



Youth Justice Milwaukee (YJM) was formed in December 2015 as a broad-based campaign advocating for community-based, family-centered, restorative programs as an alternative to locking up children in Wisconsin's youth prisons. YJM represents a coalition of persons who were incarcerated as youth, families of youth who are or were incarcerated, service providers, and local and national youth justice advocates.

Since our formation, we have advocated to affect local and state policies and plans so that resources can be directed away from correctional facilities and toward more community-based spaces for youth to learn, heal, and care for their communities and the people in them.

Our **principles** fuel and inform our approach to transformative youth justice..

- We center young people and their families in our advocacy for transforming the youth justice system.
- We will only achieve true public safety when we promote everyone's well-being and when young people have the opportunity to heal and thrive.
- We believe in trauma-informed, restorative, community-centered approaches that use the least restrictive environments available.
- We believe in keeping families together and building solutions with the entire family.
- We believe that we should treat youth and families with the utmost dignity and respect.
- We will be culturally sensitive, humble, and seek to eliminate racial and ethnic bias.
- To achieve racial equity, we have to transform the way the justice system treats youth of color from their first interaction with a police officer and in every part of the system.
- To achieve real and lasting change, we should not only seek to move people in positions of power, but also to build power in our communities.
- We will root our work within the larger social, historical and political context and work to make sure the community sees these larger systems.

Our **work** includes..

- **Community education and engagement** to increase public awareness of youth justice alternatives and include community stakeholders in collaborative planning to make youth justice reforms more transparent, accountable, and effective
- **Community-centered advocacy** to impact the county's plan and end placement of adjudicated youth in state prison facilities
- **Ensuring directly impacted constituencies are at decision-making tables** to increase meaningful engagement with families of youth in the system
- **Bringing a racial justice lens to youth justice reforms** to reduce racial and ethnic disparities within Wisconsin's juvenile justice system.
- **Coordinating the existing array of alternatives and programs** to build a community-based continuum of non-residential services that keep youth out prison and communities safe

A **new vision** for youth justice in Milwaukee and Wisconsin..

YJM and youth justice advocates around the state achieved a major win with Governor Walker's announcement and the state legislature's bill enacted into law to close Lincoln Hills and Copper Lake youth prisons by January 1, 2021. While a starting point, the state still has a long way to go to bringing true justice to our youth and our communities.

YJM's vision is to see the end of confinement of young people in Wisconsin youth prisons. They are ineffective, costly and abusive. They further cause psychological and social damage to our young people and stunt their growth and development, making them less likely to heal and become productive members of society, and more likely to be incarcerated in the adult criminal justice system. Instead of putting more money into building more facilities, Wisconsin should be investing in community-based alternatives like intensive mentoring, education, job training and other programs that provide youth a chance to repair the harm they've caused. By connecting young people to a full range supports and services, the root cause of trauma in a young person's life can be identified and addressed, all while keeping young people at home while helping them become assets to their communities. Accessing support young people need shouldn't require getting locked up.

Our vision includes making the public aware of the realities incarcerated youth and their families face while under the care of the Wisconsin Department of Correction (DOC,) and organizing and mobilizing impacted communities to reimagine and transform Wisconsin's youth justice system.



About Wisconsin Act 185

- In March 2018, the Wisconsin legislature passed Act 185 to close Lincoln Hills and Copper Lake youth prisons by January 1, 2021 and convert the facilities into an adult prison
- The bill was signed into law by Governor Scott Walker and enacted in April 2018.
- The legislation also restructures the state’s juvenile correctional facilities and youth justice system.
- It creates new “Type 1” facilities, like Lincoln Hills, where young people who are deemed “serious juvenile offenders” will be sent.
- In addition to the Type 1 facilities, the Act gives counties the ability to create new “Type 2” facilities overseen by the State Department of Corrections, called Secure Residential Care Centers for Children and Youth (SRCCCY).
- The law also created a Juvenile Corrections Study Committee, overseen by the Department of Corrections, that set forth rules for these secure care facilities.
- The Study Committee was made up of elected officials, with very few members of the most impacted communities or young people.
- The Study Committee began meeting in late July 2018. During August 2018, the Study Committee ranked recommendations for the secure care facilities by importance to the committee members. Many essential pieces like transparency and guaranteeing access to family members were ranked at the bottom of the list.
- Operations for programs in these secure facilities can be partially funded through Youth Aids funds, money that is normally used to create in-community programs for at-risk young people and invested in counseling programs or credible messenger leaders.
- The Act also made a Grant Committee that counties must submit applications for funding to construct new facilities by March 31, 2019.

