

# Dane County Juvenile Justice



## Disproportionate Minority Contact Solutions Workgroup Report 2009

# Juvenile Justice Solutions DMC - Workgroup



Dane County Chief Juvenile Judge – Honorable John Albert

Dane County Department of Human Services Children Youth &  
Families Administrator Robert Lee

**Workgroup Staff:**

John Bauman - Juvenile Court Administrator  
Stephen Blue – CYF Delinquency Services Manager  
Rhonda Voigt – Delinquency Social Worker  
Shelly Gnewikow - Support

# JJ-DMC Solutions Workgroups

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“Fairness and opportunity equals a  
successful child.”

**T-Bone**





**DANE COUNTY CIRCUIT COURT, BRANCH 3**  
**FIFTH JUDICIAL CIRCUIT OF WISCONSIN**  
215 South Hamilton St. Room 4105  
Madison, WI 53703-3288

**JOHN C. ALBERT – CHIEF JUVENILE JUDGE**

Pam Hamele, Clerk  
Cheryl Partch, Secretary

Telephone: (608) 266-4235  
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May 1, 2009

To Whom It May Concern:

Over the past several months, the Dane County Juvenile Justice Solutions DMC Workgroup has gathered information, consulted experts and met frequently to seek solutions to the embarrassing disproportionate minority contact statistics that have so long prevailed regarding the treatment of minority juveniles in Dane County. Professionals from various disciplines have been active and consistent in their participation. I wish to thank all who participated, but especially John Bauman and Stephen Blue for their leadership and outstanding staff support.

Understand that my thanks to all who participated, however, does not signal an end to the efforts that must continue to combat this issue. This problem has persisted for years despite numerous earlier efforts to seek both causes and solutions.

While I hope that our recommendations will have an impact, I reassert that efforts cannot cease. This must be an ongoing effort until we have statistical confirmation that we are no longer among the “leaders” in this field.

Sincerely,

John C. Albert, Judge  
Circuit Court - Branch 3



## Dane County Department of Human Services Division of Children, Youth & Families

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Kathleen M. Falk  
Dane County Executive

Director – Lynn Green  
Division Administrator – Robert Lee

May 1, 2009

Friends:

Disproportionate minority contact (DMC) in both juvenile- and adult- justice systems is a stain on Wisconsin's standing as a State that is a superior place to live for any and all people.

Fortunately, the State and Dane County are acting to address - and hopefully correct - the problem of DMC. Fortunately also, the State and Dane County have histories of ultimately *doing the right thing* when injustices are made known.

The *Dane County Juvenile Justice Solutions DMC Solutions Workgroup* first convened in September 2008. The workgroup brought together dedicated individuals from numerous disciplines to learn about the causes of DMC and positive manners in which to address DMC. The workgroup - and subgroups - met regularly over the subsequent months. The workgroup issues its report and recommendations at this time.

The effort has been an enlightening one for all participants. All have a better understanding of DMC as a result of workgroup participation. All are newly energized to address DMC as a result as well. I look forward to reviewing the report and recommendations. I look forward to systems' implementation of recommendations to the extent possible as well.

Thank you to Judge John Albert for chairing this workgroup. Thank you to all participants for meaningful participation. Thank you to Stephen Blue of the Department of Human Services and John Bauman of the Juvenile Court Program for staff support.

Sincerely,

Robert Lee, Administrator  
Division of Children, Youth, and Families  
Dane County Department of Human Services

## EXECUTIVE SUMMARY

The Juvenile Justice Disproportionate Minority Contact & Confinement Solutions Workgroup was formed in September 2008 with the purpose of bringing together key stakeholders and community leaders to examine the DMC issues facing our community. Members were drawn from areas throughout our community including the United Way, Centro Hispano, YWCA, neighborhood centers, faith-based programs, schools, police departments, attorneys, Urban League, NAACP, Juvenile Court, Dane County Department of Human Services, contract agencies, and others.

Sessions were held with community members and experts in the field to better understand the scope and complexity of DMC and the factors influencing its growth. Madison Police Chief Noble Wray led us through the Governor's Report on Racial Disparity in the justice system. Dane County Department of Human Services and Juvenile Court staff updated the group on the current DMC numbers and trends. Scott Gray, Urban League of Greater Madison, presented the "State of Black Madison 2008: before the Tipping Point" report. The Madison Police Department presented information on the local gang scene and its impact on youth. Madison Metropolitan School District staff presented their findings on the status of students of color. The group watched the incarcerated adult male community re-entry portion of the CNN video "Black America". The group received updates from Dane County Equal Opportunities Chair, Yolanda Woodard, on the work of the DMC- Adult Committee, from State DMC Coordinator, Lindsey Draper, on State and National efforts and from Deedra Atkinson of the United Way, on their Disconnected Youth Initiative.

Based on the information gathered during the initial group formation process, six sub-workgroups were identified to develop measurable responses to JJ-DMC:

- Family and Community Supports
- Positive Community Alternatives
- Schools
- Law Enforcement and Charging
- Custody, Screening and Petitioning
- Disposition and Placement

Each sub-workgroup was charged with formulating comprehensive and viable prevention and intervention strategies within their assigned work area to reduce JJ-DMC in our community. Each subgroup submitted a report and their recommendations. Several recommendations emerged across all or most workgroups that were prioritized for consideration. These included the following:

1. Analyze the responsibilities of Joining Forces for Families (JFF) and possibly return to the previous model (neighborhood teams comprised of police officers, school staff, public health nurses, county social workers, housing resources, mental health outreach staff, economic assistance staff, etc.). JFF team members could manage volunteers in local neighborhoods and provide more skilled services in addition to, or instead of the basic needs demands they respond to currently, due to severe economic pressures on already stressed families.
2. The community must stand firm, even during difficult economic times and dwindling revenues to provide a solid continuum of positive alternatives for youth; maintain funding for youth service agencies to provide support, opportunities, and resources to reduce delinquency.
3. Review school district disciplinary codes and the expulsion process to determine if other options are available or should be developed.

4. Expand training for police and school staff together re: strategies to address DMC, cultural competency, mental health, child/teen development/behaviors, and brain development. This effort could be funded through a State DMC grant.
5. DCDHS needs to begin tracking Deferred Prosecution Agreements, clarify case management expectations, and consider altering the case assignment procedure in order to enhance supervision.
6. Support the use of assess for deferred prosecution referrals to Dane County Department of Human Services, which have increased to 50% in January and February from 33 – 35 %. Agreement that in order for this to be effective, there will need to be written DPA's with services more typically used in court ordered cases and adequate social worker case management to monitor engagement in services. There was also discussion of using a group approach for at least some DPA cases. Ideas included doing a group similar to the retail theft group, which has both a youth and parent component; circle sentencing which is currently being used for some municipal citations in the Allied Neighborhood; and continuation expansion of ADDS, which provides redirective groups, supervision and school intervention to middle schoolers with first offenses.

We would like to thank Chief Juvenile Judge John Albert for his leadership in co-chairing our group and his continued support in this effort. We also thank CYF Administrator Bob Lee for this continued support and work on this committee. Thank you to our sub-workgroup chairs for the commitment to their tasks and keeping their groups moving toward the end product. Finally, thank you to each committee member for their dedication, creativity and contribution to this project.



## JJ DMC SOLUTIONS MEMBERSHIP & CONTRIBUTORS

Rita Adair.....	Dane County Department of Human Services
Judge John Albert .....	Dane County Court System
Deedra Atkinson .....	United Way of Dane County
Casey Behrend .....	Youth Services of Southern Wisconsin
Amy Bennett .....	Goodman Atwood Community Center
Lisa Dawes.....	Sun Prairie School District
Tamiko Dixon .....	Dane County Neighborhood Intervention Program
Jeanne Ferguson.....	Dane County Department of Human Services
Barb Franks.....	Dane County District Attorney’s Office
Ben Gonring.....	State of Wisconsin Public Defender’s Office
Steve Hartley.....	Madison Metropolitan School District
Ken Haynes.....	Citizen
Esther Heffernan .....	Edgewood College
Linda Hoskins .....	NAACP
Robert Howard.....	Madison Metropolitan School District
Andre Johnson .....	Dane County Neighborhood Intervention Program
Meme Kintner .....	YWCA
Judge Dan Koval.....	City of Madison Municipal Court
Bob Lee.....	Dane County Department of Human Services
Ed Lee .....	Urban League
David Mahoney.....	Dane County Sheriff’s Department
Ann Marshall .....	Dane County Juvenile Court
Dennis McClain .....	Dane County Juvenile Court Program
Bobby Moore .....	Dane County Neighborhood Intervention Program
Peter Munoz.....	Centro Hispano
Jude Nichols.....	Family Service
Jim Olds .....	Dane County Clerk of Courts
Ami Orlin.....	Dane County Department of Human Services
Diane Prellwitz.....	Dane County Department of Human Services
Manny Scarbrough.....	Genesis Counseling
Richard Scott.....	Madison Metropolitan School District
Ken Snoddy.....	Madison Police Department
Reverend David Smith.....	South Madison Metropolitan Planning Council
Daniel Steinbring .....	Lussier Community Center
Scott Strong.....	Community Partnerships
Sarah Thomas.....	Dane County Department of Human Services
David Thorson .....	Dane County Department of Human Services
Debbie Vieaux .....	Dane County Department of Human Services
Rhonda Voigt.....	Dane County Department of Human Services
Mike Walsh.....	Dane County District Attorney’s Office
Tracey Williams.....	Verona Area School District
Johnny Winston, Jr.....	Madison Metropolitan School District
Stan Woodard.....	Lussier Community Center
Yolanda Woodard .....	Dane County EOC Commission
Noble Wray .....	Madison Police Department
Nancy Yoder.....	Madison Metropolitan School District
Luis Yudice.....	Madison Metropolitan School District

# **JJ DMC SOLUTIONS SUB-WORKGROUPS**

## **Custody, Screening, and Petitioning (JB)**

David Thorson – Chair

*Eileen Backes, Casey Behrend, Ben Gonring, Rev. Rick Jones,  
Ann Marshall, Jim Olds, Mike Walsh, Robert Weatherby, Stan Woodard, Luis Yudice*

## **Disposition and Placement (RB)**

Diane Prellwitz – Chair

*Mitch Cooper, Michael Dyer, Jay Kiefer, Suzanne Stute,  
Sarah Thomas, Lani Urbas, Kim Vagueiro, Rhonda Voigt, Mike Walsh, Ginny Whitehouse*

## **Family and Community Supports (JB)**

Jeanne Ferguson – Chair

*Linda Hoskins, Robert Howard, Bob Lee, Jude Nichols,  
Frank Rodriquez, Ruth Ruiz, Manny Scarbrough*

## **Law Enforcement and Charging (RV)**

Barb Franks – Chair

*Deedra Atkinson, Tamiko Dixon, Lt. Trevor Knight, David Mahoney,  
Dennis McClain, Peter Munoz, Dan Murphy,  
Hong Pham, Ken Snoddy, Parveen Verma, Yolanda Woodard*

## **Positive Community Alternatives (SB)**

Scott Strong – Chair

*Rita Adair, Will Green, Ken Haynes, Andre Johnson,  
Judge Dan Koval, Ed Lee, Martha Lemnus,  
Reverend David Smith, Steve Varsos*

## **Schools (JB)**

Johnny Winston, Jr. – Chair

*Judge John Albert, Lisa Dawes, Jeanette Deloya, Steve Hartley,  
Esther Heffernan, Bobby Moore, Richard Scott,  
Daniel Steinbring, Debbie Vieaux, Jeff Ward,  
Tracey Williams, Nancy Yoder, Luis Yudice*

# DANE COUNTY JUVENILE JUSTICE DMC SOLUTION WORKGROUP

## **Mission**

Examine the scope of JJ DMC within our community and develop a list of strategies that will lead to changes in institutions, policies and systems, in an effort to significantly reduce racial disparity.

## **Purpose**

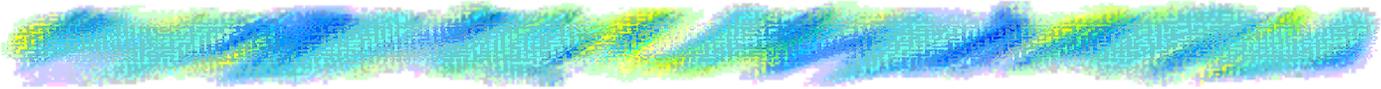
The Juvenile Justice DMC Solutions Workgroup was formed with the purpose of bringing together key stakeholders and community leaders to examine the Disproportionate Minority confinement and contact issue facing our community.

During the course of this process, the workgroup will recommend a comprehensive and viable prevention and intervention strategies to reduce JJ-DMC in our community.

## **Disproportionate Minority Contact (DMC)**

In 1988, the Federal Juvenile Justice and Delinquency Prevention Act (JJPDA) was amended, requiring states to address the over-representation of minorities in the juvenile justice system. Minority groups were defined as African-American, American Indian, Asian, Pacific Islander, and Hispanic. Each state was required to determine whether minority groups were detained or confined in secure detention facilities, secure correctional facilities, jails, or lockups at a rate that exceeded their proportion in the general population. States were also required to identify what efforts were being made to address this disproportionate representation. In 2002, the current definition of Disproportionate Minority Contact (DMC) was established by expanding the issue to consider all decision points of the Juvenile Justice System: Juvenile arrests, court referrals, diversions, secure detention placements, cases petitioned to courts, delinquency findings, placements on supervision, placements in secured correctional facilities, and transfers to adult court. (OJA, 2007).





*”Be the change that  
you want to see  
in the world.”*

**Gandhi**

# Dane County Juvenile Justice System Historical Overview



# **DANE COUNTY DMC HISTORICAL OVERVIEW**

During the course of Dane County's efforts to address the concerns over disproportionate minority contact and confinement (DMC), considerable effort and investment has occurred in certain key areas. Following is a review of the development of the Neighborhood Intervention Program, system change efforts, programmatic efforts, some data and information on DMC issues in Dane County and an overview of the Juvenile Justice Solutions Workgroup process.

## **Neighborhood Intervention Program**

In 1987, with modest financial support, Dane County began its first DMC effort through the development of the Neighborhood Intervention Program (DCNIP) under the leadership of Stephen Blue. Originally beginning within the Juvenile Court Program, by 1991 program operations were transferred to the Department of Human Services, where they could become more integrated in the general service delivery and supervision services provided to youth/families. DCNIP has developed a myriad of successful prevention, early intervention and supervision programs.

## **System Assessment and Change**

Beginning with an Office of Justice Assistance (OJA) grant in 2002, a series of grants has been secured and managed by the Juvenile Court, with the assistance of system partners. Within this area, Dane County has been very successful in establishing a committed, ongoing DMC Oversight Committee, consisting of key leaders in the community (e.g. Chief of Police, MMSD Administrators, District Attorney, Juvenile Court Judges, Human Services managers, etc.) as well as a wide range of other community persons committed to changing the course of DMC in Dane County. Those meetings have been a source of information-sharing and a forum for all key systems in Dane County to report on progress and struggles with addressing DMC. Numerous sub-committees were formed that helped to assess systems and make policy changes, including specific changes on Capiases for missing court and law enforcement intervention during school disturbances, as well as providing training in the DA's office, Juvenile Court, court system and Human Services.

There have also been significant efforts made in areas of data collection. For example, the Juvenile Court Program established a new database in 2005 to assist in tracking and developing data related to custody intake referrals and decisions. Human Services has continued to collect and report on data related to minority youth, based on the intake assessments done for all youth referred to Juvenile Court. The Madison Schools continue to review discipline-reporting data, as well as develop other alternatives to discipline, to resolve school-based issues with minority youth.

Key leaders in the respective agencies are directing many of these efforts, but as it relates to the Dane County DMC effort, a key component has been the availability of a DMC Coordinator. The DMC Coordinator has been the central figure in coordinating members, leading meetings and gathering, analyzing, and disseminating data. Dane County also sponsored four community-based DMC forums and one statewide youth DMC forum.

During the first grant period, an in-kind contribution was included in the conditions of the grant. As a result, staff from the Juvenile Court, Human Services, Courts and other system partners contributed a total of \$30,000 of in-kind staff time toward the effort through March 2004. The Juvenile Court and Human Services continues to support detention alternatives such as restrictive juvenile intake policies, the Home

Detention program, Weekend Report Center and the FOCUS program to provide alternatives to confining minority and other youth.

### **Programmatic Interventions**

Several programmatic interventions have occurred. Funded through an OJA grant was the Youth for Peaceful Options Program at Madison East High School. In this program, 9<sup>th</sup> grade minority youth were identified by their respective middle school staff as being at-risk of academic and behavioral problems at East. They become involved in a series of activities designed to increase their positive connection to school and their academic performance, increase their problem-solving and decision-making skills, and participate in an overall effort to increase the pro-social atmosphere of East High School. This project began part-time in the summer of 2005 and was full-time for the 2005-2006 school year. A Juvenile Court Program staff member from Shelter Home provided staffing for this project. Some favorable outcomes from this project included a reduction in out-of-school suspensions for some program involved students and numerous altercations that were averted due to the connections made with the students. Many students were also trained on appropriate conflict resolution skills during the term of this project. This grant and the program ended after this one school year.

The four Madison high schools have subsequently hired four School Engagement Coordinators for the schools that are modeled after this project and earlier efforts that DCNIP had initiated in the schools. Their positions are funded through 2009.

The Community Assessment and Support Services (CASS) project was the next component of the OJA grant and ran from October 2007 to June 2008. The YWCA was awarded the \$50,000 grant and the mission was to assess, refer, re-direct youth into more pro-social activities, provide educational support and promote positive community involvement. The goal was to include 80 youth from 4<sup>th</sup>-8<sup>th</sup> grade, with 90% being youth of color, with referrals coming from targeted schools, Human Services and law enforcement. Forty of these youth were provided assessments and referrals and 40 were provided direct service through groups, mentoring, academic support, and skill building.

The Neighborhood Intervention Program is administering the current OJA grant. This grant increases the capacity of several successful DCNIP programs by 140 youth. These programs are for 10-14 year olds and focus efforts in targeted school and neighborhood areas where more minority (arrests, school suspensions) and other issues are identified. One of the programs is designed to work with middle school youth who are experiencing issues related to school suspension/discipline, but have had minor law enforcement contact and/or have been referred to Human Services for assessment. Staff work with schools and provide support and supervision to assist the youth. Another program is one that occurs over the summer and provides academic support, development of pro-social skills and community-based enrichment activities. The third program that this grant is helping to fund is Parent Advisory Council, with the goal of having twenty parents involved in regular group discussions about how to effectively assist at-risk youth and families. This information should help system partners better understand how to meet the needs of some at-risk minority youth in the community.

### **Data and Ongoing Issues**

Despite the above system and programmatic interventions, Dane County still has a significant issue with the disproportionate contact and confinement of minority youth. A 2005 DMC report from the State Office of Justice Assistance reported that Dane County had a disproportionate rate of arrests, referrals to juvenile court and placement in corrections for minority youth. 2007 data that Human Services collected and reported to the federal Office of Juvenile Justice and Delinquency Prevention indicated that the

relative rate of minority juveniles diverted from the court system was less than white juveniles, the rate of minority juveniles in Detention was higher and the rate of formal charges filed by the District Attorney's office was higher for minority youth than white youth.

Another report from Human Services covering 2006-2007 on African-American and white middle school males charged with one or two offenses stated that nearly 71% of African-American males charged with disorderly conduct were formally adjudicated by the court. That compares to 30% of white middle school males. Even greater, nearly 74% of African-American males charged with battery were adjudicated, compared to 23% of white males.

Data gathered from the Juvenile Court Program shows similar statistics. In 2007, although the 0-16 year old minority population of Dane County was 14%, minority youth were 64% of the referrals to the Juvenile Reception Center, 73% of the population in Detention and 63% of the population at Shelter Home.

