.)

What Happens if There Are Violations?

- The DOJ compliance monitors will work with the facility to correct them. There is no penalty to the facility
- Violations are reported to OJJDP
- May impact the amount of federal funds awarded to Wisconsin and use designation

Monitoring Universe

OJJDP Classification	WI Classification	Total Facility Count	JJDP Secure Facilities Once Every Three Years Audit Inspection Requirement	JJDP Secure Facilities Annual Audit Inspection Requirement
Secure Correctional Facilities	Adult Prison	37		
Secure Detention Facilities	Collocated Juvenile Detention Centers	5		5
Adult Jails	County Jails	70	70	
Adult Jails	County Jails Rural Exception	2		2
Adult Lockups	Court Holdings	37	37	
Secure Correctional Facilities	Juvenile Corrections	2	2	
Secure Detention Facilities	Juvenile Detention Centers	9	9	
Adult Lockups	Mental Health Secure	3	3	
Adult Lockups	Municipal Lockups	50	50	
Adult Lockups	Law Enforcement Agency (LEA) - WI DOJ Secure	86	85	
	LEA non-secure	355		
		656	256	

Additional Compliance/JJDP A Tasks

- Increased monitoring or focused technical assistance for certain sites
- Training for agencies
- Presentations at conferences, retreats, other events
- Non-secure agency audits
- DOJ attendance at national trainings / conferences (yearly OJJDP conference, CJJ, or other national events)
- GJC meetings, grant monitoring, fiscal reporting, data collection are all year-round tasks

WI DOJ Juvenile Justice Programs Staff

Matt Allord
Juvenile Justice Supervisor, Compliance Manager
608-419-5847
allordmj@doj.state.wi.us

Jeff Sauer
Compliance Monitor
608-977-1491
sauerjr@doj.state.wi.us

Sabrina Gentile
Justice Programs Coordinator
608-287-4310
gentilem@doj.state.wi.us

Kiley Komro
Juvenile Justice Specialist
608-716-9185
komrokr@doj.state.wi.us



Questions?