Our **position** on Act 185..

- The passing of Act 185, the legislation to close Lincoln Hills and Copper Lake, was a major victory for Wisconsin's most vulnerable youth and families. **But it is only a starting point.** Much more can be done to fundamentally transform our youth justice system and to create a more safe and just Wisconsin.
- While Act 185 closes the two youth prisons, it wrongly invests \$80 million to create new youth prisons and for construction of brick-and-mortar facilities that will be run by Wisconsin counties. The law also leaves DOC, **the agency that oversaw the abuse and tragedies at Lincoln Hills**, in charge of facilities oversight and with keeping custody of young people deemed "serious juvenile offenders", a move which we oppose
- Instead of putting more money into building smaller youth prisons, Wisconsin should invest resources in community-based alternatives like intensive mentoring, education, job training and other programs that provide youth a chance to repair the harm they've caused in the communities they live in. **At least half (\$40 million)** of Act 185 appropriation for new facilities construction should be reinvestment in community-based alternatives and prevention services that reduce risk. Ultimately whatever funds are appropriated, **at least 50% must go towards** community-based, non-residential programs for youth in their communities.
- Act 185 created a Study Committee to put forward rules for new secure care facilities overseen by DOC. Its membership was made up of mostly elected officials, judges and system leaders with very few members from the most impacted communities, and none were young people with direct experience being in a facility under the supervision of DOC. Of the total 24 study committee members, only six were from Milwaukee, which sends the most young people into state custody, and only one member had any previous experience in the juvenile justice system.
- The Study Committee's process was rushed and there was no meaningful engagement with families of youth in the system. Rules advanced to DOC were ranked by importance to committee members and young people were not given a seat at the table. True justice cannot be achieved if impacted communities aren't able to express their needs. Act 185 does not do enough to provide young people in our state or Milwaukee with what they need. Instead it continues to waste money on brick-and-mortar facilities.
- Milwaukee area elected leaders can influence the forward direction and impact of Act 185 by engaging their constituencies to have a seat at the table and lend their voices to:
 - **cap the total beds in and limiting new construction** of new facilities in Milwaukee (city and county)
 - Advocate that the state legislature **amend Act 185 and its appropriation of resources** to better respond to the needs of Wisconsin youth and families by prohibiting the use of Youth Aids funding for building new

youth prisons and by investing \$80 million in community programs for youth instead of new youth prisons.

- advocate for “**new**” **legislation to transfer custody** of serious juvenile offenders from DOC to DCF.



Educational Advocacy Overview

YJM is sharing the following concepts around youth justice-related issues with elected and appointed decision-makers in the State of Wisconsin. **We are not directly lobbying for these changes, as we currently do not have a registered lobbyist in Milwaukee or at the state.**

The most recent youth justice “reform”, Act 185, is in the process of being implemented, but policy changes must be continuous and must be based on up to date empirical information. Prior to a major change to state law in 1978, Wisconsin had the highest rate in the country of children who were confined. At that time, there were approximately 11,000 children in county jails, 6,000 children in city “jails,” and 7,000 children in detention centers each year. Two-thirds of these children had not committed crimes, including children who had run away from home. Fifty-one percent of the arrests in the state at the time were of children. **Source:** *Wisconsin's Dark History Of Juvenile Detention*; Wisconsin Public Radio (2016).

In 1995, during the era of the “Superpredator,” Wisconsin enacted 1995 Wisconsin Act 77, a “reform” that created the Juvenile Justice Code, lowered the age of adult court jurisdiction from 18 to 17 years, transferred youth from the protection of the Division of Youth Services with the then-Wisconsin Department of Health Social Services (DHSS) into the custody of the Department of Corrections, and created the Serious Juvenile Offender Program.