### **Juvenile Justice Solutions**

In September 2008 the DMC Juvenile Justice Solutions Workgroup began the next step in the effort to address DMC in Dane County. Over 75 key representatives from schools, Juvenile Court, Human Services, District Attorney's office, law enforcement, faith community and other system partners were involved in the process. The intent of this workgroup was to have very open discussions about the current state of affairs related to DMC and make some practical decisions and changes to respective systems in order to positively impact the issue. The details of those efforts are outlined later in this report.

### **DCDHS CYF Delinquency Services**

Since 1997 the CYF Delinquency Services units have undertaken numerous steps to address racial disparity in the Juvenile Justice System. These efforts have included staff development trainings, review of policies and practice, diversification of the metro intake unit and increased partnership and collaboration with schools, law enforcement, and the community. The Comprehensive Strategy Initiative was developed and operated between 1999-2004. These efforts focused on community coalitions to improve prevention and intervention efforts related to those correlates of juvenile delinquency.

In 2006 CYF Delinquency Services established an internal DMC Committee (see attachments), which explored internal practice and made recommendations that continue to be acted upon today. In addition to the committee's work, we have dedicated approximately 40 hours of staff time to the exploration of DMC solutions in the CYF Delinquency Services division. (See attachment).

### **Dane County N.I.P. Programming Overview**

The mission of the Dane County Neighborhood Intervention Program has under gone a significant shift in the past twenty years. In its zenith, DCNIP was nearly equal in its early intervention and community supervision programming, with a 60/40 nod to Early Intervention. The current model is now 85/15 community supervision services to early intervention services.

This has been a result of reduced federal, state and local dollars to support front-end Human Services programming. As these reductions have continued, DCNIP has shifted its resources to our mandated court ordered programs.

Some leaders in the community link the increase in the young African-American youth in the system to the decline in the prevention mission of the Dane County Neighborhood Intervention Program (DCNIP).

As recently as 1995, DCNIP was serving 2000 young people annually through their prevention-focused programming. By 1997, that number had dropped by more than half to 815 youth, as priorities turned elsewhere. Now fewer than 400 youth receive these Prevention /Early Intervention services. While a number of other prevention-oriented organizations may have grown, they do not have DCNIP's established track record of engaging high-risk youth and retaining them in programming over several years. DCNIP's prevention programming allowed for the development of long-term relationships with young people and opened opportunities for having an impact on youths' development and behavior. The most recent DMC findings may indicate that those opportunities have been badly missed.



*“Use family group conferencing/decision making in delinquency cases - empowers families -make referral required when out of home care is being considered - could also use it as a pre-reunification service.”*

CYF Staff Comment

*“Systematic lack of cultural sensitivity among all players in the court system, but particularly in the courts, which is reflected in the lack of trust between minority families and the Court system. When judges and the DA's see a two-parent family with sufficient financial resources, they are much more likely to grant a juvenile the benefit of the doubt. At the same time, low-income families lack the resources to be able to meet the demands of the court system as effectively as families with higher incomes and educational status. The courts & DAs view safety concerns among minority families more harshly, and the problem is compounded by lack of trust, which increases the chances that a minority family may not respond positively to an initial intervention, which increases the chances that the court will respond even more harshly.”*

CYF Staff Comment

## **DCNIP Right Track Services**

The Right Track concept is an evidence based early intervention service designed to redirect at-risk behaviors at the pre or early stages of delinquency. In keeping with the balanced approach and restorative justice philosophy, Right Track workers provide youth with redirective programming that focuses on community protection, competency development and accountability. Current Right Track efforts directed at impacting Disproportionate Minority Contact issues within Dane County include Afterschool and School-based Discussion Groups, ADDS I, and ADDS II. The Right Track philosophy is a proven youth competency and asset building methodology. The goal of these services is to allow youth to become involved in a range of constructive recreational, social, and self-enhancement activities that will promote their own self-esteem and sense of involvement in their community. Examples of activities: Anger Management, Victim Awareness, Peer/Conflict Resolution, Drug/Alcohol Education, Sexuality, Teen Dating, Cultural/Recreational Enrichment.

- **Right Track Discussion Groups**

The main function of the Right Track Discussion groups is to promote youth involvement in positive structured activities. Target participants are youth who have a high probability for future court or social service involvement who may or may not be presently supervised by a Dane County Human Services worker. Right Track Discussion groups are an excellent tool for uninvolved youth, criminally involved, gang involved, or youth lacking direction and support. Right Track Discussion groups occur both in school-based settings and after-school at the Neighborhood Intervention Program. During the 2007–2008 and 2008-2009 school year, groups have included in-school girl discussion groups at Sennett, Sherman, and Prairie View Middle Schools. Afterschool groups included boys' discussion groups based at Wright Middle School and girls middle schools groups, with predominately West Side youth from Toki Middle School, based at Neighborhood Intervention Program.

- **Right Track ADDS I**

ADDS I (Assessment, Deflection, Deferment, and Stabilization) provides support, assessment, redirection, and monitoring of pre-adjudicated and adjudicated delinquent youth in the community. ADDS I serves boys 10 to 16 years old and provides contact 1 to 2 times per week, school monitoring, re-directive group, and random drug testing upon request. The criteria for acceptance for ADDS I include youth who are currently on a Consent Decree or DPA, are not appropriate for PASS, have demonstrated poor school attendance and behavior, AODA concerns, and youth at risk for further law violations due to known associates. Special attention and focus are given to those youth who have a sibling in the juvenile justice system, gang membership leanings, and families with mobility issues. Youth are primarily referred to ADDS I by school personnel and participate in the program for 1 to 2 semesters. In 2007, ADDS I served a total of 138 youth with 116 of the youth not offending/re-offending during the course of the program. The 2008 data continued to show positive results in the Early Intervention Model, 110 served with only 19 youth reoffending. The program funding Title V ended in 2008. Schools receiving the ADDS I program are chosen based upon the number of referrals to Dane County Department of Human Services as well as statistics related to behavioral incidents, suspensions, and expulsions. Recent ADDS I programs have been at Sherman, Toki, Prairie View, Sennett and Hamilton Middle Schools, as well as a Metro group for any youth within Dane County.

- **Right Track ADDS II**

Launched in January of 2008, Right Track ADDS-II (Assessment, Deflection, Deferment, and Stabilization) is designed to reduce formal referrals to Juvenile Court for Dane County youth ages 10 to 17 with an arrest for misdemeanor battery, disorderly conduct, theft, criminal damage to property,

carrying a concealed weapon, resisting/obstructing an officer, or other related charges. Youth who have been referred to the District Attorney's Office for a charging decision may be diverted to the ADDS II program in lieu of facing formal charges, based upon screening recommendations by DCDHS Juvenile Court social workers. Other criteria used to prioritize youth involvement in ADDS II include prior family (sibling) system involvement, one or more absent parents, truancy, gang involvement, economically challenged, and residing in targeted communities or schools. Youth who are identified for participation in ADDS II by the District Attorney's office sign a Deferred Prosecution Agreement and participate in a 16-week program. During the 16 weeks, youth focus on topic areas including anger management, conflict resolution, decision-making, alcohol and drugs, sexual responsibility, gang prevention, and other related topics. In addition to the youth involvement, the parent/guardian(s) of the youth participate in four parent sessions that focus on the Juvenile Justice System, adolescent development, and educational system and community resources. Parents are also provided with additional support and home visits to address ongoing concerns. Throughout their participation in ADDS II, youth are monitored on their grades, school attendance and behavior. Violation of the rules and expectations of ADDS II, including facing new formal charges, result in the case being returned to Juvenile Court.

- **ADDS II Advisory**

The Advisory Committee is made up of system partners, with representatives from the DA's, SPD's, DCDHS, and Juvenile court. The group was started prior to the implementation process of the grant. Quarterly meetings are held to review adherence to our Logic Model, and review progress towards program goals. This group has been a key element in promoting the system "buy in" and success to date.

- **Right Track BIG – Anger Management**

Right Track BIG – Anger Management is a behavioral intervention group designed for male and female students in Dane County. The goal is to promote competency for youth dealing with anger management issues. The program is designed for middle and high school students.

There are three main sources for referrals. DCDHS Social Workers may recommend juveniles to the program as part of a Deferred Prosecution Agreement or a Consent Decree. School District staff members may also make referrals where the juvenile is at risk for suspension and/or expulsion. And, as an alternative to municipal law violation citations or a referral to the Office of the District Attorney, law enforcement may directly refer a juvenile to Right Track BIG. Evaluations will be provided to the referring social worker, office or teacher at the end of the group. Currently youth are able to complete the group within two months of referral. This is a "closed cycle" group that follows the ideas outlined in various anger management curricula, such as Thought Power. Videos, worksheets, and role-play are some of the teaching methods used. There is a pre-test and post-test to ensure competency development.



*“Deliberation and debate  
is the way you stir the  
soul of our democracy.”*

**Jessie Jackson**



# Statement of the Problem



## Contributors

Office of Justice Assistance  
Dane County Department of Human Services  
(Jackie Hammonds, Andre Johnson, David Thorson, Rhonda Voigt)

## **Statement of the Problem**

Despite decades of research, there is no clear consensus on why minority youth enter and penetrate the juvenile justice system at such disproportionate rates.

Both public and academic discourse have tended to highlight two explanations. The first is that minority overrepresentation reflects race and ethnic differences in the incidence, seriousness, and persistence of delinquent involvement (The Offending Hypothesis, Lauritsen 2005). The second is that overrepresentation is attributable to inequities, intended or unintended, in the juvenile justice practice (The Different Treatment hypothesis).

Nationally, youth of color, especially African-Americans and Hispanics, are arrested in numbers greatly disproportionate to their representation in the general population. They are overrepresented among young people held in secure detention, petitioned to Juvenile Court, and adjudicated delinquent. Among these adjudicated delinquent, they are more often committed to the “deep end” of the juvenile system. And, at the “end of the line”, prosecutors and judges are more apt to relinquish jurisdiction over them transferring them to criminal court for prosecution and punishment as adults (Bishop).

For over two decades, the issue of disproportionate minority confinement has been a focal issue of both state and federal governments. In 1988, the federal Juvenile Justice and Delinquency Prevention Act (JJPDA) was amended, requiring states to address the overrepresentation of minorities in the juvenile justice system. Minority groups were defined as African-American, American Indian, Asian, Pacific Islander, and Hispanic. Each state was required to determine whether minority groups were detained or confined in secure detention facilities, secure correctional facilities, jails, or lockups at a rate that exceeded their proportion in the general population. States were also required to identify what efforts were being made to address this disproportionate representation. In 2002, the current definition of Disproportionate Minority Contact (DMC) was established by expanding the issue to consider all decision points of the juvenile justice system: juvenile arrests, court referrals, diversions, secure detention placements, cases petitioned to courts, delinquency findings, placements on supervision, placements in secured correctional facilities, and transfers to adult court. Information on all these points has been collected on counties throughout the state and based upon this data, six counties were identified to receive funding to address the DMC issue in their area and devise solutions. The six counties selected include Brown, Dane, Kenosha, Milwaukee, Racine, and Rock. A comparative analysis of these six counties was compiled by the Office of Juvenile Assistance in *Disproportionate Minority Contact: An Analysis of Brown, Dane, Kenosha, Milwaukee, Racine, and Rock Counties, 2002 – 2005*. It is from this publication that the following DMC data is cited, highlighting Dane County in relation to the other five counties.

Data for Dane County illustrates a significant need to address issues of DMC at multiple points throughout our juvenile justice system. Dane County had the lowest proportion of cases diverted; meaning minority youth were less likely to be diverted in Dane County than in any other county. Dane County had the most disproportionate levels for cases involving secure detention, with minority youth over 2 times more likely to be held than their white counterparts. Additionally, Dane County tied with Milwaukee County for the most disproportionate levels of cases petitioned for minority youth than their white counterparts. Perhaps one of most troubling statistics is that in Dane County in 2005, African-American youth were 6 ½ times more likely to be arrested than their white counterpart, a disparity that has increased yearly from 2002 through 2005. Dane County’s rates of juvenile arrests were the most disproportionate rates of all six counties in 2005.

The goal of this report is to examine the Dane County Juvenile Justice System from a data policy and practice viewpoint. Then based on those findings, make recommendations that may influence an improved juvenile justice system response.

## Dane County Juvenile Justice Data

Disproportionate representation of minority members in the justice system, particularly African-Americans, is not a new issue. However, it is one which Dane County has given significant attention in recent months and our findings mirror those of others in our community who are concerned about this issue (such as the Governor Task Force on Ethnic and Racial Disparities, Madison-Area Urban Ministries, and Money, Education and Prisons, The Dane County Disproportionate Minority Confinement Oversight Board, and Dane County Department of Human Services- youth of color committee).

An examination of the assessment data collected for youth referred to Dane County Department of Human Services (DCDHS) for delinquency offenses shows that this is not a concern only among adults, but is an unmistakable trend in the juvenile justice system as well. African-American youth are three times more likely to be referred to the Department than their appearance in the juvenile population would predict, based on demographic factors. In the Dane County population, only about 11% of the youth population is African-American. Yet black youth were nearly 51% of those referred to the Department on delinquency matters in 2008, an increase from 47% of those referred in 2005. African-American youth not only appear more often in the system than expected, they also differ from their non-black counterparts in significant ways that call for special attention and concern.

## OJA Data

### AREA REPORTED

State: Wisconsin	County: Dane		Reporting Period 01/2007 through 12/2007						
	Total Youth	White	Black or African-American	Hispanic	Asian	Hawaiian/Pacific Islander	American Indian	Other-Mixed	All Minorities
1. Population at risk (age 10 through 17)	44,393	36,463	3,422	2,316	2,033		159		7,930
2. Juvenile Arrests	7,790	4,617	3,024		126		23		3,173
3. Refer to Juvenile Court	1,567	629	801	105	26	0	1	6	939
4. Cases Diverted	261	130	122	8	4	0	0	1	135
5. Cases Involving Secure Detention	594	193	329	62	7	1	2	0	401
6. Cases Petitioned (Charge Filed)	932	334	497	82	14	0	1	4	598
7. Cases Resulting in Delinquent Findings	404	138	213	46	5	0	1	1	266
8. Cases resulting in Probation Placement									0
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	37	8	28	0	0	1			29
10. Cases Transferred to Adult Court	24	12	12	0	0	0	0	0	12
Meets 1% rule for group to be analyzed separately?		Yes	Yes	Yes	Yes	No	No	No	

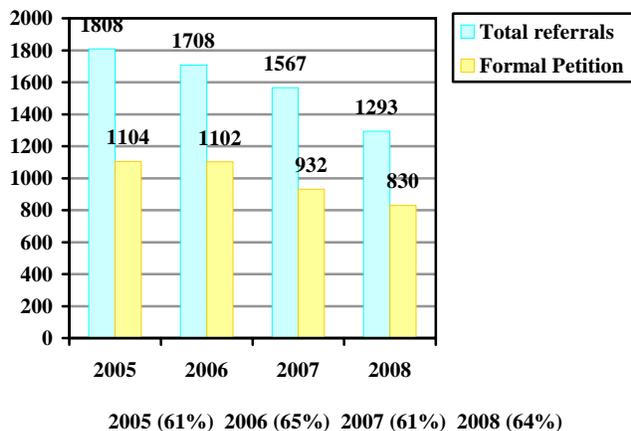
Release 10/30/05

The Relative Risk Index is based on the computation and comparison of rates. Under some circumstances these rates may be computed based on small numbers, which makes the rates relatively unreliable. In general, rates based on five or fewer events from a possible base of 50 or fewer potential events, should be viewed with caution. In the individual work sheets for each race / ethnic group, a column appears which indicates whether the data meets these standards. For those who wish to use other levels in their analysis of these data, the number of events and the size of the base population may be adjusted below.

Relative Rate Index Compared with White Juveniles							
State: Wisconsin		County: Dane		Reporting Period 01/2007 through 12/2007			
	Black or African-American	Hispanic	Asian	Hawaiian or Other Pacific Islander	American Indian	Other-Mixed	All Minorities
2. Juvenile Arrests	6.98	**	0.49	*	*	*	3.16
3. Refer to Juvenile Court	1.94	**	1.51	*	*	*	2.17
4. Cases Diverted	0.74	0.37	**	*	*	*	0.70
5. Cases Involving Secure Detention	1.34	1.92	**	*	*	*	1.39
6. Cases Petitioned	1.17	1.47	**	*	*	*	1.20
7. Cases Resulting in Delinquent Findings	1.04	1.36	**	*	*	*	1.08
8. Cases resulting in Probation Placement	--	--	--	*	*	*	--
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	2.27	**	**	*	*	*	1.88
10. Cases Transferred to Adult Court	0.67	**	**	*	*	*	0.56
<b>Group meets 1% threshold?</b> <small>Release 10/30/05</small>							
	Yes	Yes	Yes	No	No	No	
Statistically significant results:		<b>Bold Font</b>					
Results that are not statistically significant		Regular Font					
Group is less than 1% of the youth population		*					
Insufficient number of cases for analysis		**					
Missing data for some element of calculation		---					

**DCDHS Data**

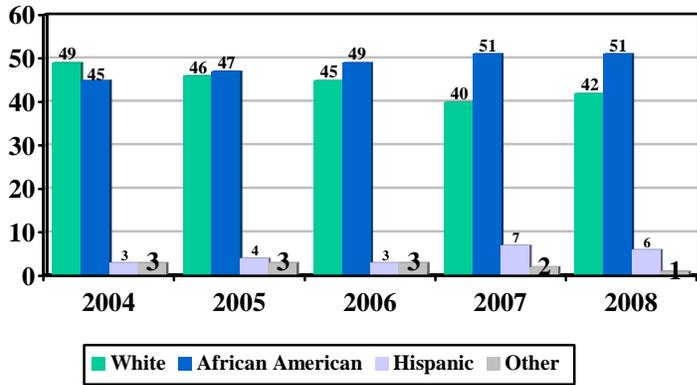
**Total Referrals and Petitions by Year (2005-2008)**



The snapshot of the typical African-American youth assessed in Dane County is a 15-year-old male who lives with a single mother. In most cases he has been referred for a serious misdemeanor, yet still based on objective risk assessments, he is considered to be medium risk of committing a new offense and is usually placed on supervision for a 6-12 month period. Yet, for a white male juvenile offender, our typical outcome is somewhat different. Using the same objective risk tool he is found to be low risk for future offenses and generally the District

Attorney and Dane County Department of Human Services agree his case can best be handled outside a formal disposition.

### Referrals to Juvenile Court By Race (Shown as Percentage of Total Referrals by Year)

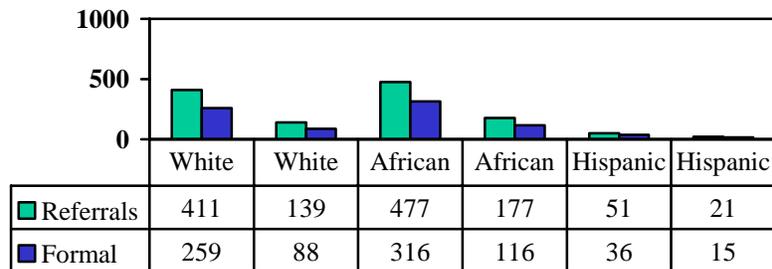


This chart represents four racial groups as percentages of total referrals to Dane County Juvenile Court. In 2004, white youth accounted for 49% of the total referrals to juvenile court. Through 2008, the percentage declines to 42% of total referrals. During the same period the percentage for African-American and Hispanic youth rise. In comparison, the

general population of adolescents in Dane County for each racial category by percentage, reflect 77.5% of adolescents are white, 10.7% are African-American and 6.1% identify as Hispanic.

