Wisconsin's Community-Based Juvenile Justice System:

Summary of Input Gathered and Visions for the Future of Youth Justice

Prepared by the
Bureau of Youth Services

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Introduction

On January 1, 2016, as directed in Act 55, the 2015-17 budget bill, administrative and oversight responsibility for the community-based juvenile justice system (youth justice or YJ) was transferred to the Department of Children and Families (DCF). Through this transfer, DCF became the state agency responsible for fiscal and programmatic oversight for the Youth Aids allocation and youth justice system, including:

- Youth Justice standards of practice;
- Training, including juvenile court intake worker training;
- Data collection and analysis; and
- Consultation and technical assistance to counties.

As its first step, from January to September of 2016, DCF engaged in an intensive information gathering process to gain insight into the current system as it operates across the state, understand the most pressing needs, and hear stakeholders' visions for the future of the system.

Through this process, DCF reached hundreds of stakeholders from around the state. Input was gathered in a variety of ways:

- **Stakeholder Input Meetings & Calls**
  DCF attended standing meetings or arranged meetings gathering input from nearly 30 stakeholder groups. DCF staff also conducted direct outreach to counties.

- **Site Visits & Observations**
  In an effort to understand the continuum of placement and service options, DCF visited all of the juvenile detention centers in the state, as well as shelter homes, group homes, and other out of home placements. DCF also conducted court and peer court observations and connected individually with a number of youth services non-profits statewide.

- **DCF Input Gathering Sessions**
  DCF held two large input gathering sessions, one in Madison and one in Wausau, to gather input in person from nearly 100 stakeholders, representing a wide range of groups.

- **Online Survey**
  Almost 300 individuals from more than 60 counties responded to an online survey. DCF partnered with the School of Social Work at the University of Wisconsin-Madison to summarize input and identify common themes. This summary is available on the BYS website.

The input summarized in this report represents the views of a wide range of stakeholder groups, including but not limited to: county and tribal directors, managers, and supervisors; intake workers; caseworkers; community-based service providers; defense attorneys and prosecutors; Department of Corrections staff; detention facility superintendents and staff; judges; law enforcement; out of home care providers; families; school districts and Department of Public Instruction staff; Department of Justice crime victim's council staff; juvenile justice advocacy groups; state and local mental health agencies and service providers; and youth.

This document provides a high-level overview of the input DCF received. In each topic area, the input is broken down into (1) observations about the current status of the community-based juvenile justice system, and (2) visions for the future that emerged from the input gathering process. Some aspects of the visions for the future are already required, but are inconsistently implemented or only required for a subset of the youth justice population. Both are related to DCF's role as well as other system partners, given that many state and county agencies and community partners have responsibility for aspects of the youth justice system.

The importance of language

As DCF met with stakeholders, we were reminded of the importance of language. The term *juvenile* is seen as negative. As one youth stated, "Juvenile means criminal."

DCF elects to use a more positive term for the youth and the system. Going forward, instead of juvenile justice, DCF will use the terms **youth** and **youth justice**.