It is important to note that in recent years, “Wisconsin has experienced a decrease in the numbers of juveniles arrested, juveniles committing violent crimes, juveniles sent to correctional facilities and detention facilities, and juveniles waived into adult court.” Yet, we also know that as the number of youth who are confined has decreased, that racial disparities have **increased**. *In fact*, Wisconsin’s racial and ethnic disparity is the second highest in the country as of the latest data which is from 2015. African American youth are 15 times more likely than their white counterparts to be incarcerated. **Source:** *Black Disparities in Youth Incarceration, The Sentencing Project (2015)*.

One of the most important tasks of an elected official is to help inform public opinion. The area of youth justice offers a key opportunity. As we have decreased the number of youth in confinement over the years, arrest rates have also decreased. The false notion that confinement of youth makes the community safer is important to challenge with facts.

YJM urges decision-makers at all levels to put in place reforms that will: 1) improve and increase community-based resources for youth; 2) increase public transparency of sites where youth are confined; and 3) reduce racial disparities.

Recommendations for STATE OF WISCONSIN:

1. Act 185 and any appropriation of state resources related to youth justice must reflect and respond to needs of youth and families.

a. The Wisconsin Department of Children and Families (DCF) should have oversight of all youth who are in confinement or under supervision in a residential setting in the State of Wisconsin, including Type 1 facilities (currently under the jurisdiction of DOC)

- i. Precedent. Prior to 1995, children who were in confinement were under the jurisdiction of the then-Wisconsin Department of Health Social Services (DHSS). DCF was created in 2008 when the DHSS was renamed to be the Department of Health Services (DHS), but the Juvenile Justice Code allowed DOC to continue to retain custody over youth in confinement.
- ii. Appropriateness. The DCF is the most appropriate state agency in Wisconsin to fulfill the goals of facilities in which youth must reside when they are removed from their homes. These goals include “engaged adults focused on their development, a peer group that models prosocial behavior, opportunities for academic success, and activities that contribute to developing decision-making and critical thinking skills.” The goals of these facilities should not be confinement and social control. DCF is able to focus on and consider adolescent brain development in its oversight of confinement activities of youth. This is critical, as “adolescents do not have the same capacity for understanding long-term consequences as adults. The vast majority of adolescents who commit crimes will not reoffend, because as the brain matures there is heightened ability to control reckless impulsivity, which can lead to adolescent crimes.” Source: “Rethinking the Juvenile in Juvenile Justice: Implications of Adolescent Brain Development on the Juvenile Justice System”; Wisconsin Council on Children and Families (2006).
- iii. Alignment. DCF has an entire infrastructure to coordinate and support strength-based youth justice work, including the Bureau of Youth Services, Youth Leadership Teams, Early Intervention, Community Intervention Program, and Youth Aids funding.

b. Ensure public transparency and input over all facilities where youth are confined.

- i. There should be a community oversight board for each facility where youth are confined that requires representation by youth who were

confined at one time and by parents/guardians of youth who were confined at one time.

1. These individuals should be able to apply to this board through a public application process.
2. These individuals should receive stipends for their time.
3. Meetings should be held at a time and place that is accessible to the community.
4. Child care should be available on site for persons who would like to attend these meetings.

c. There should be no new construction of Secure Residential Care Centers for Youth (SRCCYs). These buildings should have a capacity of no more than 15 youth.

- i. New construction is expensive and unnecessary. Existing structures in communities are often able to be improved to accommodate the needs of the youth and staff. Minimal resources where appropriate may be needed for repurposing/renovating existing building within communities.
- ii. Larger facilities are comparatively less effective with youth who are in correctional or residential settings, as smaller facilities allow for a more privacy; a greater sense of normalcy; more opportunities to spend time with visitors; more opportunities for healthy activities in the community; and greater ability of staff to develop appropriate, meaningful relationships to support youth and their families.
- iii. The “warehousing” model of confinement has unquestionably failed. While there is no “magic number” for how many youth should be in the same residential setting, we know that smaller is better. The primary considerations of how many youth are located at the same site should be support for the youth and their families and the safety of the community, not what is easiest or least expensive only based only on a short-term analysis. **Source:** *McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice (2016).*

d. Act 185 should allocate resources specifically for treatment and community-based services for youth who are involved in the justice system.