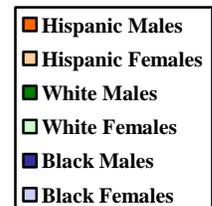
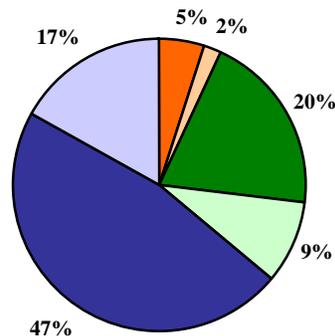
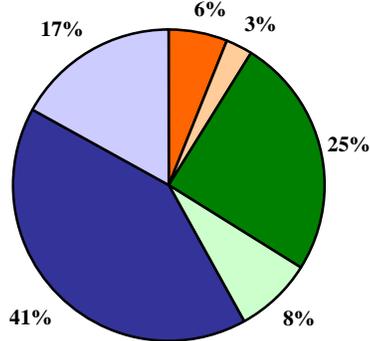
This chart shows the total number of referrals to juvenile court by gender/race and of those, the total screened indicating a petition would be filed by the District Attorneys Office for each group. The percentage of total referrals, compared to the number that reflects petitions, were indicated 63% for white males and females, 66% for black males and females and 71% for Hispanic males and females. Each group was calculated separately and that the percentages for males and females is identical in each racial group is coincidence.

### Total & Formal Referrals by Gender/Race (2008)



### Referrals Originating at School by Gender/Race 2007 & 2008

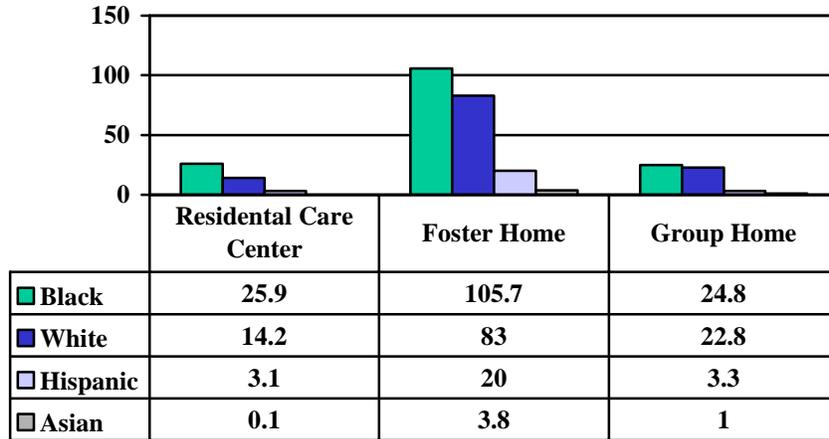
These charts represent referrals to juvenile court in 2007 & 2008 where the location of offense is “school grounds”. In 2007, African-American males accounted for 41% of school referrals. In 2008, that had increased to 47%. The percentage of school incidents leading to white males being referred has declined during the same period. 414 referrals in 2008 were from incidents at school, which is 32% of the total cases for the year (414/1293).



2007

2008

## Average Daily Population for All Children Placed Out of Home (2007)



### Juvenile Justice System Data Trends

- Non-white youths represent 75.6% (31/41) of youth committed to corrections in 2008. White youths enter corrections at a rate of 0.5 per thousand; Hispanic did so at a rate of 1.2 per thousand; African-American did so at a rate of 9.0 per thousand.
- African-American youth are younger at system entrance.
- 50% more likely to live with a single mother.
- More likely to be considered higher risk in DCDHS assessment process.
- More likely to be referred for serious offenses (such as armed robbery, sexual assault).
- 62.5% of school expulsions in Madison Metropolitan School District for 2007-08.
- Municipal court citations also show disparity.
- 58% of school based referrals to juvenile court.
- 73% of the youth held in secure custody are African-American
- 69.6% of the youth in alternate care were non-white (non-white represent about 26.3% of the Dane County youth population)

As of January 1, 2006 - Dane County Adolescents

Ethnicity	Age 10-17	
	Count	Percentage
Asian	2,300	5.2%
Black	4,700	10.7%
Hispanic	2,700	6.1%
Indian	250	0.6%
White	34,200	77.5%
<b>TOTAL</b>	<b>44,150</b>	<b>100.0%</b>

### 2008 Intensive Community Supervision Program Data

Dane County utilizes two programs to provide intensive supervision services to delinquent youth, Youth Services of Southern Wisconsin -CAP Supervision Program and Dane County Neighborhood Intervention Program (DCNIP). Intensive Supervision is a set of services that are designed to hold youth accountable to their victims, develop competencies in the youthful offender and protect the community. These goals are accomplished through the following:

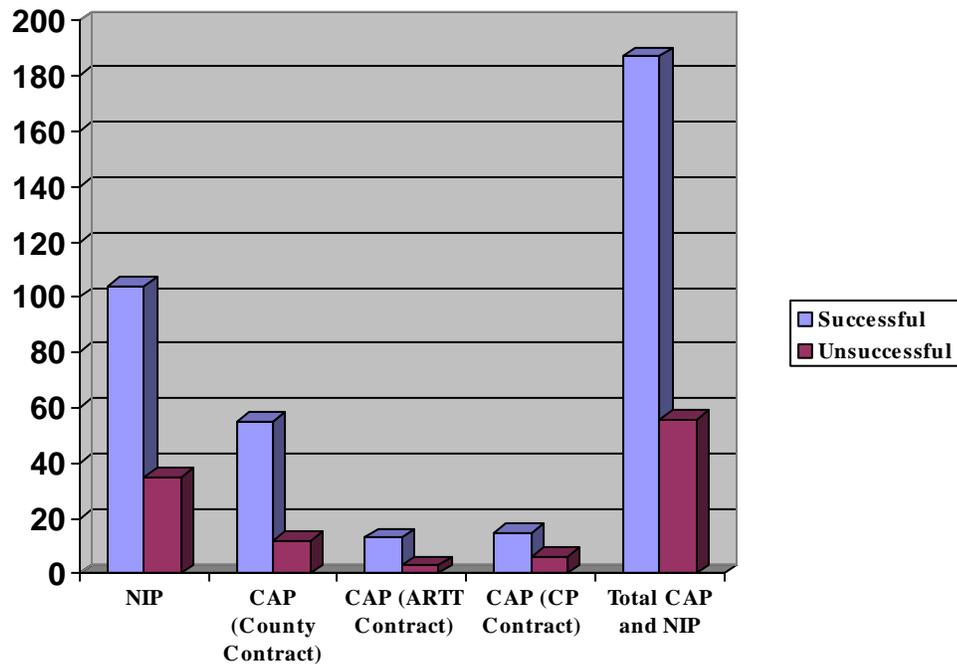
- School Monitoring

- Community Checks
- Random Drug Testing
- Curfew Monitoring
- Electronic Monitoring
- Re-directive Groups
- Community Service
- Communication With Parents
- Coordination With Collaterals
- Development of Supervision Case Plans
- Monthly Reports

The chart below represents a breakdown of CAP/DCNIP clients by closure status. In 2008 nearly 77% of CAP/DCNIP clients successfully completed intensive supervision.

### Case Closures 2008

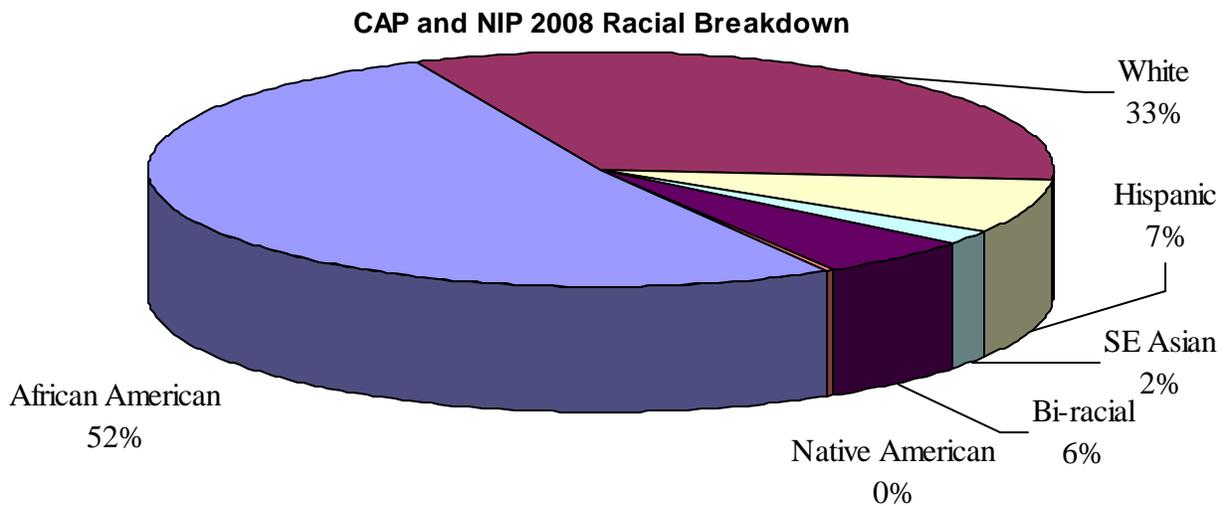
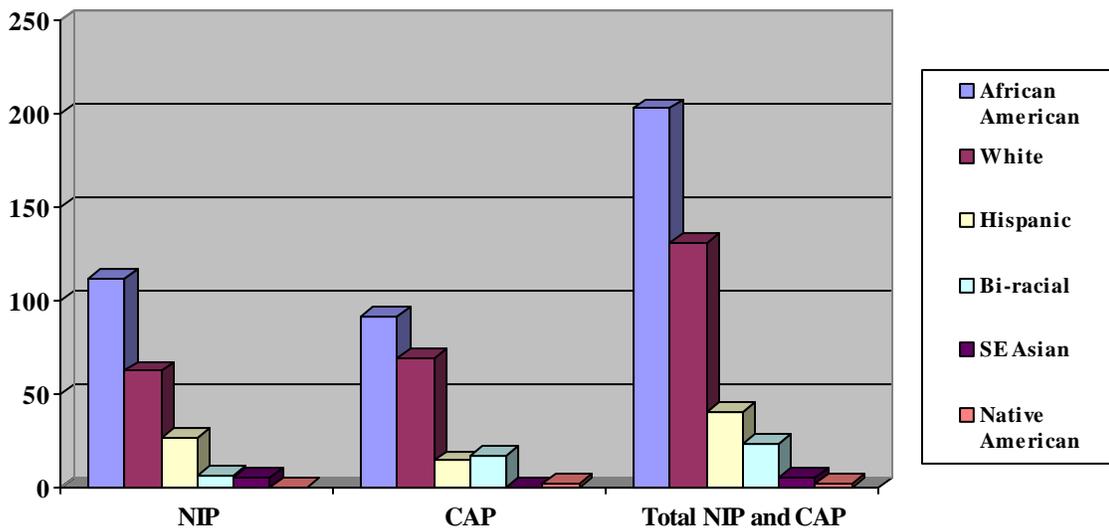
	Number of Clients Closed by DCNIP	Number of Clients Closed by CAP (County Contract)	Number of Clients Closed by CAP (ARTT)	Number of Clients Closed by CAP (CP)	Total Number of Clients Closed (CAP and DCNIP)
Successful	104	55	13	15	187
Unsuccessful	35	12	3	6	56



Approximately 65% of all CAP/DCNIP clients whose cases were closed in 2008 were youth of color. There was a different trend with CCF clients with approximately 50% being youth of color.

### Racial Breakdown of Clients

	DCNIP 2008	CAP (County) 2008	CAP (ARTT) 2008	CAP (CP) 2008	Total (DCNIP and CAP) 2008
African-American	73	42	7	9	131
White	39	25	10	10	84
Hispanic	18	0	0	1	19
SE Asian	4	1	0	0	5
Bi-racial	5	5	2	2	14
Native American	0	1	0	0	1



**Focus Program**

Focus – Dane County began in January 2007. The primary goal of the Focus program is to divert young men, particularly African-American males, from juvenile correctional placements. The Focus model is highly teamed and stresses equal amounts of strength based re-direction and youth accountability. All program participants are Children Come First (CCF) eligible with assignment in through ARTT. CCF eligibility includes a DSM-IV diagnosis given by a psychologist or psychiatrist, risk of institutional placement and poor outcomes with traditional services. Focus targets **boys age 13-17** who are at risk for placement in Juvenile Corrections. All Focus youth have a Type II order and Stayed Correctional Order. The average program length is one year (3-4 months in the RCC/8-9 months in the community).

All youth begin their Focus enrollment at the Madison-based RCC run by St. Charles on the grounds of MMHI (10 bed capacity). Youth spend 90-120 days in the RCC. Focus youth receive school credit while in the RCC, and have the ability to remain at the Focus school post their RCC discharge if needed. Focus youth who successfully complete RCC programming, are then placed at home or another community placement under intensive supervision, with a mandated 30 days of electronic monitoring. Youth have the opportunity to be connected to community treaters during their RCC stay that can also continue, if needed, past the RCC discharge. The remainder of the enrollment period includes increased use of wraparound services and vocational/educational activities.

**Focus 2007 and 2008**

<b>Total Youth</b>	<b>36</b>
--------------------	-----------

<b>Focus RCC ADP</b>	
2007	7.09
2008	6.38
<b>Total</b>	<b>6.72</b>

<b>Total Program ADP</b>	
2007	11.34
2008	13.22
<b>Total</b>	<b>12.32</b>
<b>Average Age at Focus Entry</b>	<b>15.7</b> For 36 participants

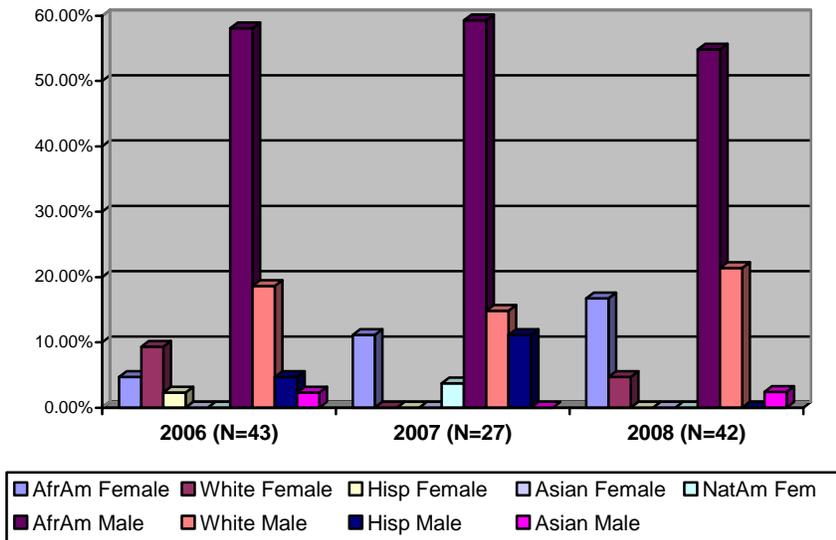
<b>Race/Ethnic</b>				
<b>Total</b>	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Indian</b>
<b>36</b>	4	29	2	1
	11%	81%	6%	3%

<b>Successful Completion</b>					
<b>At least one year after FOCUS admission.</b>			<b>Not yet one year elapsed after FOCUS admission.</b>		
<b>Total</b>	<b>No Corrections</b>	<b>Corrections</b>	<b>Total</b>	<b>No Corrections</b>	<b>Corrections</b>
22	11	11	14	11	3
	50%	50%		79%	21%

Entered Corrections				
Entered Focus	Total	Sub-Total	During Focus	After Focus
<b>Total</b>	<b>36</b>	<b>14</b>	<b>4</b>	<b>10</b>
2007	21	10	3	7
2008	15	4	1	3

## Dane County Commitments To Juvenile Corrections

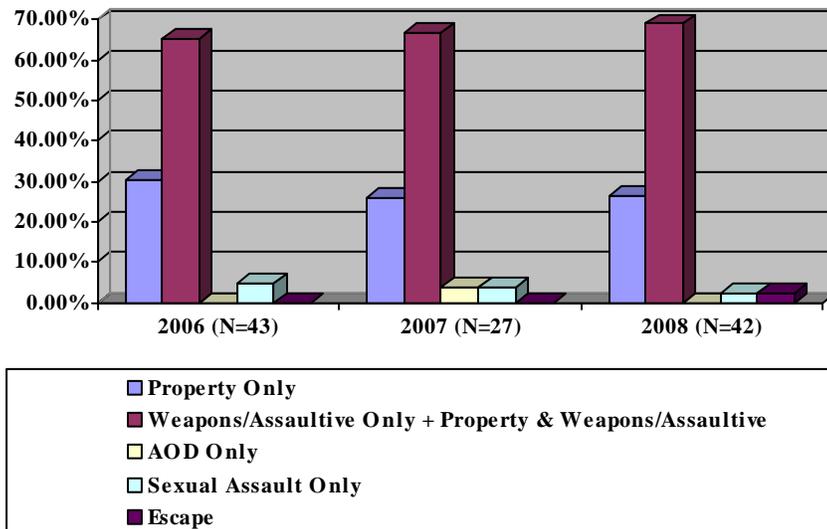
### Dane Co DJC Commitments Sorted by Sex & Race/Ethnicity, 2006-2008



In the mid 1990's, Dane County's average daily population in juvenile corrections was in the high 120's. Although the average daily population has decreased by more than 50% to the high 50's/low 60's in 2008/2009, the numbers of African-American and other minority youth sent to juvenile corrections continue to be disparate. As noted below, during the last three years, African-American youth make up 60-70% of the youth Dane County sent to correctional facilities (please see Attachments section for table outlining chart information).

### Committing Offenses for Dane County DJC Commitments, 2006-2008

The youth sent to corrections by Dane County Courts tend to be sent for offenses that are becoming increasingly aggressive. Youth are rarely sent to secure confinement facilities for only one offense. They are most often charged with multiple offenses and may have



several petitions with various charges. The chart below groups together two categories for comparison purposes: those with committing offenses that fall in the category of weapons/assaultive only and those with committing offenses that fall in both the categories of property offenses and weapons/assaultive offense (please see Attachments section for specific charges in each category). Also noted on the chart below, the number of youth with committing offenses for only property related crimes has remained essentially steady. Youth with property only committing offenses tended to have either weapons/assaultive offenses in their history, numerous petitions for property related offenses or on rare occasion, significant property losses of their victims.

Although efforts to address DMC in Dane County have been successfully initiated, the numbers of African-American youth sent to juvenile corrections continue to remain disparate. With the inevitable return of 17 year olds to the Juvenile Justice system, additional efforts will be needed to address the issue of DMC for Dane County youth sent to juvenile correctional facilities.



*“Workers need to remember that the family’s first focus is basic needs - housing, food, etc. - Do not to forget the impact that poverty and instability often has - and that you will often only know the information the family gives you - pride and other factors may prevent them from disclosing some of their more significant issue.”*

CYF Staff Comments



*“Obstacles are what  
you see when you  
take your eyes off the goal.”*

**Vince T. Lombardi**

# JJ-DMC SOLUTIONS WORKGROUP SUMMARY REPORTS

Family and Community Supports

Positive Community Alternatives

Schools

Law Enforcement

Custody, Screening and Petition

Disposition and Placement



## **FAMILY AND COMMUNITY SUPPORTS**

### **Charge**

The Family and Community Supports Workgroup focused on how systems assess the strengths and needs of high risk families and how we may better support families in their efforts to keep their children in their homes.

- How do workers become familiar with the community supports important to families?
- How can cooperative partnerships be created to support families?
- What are the current roles of neighborhood associations and Joining Forces for Families? How can they better impact DMC?

This workgroup discussed the breadth of the charge, struggled with attendance of members, but was able to create a list of recommendations as part of this ongoing analysis of DMC. We listened to a young African-American man speak about his perspective of the “system”. He had been involved in the juvenile system as a child. He experienced out-of-home placements and Juvenile Corrections, went to prison as an adult, and is now fighting the juvenile court system to gain custody of his daughter, who was removed from her mother and placed in foster care.

