



GOVERNOR'S JUVENILE JUSTICE COMMISSION

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Summary of 2024 Juvenile Justice and Delinquency Prevention Act (JJDP) Compliance Report

Prepared for the Governor's Juvenile Justice Commission

by

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Pursuant to 28 C.F.R. § 31.303(f)(6), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) sets annual compliance standards by calculating the average from not less than two years prior to the compliance reporting period for the Deinstitutionalization of Status Offenders (DSO), Sight and Sound Separation (S & S), and Jail Removal (JR) core requirements, removing, when applicable, one negative outlier for each requirement and applying a standard deviation factor of not less than one.

For purposes of calculating rate of compliance, Wisconsin has a juvenile population of 1,258,524. This does not include 17-year-olds, as that is the age of full criminal responsibility under state law.

Section 223(a)(11)(B) of the JJDP provides that by December 21, 2021, individuals under the age of 17 who are charged as adults may not be detained or confined in an adult jail or lockup and may not have sight or sound contact with adult inmates – unless found by a court to be in the interest of justice. States are currently required to collect 223(a)(11)(B) data. Thresholds will be set and reviewed for compliance by OJJDP at a future date. In the interim, this report includes available data related to the 223(a)(11)(B) core requirement.

During this reporting period, all JJDP monitored facilities returned a request for Annual Survey data and/or were audited as required (508 Annual Survey responses (includes nonsecure survey responses), 88 on-site audits, 9 record reviews).

In accordance with the above methodology, the data for each of the core requirements is as follows:

- **Deinstitutionalization of Status Offenders (DSO)**
 - Threshold rate: 3.08 per 100,000 juvenile population.
 - Wisconsin instance rate of non-compliance: .48 per 100,000 juvenile population, adjusted for non-reporting facilities.
 - Wisconsin total violations reported (raw data): 6
 - Wisconsin total qualifying for Valid Court Order (VCO) exception: 6
 - Wisconsin total holds pursuant to Interstate Compact on Juveniles (ICJ): 4

- **Sight and Sound Separation (S & S)**
 - Threshold rate: 0.66 per 100,000 juvenile population.
 - Wisconsin instance rate of non-compliance: 0.00 per 100,000 juvenile population, adjusted for non-reporting facilities.
 - Wisconsin total violations reported (raw data): 0

- **Jail Removal (JR)**
 - Threshold rate: 8.81 per 100,000 juvenile population.
 - Wisconsin instance rate of non-compliance: 2.94 per 100,000 juvenile population, adjusted for non-reporting facilities.
 - Wisconsin total violations reported (raw data): 37
 - Wisconsin total qualifying for Rural Exception¹: 11

- **Section 223(a)(11)(B)**
 - Threshold rate: to be determined by OJJDP at a future date.
 - Wisconsin instance rate of non-compliance: 3.73 per 100,000 juvenile population, adjusted for non-reporting facilities.
 - Wisconsin total violations reported (raw data): 47 total violations, 13 unique youth
 - Wisconsin total youth held in compliance with 223(a)(11)(B) Interest of Justice hearings: 4

Year-Over-Year Comparison

Federal Fiscal Year	Data Period	Total Holds	DSO	Separation	Jail Removal	223(a)(11)(B)
2019	10-1-17 to 9-30-18	9055	30	5	61	-
2020	10-1-18 to 9-30-19	6980	35	0	46	-
2021	10-1-19 to 9-30-20	5705	21	1	21	-
2022	10-1-20 to 9-30-21	4312	24	0	29	-
2023	10-1-21 to 9-30-22	5109	13	0	11	6*
2024	10-1-22 to 9-30-23	5084	6	0	37	47

* Individuals under the age of 17 charged as adults under original adult jurisdiction statutes and detained or confined in an adult jail or lockup were not noted as violations during this FFY23 reporting period.

¹ Vilas, Iowa and Forest County Jails qualify for this exception to the six-hour removal requirement for delinquent offenders due to distance from available secure juvenile detention facilities. Agencies must be approved by DOJ prior to using the Rural Exception. Only Forest County Jail utilized the exception in FY2024 (11 times).

Deinstitutionalization of Status Offenders (DSO)

Wisconsin DSO violations continued a downward trend during this reporting period.

- 4 violations involved youth who were AWOL / ran away from placements. Many times, there was a corresponding human trafficking concern.
- 1 violation involved a JIPS (truancy) sanction that exceeded the allowable 7 days under the Valid Court Order exception and was ordered by a municipal court. Thus, the proper forms and processes under the JJDPa were not used.
- 1 violation involved a lack of placement options for a youth returning from out of state programming and the parents/guardians were unwilling to house the youth.

Many states have moved towards statutory modifications that prohibit the placement of status and non-offenders in any secure setting. Future reauthorizations of the JJDPa may also eliminate the Valid Court Order exception. However, a handful of states still incur a high number of DSO violations each year and utilize the Valid Court Order exception far more frequently than Wisconsin.

Not all DSO violations incurred by a juvenile detention facility are indicative of incorrect action, policy, or procedure. Status and non-offender placement orders may come from courts within the same county as the detention center, or from surrounding or distant jurisdictions. The court orders often meet all requirements under Wisconsin state law but violate the DSO core requirement of the JJDPa. At times, court documents or orders plainly state that they authorizing judge is aware that a JJDPa violation will occur.