youth justice

Input Gathered: Overview

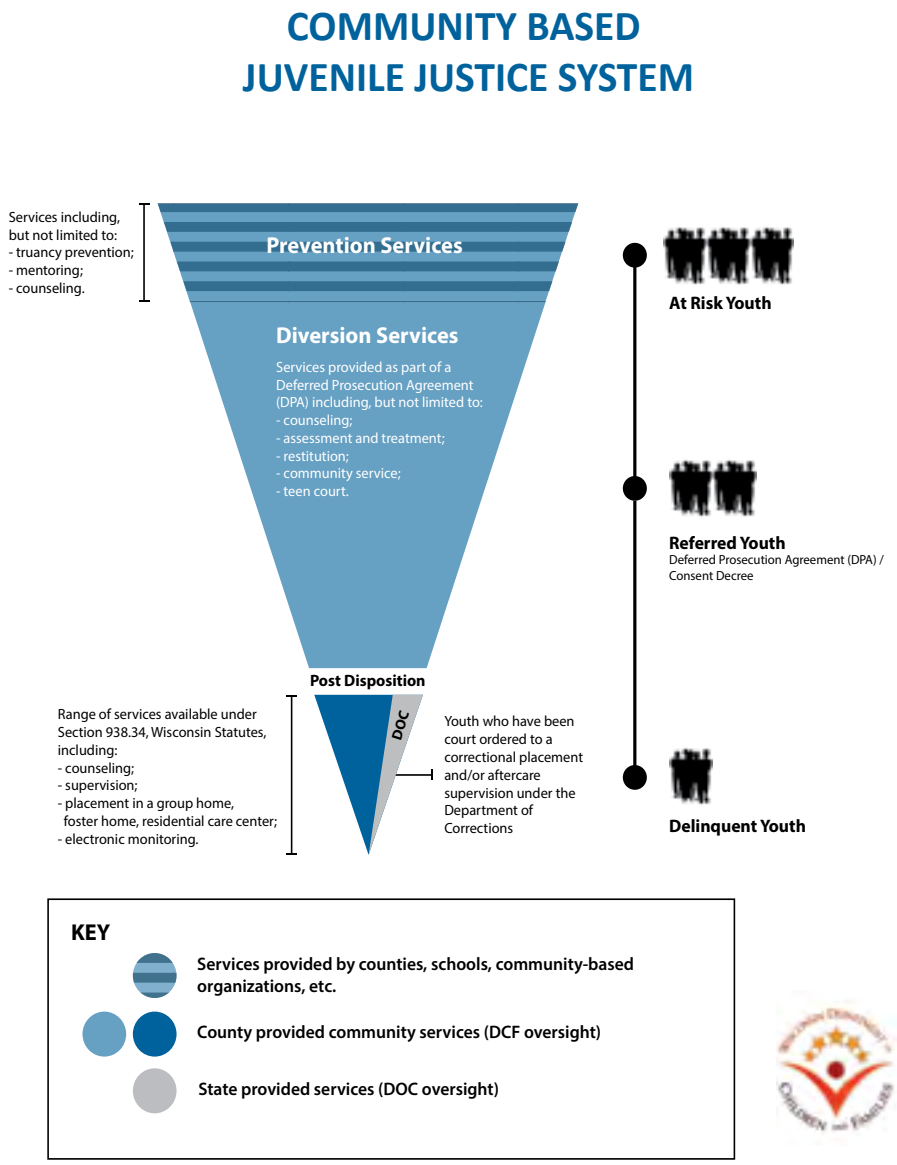
DCF's comprehensive input gathering process solicited input about the youth justice system, and DCF's statutory obligations. DCF used the inverted triangle graphic (below) to depict the system as a whole as a starting point for discussion.

The summary of input gathered and visions for the future are organized into categories that align with the points of contact and degree of involvement a youth may have with the youth justice system, in keeping with the general framework of the graphic. The first area addresses prevention and diversion from entering the system in the first place. The second area, assessment and case work, outlines how youth and families are served when they formally enter the youth justice system. The third area, post-disposition, addresses the various placement options for youth, as well as accountability and after-care.

The input gathered regarding these three general categories and the visions that emerged will require the work of many state, county, and tribal agencies and community partners. In this document, DCF is reporting on the input received in all its breadth, and with the understanding that DCF's work will be to focus on those areas under its responsibility and partner with others to work towards this expansive vision.

The final focus area summarizes the input and visions for the future related to the specific areas of DCF responsibility, as outlined by Wisconsin State Statute §938.485. Again, this summary of the input gathered provides a wide-ranging vision of the areas that stakeholders would like DCF to address. DCF is crafting its strategic plan with the long term visions that emerged from this input gathering process in mind.

In the coming months, DCF will issue its strategic plan detailing the efforts it will embark on in the coming year, with the goal of helping move toward the exemplary system we all envision.