We identified barriers that exist to make success difficult for children and families of color, particularly African-American families. Out of those barriers we identified numerous recommendations for continued work to address DMC for African-American children and families in Dane County.

### **Background**

- Studies show that African-American children are more likely to be placed in care, stay longer in care and are less likely to be reunified with their families.
- In Wisconsin, poverty is the largest driving force of the “Cradle to Prison Pipeline” crisis.
- While one in seven children is poor in Wisconsin, overall 4 of 9 African-American children are poor.
- Children who do not participate in high-quality early education have higher rates of juvenile delinquency arrests and juvenile court petitions.
- Children in foster care or with a history of abuse and neglect are at a higher risk of being trapped in the prison pipeline.
- In Madison, African-American students make up 23% of the student population but experience expulsions at a rate of 62% of all students recommended for expulsion.

### **Barriers**

- Language - For children who do not speak English, or children who do not have a good command of English, academic success is limited. For their parents, participation and understanding of the “system” is elusive.
- Inadequate or infrequent positive images of cultural communities.
- The mandatory arrest law in Madison leads to increased arrests of African-American parents and results in increased placements of children into alternate care.
- Permanent bars (convictions for crimes that prevent placement recommendations by DCDHS staff) against relatives who wish to care for kin children, targets African-American adults who are disproportionately arrested and charged in US courts. This limitation results in removals of

children from parents and extended family, and adoption into non-African-American families is common for African-American children.

- 70% of delinquent kids have mental health issues or special needs. African-American children are more likely to experience placement or corrections consequences vs. white children who are offered treatment consequences for delinquent acts.

## **POSITIVE COMMUNITY ALTERNATIVES**

### **Charge**

Examine the current community efforts of juvenile justice involved youth, with a focus on engagement, retention and pro-social opportunities for youth.

### **Background Data**

- The number of child delinquents (juveniles between 7 and 12) handled in the nation's juvenile courts has increased 33% over the last decade.
- Nearly one in five Americans (19%) will be an immigrant in 2050, compared with one in eight (12%) in 2005. Hispanics will make up (29%) of the U.S. population in 2050, compared with (14%) in 2005.
- Hispanic gang membership among Dane County corrections population has risen every year since 2004.
- Municipal Court Juvenile Violations – Monona/347 in 2008, Madison/2000(+) in 2008.
- Alternate Care Cost - Foster Care =\$1,479 child/month; RCC = \$9,066/child/month; Corrections = \$7,875/child/month.
- Non-white youth represent 75.6% (31/41) of the youth committed to corrections in 2008. White youths enter corrections at a rate of 0.5 per thousand; Hispanic youth did so at a rate of 1.2 per thousand; African-American youth did so at a rate of 9.0 per thousand.

### **Review and Consideration Issues**

- Accessibility and Outreach – How can we improve knowledge and communication between traditional juvenile justice system providers, as to what is available?
- Interface – What is the level of interaction by community providers with the juvenile justice system?
- Service Populations - Who is the population being served?
- Retention and Outcomes - Is there a need for support and training for community providers to serve juvenile justice system involved youth and improve retention and outcomes?
- How can positive community alternatives support the training and resource needs of juvenile justice involved youth?
- Review resources that are currently available.
- Review data on minorities involved in juvenile justice system.
- Review resources available in faith-based community organizations.
- Gender differences.
- Review data on juvenile court involvement vs. municipal court involvement (ordinance/non-criminal).
- Review of best practice models.

The workgroup reviewed a significant amount of data and reports during its discussion phase. These reviews included, youth programming supported by City of Madison Office of Community Services, Dane County and United Way. Time was spent on the review of DCDHS juvenile justice data, the results related to origin of offenses, time of offenses, type of offense and the age groups in which they fall. A presentation by Connie Bettin, Dane County Youth Commission, was very informative. She discussed the purpose and efforts of the Youth Resource Network. She provided the committee with the latest materials related to positive outcomes for youth, best practice models and evidence based research theory.

The committee spent considerable time discussing three other areas: Municipal Court citations, their community impact and offense type, and the dispositional alternative available to judges, gender and its impact on programming, and faith based community organizations and their efforts with youth.

Recognize the formal structures of community consortia, like the Juvenile Delinquency Coordination Team which have been in place since 1995. Youth Resource Network (YRN) which also has been around for twenty years to foster and advocate for positive youth development issues.

The committee also spent a significant amount of time discussing the materials from “What Works - Wisconsin Program Improvement Manual” and the Evidence Research Movement. The key elements include redirection of family risk factors, the incorporation of participants in developing and practicing new skills and involvement of both parents and children.

A lively discussion also took place on the role of the community in reinforcing pro-social values and the cultural/media dynamic involved in the lives of today’s youth. Poor messages around gender sexuality and consumption. The best dialogue took place around pop music and its impact on sometimes promoting thug and gang behavior in African-American males.

## **SCHOOLS**

### **Charge**

The Schools Workgroup was asked to focus on the behaviors of students that lead to contact by school officials, the decisions made about how to address these behaviors and how discretion factors into the process. This included suspensions and expulsions, disciplinary codes, the role of law enforcement and truancy.

### **Background Data**

- African-American youth make up approximately 8% of the population of Dane County.
- In 2007, African-American youth made up 23% of the MMSD, but were 62% of the students expelled. In 2006, the total was 22% and 60% expelled and in 2005, the total was 21% and 53% expelled.
- In 2006-2008, African-American middle school students were much more likely to be referred for insubordination relative to their representation in the overall student population. 64% of the referrals for insubordination were of African-American students vs. 21% of their total population in middle schools.
- In 2006-2008, 80% of the insubordination referrals for all students involved low-income students.

- In 2006-2008, there was a significant increase in insubordination referrals in 6<sup>th</sup> grade, a peak in the 8<sup>th</sup> grade and referrals tapered off in the 11<sup>th</sup> grade.
- In 2007, African-American males constituted 41% of Juvenile Court referrals generated from school based incidents compared to 25% for Caucasian males. African-American females were 17% of the total, compared to 8% for Caucasian females.

This workgroup met on five occasions and reviewed a wide variety of information and data. There was some brief discussion about the Verona and Sun Prairie School Districts, but the vast majority of the information and discussion was about the Madison Metropolitan School District (MMSD). Included were numerous reviews of established procedures or guidelines of the MMSD, including documents of the MMSD Student Conduct and Discipline Plan, Aggravating Factors Analysis for Principals, When to Call the Police for Principals, School Safety Strategies, School Security Assistant's guidelines and the Early Re-Admission Process from expulsion.

The workgroup also heard from numerous staff on the above issues, as well as on pro-action and prevention strategies for students, the expulsion process and human services' role in working with difficult students. The group also examined data in the areas of teacher referrals for discipline, insubordination and expulsion, including the 2007-2008-expulsion report. As a result of our workgroups' analysis of the information presented and data reviewed, the following are recommendations that may help to impact DMC in the schools.

## **LAW ENFORCEMENT**

### **Charge**

The Law Enforcement Workgroup was charged with examining the initial law enforcement/juvenile contact, assessing the availability and use of alternatives to arrest, and determining how discretion factors into the policing process.

### **Background Data & Problem Statements**

Along the continuum of decision points in the juvenile justice system from initial law enforcement contact through disposition and beyond, the decision to arrest is the first and arguably the most powerful indicator of future impact on the alleged offender and the affected community. However, the philosophy of any given police department is determined by the leadership of that department, tempered by community expectations. A police officer's response to misbehavior and law violations of juveniles is often dictated by the aforementioned factors but is also influenced by the personality and beliefs of that individual officer.

Law Enforcement in Dane County encompasses urban, suburban and rural agencies incorporating a plethora of policies, procedures, practices, philosophies and community expectations. The two major law enforcement agencies in Dane County are the Dane County Sheriff's Department, with approximately 452 sworn officers, and the Madison Police Department, with approximately 438 sworn officers. The other law enforcement agencies in Dane County have jurisdiction based in and around the municipalities of Cottage Grove, Cross Plains, Deforest, Fitchburg, Maple Bluff, McFarland, Monona, Mount Horeb, Middleton, Oregon, Shorewood Hills, Stoughton, Sun Prairie, Town of Madison, Verona and Waunakee. The University of Wisconsin Police Department, the Wisconsin Capital Police Department and the Wisconsin State Patrol exercise concurrent jurisdiction.

More than 100,000 juvenile arrests are made each year in the State of Wisconsin. In 2007, black juveniles in Dane County were arrested at a rate of almost seven black juvenile arrests for every white juvenile arrest. This trend has steadily increased each year from 2003 to 2007. Among the Wisconsin counties with the highest concentration of black youth, Dane County has the highest relative rate of arrests for black youth in the State.

Data is insufficient to determine the relative rate of arrests for Hispanic youth, largely due to the justice system's failure to accurately identify and document Hispanic and Latino youth. In fact these youth are often categorized as "white". Not only does this practice make Hispanic and Latino youth somewhat invisible, it effectively under-estimates the disproportionality between the arrest rates of white and black youth. Historically, Asian youth have had lower arrest rates than any other ethnic group.

The shocking rate of disproportionality at the point of arrest is just the beginning of what statistics have shown to be a pattern of escalating disparity at each successive decision point throughout the entire juvenile justice system. Hence, there is a need to explore each decision point to identify factors that may contribute to this disproportionality, and to fashion recommendations that may help to reverse this disturbing trend.

### **Description of Efforts**

The Law enforcement group met three times: 11/20/2008, 1/6/2009 and 2/12/2009. At the first meeting, Chair Barbara Franks presented the group with an overview of the Statewide Disproportionate Minority Contact (DMC) Initiative and Dane County DMC efforts to date.

During subsequent meetings, there was broad discussion on a number of issues leading up to the final recommendations. Three areas of concern were identified: the role of law enforcement officers in schools, police/community relations and interpersonal contact between law enforcement representatives and youth of color. The committee acknowledged that law enforcement officers have a substantial amount of discretion. However, even if an individual officer wanted to resolve an incident short of full system involvement, he or she would have to personally undertake every step necessary to accomplish this goal. Even one attempt to divert a youth would be labor-intensive and in most cases, cost-prohibitive. For example, one officer described his attempt to resolve a juvenile theft informally. By the time he had completed the investigation, recovered the stolen property and had the perpetrator make amends to the victim in a satisfactory manner, he had very little time left during his eight-hour shift to accomplish anything more.

Committee members also discussed law enforcement program models being utilized in other states to address DMC. Two such programs were: The Memphis Model, which addresses mental health issues and channels cases into services before reaching a crisis level; and the New Jersey Model which involves officers with pre-K and elementary schools in an effort to normalize relationships with law enforcement at an earlier age. Other program models demonstrated strong partnerships between law enforcement and communities. In addition to identifying service gaps, committee members were encouraged to present ideas that could be achieved through collaboration and minimal or no additional funding.

### **Summary of Discussion**

- **The Impact of Neighborhood Policing on DMC**

The relationship between law enforcement personnel and communities of color can at best be described as troubled. It is a double-edged sword. On one hand, people of color are highly over-represented in low-to

moderate income urban areas. Where there is poverty, extreme unemployment and inadequate housing, crime flourishes. Out of necessity, police are highly concentrated in these high crime areas to enhance citizen protection. Residents are grateful for the protection. However, where police are heavily concentrated, there are greater opportunities to encroach on citizens in unwanted ways. Citizens are frustrated and resentful.

In recent years Dane County, particularly the City of Madison, has experienced substantial growth in families of color moving into the area to provide a better life for their families. This is most evident in the increasing numbers of black students enrolled in the Madison Metropolitan School District. Some of these families bring with them a history of urban experiences, including negative police interactions and perceptions. This is true for both adults and juveniles.

These are not issues unique to the City of Madison. People of color in surrounding communities of Dane County continue to voice the very same concerns, but feel more isolated and unsure about how to address their concerns. All issues discussed herein of relevance to the City of Madison also apply to the rest of Dane County.

There is a great deal of agitation and distrust between police and communities of color. People of color believe that they are unfairly targeted by law enforcement officers, most of whom are white. To exacerbate the situation, many youth of color are hyper-sensitive to issues of fairness and tend to physically escalate when they believe they are being treated unfairly. Moreover, many black youth tend to lash out if they are in crisis mode and *anyone* attempts to redirect them *physically* (School administrators, other students or law enforcement officers). Officers are in turn shocked by what they perceive as a lack of respect and cooperation from teens of color. The outcomes of these encounters are most often less than desirable.

The Madison Police Department (MAPD) is a strong proponent of community policing. The belief is that by accentuating the “helping presence” and proactive role of officers, better relationships can be fostered. MAPD also employs five community policing teams throughout the City of Madison as well as 11 neighborhood officers.

- **The Impact of Educational Resource Officers on DMC**

Every community has a goal of providing the highest quality education to its youth in the safest environment possible. To that end, communities also decide whether, and to what extent police will have a routine presence within the school. The school administration has the choice of whether to provide its own security, enter into an agreement with the local police department, or both. The challenge is to adequately delineate roles and to ensure that each party understands the parameters. Otherwise, police presence may be utilized to intervene in disciplinary issues under the “catch-all” offense of disorderly conduct, which is the number one juvenile offense in Dane County. In 2007, teens of color accounted for 60% of the disorderly conduct referrals coming from schools. In 2008, 48% of all of the DC referrals coming from schools were males of color. These behaviors may have been addressed by the school had the officer not been so readily available. This may unintentionally contribute to widening the juvenile justice net and to DMC.

The Madison Police Department contracts with the Madison Metropolitan School District to place an educational resource officer (ERO) in each of the four Madison high schools. Committee members reported that the Madison Police had been increasing its presence in elementary and middle schools in positive, proactive ways, such as school presentations. When funding for these efforts ran out, there was

no outcome data that would support future funding requests. The lack of parental and other community adult involvement in this model also added to the lack of support for continuation and expansion.

Sheriff Mahoney presented information regarding the typical weekly activities of the one ERO position within his department. This position differs from the ERO's in MMSD, who are assigned by the Department to serve in this capacity. The Dane County officer is selected with substantial input by the school. This officer spends a significant amount of time counseling youth regarding their behaviors, facilitating mediation, working with guidance counselors and parents, and tutoring students. This officer has been known to teach academic classes such as English, and physical education classes. The officer continues to work in the community during school breaks and throughout the summer months to maintain positive relationships with the students and families.

Committee members supported elimination of time limits for ERO assignments, recommending that this be a highly specialized, on-going assignment. ERO's could also serve as trainers to other officers on juvenile justice issues.

- **Assigning And Training Officers To Work Effectively With Juveniles**

Interacting with juveniles is still considered by the vast majority of law enforcement officers as an annoyance that distracts them from doing “real police work”. In some cases, it is seen as an assignment appropriate for newer officers who don't have enough seniority to object, or as an opportunity for seasoned officers to pass time on the way to retirement. Moreover, patrol officers aren't given enough training to understand *why* interactions with juveniles and young adults should involve different strategies for engagement than adults. This contact often occurs under high stress circumstances and the outcome of this contact often sets the tone for lasting perceptions. Many youth of color who have never personally had police contact have invariably heard horror stories of how family members or friends have been treated when they have come into contact with police officers.

The group agreed that collaborative training sessions including both school personnel and police officers regarding the following issues would be a positive step in addressing DMC throughout our juvenile justice system: adolescent development, brain research, cultural issues, methods of de-escalation, teaching youth coping strategies, working with special education students and the importance of including parents when working with teens.

- **Better Coordination Between System Partners to Maximize Available Diversion Alternatives and Developing Alternatives Where Needed**

Officers reported a lack of alternatives to arrest either in the school or the community. They advocated for initiating programming that would allow officers to remove youth from the school setting to diffuse the situation, re-direct behaviors, contact the youth's family and mediate situations prior to the youth's return to the school setting. Using this type of programming for situations outside the school setting could also be useful in some instances. Committee members supported the idea of direct family referrals by Law Enforcement to specific services that may address incidents without further legal system involvement. The committee also recommended compiling a list of available services that would include mental health resources that accept underinsured/uninsured families.

Current options available for officers as a diversion from juvenile court referrals:

- Refer back to school officials.
- Counsel youth and release.
- Refer youth to teen court.
- Talk with parent regarding available services (Briarpatch, Family Service, other counseling, etc).
- Issue a municipal citation.

**OR**

- Arrest youth and rely on “system” (social services, prosecution) to divert.

Issuing a municipal citation has traditionally been the most expedient way to avoid a delinquency referral. If the fine is paid in a timely manner and the lesson is learned, this may be a desirable outcome. For youth and families with limited income, however, greater system collaboration is needed. Some communities in Madison have found success in using Youth Courts to deal with municipal violations. These Youth Courts often include the use of Time Banks, which are based on restorative justice principals, as dispositions for cases referred. Expansion of these efforts greatly benefit the community while simultaneously reducing the number of unpaid municipal citations that later effect one’s ability to obtain a valid driver’s license .

Most recently, the Dane County Neighborhood Intervention Program ADDS 11 (Assessment, Deflection, Deferment, and Stabilization) has been working to address the issue of DMC. Through this program, groups are offered in various middle schools in Dane County, and seem to be effective in teaching anger management , conflict resolution, coping and other social skills. One of the goals of this program is to decrease justice system referrals for inappropriate behaviors. However, the ADDS11 program was designed to accept referrals after the juvenile has been arrested and referred to the Court system. The objective is to identify youth at the early stages of law-breaking behavior, and give them tools to avoid such behavior in the future. However, in order to demonstrate impact on the Dane County juvenile arrest rates, law enforcement discretion is key. It is at the point of initial law enforcement contact that officers can make the decision (in lower level incidents) whether to divert the juvenile to community-based options, or to pass them on to the system as another arrest statistic.

The importance of prevention efforts was also discussed. Primary prevention programs are designed to target the general youth population, providing positive activities while minimizing opportunities for anti-social behavior. However, in an era of ever-shrinking budgets, prevention programs are the first to go. System attention is most dominated by problem issues that must be addressed. Moreover, funding priority is most often given to programs with a proven record of effectiveness. The positive impact of prevention programs is difficult to measure. D.A.R.E. programs have been operating at the late elementary/ early middle school level for a number of years. It is widely accepted that these programs are an effective prevention strategy and provide an important public service, but it is difficult to measure outcome.

### **Reversing the Trend of DMC Requires System Change**

In addressing the phenomena of DMC, the natural inclination is to focus on setting up programs designed to change the behavior of specific youth. That type of program is clearly a necessary component in a comprehensive strategy. However, unless decision-making within the entire system is also analyzed, DMC will continue to be a problem. Juveniles will pass through and age out of the juvenile system, and

they will be replaced by newcomers who will also require programs and more funding. Only targeted and sustained system and institutional change can make a dent in the complex issue of DMC.

Legislative change must also be considered. For example, in 2007, juvenile arrests for property crimes comprised approximately 20% of all juvenile arrests Statewide. Within the category of Property Crimes, Theft accounted for more than 50% of arrests. Yet, the City of Madison does not have a municipal Theft Ordinance, as do some surrounding communities. Depending on circumstances, some lower level theft offenses could be disposed of as citations, resulting in municipal court involvement with possible Peer Court and Time Bank referrals.

A change in theft charges *alone* will not likely significantly decrease DMC, however. Committee discussion often returned to the effect of poverty and school issues on families of color and the profound impact that they have on DMC. These issues will be analyzed in other sections of this report.

The Committee recognized that a significant number of families of color come to Dane County in search of a better life only to find that the communities here differ in many respects from the communities they left behind. There is a need to welcome new families and to educate them about our unique communities.

## **CUSTODY, SCREENING, AND PETITIONING**

### **Charge**

The Custody, Screening, and Petitioning Workgroup was asked to examine current practice in Dane County related to the custody decision making process, how law enforcement referrals are screened, and how petitioning/charging decisions are made.