DSO Violations

- Dane County Juvenile Detention: 1
- Milwaukee County Juvenile Detention: 1
- Portage County Juvenile Detention: 1
- Racine County Juvenile Detention: 1
- Rock County Juvenile Detention: 1
- Sheboygan County Juvenile Detention: 1

ICJ Exceptions

- Northwest Regional Juvenile Detention Center (Eau Claire County): 2
- Fond du Lac County Secure Detention Center: 2

VCO Exceptions

- Fond du Lac County Secure Detention Center: 1
- Racine County Juvenile Detention: 2
- Washington County Secure Juvenile Detention: 3

Sight and Sound Separation (S & S)

For the 2024 reporting period, Wisconsin had no violations of the sight and sound separation requirement. This is of utmost importance, as Wisconsin has previously been out of compliance with this core requirement, which has a very slim margin of error.

Jail Removal (JR)

During this reporting period, jail removal violations in Wisconsin increased to the largest number in several years.

Wisconsin DOJ continues to work closely with law enforcement partners in guiding policy and procedures around the secure holding of juveniles. At each on-site audit, DOJ staff provide agencies with updated signage that clearly notes the type of juveniles that can be placed in secure areas and for how long. Compliance staff also provide guidance to agencies as to non-secure alternatives to detention or confinement. DOJ staff continue to see an overall trend toward law enforcement agencies processing youth entirely outside of law enforcement buildings, processing and immediately transporting youth to juvenile facilities, or removing all secure features (cuffing fixtures and locks that prevent egress).

- 4 violations were curfew violations (4 youth held securely in same incident at West Allis PD for about 1-2 hours). The West Allis Chief is working with staff to develop a training video in response.
- 1 violation was due to a court order to place a youth under delinquency supervision in the jail for 72 hours due to a lack of any juvenile detention facility willing to accept the youth (Kenosha County Jail).
- 1 violation due to Forest County Jail utilizing their Rural Exception for greater than 48 hours (exceeded by 42 minutes).
- All other violations (31) were due to secure police department holds of delinquent youth that exceeded 6 hours. Most were 6-8 hours, none longer than 14 hours.
- Youth were sight and sound separated from adults during these times.

As noted below, many of the Jail Removal violations occurred at Milwaukee PD District 1 (Central District). There is a space within the department that is used for serious/high profile interviews. Staff at the facility reported that, based on past discussion with WI DOJ staff, they believed that youth could be held in secure spaces with the door to the interview room open and without utilizing a cuffing ring and this would not count towards the 6-hour holding limit. WI DOJ met with command staff at the facility on multiple occasions to provide training and technical assistance. The site developed multiple strategies to correct internal procedures and was very responsive.

JR Violations

- Milwaukee Police Department, Central (District 1): 16
- Glendale Police Department: 9
- West Allis Police Department: 4
- South Milwaukee Police Department: 2
- Kenosha Police Department: 2
- Kenosha County Jail: 1
- Forest County Jail: 1
- Cudahy Police Department: 1
- Pewaukee (Village) Police Department: 1

Section 223(a)(11)(B)

As noted above, OJJDP continues to gather data from states to establish violation thresholds and begin reviewing compliance with this requirement.

On 1/8/2024, Wisconsin DOJ sent a memo with updated guidance to various youth justice stakeholders, agencies, and facilities. This memo clarified that the 223(a)(11)(B) core requirement applies to **all** individuals under the age of 17 charged as adults and housed in a county jail (both waived youth and those charged under original adult jurisdiction statutes).

Original Adult Jurisdiction – 223(a)(11)(B) Violations – 10/1/22 – 9/30/2023

Facility	Most Serious Charge	223(a)(11)(B) Violations
Brown County Jail	1 st Degree Reckless Homicide	11
Brown County Jail	1 st Degree Intentional Homicide - Attempt	9
Brown County Jail	1 st Degree Reckless Homicide – Deliver Drugs	9
Brown County Jail	Battery by Prisoner	2
Fond du Lac County Jail	1 st Degree Reckless Homicide	2
Kenosha County Jail	Battery by Prisoner	1
Kenosha County Jail	1 st Degree Intentional Homicide – Attempt	4
La Crosse County Jail	1 st Degree Intentional Homicide	3
Lincoln County Jail	Battery by Prisoner	1
Outagamie County Jail	1 st Degree Intentional Homicide – Attempt	2
Wauwasha County Jail	Bail Jumping	1
7 facilities 11 unique youth		45 Total Violations

Waivers to Adult Court – 223(a)(11)(B) Violations – 10/1/22 – 9/30/2023

Facility	Charge(s)	223(a)(11)(B) Violations
Kenosha County Jail	OMVWOC	1
Columbia County Jail	Possession w/Intent – Manufacture or Deliver	1
2 facilities 2 unique youth		2 Total Violations

Valid 223(a)(11)(B) Orders – CR-219 – 10/1/22 – 9/30/2023

Facility	Charge(s)
Kenosha County Jail	Drive or Operate w/out Consent; Resist Officer – Substantial Harm
Kenosha County Jail	Drive or Operate w/out Consent; Resist Officer – Substantial Harm; Battery or Threat to Judge, Prosecutor, or Law Enforcement Officer
Kenosha County Jail	Drive or Operate w/out Consent; 2 nd Degree Recklessly Endangering Safety; Hit and Run – Injury; Criminal Damage to Highway/Vehicle
Kenosha County Jail	Drive or Operate w/out Consent
1 facility 4 unique youth	