Prevention & Diversion

- Prevention
- School collaboration
- Mental health and well-being
- Diversion

Assessment & Case Work

- Assessment
- Engagement strategies
- Case planning
- Services
- Dual status youth

Post-Disposition

- Out of home placements (OHP)
- Detention
- Accountability
- Aftercare

DCF Responsibilities

- Youth justice practice standards
- Data and outcomes
- Training
- Consultation and technical assistance

(Click on button to jump to section)

Overarching Considerations

Regardless of substantive area, we need to address the issues below.

Racial and Ethnic Disparities (RED)
We need to actively work to reduce RED and ensure that our efforts do not unintentionally increase it. Many stakeholders identified the need for training on cultural competency and humility for everyone in the system.

Gender/LGBTQ
National research supports the principle that girls and LGBTQ populations have unique needs. Various stakeholders identified the need for more services for girls and attention to specific needs of LGBTQ youth.

Urban and rural counties
We cannot treat all counties the same. We need to understand the different challenges counties face and cannot use a "one size fits all" approach.

Cross-system collaboration
Cross-system collaboration is critical. As state supervisor of the youth justice system, DCF must collaborate with many other systems in order to improve outcomes for youth in the youth justice system.

Trauma-Informed
Services need to be provided with respect for the complex trauma histories of youth and understanding of the impact of trauma. Services must support youth to heal, build resilience, and avoid re-traumatization.

Prevention & Diversion

Prevention & Diversion

- Prevention
- School collaboration
- Mental health and well-being
- Diversion

Topic Area	Current Status	Vision for Future
Prevention	• Youth are referred to the juvenile justice system as a gateway to services for behavior that is typical adolescent behavior, the result of family conflicts, and/or unmet mental health needs. • Communities do not have adequate prevention programs for youth. • Youth are being referred to the juvenile justice system at increasingly younger ages.	• Adolescent behaviors are viewed through the lens of adolescent development, with the understanding that the transition to adult-level cognitive, emotional, and behavior functions occurs over time and varies for each individual. • Adolescent behavior and any underlying family needs are addressed concurrently. • Typical adolescent behavior is not criminalized. Youth with service needs are appropriately served in the service system, not in the courts.
School Collaboration	• There is a lack of clarity about roles of school resource officers (SROs), school administration, and human services. • Some counties get many referrals from the schools. There is the perception that some schools are using the juvenile justice system for school discipline (lower-level disorderly conduct charges). - Concern that youth incurring criminal charges for school-related misbehavior pushes them out of the education system and into juvenile justice. - Informal and formal expulsions of delinquent youth are highly problematic - they receive no education and have no constructive uses for their time. • There are a wide range of approaches to truancy across the state: how soon schools refer truancy cases to human services and varying philosophies as to when/how the juvenile justice system should respond to truancy.	• Law enforcement, schools, and human services have clearly defined roles and regular collaboration. • When placed in schools, school resource officers (SROS) are only used for delinquency; not for school discipline. SROs have a positive and clearly defined role that is understood by students and staff. • Schools have an array of approaches to misbehavior that minimize use of exclusionary discipline. • Education is available to all youth; even those who are expelled. • There is a clear and consistent statewide approach to truancy that diverts youth from the youth justice system and addresses any underlying school and family system needs contributing to truancy.