This workgroup reviewed a wide variety of information and data. Included was a review of the current custody screening tool utilized by JRC as well as those used by Milwaukee County, Rock County, and Winnebago County. We also examined presumptive hold data and the current practice of DCDHS related to case assignment of youth being held in secure custody. We reviewed the current hybrid model being utilized in Dane County for screening law enforcement referrals, and contrasted that to what is statutorily required. The Dane County model was compared to that utilized by Kenosha County and Columbia County. In addition we looked at the MMSD guidelines for involving law enforcement in school disciplinary situations, and the MPD guidelines for referring to JRC. DCDHS data related to DMC was reviewed as well as the limited data available on Human Services management of Deferred Prosecution Agreements. Staffing issues (possible loss of a position) as it relates to prosecution decisions by the Juvenile Division of the District Attorney's Office was discussed.

### **Background Data**

- African-American youth make up approximately 8% of the population of Dane County.
- In 2007, 973 youth were referred to JRC for a custody intake decision. 68% of these youth were minority.
- In 2007, minority youth comprised 73% of the youth held in secure custody.
- In 2007, African-American youth made up 51% of all referrals to Juvenile Court. Of the female referrals, 57 % were African-American, 36% were Caucasian.
- In 2007, the District Attorney recommended 52% of the Caucasian youth referred be prosecuted for formal delinquency compared to 60% for African-American and 77% for Hispanic.

- In 2007, African-American males constituted 41% of referrals generated from school based incidents compared to 25% for Caucasian males. African-American females were 17% of the total, compared to 8% for Caucasian females.

**Overview**

Minority youth in Dane County are held in secure custody at a disproportionate rate compared to their percentage of the population. They are also over represented in the number referred for formal court charges, and in the severity of those charges.

**DISPOSITION & PLACEMENT**

**Charge**

Make recommendations on how to decrease the disproportionate rate of out of home placements for African-American youth who are in the juvenile justice system. The focus of this subgroup was the disproportionate out of home placement of African-American youth who are adjudicated delinquent. Wisconsin statutes allow ten year olds to be adjudicated delinquent and mandate 17 year olds to be charged as adults. However, youth can remain on a juvenile delinquency order until their eighteenth birthday so the populations we are looking at are ages 10–18. The 2008 average daily populations for children 10 to 18 years old in out of home placements (both CPS and delinquency), identified by race (for our purposes only white and African-American are being looked at) are as follows:

<u>Foster Care</u>	<u>Group Home</u>	<u>RCC</u>	<u>Kinship</u>	<u>Corrections</u>
White: 60.6 African-American: 60.2  Note: If foster care for ages 0–18 is looked at, the average daily population for 2007 for white children is 83 and for African-American children it is 105.7.	White: 22.8 African-American: 24.3	White: 14.2 African-American: 25.8	White; 55.1 African-American: 103.7	White: 4 African-American: 19 (with 4 of these going from FOCUS RCC to Corrections due to violations of their court order).

Neil Gleason, DCDHS, estimates that African-American children are 11% of the Dane County population of children ages 0 to 17 and white children are 75.5 % of the same population. For ages 10 –17, the percentages are 10.7% African-American and 77.5% white. Mr. Gleason also reports that approximately 40% of the disproportionate rates for African-American youth involved in the juvenile justice system are the result of disproportionate referrals into the system. Although the above placement numbers are for ages 10 – 18 it is clear that African-American youth are disproportionately placed across the board with the numbers for RCC, kinship and correctional placements being extremely disproportionate. The number of African-American children in kinship placements reflects the willingness of extended families to step up and take responsibility for children in the family whose parents are unable or unavailable to parent; this would be considered the least restrictive type of out of home placement. On the other hand, RCC’s and corrections are the most restrictive.

In the article Racial and Ethnic Disparity and Disproportionality in Child Welfare and Juvenile Justice: A Compendium, it is stated that “disproportionally can be conceptualized as unequal rates of entry and exit between populations”, i.e. African-American children are more likely to go into out of home care and less likely to leave. When disproportionality is seen as a function of disparities in the rates of entering and exiting various populations (for example youth under court supervision), it becomes apparent that it is

necessary to target the underlying disparities that lead to it. “To the extent that entry and/or exit disparities are a function of differences in the way children are treated because of their race, because of their needs or for some other reason, those sources of disparate treatment have to be evaluated relative to the processes that define entry into and exit from the system”, in this case out of home placement and especially RCC and corrections for African-American youth who are adjudicated delinquent. The article goes on to say that most research on DMC interventions in juvenile justice merely verifies the existence and scope of disproportionality, versus identifying sources of disparity and evaluating the effectiveness of measures to reduce disparity. However, it also acknowledges that assessment is difficult because Juvenile Justice encompasses several systems which address different decision points and use different methods of tracking (police track arrests; prosecutors track court filings; court counts cases; and service providers count youth).

In recent years the W. Haywood Burns Institute of San Francisco became one of the more popular sources of ideas for reducing juvenile justice disparities. “When the Burns Institute is invited to assist a community with a disparity reduction effort it works with the local stakeholders (parents, young people, judges, probation/human services staff, prosecutors, public defenders law enforcement, political leaders, service providers and community groups) to achieve consensus on a plan of action, to begin an ongoing examination of system data and to oversee a revolving process of planning, acting and reviewing outcomes.” Each community the Burns Institute works with must also hire a locally based DMC coordinator. Highlights of this article were shared with the juvenile justice DMC Placement Subgroup along with the reality that we are in very tight budget times and are not in a position currently to engage in such a huge undertaking. However, it is clear from the article that such a comprehensive approach is the ideal way to methodically assess and tackle the juvenile justice DMC issue.

The Disposition and Placement Subgroup engaged in several good discussions about the wide range of reasons why African-American youth are disproportionately involved in the juvenile justice system and are more likely to get placed or go to Corrections than their white counterparts. The top three reasons the subgroup identified for why youth are placed are:

- Chronic non-compliance with court orders (though there is evidence that curfew violations and truancy are predictors of recidivism so the non-compliance isn’t necessarily a stand alone reason).
- Committing a new law violation, especially if it involves harm to a person, a weapon (for example armed robbery even if the weapon is not used) and/or is gang related.
- Parents who are resistant to court involvement and services or are unable or unwilling to provide adequate supervision and who are seen by the system as “part of the problem”.

The group also agreed that when youth enter the juvenile justice system at a young age their chances of being placed go way up because the system “runs out” of other options to address their delinquent behavior. Additionally mental health issues, AODA issues, cognitive impairments and a pattern of going AWOL all increase the likelihood of placement.

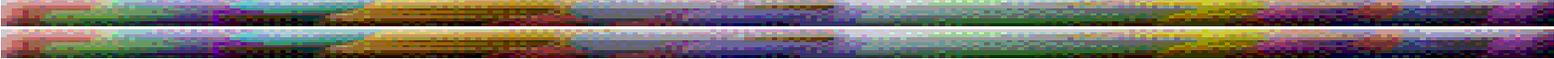
In an effort to start identifying how to address disproportionate placement of African-American youth, the group reviewed and discussed the Juvenile Delinquency Assessment. The thought was that there might be aspects of this assessment, especially the Risk Assessment and the Strength/Needs sections, which are biased either inherently or by how the ratings are done by individual workers. Ultimately there was unanimous agreement that it is the narrative sections of the JDA which are most looked at by social workers, attorneys and judges. In other words it is the description of what is going on with the youth and family versus the rating scales that is used to form opinions about what should be recommended. However, it was suggested that consistency would improve if the strength/needs rating definitions could pop up when clicked on since most workers do not refer to the manual.

The group also discussed the standard “rules of supervision” and asked whether there were some that could be omitted with the reasoning that if a youth weren’t court ordered to attend school, follow a curfew or abstain from drug use, they would not be in violation if they did not comply with these expectations. The consensus was “no”. It was generally thought that these “rules” serve a purpose, are comparable to what most parents expect from their adolescent children and at least curfew and school attendance are tied to recidivism.



*“Decrease the paperwork/computer responsibilities. The state requirements put up barriers to what social workers can do; social workers can’t do best practice. Social workers need more time to spend with kids and families.”*

CYF Staff Comment



*“It’s not the man, it’s the plan.  
It’s not the rap, it’s the map.”*

**Ossie Davis, 1971**

# **JJ DMC Solutions Workgroup Recommendations**



## **Workgroup Recommendations**

Working from guidelines and elements from various national DMC models on reducing racial disparities, including the Haywood Burns Institute model, Comprehensive Strategy, and the recent Dane County Youth Gang Task Force Report, the large workgroup charged six sub- workgroups to formulate recommendations for further study and action to address our local DMC issue. The workgroups include:

- Family and Community Supports
- Positive Community Alternatives
- Schools
- Law Enforcement
- Custody, Screening, and Petition
- Disposition and Placement

The Dane County Juvenile Justice System Disproportionate Minority Contact workgroup thanks members of the sub-workgroups for their time and quality efforts in the examination of this serious and complex issue. The formulation of this broad range of reflective responses to DMC will provide the juvenile justice system with quantitative recommendations for implementation. Some of the recommendations involve changes to major institutions and practice principles, but a significant number allow for immediate action. The Dane County Juvenile Justice System Disproportionate Minority Contact Workgroup endorses the following recommendations and asks that each is given serious consideration for adoption and implementation. The following are sub-group recommendation by charge area:

### **Major Themes**

In the course of the various workgroup discussions and meetings, the complex nature of racial disparity was articulated and documented in significant detail. The examination of cause, correlation and solutions began to yield certain themes. The JJ-DMC Solutions Workgroup staff has tried to capture some of the most repeated macro level theme elements in this next section.

- **Training**

Training is one theme that was recognized across workgroups in several different ways. Cross disciplinary training including school personnel, police officers, DCDHS staff and attorneys would allow for learning, collaboration and budget savings across agencies. Training topics for those working with youth could include recognizing the current and future trends of DMC, cultural awareness in decision-making, mental health needs of juveniles and adolescent brain development research. Additional training themes such as educating parents regarding understanding the different systems and their inter-relationships, community and school expectations, advocating for their children and supervision expectations were discussed in several groups. Programming dedicated to developing competencies within our youth was supported both in early intervention and prevention as well as through our different levels of supervision.

- **Coordination**

The need for improved coordination was voiced as an issue across many workgroups. The coordination dynamic was discussed on many levels, from the need for our communities, core institutions and system partners (i.e. schools, Human Services, and law enforcement). A central theme was making sure that our broad institutional system culture is responsive to race, culture and youth.

This means a “ new styled” coordination that will be more inclusive of non-traditional partners. This paradigm shift could produce new and effective youth-family focused strategies to reduce racial disparities.

- **Alternative Disposition**

Most of the workgroups had at least one recommendation that related to the need to find alternative responses to issues that arise with youth. These include utilizing family more often, changing responses to negative behavior in schools and enhancing the deferred prosecution agreement process. All workgroups recognized that some changes are necessary if we are to positively impact DMC in our community.

- **Skill Development**

Most workgroups recognized the need for increased communication and collaboration within the community. Providing information about available supports and services, the promotion of events in the community and any other methods to help youth and families feel empowered and connected to their community were recognized as valuable in promoting pro-social behaviors and minimizing negative behaviors.

*“Reallocating/securing more resources for early intervention programming (i.e. JFF, ADDS, ADDS II). These could then be utilized before schools contact law enforcement or as an alternative to law enforcement. vs. the formal system”*

CYF Staff Comment



# **JJ DMC SOLUTIONS WORKGROUP RECOMMENDATIONS**

## **Family and Community Supports Workgroup**

1. Analyze the responsibilities of Joining Forces for Families (JFF) and possibly return to the previous model (neighborhood teams comprised of police officers, school staff, public health nurses, County social workers, housing resources, mental health outreach staff, economic assistance staff, etc.). JFF team members could manage volunteers in local neighborhoods, and provide more skilled services in addition to or instead of the basic needs demands that they currently respond to due to severe economic pressures on already stressed families.
2. Create outreach to African-American families. Help families understand the way the legal and other systems are likely to respond to their family issues and assist them in making choices that have more positive results.
3. Increase the number of African-American and other people of color hired in positions of visibility in formal systems: DCDHS, MMSD, court systems, service agencies, etc.

## **Positive Community Alternatives Workgroup**

1. The community must stand firm even during difficult economic times, and dwindling revenues to provide a solid continuum of positive alternatives to youth. Maintain funding to youth serving organizations to provide support, opportunities, and resources to reduce delinquency.
2. Support the expansion of evidence based youth programming in our community. The community will benefit from targeting prevention and early intervention strategies that increase youth assets and reduce risk.
3. Improve collaboration and communication within our community's key funders and resource providers as to youth trends, needs and risk factors. Then meeting to dialogue and to develop a direction that addresses the following strategies:

## **Schools Workgroup**

1. Review school district disciplinary codes and the expulsion process to determine if other options are available or should be developed.
2. Staff/student interactions-improve the skill levels of staff so they have a greater understanding of the students' culture and how that may influence their behavior and reactions in the school environment. Review teacher disciplinary referrals for trends and address disproportionate referral sources.
3. Transitions-increase the level of support for 5<sup>th</sup> and 8<sup>th</sup> grade students in their transition to middle school and high school.

## **Law Enforcement**

1. Expand training for police and school staff together re: strategies to address DMC, cultural competency, mental health, child/teen development/behaviors, and brain development. This effort could be funded through a state DMC grant.

2. Expand conflict resolution/anger management programming (i.e. D.A.R.E., ADDS) to elementary and high school levels. This effort could be funded through United Way grants.
3. Expand youth courts and time banks to include additional county areas.

### **Custody, Screening, and Petitioning Workgroup**

1. DCDHS needs to begin tracking Deferred Prosecution Agreements, clarify case management expectations, and consider altering the case assignment procedure in order to enhance supervision.
2. DCDHS should revise the case assignment process for youth who are newly assigned due to placement on a custody order. A social worker should be assigned immediately upon learning of the custody status/hearing, and that worker should begin assessment information gathering immediately. DCDHS should commit to always having a worker present at initial custody hearings.
3. JRC staff should have limited access to WiSACWIS in order to enhance their information base when making custody decisions.

### **Disposition and Placement Workgroup**

1. Increase use of DPA's (per Mike Walsh, Assess for Deferred Prosecution referrals to DCDHS have increased to 50% in January and February from 33 – 35 %). Agreement that in order for this to be effective, there will need to be written DPA's with services more typically used in court ordered cases and adequate social worker case management to monitor engagement in services. There was also discussion of using a group approach for at least some DPA cases. Ideas included doing a group similar to the retail theft group which has both a youth and parent component; circle sentencing which is currently being used for some municipal citations in the Allied Neighborhood; and continuation/expansion of ADDS which provides redirective groups, supervision and school intervention to middle schoolers with first offenses.
2. Include a family assessment in the JDA. The youth is part of a family and we need to understand how life experiences, race, poverty, culture and values have shaped the youth we are working with and the family system. Is it likely we would find families with similar characteristics (a family type so to speak) that could guide what services we recommend? For example, there may be some families who are really not appropriate for family therapy even though there are a lot of family issues. Services should be meaningful and helpful to the family.
3. Do exit interviews of parents to get feedback about what we are doing that is perceived as helpful, what is not and what we could be doing better. These could be done by supervisors and should be done in person. Essentially it would be a conversation about that parent(s) experiences with the social worker and service providers.
4. Provide supervision that is consistent yet realistic and flexible enough to take into consideration individual circumstances (i.e. we talked about how some youth may leave home—go AWOL or break curfew—because they need a break from the chaos in their homes; how do we accommodate this without letting the youth think it is O.K. to do as he/she pleases and be out on the street?).

## CONCLUDING COMMENTS

It is our hope that these report recommendations will be endorsed and implemented. We believe many of these recommendations can impact the Dane County Juvenile Justice System in a way that will significantly reduce racial disparity.

Several years ago Abraham Blumberg (1967) commented that efforts to understand disparities in case processing and court decisions had focused too narrowly on race, ethnicity, and social class. He admonished researchers, saying that, “They overlooked the variable of the court organization itself, which possess a thrust purpose, and direction of its own. It is, the court grounded in pragmatic values bureaucratize priorities and administrative instruments.”

Implementation of the recommendations will be studied and carried out by a newly created Implementation Planning Committee. The new Dane County DMC Oversight Committee will meet on September 23, 2009 to begin monitoring the implementation of the JJ DMC Committee recommendations. With these efforts we have the opportunity to develop a comprehensive and integrated response system to benefit our community and youth.

Finally, the JJ-DMC Workgroup was created to work under the umbrella of the ongoing Dane County Disproportionate Contact and Confinement Oversight Committee that has been operating since 2002. The Oversight Committee shall then be reconfigured to include some of the JJ-DMC membership as we move toward implementation steps and continue our overall DMC mission.



*Thanks to our proofreaders: Sue Milch and Queen B*

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7. A Collective Responsibility, A Collective Work: Supporting the Path to Positive Life Outcomes for Youth in Economically Distressed Communities – Rhonda Tsoi-A-Fatt, CLASP
8. Why We Can’t Wait. A Case for Philanthropic Action: Opportunities for Improving Life Outcomes for African-American Males – Marcus J. Littles, Ryan Bowers, and Micah Gilmer, Ford Foundation
9. Disproportionate Minority Contact – OJA
10. Juvenile Court Program Overview – Dane County Juvenile Court
11. DCDHS Balanced and Restorative Justice Juvenile Assessment Manual Data (1997-) 1999
12. Dane County Juvenile Corrections Database Statistics (2002-2007)
13. Disproportionate Minority Confinement/Contacts Committee Final Report (May 2006)
14. Dane County Juvenile Justice System DMC Initiatives & Programs to Date
15. DCDHS Juvenile Delinquency Assessment/Report to the Court
16. Cradle to Prison Pipeline, Children Defense Fund (2007)
17. Keeping Adolescents Out of Prison: The Future of Children - Princeton Bookings
18. Juvenile Justice: The Future of Children - Princeton Bookings
19. Reducing DMC in Seattle: The W. Haywood Burns Institute Approach
20. OJJDP Juvenile Arrest (2006)

21. The Punishment, Deterrence, and Social Control: The Paradox of Punishment in Minority Communities - Jeffrey Fagan and Tracey L. Meares
22. Child Delinquency: Early Intervention and Prevention – OJJDP
23. Principles of Effective Programs: Self-Assessment Worksheet – Stephen A. Small, Cailin O’Connor and Siobhan M. Cooney, UW Madison/Extension
24. Evidence Based Program Registries March 2006 – Mary Huser and Stephen Small, UW Madison/Extension
25. Youth Violence: A Report of the Surgeon General
26. A Summary of Comments by Dr. Ed Latessa to the GJJC, OJA (November 2004)
27. The Girls Study Group: Charting the Way to Delinquency Prevention for Girls – Margaret A. Zahn, Stephanie R. Hawkins, Janet Chiancone, and Ariel Whitworth, OJJDP
28. Federal Advisory Committee on Juvenile Justice Annual Report (2008)
29. State of America’s Children, Children’s Defense Fund (2005)
30. Synthesis of Research on Disproportionally in Child Welfare: An Update – Robert B. Hill, PHD (2006)
31. An Analysis of Racial/Ethnic Disproportionally and Disparity at the National, State, and County Levels – Robert B. Hill, PHD (2008)
32. Trauma Among Youth in Juvenile Justice System – Julian D Ford, John F. Chapman, Josephine Hawke, and David Albert (June 2007)

## **DMC SUPPLEMENTAL REPORTS AND WEBLINKS**

1. Urban League of Dane County – State of Black Madison Report  
Link: [http://www.ulgm.org/news/Documents/State\\_of\\_Black\\_Madison\\_2008\\_web.pdf](http://www.ulgm.org/news/Documents/State_of_Black_Madison_2008_web.pdf)
2. United Way of Dane County – Disconnected and Violent Youth Report  
Link: [http://www.unitedwaydanecounty.org/documents/DDVY\\_Mobilization\\_plan.pdf](http://www.unitedwaydanecounty.org/documents/DDVY_Mobilization_plan.pdf)
3. Dane County Enhanced Youth Gang Prevention Task Force Report  
Link: [http://www.danecountyhumanservices.org/pdf/gang\\_task\\_force\\_report.pdf](http://www.danecountyhumanservices.org/pdf/gang_task_force_report.pdf)
4. Commission on Reducing Racial Disparities In the Wisconsin Justice System  
Link: <ftp://doafp04.doa.state.wi.us/doadocs/web.pdf>
5. CNN Video – Black America  
Link: <http://www.cnn.com/SPECIALS/2008/black.in.america/index.b.html>
6. MPD Guidelines - When to Refer Juveniles to JRC  
Link: <http://www.cityofmadison.com/police/documents/PolicyandProcedureManual.pdf>



*“You must honor  
commitments even when  
children do not honor theirs.”*

**Scott Larson**



# ATTACHMENTS

1. Complete Workgroup Recommendation Reports
  - Family and Community Supports
  - Positive Community Alternatives
  - Schools
  - Law Enforcement
  - Custody, Screening, and Petition
  - Disposition and Placement
2. DCDHS Delinquency Services Flow Chart
3. Dane County Balanced and Restorative Justice Juvenile Assessment Manual
4. Administrative Review Board
  - Presentation Outline
  - Parent Letter
  - 2006 Administrative Review Board (ARB) Report on Requests and Recommendations
5. Protocol for Focus Eligibility Screening and Enrollment Recommendations
6. Delinquency Intake in Dane County 2008
7. DJC
8. Social Worker Comments on the Issue of DMC
  - Questions/Response
  - Delinquency All Staff
9. DCDHS CYF Internal DMC Contacts Committee Draft Report May 2006
10. Schools
  - Expulsion Data
  - When to call Police



# **Juvenile Justice Disproportionate Minority Confinement Family and Community Supports Workgroup Recommendation Report**

## **Members**

Chair Jeanne Ferguson (DCDHS), Ruth Ruiz (DCDHS), Manny Scarbrough (UW-Madison), Robert Howard (MMSD), Jude Nichols (Family Service), Bob Lee (DCDHS), Linda Hoskins (NAACP), Frank Rodriguez (MMSD).