- i. YJM recommends that the equivalent of at least half of the total Act 185 appropriation, \$40 million, be dedicated to developing community-based resources as the best form of prevention. Strategies and programs that have been proven to be effective include, but are not limited to:
 1. Mentoring (not “monitoring” or “tracking” per social control paradigm)
 2. Skill development, paid training, employment, and entrepreneurship
 3. Access to safe and healthy recreation activities
 4. Academic support
 5. Community services
 6. Youth-led community organizing
 7. Family counseling/therapy
 8. Parent/guardian support and advocacy
 9. Respite care for parents/guardians
 10. Emergency family resources to support short-term needs
 11. Resource-based diversion opportunities
 12. Restorative justice and mediation opportunities
 13. Trauma recovery, including building skills to remediate trauma, such as meditation
 14. Treatment for young people who are living with addiction and/or mental illness

- e. **Act 185 should include a racial equity strategy that includes the following features:**
 - i. A mechanism to regularly collect, monitor, and address data about racial disparities of youth who are involved in the justice system by county.

 - ii. Racial impact legislation that “considers the outcome of changes in the criminal code before passing laws in order to provide an opportunity for policymakers to consider alternative approaches that do not exacerbate disparities”. This idea that first became law in the state of Iowa in 2008 and Connecticut and Oregon have passed laws subsequently. **Source:** *The Color of Justice: Racial and Ethnic Disparity in State Prisons; The Sentencing Project (2016)*. More research is needed in this area.

 - iii. Adequate resources to implement training for personnel who are listed in the Juvenile Justice Code, WI Stat. 938, including elected judges, to receive professional training about implicit social cognitions (racial bias).
 1. We cannot know the true effect of implicit bias unless we measure it. “Self-report data from California judges before and after they received a training on implicit bias, along with a three-month follow

up survey to ascertain behavior modification that occurred as a result of the training, showed modest evidence of a positive effect on reducing implicit bias through trainings.” **Source:** *The Color of Justice: Racial and Ethnic Disparity in State Prisons; The Sentencing Project (2016)*. More research is needed in this area.

f. Ensure that any out of home correctional placements remain close to the child’s family and community.

- i. In 2012, New York state and New York City created the “[Close to Home](#)” initiative, which moved delinquent youth from the five boroughs out of state prisons and into smaller facilities within city limits — and near their families. The idea behind the initiative: to keep youth connected to their families, schools and communities, reduce recidivism and improve outcomes for the youth. The report, which was funded by the Annie E. Casey Foundation, found there was a 68 percent [reduction of youth placed in facilities](#); 58 percent fewer youth arrests; and youth passed 91 percent of their academic classes. **Source:** *Keeping Youth Close to Home Reduces Juvenile Arrests; PEW Charitable Trust (2018)*.

There are three overarching themes among beliefs that most, if not all, study participants shared: (1) Out-of-home placements, including secure confinement, should be used sparingly (or be the exception rather than the norm); (2) whenever possible, youth in these placements should remain close to home; and (3) youth should be in the least-restrictive setting. **Source:** *Close to Home: Strategies to Place Young People in Their Communities; National Council on Crime and Delinquency (2014)*.

2. Revise the Juvenile Justice Code

- a. Examine and decriminalize juvenile offenses and examine and revise the maximum lengths of dispositions (sentences) for juvenile offenses with clear criteria that are informed by data regarding the adjudication and recidivism of children for various offenses, an accurate understanding of adolescent brain development, and racial disparities that may exist for certain offenses.
- b. Restore jury trials for juveniles who are charged with a delinquent act. Do not allow judges to equate a plea agreement of guilty to equate to expressing “remorse” and accepting “responsibility,” which effectively discourages jury trials and increases the severity of a disposition for a juvenile who opts to receive a bench/court trial.
- c. Raise the age of adult court jurisdiction to 18.