Topic Area	Current Status	Vision for Future
Mental health and well-being	• This was identified as an area that is in urgent need of attention. Stakeholders felt that mental health services are inaccessible for youth in many parts of the state. • There is a concern that youth are ending up in the juvenile justice system due to unmet mental health needs. It is often difficult to access services in the community. • There are promising ways to improve access: Some counties are having success with Comprehensive Community Services (CCS) and Coordinated Service Teams (CSTs). Some counties are beginning to situate mental health services in schools. • Barriers to receiving needed mental health services include insufficient array of services, lack of in-home providers, long waiting periods for getting assessments, and shortage of child psychiatrists.	• Mental health and well-being are understood broadly and on a continuum. A wide array of services to address the full continuum is easily accessible to all youth. • Youth with mental health needs can access services without entering the youth justice system. • Youth who enter the youth justice system can access appropriate and timely in-home and out-of-home mental health services.
Diversion	• The same delinquent act may be referred for restorative justice (RJ) or formally prosecuted depending on the community availability of RJ. • In pockets around the state, communities are using RJ approaches to divert first/second time offenders. They are seeing positive results. • Some schools are using RJ and see it as promising, but it is often underfunded. • Teen/peer courts are also in pockets around the state, but their funding has decreased over time.	• Youth around the state who commit low-level offenses have equal access to diversionary approaches, including, but not limited to, restorative justice and peer/teen courts. • Diversionary approaches used are evidence-informed/based and evidence of effectiveness is measured. • Human services, law enforcement, communities, tribes, state agencies, and other stakeholders collaborate to develop and utilize a range of diversion options for youth who may contact the youth justice system but who can be better served in other systems. • Law enforcement's role in prevention is supported and enhanced. Law enforcement has the option of using alternatives to arrest for low-level offenses or citations.

Assessment & Casework

Assessment & Case Work

- Assessment
- Engagement strategies
- Case planning
- Services
- Dual status youth

Topic Area	Current Status	Vision for Future
Assessment	• There is wide variance in how counties approach assessment. • The majority of counties use an assessment tool. Counties not currently using a tool are waiting for DCF to provide some direction. This was identified as an urgent need from a large number of stakeholders. • Counties that use the YASI, JAIS, or PACT are most passionate about those tools. Counties using COMPAS are most dissatisfied.	• DCF adopts a uniform statewide tool. - The chosen tool is comprehensive and family inclusive. - The chosen tool addresses youth resilience and strengths. • The assessment process ensures that only those youth with risk levels that necessitate involvement in the youth justice system enter the system. • DCF provides free or low cost access to a tool that interfaces with the statewide data collection system and helps with case planning.
Engagement Strategies	• County agencies have diverse approaches to family engagement and many would like guidance on how to better engage with families. • Some counties have invested in and utilize Motivational Interviewing and are pleased with this evidence-based strategy for engaging with youth and families. • Some counties use incentives for youth and report having success with this approach. There is a desire for expansion/guidance in this area. • Functional Family Therapy is used by several counties that are pleased with its methodology for engaging families. Some counties already use a family-focused approach in their juvenile justice cases, similar to what is used for child welfare youth and families.	• Youth and families are the drivers of change and are empowered to make decisions with the recognition that they are experts on their needs. • All workers engage youth and families meaningfully at all stages of a case. • Case planning explicitly involves families and/or other natural supports. • Approaches to engaging families and young people that are incentive and strength-based are promoted.