## **DMC Support**

John Bauman (DC Juvenile Court)

## **Charge**

The Family and Community Support workgroup focused on how systems assess the strengths and needs of high risk families and how we may better support families in their efforts to keep their children in their homes.

- How do workers become familiar with the community supports important to families?
- How can cooperative partners neighborhood associations, JFF and how can they better impact DMC?

This workgroup discussed the breadth of the charge, struggled with attendance of members, but was able to create a list of recommendations as part of this ongoing analysis of DMC. We listened to a young African-American man speak about his perspective of the “system”. He had been involved in the Juvenile system as a child. He experienced out-of-home placements and juvenile corrections, went to prison as an adult, and is now fighting the juvenile court system to gain custody of his daughter, who was removed from her mother and placed in foster care.

We identified barriers that exist to make success difficult for children and families of color, particularly African-American families. Out of those barriers we identified numerous recommendations for continued work to address DMC for African-American children and families in Dane County.

## **Background:**

- Studies show that African-American children are more likely to be placed in care, and that they stay longer in care and are less likely to be reunified with their families.
- In Wisconsin, poverty is the largest driving force of the “Cradle to Prison Pipeline” crisis.
- While one in seven children is poor in Wisconsin, overall four of nine African-American children are poor.
- Children who do not participate in high-quality early education have higher rates of juvenile delinquency, arrests, and juvenile court petitions.
- Children in foster care or with a history of abuse and neglect are at higher risk of being trapped in the prison pipeline.

- In Madison, African-American students make up 23% of the student population but experience expulsions at a rate of 62% of all students recommended for expulsion.

## **Barriers**

- Language - For children who do not speak English, or children who do not have a good command of English, academic success is limited. For their parents, participation and understanding of the “system” is elusive.
- Inadequate or infrequent positive images of cultural communities.
- The mandatory arrest law in Madison leads to increased arrests of African-American parents and results in increased placements of children into alternate care.
- Permanent bars (convictions for crimes that prevent placement recommendations by DCDHS staff) against relatives who wish to care for kin children, targets African-American adults who are disproportionately arrested and charged in US courts. This limitation results in removals of children from parents and extended family, and adoption into non-black families is common for black children.
- 70% of delinquent kids have mental health issues or special needs. African-American children are more likely to experience placement or corrections consequences vs. white children who are offered treatment consequences for delinquent acts.

## **Recommendations**

1. Strengthen neighborhoods. The JFF initiative has resulted in a deep understanding of the strength inherent in neighborhoods that have an identity as a community, and an awareness of the effects on children and families of neighborhoods that have a dearth of services, a poorly formed notion of their cultural center, and poverty.
2. Celebrate cultural strengths. (E.g.: the South Madison neighborhood has an historic identity as a stronghold of solid African-American values, families and churches. Juneteenth on the south side is a perfect example of the power of a cultural center for the people living in that area.)
3. Create outreach to African-American families. (Re: legal and system realities to help them understand the way the system is likely to respond to their family issues and assist them in making better choices.)
4. Support and fund community events that laud families and bring them together. (E.g. FACTS meetings and Friday night special gatherings that draw children and their families together in social situations that support family and community strength.
5. Expand the definition of kin to include more distant relatives who will be able to be considered family for purposes of placement when biological parents cannot provide care.
6. Center neighborhoods around schools to elevate education as a foundation for families, especially in stressed communities where there are few safe places to go in the evenings, after school, or on weekends.
7. Increase the number of African-American and other people of color hired in positions of visibility in formal systems: DCDHS, MMSD, court systems, service agencies, etc.
8. Extend or require participation in racism reduction training opportunities for all staff at every level of government and in school environments.
9. Re-tool JFF to allow the original team design to function again (neighborhood teams comprised of PO’s, LEA, public health nurses, County social workers, housing resources, mental health outreach staff, economic assistance staff, etc.). JFF team members could manage volunteers in local neighborhoods, and provide more skilled services in addition to or instead of the basic needs demands that they currently respond to due to current severe economic pressures on already stressed families.

10. Expand family group conferencing and/or other family group decision-making strategies (Family team meetings, circles of support, etc.) to school systems, service agencies, faith communities and others who intend to engage families in their own solution planning.
11. Increase the numbers of AmeriCorps volunteers in the school districts and in other services agencies, such as JFF, to support families and neighborhood organizations meet the demand for local programming for teens and other disaffected youth or young adults.
12. Engage and financially support faith organizations, especially black churches, in creating additional resources and events to support and strengthen families.
13. Support efforts to enhance individual responsibility in children 0-18 to take advantage of childhood resiliency and create or reclaim cultural and family traditions exemplifying shared responsibility for success.

# **Juvenile Justice Disproportionate Minority Confinement Positive Community Alternatives Workgroup Recommendation Report**

## **Members**

Chair Scott Strong (Community Partnership), Rita Adair (DCDHS), Rev. David Smith (South Planning Council), Judge Dan Koval (Municipal Courts), Martha Lemnus (YWCA), Andre Johnson (DCDHS), Ed Lee (Urban League), Will Green (Mentoring Positives), Ken Haynes (Citizen), Steve Varsos (DCDHS), Wyolanda Singleton (Boys & Girls Club), Excell Williams (UW Madison).

## **DMC Support**

Stephen Blue (DCDHS)

## **Charge**

Examine the current community efforts of juvenile justice involved youth, with a focus on engagement, retention, and pro-social opportunities for youth.

## **Review and Consideration Issues**

- Accessibility and Outreach – How can we improve knowledge and communication between traditional juvenile justice system providers as to what is available?
- Interface – What is the level of interaction by community providers with the juvenile justice system?
- Service Populations- Who is the population being served?
- Retention and Outcomes- Is there a need for support and training for community providers to serve juvenile justice system involved youth and improve retention and outcomes?
- Review resources that are currently available.
- Review data on minorities involved in juvenile justice system.
- Review resources available in faith-based community organizations.
- Gender differences.
- Review data on juvenile court involvement vs. municipal court involvement (ordinance/non-criminal).
- Review of best practice models.

## **Data Elements**

The number of child delinquents (juveniles between 7 and 12) handled in the nation's juvenile courts has increased 33 percent over the last decade.

Nearly one in five Americans (19%) will be an immigrant in 2050, compared with one in eight (12%) in 2005. Hispanics will make up (29%) of the U.S. population in 2050, compared with (14%) in 2005.

Hispanic gang membership among Dane County corrections population has risen every year since 2004.

Municipal court juvenile violations – Monona/347- 2008 - Madison/ 2000(+)-2008

Alternate Care Cost-

Foster Care =\$1,479 child/month  
RCC = \$9,066/child/month  
Corrections = \$7,875/child/month

Non-white youth represent 75.6% (31/41) of the youth committed to corrections in 2008. White youths enter corrections at a rate of 0.5 per thousand; Hispanic youth did so at a rate of 1.2 per thousand; African-American youth did so at a rate of 9.0 per thousand.

Total Referral and Petitions

2005 – 1808 tot. – 1104 Formal 2005 – 47%  
2006 – 1708 tot. – 1102 Formal 2006 – 49%  
2007 – 1567 tot. - 932 Formal 2007 – 51

Referrals by Race/School Based Referrals – 2007

Hispanic Males – 6%  
Hispanic Females –3%  
Black Males – 41%  
Black Females – 17%  
White Males –25%  
White Females – 8%

Battery by Gender and Race –2007 Totals

Black Males - 95  
Black Females – 55  
White Males - 66  
White Females – 38

% of Cases Referred for Battery

2006 – 17%  
2007-18%

The workgroup reviewed a significant amount of data and reports during its discussion phase. These reviews included youth programming supported by City of Madison Office of Community Services, Dane County and United Way. Time was spent on the review of DCDHS juvenile justice data, the results related to origin of offenses, time of offenses and types of offenses and the age groups in which they fall. A presentation by Connie Bettin, Dane County Youth Commission, was very informative. She discussed the purpose and efforts of the Youth Resource Network and then provided the committee some of the latest materials related to positive outcomes for youth, best practice models and evidence based research theory.

The three other areas the committee spent considerable time was in the discussion of Municipal Court citations, their community impact and offense type, and the dispositional alternative available to judges. Second, was the discussion of gender and its impact on programming? Third was the faith based community organizations and their efforts on youth.

Recognize the formal structures of community consortia, like the Juvenile Delinquency Coordination Team which have been in place since 1995. Youth Resource Network (YRN) which also has been around for twenty years to foster and advocate for positive youth development issues.

The committee also spent a significant amount of time discussing the materials from “What Works - Wisconsin Program Improvement Manual” and the Evidence Research Movement. The key elements include redirection of family risk factors, the incorporation for participants to develop and practice new skills and involvement of both parents and children.

A lively discussion also took place on the role of the community in reinforcing pro-social values and the cultural/media dynamic involved in today’s youth lives. Poor messages around gender sexuality and

consumption. The best dialogue took place around pop music and its impact on thug gang behavior in African-American males.

## **Recommendations**

1. The community must stand firm even during difficult economic times, and dwindling revenues to provide a solid continuum of positive alternatives to youth. Maintain funding to youth serving organizations to provide support, opportunities, and resources to reduce delinquency.
2. Support the expansion of evidence based youth programming in our community. The community will benefit from targeting prevention and early intervention strategies that increase youth assets and reduce risk.
3. Support the on going efforts of the YRN staff training offerings. The growing DMC issue for Dane County youth of color will improve, by services provided by culturally competent, appropriately trained professionals.
4. Improve collaboration and communication within our community's key funders and resource providers, as to youth trends, needs and risk factors. Then meeting to dialogue, and to develop a direction that addresses the following strategies:
  - a. Discovery—(Baseline data)
    - Survey Youth (What resources are they using? Look at recent report, Youth Services Survey, Gang Survey).
    - Survey Providers (Are they accessing targeted youth?)
    - Early Identification
  - b. School-based Assessment (CBITS) and Screening
    - Early Identification/Prevention
    - Engagement
    - Build capacity to address resource needs for the identified students.
    - Coordinate with DCDHS and juvenile justice systems.
  - c. Provide outreach to:
    - Schools
    - Parent Organizations
    - Churches
    - Streets
    - Current Resources
    - Community Centers
    - Police Officers/ Sheriffs Department
  - d. Community Collaborative
    - Nonprofit
    - Faith Based
    - DCDHS
    - Court (Juvenile/Municipal)
  - e. Duplicate competency/asset building of juvenile justice involved youth.
  - f. Knowledge/Education (Who has the most contact?)
    - Build Capacity
    - Resource Database - Keep current
    - Annual/Biannual Training

5. Improve the practice of juvenile justice system workers knowledge of the opportunities for youth in the community, from primary prevention to early intervention services. Incorporating this knowledge into delinquency assessment, competency development and practice.
6. Development of a community-wide strategy to counteract negative cultural messages that glamorize and normalize gun violence, prisons, and abusive treatment of women, and promote disrespectful racial and gender stereotypes. The counter message needs to be transmitted loud clear by our core institutions, so our children have a positive vision of societal values. Continued community silence and patronizing stance, only perpetuate underachievement and unsafe environments for children.

# **Juvenile Justice Disproportionate Minority Confinement Schools Workgroup Recommendation Report**

## **Members**

Chair Johnny Winston (MMSD), Judge John Albert (Juvenile Court), Lisa Dawes (SPSD), Jeanette Deloya (MMSD), Steve Hartley (MMSD), Esther Hefferman (Edgewood College), Bobby Moore (DCDHS), Dan Murphy (MPD), Daniel Steinbring (Lussier Education Center), Debbie Vieaux (DCDHS), Jeff Ward (Juvenile Court), Tracey Williams (Verona Area High School), Nancy Yoder (MMSD), Luis Yudice (MMSD).

## **DMC Support**

John Bauman (Juvenile Court)

## **Charge:**

The Schools Workgroup was asked to focus on the behaviors of students that lead to contact by school officials, the decisions made about how to address these behaviors and how discretion factors into the process. This included suspensions and expulsions, disciplinary codes, the role of law enforcement and truancy.

## **Background Data**

- African-American youth make up approximately 8% of the population of Dane County
- In 2007, African-American youth made up 23% of the MMSD, but were 62% of the students expelled. In 2006, the total was 22% and 60% expelled and in 2005, the total was 21% and 53% expelled.
- In 2006-2008, African-American middle school students were much more likely to be referred for insubordination relative to their representation in the overall student population. 64% of the referrals for insubordination were of African-American students vs. 21% of their total population in middle schools.
- In 2006-2008, 80% of the insubordination referrals for all students involved low-income students.
- In 2006-2008, there was a significant increase in insubordination referrals in 6<sup>th</sup> grade, a peak in the 8<sup>th</sup> grade and referrals tapered off in the 11<sup>th</sup> grade.
- In 2007, African-American males constituted 41% of juvenile court referrals generated from school based incidents compared to 25% for Caucasian males. African-American females were 17% of the total, compared to 8% for Caucasian females.

This workgroup met on five occasions and reviewed a wide variety of information and data. There was some brief discussion about the Verona and Sun Prairie School Districts, but the vast majority of the information and discussion was about the Madison Metropolitan School District (MMSD). Included were numerous reviews of established procedures or guidelines of the MMSD, including documents of: the MMSD Student Conduct and Discipline Plan, Aggravating Factors Analysis for Principals, When to Call the Police for Principals, School Safety Strategies, School Security Assistant's guidelines and the Early Re-Admission Process from expulsion.

The workgroup also heard from numerous staff on the above issues, as well as on pro-action and prevention strategies for students, the expulsion process and Human Services' role in working with difficult students. The group also examined data in the areas of teacher referrals for discipline, insubordination and expulsion, including the 2007-2008-expulsion report.

As a result of our workgroups analysis of the information presented and data reviewed, the following are recommendations that may help to impact DMC in the schools.

### **Recommendations**

1. Staff/student interactions-improve the skill levels of staff so they have a greater understanding of the student's culture and how that may influence their behavior and reactions in the school environment. Review teacher disciplinary referrals for trends and address disproportionate referral sources.
2. Skills development-implement or enhance the teaching of basic social skills and appropriate school behavior for students at all grade levels and in every school.
3. Transitions-increase the level of support for 5<sup>th</sup> and 8<sup>th</sup> grade students in their transition to middle school and high school.
4. School resource officers-review the role of law enforcement in the schools.
5. Expulsion-create an advocacy position outside of the school districts that can help students and families through the process and can advocate on their behalf. Review district disciplinary codes and the expulsion process to determine if other options are available or should be developed.

# **Juvenile Justice Disproportionate Minority Confinement Law Enforcement Workgroup Recommendation Report**

## **Members**

Chair Barbara Franks (DA's), David Mahoney (DCSD), Lieutenant Trevor Knight (MPD), Ken Snoddy (MPD), Dan Murphy (MPD), Dennis McClain (DCJD), Tamiko Dixon (DCDHS), Hong Pham (DCDHS), Yolanda Woodard (Attorney), Deedra Atkinson (UWDC), Peter Munoz (Centro Hispano), Parveen Verna (Centro Hispano).

## **DMC Support**

Rhonda Voigt (DCDHS)

## **Charge**

The Law Enforcement Workgroup was charged with examining the initial law enforcement/juvenile contact, assessing the availability and use of alternatives to arrest, and determining how discretion factors into the policing process.

## **Background Data & Problem Statement**

Along the continuum of decision points in the juvenile justice system from initial law enforcement contact through disposition and beyond, the decision to arrest is the first and arguably the most powerful indicator of future impact on the alleged offender and the affected community. However, the philosophy of any given police department is determined by the leadership of that department, tempered by community expectations. A police officer's response to misbehavior and law violations of juveniles is often dictated by the aforementioned factors but is also influenced by the personality and beliefs of that individual officer.

Law Enforcement in Dane County encompasses urban, suburban and rural agencies incorporating a plethora of policies, procedures, practices, philosophies and community expectations. The two major law enforcement agencies in Dane County are the Dane County Sheriff's Department, with approximately 452 sworn officers, and the Madison Police Department, with approximately 438 sworn officers. The other law enforcement agencies in Dane County have jurisdiction based in and around the municipalities of Cottage Grove, Cross Plains, Deforest, Fitchburg, Maple Bluff, McFarland, Monona, Mount Horeb, Middleton, Oregon, Shorewood Hills, Stoughton, Sun Prairie, Town of Madison, Verona and Waunakee. The University of Wisconsin Police Department, the Wisconsin Capital Police Department and the Wisconsin State Patrol exercise concurrent jurisdiction.

More than 100,000 juvenile arrests are made each year in the State of Wisconsin. In 2007, black juveniles in Dane County were arrested at a rate of almost seven black juvenile arrests for every white juvenile arrest. This trend has steadily increased each year from 2003 to 2007. Among the Wisconsin counties with the highest concentration of black youth, Dane County has the highest relative rate of arrests for black youth in the State.

Data is insufficient to determine the relative rate of arrests for Hispanic youth, largely due to the justice system's failure to accurately identify and document Hispanic and Latino youth. In fact these youth are often categorized as "white". Not only does this practice make Hispanic and Latino youth somewhat invisible, it effectively under-estimates the disproportionality between the arrest rates of white and black youth. Historically, Asian youth have had lower arrest rates than any other ethnic group.

The shocking rate of disproportionality at the point of arrest is just the beginning of what statistics have shown to be a pattern of escalating disparity at each successive decision point throughout the entire juvenile justice system. Hence, there is a need to explore each decision point to identify factors that may contribute to this disproportionality, and to fashion recommendations that may help to reverse this disturbing trend.