- d. Eliminate original jurisdiction by the adult court of juveniles who have committed serious offenses so that the original jurisdiction for all juveniles ages 17 and younger is juvenile court.
3. **Directly connect the various state departments that work on youth justice to the county and state efforts through an intergovernmental working group.**

Recommendations for MILWAUKEE COUNTY:

1. **Fund more community-based resources for youth as a prevention-strategy outside of the jurisdiction of DYFS (Reference (1)(d)(i)-above).**
2. **Fund more diversions and alternatives to detention.**
3. **Examine the reasons youth are being held in the detention center by category, including warrants and technical violations.**
4. **Collect and analyze racial disparities data for youth in the justice system.**
5. **Require DYFS to hold public meetings once each quarter to gather meaningful input from the community at a time and place that is accessible to the community.**
6. **Directly connect Milwaukee County youth justice related efforts to the City of Milwaukee and state efforts through an intergovernmental working group.**
7. **Decrease vulnerability of youth for human trafficking.**

Recommendations for CITY OF MILWAUKEE:

1. **Decrease vulnerability of youth for human trafficking.**
2. **Directly connect City of Milwaukee youth justice related efforts to the county and state efforts through an intergovernmental working group.**
3. **Suggest that common council members hold at least one meeting in their districts each year that includes a focus on youth along with the mayor. Encourage small, interactive solution-focused groups. YJM can partner with you on these meetings.**

OP-ED: We can change the course of youth justice in Wisconsin

By Jeff Roman | co-founder, Youth Justice Milwaukee | Dec 10, 2018 in THE CAP TIMES

Throughout his tenure, Gov. Scott Walker ignored deep systemic failures throughout Wisconsin's youth justice system. His Department of Corrections never developed an adequate response to the crisis at Lincoln Hills and Copper Lake, and even attempted to cover up persistent allegations of child abuse.

Under Gov. Walker, Wisconsin incarcerated African-Americans at the [highest rate in the country](#), spending nearly [\\$2.5 billion](#) on prisons and corrections, with a robust pipeline that sweeps up young people who should not be there. With such a biased system, it's no surprise that Act 185, the [legislation championed by Walker](#) to close Lincoln Hills and Copper Lake, does not go far enough to reform our justice system.

With only a few weeks remaining in the transition before Gov.-elect Tony Evers and Lt. Gov.-elect Mandela Barnes are sworn in, there's an opportunity to amend that legislation, stop the construction of new youth prisons and outdated, ineffective brick-and-mortar facilities, and create a more just system for our state.

Right now, under Act 185, Wisconsin is set to build new youth prisons — a major step backward after the achievement of closing Lincoln Hills. Instead, we should reinvest in our communities.

The flaws in the post-Lincoln Hills justice system under Act 185 are a result of ignoring input of the communities most impacted by the bill: young people and families who have been touched by the youth justice system. Their vision for a better system could not be clearer: Instead of new youth prisons, or "Type 1" secure facilities and Secure Residential Care Centers for Children and Youth (SRCCCYs), which will cost millions in construction for building new facilities despite proven ineffectiveness, we need investment in community-based alternatives to locking kids up.

Gov. Walker only made youth justice a priority when it became clear Lincoln Hills could be a political liability for his re-election — and he just may have been right. Throughout their campaign, Evers and Barnes made criminal justice reform a priority. That hit a chord with our community: Milwaukee turnout was some of the highest ever for a midterm — [up to 73 percent](#) compared to 65 percent in the 2014 midterms. [Eighty-five percent of black voters](#) overwhelmingly cast their ballot for Evers, and young people came out for Evers: [58 percent of 18- to 44-year-olds](#) voted for him over Walker.

In contrast to Walker, Evers and Barnes have been allies in efforts to reform youth justice in Wisconsin. Barnes even worked with the Milwaukee Inner-City Congregations Allied for Hope, a founding and current [Youth Justice Milwaukee](#) coalition member. They also campaigned on addressing criminal justice reform.

This is a chance to [make good on their promises](#).

Act 185 set a March 31, 2019, deadline for counties to apply for grants to build new facilities, and lawmakers on the Lincoln Hills closure study committee are already filing recommendations to spend more money on new facilities. But it's not too late to change to a better course.

Under the new administration, Wisconsin should reroute these funds toward investments in community-based alternatives like education, job training and other programs that provide youth a chance to repair the harm they've caused.