Topic Area	Current Status	Vision for Future
Case Planning	• All counties complete permanency plans for youth in out of home care, but there is little consistency in case planning or documentation of case planning. • Functional Family Case Management (FFCM) is being used by several counties and is a very promising approach. • There are differing belief systems and practices on how to document information in juvenile justice cases. • County agencies include families in the case planning process to varying degrees.	• Assessment tool flows seamlessly into case planning. • Case plans are regularly updated to reflect and address the dynamic needs of youth and families. • Case plans can be easily shared between units in a county and between counties. • Case planning enriches decision-making and does not take away from time spent relationship building with youth and families.
Services	• The services that are available across counties vary significantly. • Several county collaborations have been created to provide services to a more geographically diverse audience. • Counties would like access to evidence-based and promising programs. Some examples include: - Trauma-focused Cognitive Behavioral Therapy (TF CBT) - Carey Guides and BITS - Cognitive Behaviorial Thinking curriculum, Thinking for a Change - Mentoring - Functional Family Therapy - Multi-systemic Therapy (MST) • Urban counties contract out some service provision while rural counties tend to provide services in-house.	• Services are easily accessible with minimum exclusionary criteria or requirements for entry, and are prioritized to youth with the greatest needs. • Youth and families have access to a full range of individualized services to effect true behavior and family systems change. • Youth and families are connected to services that will continue beyond youth justice system involvement, if needed. • A continuum of services statewide allows local providers to use the right service for the right youth at the right time.
Dual Status Youth	• The coordination of dual system involvement largely depends on an individual county's case assignment structure (i.e., if workers carry a mixed caseload). • There is a lack of common language and measurements to assess the actual number of dual status youth in the State. • Current available data shows that a significant number of families are involved in both systems. • Many stakeholders encounter information sharing challenges when a family has multiple open cases.	• Youth are served in the appropriate system and are not pushed into the youth justice system because they reach a certain age or demonstrate a certain behavior. • Develop an accurate understanding of how and when cases cross over from child welfare to youth justice and how and why cases are closed or remain open as dual status. • Develop a framework for how counties can approach cases that touch both systems, including guidelines for sharing information. • Youth who have access to tribal support or child welfare system support do not lose it if they cross over into the youth justice system.

Post-Disposition

Post-Disposition

- Out of home placements (OHP)
- Detention
- Accountability
- Aftercare

Topic Area	Current Status	Vision for Future
Out of home placements (OHP)	• Youth do not feel heard on placement decisions and want to provide input into their placement during the decision making process. • There is a shortage of OHPs especially for youth with serious behaviors and/or high level mental health needs. • There is often a need for a short-term option to stabilize the home, however, there is rarely a short-term placement option other than detention. • It is very difficult to find foster homes for youth in the juvenile justice system, particularly those with challenging behaviors or serious mental health needs. The lack of placement options in some communities pushes kids into more restrictive environments that are farther away from their communities of origin. • Counties that operate their own group homes or shelters for youth in the juvenile justice system have found that effective, and an alternative to detention.	• There is a sufficient range of OHP options for all populations of youth. - Sufficient options for youth with challenging behaviors and serious mental health needs. - Supervised independent living options for older youth are available statewide. • Short-term OHPs are available in order to stabilize the home, allow youth to remain at home, and avoid short-term stays in detention when no other short-term placement is available. • Youth are carefully matched to their out of home placement. - Youth input is meaningfully considered during the decision-making process. - Sufficient placements exist so that youth can stay in their community of origin and get their needs met.
Detention	• There is little statewide consistency in how decisions are made to place a youth in secure detention. - Several counties use an assessment tool for making custody decisions and have evidence to show that it results in fewer youth being held in detention. • 72-hour holds are used very frequently in some counties and disallowed in others. • The use of secure detention varies widely - many counties say they end up using it when there are no other appropriate OHPs available and if there were group homes or shelters, they would use them. • The programming in detention centers varies widely and often relies on volunteers. • Visitation rules vary widely and are often restrictive (e.g., no adult other than parent; no contact visits).	• Decisions to hold youth in detention are made consistently statewide, using an evidence-based assessment tool for custody decision-making. • No use of 72-hour holds or placement in secure detention for reasons other than public safety. • Programming helps youth prepare for successful re-entry into the community (school, work, pro-social connections). • Visitation rules promote long-term positive connections, including contact visits for all youth. • Shackling and/or restraints are not the default for transportation to and from detention.