### **Description of Efforts**

The Law enforcement group met three times: 11/20/2008, 1/6/2009 and 2/12/2009. At the first meeting, Chair Barbara Franks presented the group with an overview of the Statewide Disproportionate Minority Contact (DMC) Initiative and Dane County DMC efforts to date.

During subsequent meetings, there was broad discussion on a number of issues leading up to the final recommendations. Three areas of concern were identified: the role of law enforcement officers in schools, police/community relations and interpersonal contact between law enforcement representatives and youth of color. The committee acknowledged that law enforcement officers have a substantial amount of discretion. However, even if an individual officer wanted to resolve an incident short of full system involvement, he or she would have to personally undertake every step necessary to accomplish this goal. Even one attempt to divert a youth would be labor-intensive and in most cases, cost - prohibitive. For example, one officer described his attempt to resolve a juvenile theft informally. By the time he had completed the investigation, recovered the stolen property and had the perpetrator make amends to the victim in a satisfactory manner, he had very little time left during his eight-hour shift to accomplish anything more.

Committee members also discussed law enforcement program models being utilized in other states to address DMC. Two such programs were: The Memphis Model, which addresses mental health issues and channels cases into services before reaching a crisis level; and the New Jersey Model which involves officers with pre-K and elementary schools in an effort to normalize relationships with law enforcement at an earlier age. Other program models demonstrated strong partnerships between law enforcement and communities. In addition to identifying service gaps, committee members were encouraged to present ideas that could be achieved through collaboration and minimal or no additional funding.

### **Summary of Discussion**

- **The Impact of Neighborhood Policing on DMC**

The relationship between law enforcement personnel and communities of color can at best be described as troubled. It is a double-edged sword. On one hand, people of color are highly over-represented in low-to moderate income urban areas. Where there is poverty, extreme unemployment and inadequate housing, crime flourishes. Out of necessity, police are highly concentrated in these high crime areas to enhance citizen protection. Residents are grateful for the protection. However, where police are heavily concentrated, there are greater opportunities to encroach on citizens in unwanted ways. Citizens are frustrated and resentful.

In recent years Dane County, particularly the City of Madison, has experienced substantial growth in families of color moving into the area to provide a better life for their families. This is most evident in the increasing numbers of black students enrolled in the Madison Metropolitan School District. Some of these families bring with them a history of urban experiences, including negative police interactions and perceptions. This is true for both adults and juveniles.

These are not issues unique to the City of Madison. People of color in surrounding communities of Dane County continue to voice the very same concerns, but feel more isolated and unsure about how to address their concerns. All issues discussed herein of relevance to the City of Madison also apply to the rest of Dane County.

There is a great deal of agitation and distrust between police and communities of color. People of color believe that they are unfairly targeted by law enforcement officers, most of whom are white. To exacerbate the situation, many youth of color are hyper-sensitive to issues of fairness and tend to physically escalate when they believe they are being treated unfairly. Moreover, many black youth tend to lash out if they are in crisis mode and *anyone* attempts to redirect them *physically* (School administrators, other students or law enforcement officers). Officers are in turn shocked by what they perceive as a lack of respect and cooperation from teens of color. The outcomes of these encounters are most often less than desirable.

The Madison Police Department (MAPD) is a strong proponent of community policing. The belief is that by accentuating the “helping presence” and proactive role of officers, better relationships can be fostered. MAPD also employs five community policing teams throughout the City of Madison as well as 11 neighborhood officers.

- **The Impact of Educational Resource Officers on DMC**

Every community has a goal of providing the highest quality education to its youth in the safest environment possible. To that end, communities also decide whether, and to what extent police will have a routine presence within the school. The school administration has the choice of whether to provide its own security, enter into an agreement with the local police department, or both. The challenge is to adequately delineate roles and to ensure that each party understands the parameters. Otherwise, police presence may be utilized to intervene in disciplinary issues under the “catch-all” offense of disorderly conduct, which is the number one juvenile offense in Dane County. In 2007, teens of color accounted for 60% of the disorderly conduct referrals coming from schools. In 2008, 48% of all of the DC referrals coming from schools were males of color. These behaviors may have been addressed by the school had the officer not been so readily available. This may unintentionally contribute to widening the juvenile justice net and to DMC.

The Madison Police Department contracts with the Madison Metropolitan School District to place an educational resource officer (ERO) in each of the four Madison high schools. Committee members reported that the Madison Police had been increasing its presence in elementary and middle schools in positive, proactive ways, such as school presentations. When funding for these efforts ran out, there was no outcome data that would support future funding requests. The lack of parental and other community adult involvement in this model also added to the lack of support for continuation and expansion.

Sheriff Mahoney presented information regarding the typical weekly activities of the one ERO position within his department. This position differs from the ERO’s in MMSD, who are assigned by the Department to serve in this capacity. The Dane County officer is selected with substantial input by the school. This officer spends a significant amount of time counseling youth regarding their behaviors,

facilitating mediation, working with guidance counselors and parents, and tutoring students. This officer has been known to teach academic classes such as English, and physical education classes. The officer continues to work in the community during school breaks and throughout the summer months to maintain positive relationships with the students and families.

Committee members supported elimination of time limits for ERO assignments, recommending that this be a highly specialized, on-going assignment. ERO's could also serve as trainers to other officers on juvenile justice issues.

- **Assigning And Training Officers To Work Effectively With Juveniles**

Interacting with juveniles is still considered by the vast majority of law enforcement officers as an annoyance that distracts them from doing "real police work". In some cases, it is seen as an assignment appropriate for newer officers who don't have enough seniority to object, or as an opportunity for seasoned officers to pass time on the way to retirement. Moreover, patrol officers aren't given enough training to understand *why* interactions with juveniles and young adults should involve different strategies for engagement than adults. This contact often occurs under high stress circumstances and the outcome of this contact often sets the tone for lasting perceptions. Many youth of color who have never personally had police contact have invariably heard horror stories of how family members or friends have been treated when they have come into contact with police officers.

The group agreed that collaborative training sessions including both school personnel and police officers regarding the following issues would be a positive step in addressing DMC throughout our juvenile justice system: adolescent development, brain research, cultural issues, methods of de-escalation, teaching youth coping strategies, working with special education students and the importance of including parents when working with teens.

- **Better Coordination Between System Partners to Maximize Available Diversion Alternatives and Developing Alternatives Where Needed**

Officers reported a lack of alternatives to arrest either in the school or the community. They advocated for initiating programming that would allow officers to remove youth from the school setting to diffuse the situation, re-direct behaviors, contact the youth's family and mediate situations prior to the youth's return to the school setting. Using this type of programming for situations outside the school setting could also be useful in some instances. Committee members supported the idea of direct family referrals by Law Enforcement to specific services that may address incidents without further legal system involvement. The committee also recommended compiling a list of available services that would include mental health resources that accept underinsured/uninsured families.

Current options available for officers as a diversion from juvenile court referrals:

- Refer back to school officials.
- Counsel youth and release.
- Refer youth to teen court.
- Talk with parent regarding available services (Briarpatch, Family Service, other counseling, etc).
- Issue a municipal citation.

**OR**

- Arrest youth and rely on “system” (social services, prosecution) to divert.

Issuing a municipal citation has traditionally been the most expedient way to avoid a delinquency referral. If the fine is paid in a timely manner and the lesson is learned, this may be a desirable outcome. For youth and families with limited income, however, greater system collaboration is needed. Some communities in Madison have found success in using Youth Courts to deal with municipal violations. These Youth Courts often include the use of Time Banks, which are based on restorative justice principals, as dispositions for cases referred. Expansion of these efforts greatly benefit the community while simultaneously reducing the number of unpaid municipal citations that later effect one’s ability to obtain a valid driver’s license .

Most recently, the Dane County Neighborhood Intervention Program ADDS 11 (Assessment, Deflection, Deferment, and Stabilization) has been working to address the issue of DMC. Through this program, groups are offered in various middle schools in Dane County, and seem to be effective in teaching anger management , conflict resolution, coping and other social skills. One of the goals of this program is to decrease justice system referrals for inappropriate behaviors. However, the ADDS11 program was designed to accept referrals after the juvenile has been arrested and referred to the Court system. The objective is to identify youth at the early stages of law-breaking behavior, and give them tools to avoid such behavior in the future. However, in order to demonstrate impact on the Dane County juvenile arrest rates, law enforcement discretion is key. It is at the point of initial law enforcement contact that officers can make the decision (in lower level incidents) whether to divert the juvenile to community-based options, or to pass them on to the system as another arrest statistic.

The importance of prevention efforts was also discussed. Primary prevention programs are designed to target the general youth population, providing positive activities while minimizing opportunities for anti-social behavior. However, in an era of ever-shrinking budgets, prevention programs are the first to go. System attention is most dominated by problem issues that must be addressed. Moreover, funding priority is most often given to programs with a proven record of effectiveness. The positive impact of prevention programs is difficult to measure. D.A.R.E. programs have been operating at the late elementary/ early middle school level for a number of years. It is widely accepted that these programs are an effective prevention strategy and provide an important public service, but it is difficult to measure outcome.

**Reversing the Trend of DMC Requires System Change**

In addressing the phenomena of DMC, the natural inclination is to focus on setting up programs designed to change the behavior of specific youth. That type of program is clearly a necessary component in a comprehensive strategy. However, unless decision-making within the entire system is also analyzed, DMC will continue to be a problem. Juveniles will pass through and age out of the juvenile system, and they will be replaced by newcomers who will also require programs and more funding. Only targeted and sustained system and institutional change can make a dent in the complex issue of DMC.

Legislative change must also be considered. For example, in 2007, juvenile arrests for property crimes comprised approximately 20% of all juvenile arrests Statewide. Within the category of Property Crimes, Theft accounted for more than 50% of arrests. Yet, the City of Madison does not have a municipal Theft Ordinance, as do some surrounding communities. Depending on circumstances, some lower level theft offenses could be disposed of as citations, resulting in municipal court involvement with possible Peer Court and Time Bank referrals.

A change in theft charges *alone* will not likely significantly decrease DMC, however. Committee discussion often returned to the effect of poverty and school issues on families of color and the profound impact that they have on DMC. These issues will be analyzed in other sections of this report.

The Committee recognized that a significant number of families of color come to Dane County in search of a better life only to find that the communities here differ in many respects from the communities they left behind. There is a need to welcome new families and to educate them about our unique communities.

## **Recommendations**

1. Expand training for police and school staff together regarding the importance of understanding DMC, strategies to address DMC in their respective roles, cultural sensitivity and competency, mental health, child/teen development and behaviors, adolescent brain development and family involvement in solutions.
2. Expand conflict resolution/anger management programming (i.e. D.A.R.E., ADDS 11) to elementary and high school levels. This effort could be funded through United Way grants.
3. Explore a cooperative effort between schools, community agencies and law enforcement to create a staffed community setting where youth could be taken to diffuse tense situations, re-direct behaviors and mediate solutions prior to the youth's return to the school setting. Parents would be notified of this action by the officer or the staff at the setting.
4. Expand youth courts and time banks to include additional geographic areas in Dane County.
5. The concepts of community policing teams and neighborhood officers are effective strategies to gauge citizen concerns about the justice system. Neighborhood officers could take a leadership role in soliciting and coordinating system partners to hold periodic community forums on justice issues of concern to communities of color, including orientation to the juvenile court system. In coordination with programs such as Joining Forces for Families, neighborhood officers could team up with other system partners to hold a periodic welcome reception for families new to the community to orient them to the community. Representatives of community associations, the faith community, local businesses and others may contribute to welcome baskets with community resource literature included.
6. Madison has a significant problem with youth misbehavior at bus transfer points during the hours of travel to and from school. Officers should be stationed at these locations during peak hours to dissuade misbehavior. In addition to interacting with and getting to know the youth, they should hand out "consequence cards" to unruly youth, informing them of what could happen if unacceptable behavior were to continue. Follow-up with parents regarding misbehavior is also an option.
7. Develop a protocol for effective interaction with youth and train officers in these principles. Important considerations should at a minimum include: how to approach youth, what to say, use of voice, body language and de-escalation skills.
8. Cultivate community good will by reinstating an initiative such as the old PAL program (Police Activity League). Use this or similar opportunities to reach out to youth of color, talk to them about police work and career options. Seek out opportunities to formally honor positive achievements of youth of color, and publicize the event.

9. Enlist the assistance of the municipal court system and community-based programs to establish a mechanism for conversion of municipal tickets to community service hours and monitor progress.
10. Support legislation that reverses provisions for suspending or revoking driving privileges for non-payment of fines unrelated to bad driving.
11. Law enforcement officers should receive on-going, basic training on Hispanic cultures and conversational Spanish so they may better communicate with Hispanic youth and their parents. This is especially important with the rapid population growth currently occurring and projected for this group in the community.

# **Juvenile Justice Disproportionate Minority Confinement Custody, Screening and Petitioning Workgroup Recommendation Report**

## **Members**

Chair David Thorson (DCDHS), Eileen Backes (DCDHS), Casey Behrend (YSOSW), Mike Walsh (DA's Office), Luis Yudice (MMSD), Jim Olds (Juvenile Court), Robert Weatherby (DCDHS), Ann Marshall (Juvenile Court), Ben Gonring (SPD), Stan Woodard (Lussier Heritage Center).

## **DMC Support**

John Bauman (Juvenile Court)

## **Charge**

The Custody, Screening and Petitioning Workgroup was asked to examine current practice in Dane County related to the custody decision making process, how law enforcement referrals are screened, and how petitioning/charging decisions are made. This workgroup reviewed a wide variety of information and data. Included was a review of the current custody screening tool utilized by JRC as well as those used by Milwaukee County, Rock County, and Winnebago County. We also examined presumptive hold data and the current practice of DCDHS related to case assignment of youth being held in secure custody. We reviewed the current hybrid model being utilized in Dane County for screening law enforcement referrals, and contrasted that to what is statutorily required. The Dane County model was compared to that utilized by Kenosha County and Columbia County. In addition we looked at the MMSD guidelines for involving law enforcement in school disciplinary situations, and the MPD guidelines for referring to JRC. DCDHS data related to DMC was reviewed as well as the limited data available on Human Services management of Deferred Prosecution Agreements. Staffing issues (possible loss of a position) as it relates to prosecution decisions by the juvenile division of the District Attorney's Office was discussed.

## **Background Data**

- African-American youth make up approximately 8% of the population of Dane County.
- In 2007, 973 youth were referred to JRC for a custody intake decision, 68% of these youth were minority.
- In 2007, minority youth comprised 73% of the youth held in secure custody.
- In 2007, African-American youth made up 51% of all referrals to Juvenile Court. Of the female referrals, 57 % were African-American and 36% were Caucasian.
- In 2007, the District Attorney recommended 52% of the Caucasian youth referred be prosecuted for formal delinquency compared to 60% for African-American and 77% for Hispanic.
- In 2007, African-American males constituted 41% of referrals generated from school based incidents compared to 25% for Caucasian males. African-American females were 17% of the total, compared to 8% for Caucasian females.

## **Overview**

Minority youth in Dane County are held in secure custody at a disproportionate rate compared to

their percentage of the population. They are also over represented in the number that are referred for formal court charges, and in the severity of those charges.

## **Recommendations**

1. JRC should continue to explore the use of a more proscribed custody-screening tool, if one can be found that would increase consistency in decision making without compromising public protection or unnecessarily exacerbating DMC. If a promising tool is located, JRC should pilot its use by running it parallel with the current process. Presumptive hold for OMVWOC should be reviewed/reconsidered.
2. DCDHS and juvenile court should develop services that would increase support to youth on NSC or TRSC orders that are placed in their parental home or shelter home. The goal would be to reduce violations (especially AWOLs) that lead to a return placement in secure custody.
3. DCDHS should revise the case assignment process for youth who are newly assigned due to placement on a custody order. A social worker should be assigned immediately upon learning of the custody status/hearing, and that worker should begin assessment information gathering immediately. DCDHS should commit to always having a worker present at initial custody hearings.
4. JRC staff should have limited access to WiSACWIS in order to enhance their information base when making custody decisions.
5. Law enforcement is in need of an alternative to referral to JRC when they are called upon to intervene in school based incidents – especially for misdemeanor offenses such as disorderly conduct, battery, resisting, and marijuana possession. DCDHS, juvenile court, MPD, and MMSD should collaborate on developing this resource.
6. Continued review of how Dane County utilizes waiver is needed, as well as gathering outcome data. The workgroup was unable to evaluate this issue sufficiently to provide any specific recommendations. Waiver application will become of even greater importance should 17 year olds once again be prosecuted in juvenile court.
7. DCDHS and the District Attorney’s Office should continue to review the screening process and explore transition to the more traditional model. Prior to that occurring the following issues need to be addressed:
  - a. How to ensure at the outset that police investigations are adequate and minimize delay if additional evidence gathering is necessary.
  - b. DCDHS needs to begin tracking Deferred Prosecution Agreements, clarify case management expectations, and consider altering the case assignment procedure in order to enhance supervision.
  - c. DCDHS needs to ensure an adequate service array is available to ensure community protection, accountability, and competency development for DPA cases.
  - d. DCDHS needs to develop a process that ensures swift screening and a timely assessment of all DPA cases, as well as for those that are recommended for formal prosecution.

## **Attachments**

- Summary of Delinquency Intake in Dane County – Mike Walsh (DDA)
- Summary of Delinquency Intake by Human Services – Eileen Backes (DCDHS)
- JRC Screening Tools
- MPD Guidelines for Referral to JRC
- MMSD Guidelines for When To Call Police
- DCDHS and Juvenile Court Statistics/Data

# **Juvenile Justice Disproportionate Minority Confinement Confinement Disposition and Placement Workgroup Recommendation Report**

## **Members**

Chair Diane Prellwitz (DCDHS), Mike Walsh (DA's Office), Mitch Cooper (PD), Jay Kiefer (YSOSW), Ginny Whitehouse (DCDHS), Suzanne Stute (Juvenile Court), Sarah Thomas (DCDHS), Lani Urbas (DCDHS), Michael Dyer (Foster Parent), Kim Vagueiro (DCDHS).

## **DMC Support**

Rhonda Voigt (DCDHS)

## **Meeting Dates**

11/12/08, 1/7/09, 2/4/09, 2/18/09, 3/5/09 and 3/17/09.

## **Charge**

Make recommendations on how to decrease the disproportionate rate of out of home placements for African-American youth who are in the juvenile justice system.

## **Premise**

The focus of this subgroup was the disproportionate out of home placement of African-American youth who are adjudicated delinquent. Wisconsin statutes allow ten year olds to be adjudicated delinquent and mandates 17 year olds to be charged as adults. However, youth can remain on a juvenile delinquency order until their 18<sup>th</sup> birthday so the populations we are looking at are ages 10 – 18. The 2008 average daily populations for children 10 to 18 years old in out of home placements (both CPS and delinquency), identified by race (for our purposes only white and African-American are being looked at) are as follows:

### Foster Care

White: 60.6

African-American: 60.2

Note: If foster care for ages 0 – 18 is looked at, the average daily population for 2007 for white children is 83 and for African-American children it is 105.7.

### Group Home

White: 22.8

African-American: 24.3

### RCC

White: 14.2

African-American: 25.8

### Kinship

White; 55.1

African-American: 103.7

### Corrections

White: 4

African-American: 19 (with four of these going from FOCUS RCC to corrections due to violations of their court order).

Neil Gleason, DCDHS, estimates that African-American children are 11% of the Dane County population of children ages 0 to 17 and white children are 75.5 % of the same population. For ages 10 –17, the percentages are 10.7% African-American and 77.5% white. Mr. Gleason also reports that approximately 40% of the disproportionate rates for African-American youth involved in the juvenile justice system are the result of disproportionate referrals into the system. Although the above placement numbers are for ages 10 – 18 it is clear that African-American youth are disproportionately placed across the board with the numbers for RCC, kinship and correctional placements being extremely disproportionate. The number of African-American children in kinship placements reflects the willingness of extended families to step up and take responsibility for children in the family whose parents are unable or unavailable to parent; this would be considered the least restrictive type of out of home placement. On the other hand, RCC's and corrections are the most restrictive.