Topic Area	Current Status	Vision for Future
Accountability	• There is a wide range of approaches to restitution and community service; some counties have strength-based, employment-based ways to earn restitution. • Many system stakeholders still think of accountability in a punishment framework. • Victims are largely excluded from the juvenile justice process. • Many court stakeholders are dissatisfied with 'cookie cutter' court orders (terms of supervision); many youth and families find them difficult to understand and follow.	• Court orders include a small number of clear terms of supervision that are individualized and promote positive youth development. • All system stakeholders share a vision of youth accountability that is strength-based and allows youth to truly account for and learn from their mistakes. Youth are given the opportunity to repair harm and rebuild relationships when their mistakes affect others. • When a case involves victims, they are engaged (if desired) or other methods of improving youth awareness of victim impact are used.
Aftercare	• The current aftercare structure does not support planning for services for youth after their court order expires. • Some counties are exploring using Family Find to make sure youth have long-term supportive adult connections. • In a number of counties, it appears that the courts keep young people on supervision longer in order to: - Provide services - Keep them out of the adult system	• Youth and families can access needed services when they are no longer on a court order. • For youth returning from out of home placements, services are available to help them re-connect with school, employment, and other positive activities and natural supports. • There is a focus on ensuring youth have a connection to a caring adult who will support them long-term.

DCF Responsibility

Wisconsin Statute §938.485

DCF Responsibility

- Youth justice practice standards
- Data and evaluation
- Training
- Consultation and technical assistance

Topic Area	Current Status	Vision for Future
Youth Justice Practice Standards	• Statutory requirement: Develop standards for the design and delivery of services. Create performance standards. • Some counties have well-developed written standards; some have none. • There is an overall desire on the part of counties and other system partners for more consistency and guidance from DCF. • Counties are very clear they do not want standards as complex and detailed as the child welfare standards.	• Wisconsin will, over time, develop a set of youth justice standards that promote consistency and support evidence-informed practices. • New standards will be implemented simultaneously with training. System partners will be trained as well.
Data and Evaluation	• Statutory requirement: Creation of information systems and monitoring and evaluation procedures. • There is no central database for JJ data collection. • Counties (and system partners) would like to know if what they are doing is working. • System efficacy cannot be measured without a database. • System partners and stakeholders are interested in measuring the following as outcomes of the juvenile justice system: - Recidivism - Educational attainment - Employment and skill building - Mental health service provision - Connection with caring adults - Family system strengthened - Keep youth in the community and/or close to home whenever possible/proper identification and placement for youth - Meaningful measures of accountability: participation in restorative justice, restitution, community service - Community safety	• Wisconsin will collect and report data on a meaningful set of YJ outcomes that includes but is not limited to measuring recidivism. • Develop a statewide database that encompasses both child welfare and youth justice. - The database is compatible with assessment, case planning tools and other databases. - Data outputs and information are easily accessible and exportable to and for counties. • Create a Continuous Quality Improvement (CQI) process. - The process includes input and feedback from adolescents, families, system partners and stakeholders.

Topic Area	Current Status	Vision for Future
Training	• Statutory requirement: 30 hours of intake training. • The WJCIA conference is well-regarded by juvenile justice workers for its substance and opportunity to network. • There is a lack of juvenile justice specific training options, especially beginner and advanced practice trainings. • There is a lack of training available for system partners resulting in inconsistent practices.	• Youth justice specific training is available for all levels of experience. • Increase management and leadership training opportunities with the understanding that staff retention and fidelity to evidence-based and promising programs relies on agency leadership training. • Training is timely, accessible and is coordinated with other system partners. Training: - Promotes the use of a common youth justice language. - Is designed to support more evidence-based and promising programs. - Coincides with roll out of new tools and standards.
Consultation and Technical Assistance	• Statutory requirement: Provide consultation and technical assistance to aid counties in the implementation and delivery of services. • Counties appreciate the information that is currently shared about what other counties are doing. They are eager to learn about what is working in other counties and nationally. • There is a lack of statewide opportunities to collaborate around juvenile justice. • DCF is working with RFK on Dual Status Youth Training Initiative with Jefferson and Adams counties.	• DCF provides support and consultation services as needed to counties. • Increase collaboration opportunities across service sectors. • DCF allows and supports county consortia and helps smaller counties leverage their resources. • DCF develops a clear communication plan for information sharing with counties and system partners. • DCF serves as a resource for counties about what works locally and nationally.



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