In the article Racial and Ethnic Disparity and Disproportionally in Child Welfare and Juvenile Justice: A Compendium, it is stated that “disproportionally can be conceptualized as unequal rates of entry and exit between populations”, i.e. African-American children are more likely to go into out of home care and less likely to leave. When disproportionally is seen as a function of disparities in the rates of entering and exiting various populations (for example youth under court supervision), it becomes apparent that it is necessary to target the underlying disparities that lead to it. “To the extent that entry and/or exit disparities are a function of differences in the way children are treated because of their race, because of their needs or for some other reason, those sources of disparate treatment have to be evaluated relative to the processes that define entry into and exit from the system”, in this case out of home placement and especially RCC and corrections for African-American youth who are adjudicated delinquent. The article goes on to say that most research on DMC interventions in juvenile justice merely verifies the existence and scope of disproportionally, versus identifying sources of disparity and evaluating the effectiveness of measures to reduce disparity. However, it also acknowledges that assessment is difficult because juvenile justice encompasses several systems which address different decision points and use different methods of tracking (police track arrests; prosecutors track court filings; court counts cases and service providers count youth).

In recent years the W. Haywood Burns Institute of San Francisco became one of the more popular sources of ideas for reducing juvenile justice disparities. “When the Burns Institute is invited to assist a community with a disparity reduction effort it works with the local stakeholders ((parents, young people, judges, probation/human services staff, prosecutors, public defenders law enforcement, political leaders, service providers and community groups) to achieve consensus on a plan of action, to begin an ongoing examination of system data and to oversee a revolving process of planning, acting and reviewing outcomes.” Each community the Burns Institute works with must also hire a locally based DMC coordinator. Highlights of this article were shared with the JJ DMC Placement Subgroup along with the reality that we are in very tight budget times and are not in a position currently to engage in such a huge undertaking. However, it is clear from the article that such a comprehensive approach is the ideal way to methodically assess and tackle the JJ DMC issue.

The Disposition and Placement Subgroup engaged in several good discussions about the wide range of reasons why African-American youth are disproportionately involved in the juvenile justice system and are more likely to get placed or go to Corrections than their white counterparts. The top three reasons the subgroup identified for why youth are placed are:

- Chronic non-compliance with court orders (though there is evidence that curfew violations and truancy are predictors of recidivism so the non-compliance isn't necessarily a stand alone reason).
- Committing a new law violation, especially if it involves harm to a person, a weapon (for example armed robbery even if the weapon is not used) and/or is gang related.
- Parents who are resistant to court involvement and services or are unable or unwilling to provide adequate supervision and who are seen by the system as "part of the problem".

The group also agreed that when youth enter the juvenile justice system at a young age their chances of being placed go way up because the system "runs out" of other options to address their delinquent behavior. Additionally mental health issues, AODA issues, cognitive impairments and a pattern of going AWOL all increase the likelihood of placement.

In an effort to start identifying how to address disproportionate placement of African-American youth, the group reviewed and discussed the Juvenile Delinquency Assessment. The thought was that there might be aspects of this assessment, especially the Risk Assessment and the Strength/Needs sections, which are biased either inherently or by how the ratings are done by individual workers. Ultimately there was unanimous agreement that it is the narrative sections of the JDA which are most looked at by social workers, attorneys and judges. In other words it is the description of what is going on with the youth and family versus the rating scales that is used to form opinions about what should be recommended. However, it was suggested that consistency would improve if the strength/needs rating definitions could pop up when clicked on since most workers do not refer to the manual.

The group also discussed the standard "rules of supervision" and asked whether there were some that could be omitted with the reasoning that if a youth weren't court ordered to attend school, follow a curfew or abstain from drug use, they would not be in violation if they did not comply with these expectations. The consensus was "no". It was generally thought that these "rules" serve a purpose, are comparable to what most parents expect from their adolescent children and at least curfew and school attendance are tied to recidivism.

In the last two meetings, the group focused on three problems that can result in out of home placement and came up with the following recommendations.

Problem: Negative behaviors, often in school settings, get kids into the juvenile justice system early, making them more likely to end up deeper in the system.

### **Recommendations**

- Continuation of/expansion of prevention and early intervention services located in schools and neighborhoods. In these times of tight budgets, collaboration with schools, neighborhood centers and other community agencies will be essential so services are not duplicated.
- Increase use of DPA's (per Mike Walsh, Assess for Deferred Prosecution referrals to DCDHS have increased to 50% in January and February from 33-35 %). Agreement that in order for this to be effective, there will need to be written DPA's with services more typically used in court ordered cases and adequate social worker case management to monitor

engagement in services. There was also discussion of using a group approach for at least some DPA cases. Ideas included doing a group similar to the retail theft group which has both a youth and parent component; Circle sentencing which is currently being used for some municipal citations in the Allied Neighborhood and continuation of/expansion of ADDS which provides redirective groups, supervision and school intervention to middle schoolers with first offenses.

Problem: Parents who do not trust the “system” or who may be dependent on it and who consequently are disengaged and/or feel powerless.

### **Recommendations**

- Include a family assessment in the JDA. The youth is part of a family and we need to understand how life experiences, race, poverty, culture and values have shaped the youth we are working with and the family system. Is it likely we would find families with similar characteristics (a family type so to speak) that could guide what services we recommend? For example, there may be some families who are really not appropriate for family therapy even though there are a lot of family issues. Services should be meaningful and helpful to the family.
- Do exit interviews of parents to get feedback about what we are doing that is perceived as helpful, what is not and what we could be doing better. These could be done by supervisors and should be done in person. Essentially it would be a conversation about that parent(s) experiences with the social worker and service providers.

Problem: Inadequate supervision of juveniles, increasing the likelihood that they will get into trouble.

### **Recommendations**

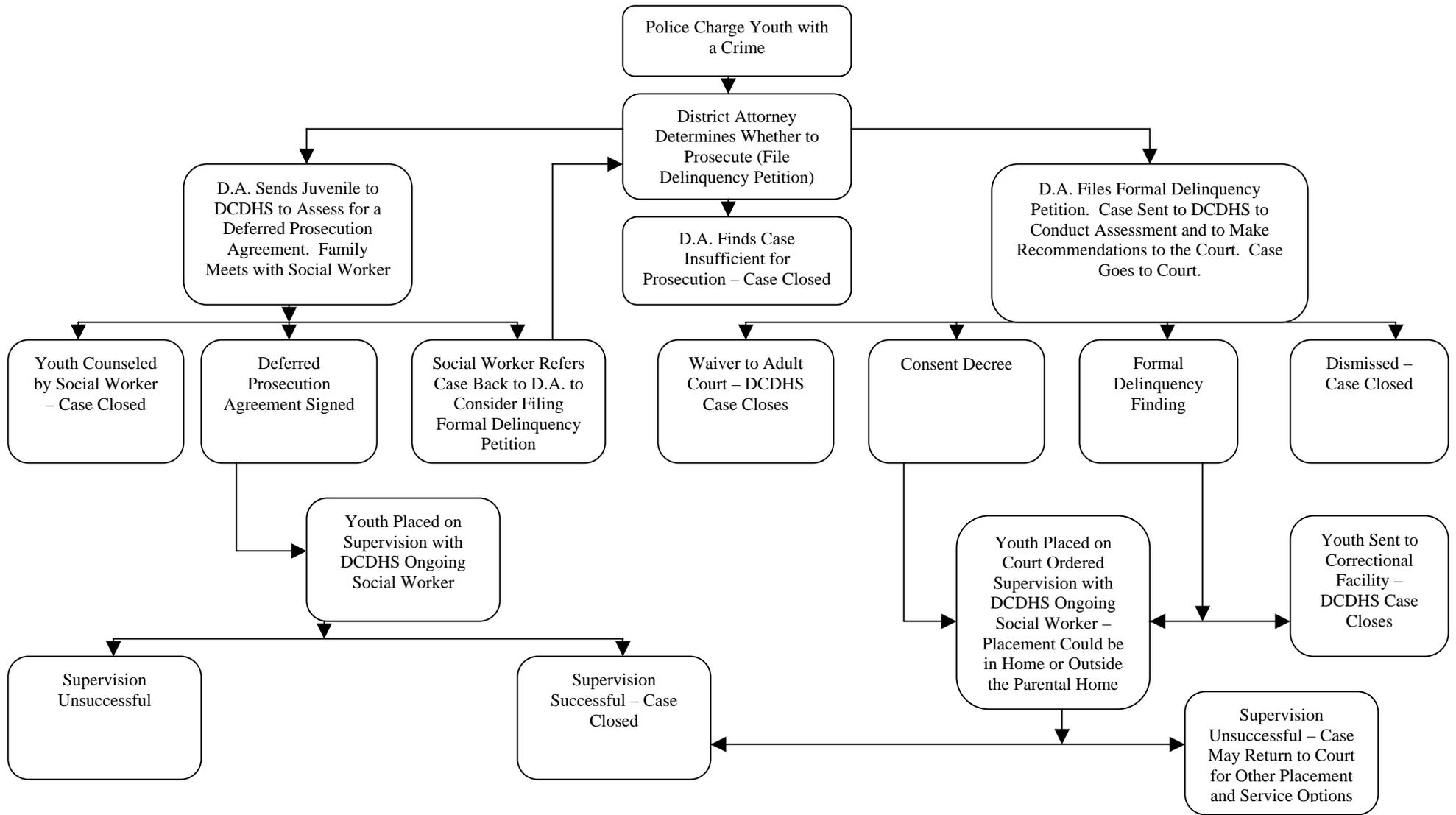
- Provide supervision that is consistent yet realistic and flexible enough to take into consideration individual circumstances (i.e. we talked about how some youth may leave home—go AWOL or break curfew—because they need a break from the chaos in their homes; how do we accommodate this without letting the youth think it is O.K. to do as he/she pleases and is out on the street?).
- Face to face contact and interaction with the youth is essential. Although the community supervision workers do most of this while they are involved, the assigned social worker and others share the responsibility.
- Youth need to be in after school groups or activities or working. These could be through DCNIP or CAP for some youth but the Youth Skills Survey and competency development plan should guide this so the youth has something and/or someone in place when the court order ends.
- GPS monitoring for higher risk kids.
- Explore the effectiveness of the 72-hour hold by checking with counties who use it. The thought is that if we do more immediate interventions when a youth is early into the system, it may turn things around. The concern is the potential for over-using or using with youth who are not high risk. Research shows that consequences are not very effective unless combined with relationships and effective programming. There would need to be specific criteria and a gate keeping method in place and of course the County Board would have to approve.

- Continue to focus on school engagement since youth who are attending school are supervised during the school day and are also less likely to engage in delinquent behavior if they are engaged in school.

### **Other Recommendations**

- Include a “neighborhood assessment” in the JDA since youth are oftentimes a product of their neighborhoods out of necessity. What are neighborhood resources? Is there a neighborhood officer?
- Do a further analysis of ARB recommendations. What are crimes? What has been tried? What are presenting issues?
- Use family group conferencing to discover family resources for activities, support, supervision and respite.
- Ongoing dialogues with CYF staff about race and diversity. Need to create a safe place to talk about racial bias—unconscious, perceived and real. The YWCA has sponsored some groups and engaging in this type of discussion with non-co-workers may increase comfort level—what is being offered in the community would need to be explored.

# DCDHS Delinquency Services Flow Chart



# Dane County Balanced and Restorative Justice **Juvenile Assessment Manual**



**Lynn Green**  
**Children Youth and Families**  
**Division Administrator**

**Stephen D. Blue**  
**Delinquency Services Manager**

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**2001**

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## I. Introduction

The Assessment of juveniles and families and the effective delivery of services to juveniles and families are the keys to the continued strengthening of delinquency casework at the Dane County Department of Human Services.

The revision of the 1996 DCDHS Juvenile Delinquency Intake Assessment process and form is ongoing as we attempt to incorporate changes suggested by our professional social work staff to strengthen assessments and to provide services to the families of Dane County.

The process continues to include:

- Collection of demographic juvenile and family information
- Identification of juvenile and family strengths and needs
- Classification of juvenile delinquency recidivism risk
- Determination of a service-placement-level linked to appropriate services
- Construction of an individual, family and community strengths/needs balanced and restorative plan.

The form contains:

- Juvenile/family data [revised]
- Recidivism risk tool
- Strength/needs assessment [revised]
- Service-placement-level tools [revised]
- Court report format [revised]
- Transfer summary/termination report

The Assessment is a **working document**. It is completed as part of the social worker's case-planning, case-decision-making, and case-implementation processes. A Juvenile Delinquency Assessment will be performed in all new delinquency case situations and **JIPS** cases involving children under the age of 10 who have committed law offenses. It is intended to replace all other assessments including the Report to the Court. It serves as the transfer summary or termination report as appropriate. It serves as the core of referral materials to delinquency-focused POS agencies.

For open cases a **complete** review and update of the Assessment will be performed for all new formal and informal referrals. The Assessment is intended to be used as a document reflecting the progress of the case, but for those open cases with no notable activity, a complete review and update will be performed six months from the last Assessment.

Responsibility for these mandates lies with the assigned unit.

## **II. JUVENILE DELINQUENCY ASSESSMENT/ REPORT TO THE COURT**

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- I. JUVENILE DATA
- II. FAMILY DATA
- III. JUVENILE / FAMILY ISSUES
- IV. OTHER
- V. COMMUNITY PROTECTION STRENGTHS / NEEDS ASSESSMENT
- VI. COMPETENCY STRENGTHS / NEEDS ASSESSMENT
- VII. ACCOUNTABILITY STRENGTHS / NEEDS ASSESSMENT
- VIII. WISCONSIN DELINQUENCY RISK ASSESSMENT
- IX. DCDHS JUVENILE DELINQUENCY SERVICE-PLACEMENT GUIDE
- X. ASSESSMENT CONCLUSIONS
- XI. COURT RECOMMENDATIONS
- XII. SUMMARY OF CASE DISPOSITION
- XIII. TRANSFER SUMMARY/CLOSING SUMMARY



Significant extended family - names, relationships, living situations, concerns: \*

Family insurance information (providers, coverages, numbers): \*

---

### III. JUVENILE / FAMILY ISSUES

Juvenile / family members AODA issues: \*

Juvenile / family members mental health issues: \*

Juvenile / family members - past and current treatment/services: \*

Family members - previous agency involvement / court history: \*

Juvenile previous agency involvement: \*

Juvenile court history: \*

Date of Offense	Offense	Disposition	Law Enf./Ct Case #	Date Supervision Ends
				<i>Add next row by tabbing</i>

Significant family history: \*

Juvenile / family cultural considerations: \*[Any native American heritage?]

---

### IV. OTHER

In re current law offense(s): specify charges \* [Match this to the petition charges]

Juvenile's explanation of involvement: \*

**Victim Impact Statement** (if submitted by victim) \*

Juvenile accepts responsibility: Y/N \*

Incident was premeditated or spontaneous: \*

Juvenile's plan as to future offenses non-involvement: \*

Parent helped juvenile take responsibility: Y/N \*

Parent helped juvenile understand victim impact: Y/N \*

Parent imposed consequences: Y/N \*

Parent's plan as to future offenses non-involvement by juvenile: \*

**Significant information not presented elsewhere: \***

## V. COMMUNITY PROTECTION STRENGTHS / NEEDS ASSESSMENT

Please rate each question from 1-5, where 5 = strength, 1 = need, and 3 = unexceptional, then place an 'x' over the appropriate number in the column on the right.

Code: S = strength; U = unexceptional; N = need

### FAMILY

- |  | * <b>S</b> | <b>U</b> | <b>N</b> |
|--|------------|----------|----------|
| 1. Parent is aware of juveniles' friends, activities, whereabouts:         | 5          | 4        | 3 2 1    |
| *  |            |          |          |
| 2. Parent sets rules, monitors compliance, enforces consequences:          | 5          | 4        | 3 2 1    |
| *  |            |          |          |
| 3. Parent promotes, models non-criminal behavior:                          | 5          | 4        | 3 2 1    |
| *  |            |          |          |
| 4. Parent demonstrates cooperative behavior towards authority figures:     | 5          | 4        | 3 2 1    |
| *  |            |          |          |
| 5. Parent supports community consequences for juvenile's behaviors:        | 5          | 4        | 3 2 1    |
| *  |            |          |          |
| 6. Parent/family members have positive role models and/or support systems: | 5          | 4        | 3 2 1    |
| *  |            |          |          |

### JUVENILE

- |  |   |   |       |
|--|---|---|-------|
| 7. Juvenile complies with parent's rules and consequences:               | 5 | 4 | 3 2 1 |
| *  |   |   |       |
| 8. Juvenile accepts responsibility for choices, actions, consequences:   | 5 | 4 | 3 2 1 |
| *  |   |   |       |
| 9. Juvenile demonstrates cooperative behavior towards authority figures: | 5 | 4 | 3 2 1 |
| *  |   |   |       |
| 10. Juvenile has acceptable self-control and decision-making skills:     | 5 | 4 | 3 2 1 |
| *  |   |   |       |

## VI. COMPETENCY STRENGTHS / NEEDS ASSESSMENT

Code: S = strength; U = unexceptional; N = need

### FAMILY

- |  |            |          |          |   |   |
|--|------------|----------|----------|---|---|
| 11. Parent is a positive role model with respect to significant relationships: | * <b>S</b> | <b>U</b> | <b>N</b> |   |   |
| *  | 5          | 4        | 3        | 2 | 1 |
| 12. Parent acts responsibly as to use of alcohol and other drugs:              | *          |          |          |   |   |
| *  | 5          | 4        | 3        | 2 | 1 |
| 13. Parent uses acceptable discipline techniques:                              | *          |          |          |   |   |
| *  | 5          | 4        | 3        | 2 | 1 |
| 14. Parent communicates effectively with juvenile:                             | *          |          |          |   |   |
| *  | 5          | 4        | 3        | 2 | 1 |
| 15. Parent engages the juvenile in positive family and community activities:   | *          |          |          |   |   |
| *  | 5          | 4        | 3        | 2 | 1 |
| 16. Parent promotes juvenile's school success:                                 | *          |          |          |   |   |
| *  | 5          | 4        | 3        | 2 | 1 |

### JUVENILE

- |   |   |   |   |   |   |
|---|---|---|---|---|---|
| 17. Juvenile achieves within educational abilities:                           | * |   |   |   |   |
| *   | 5 | 4 | 3 | 2 | 1 |
| 18. Juvenile has interest/abilities in one or more academic/vocational areas: | * |   |   |   |   |
| *   | 5 | 4 | 3 | 2 | 1 |
| 19. Juvenile has long-term educational or vocational goals:                   | * |   |   |   |   |
| *   | 5 | 4 | 3 | 2 | 1 |
| 20. Juvenile is involved in constructive community / school activities:       | * |   |   |   |   |
| *   | 5 | 4 | 3 | 2 | 1 |
| 21. Juvenile demonstrates age-appropriate daily living skills:                | * |   |   |   |   |
| *   | 5 | 4 | 3 | 2 | 1 |

22. Juvenile demonstrates age-appropriate peer social skills:	*
	5 4 3 2 1
*	
23. Juvenile demonstrates non-problematic sexual behavior:	*
	5 4 3 2 1
*	
24. Juvenile demonstrates ability to learn from mistakes:	* <b>S</b> <b>U</b> <b>N</b>
	5 4 3 2 1
*	
25. Juvenile resolves conflicts in effective and non-violent fashions:	*
	5 4 3 2 1
*	

### VII. ACCOUNTABILITY STRENGTHS / NEEDS ASSESSMENT

Code: S = strength; U = unexceptional ; N = need

26. Juvenile has awareness of impact of his/her behavior upon victim:	*
	5 4 3 2 1
*	
27. Juvenile has remorse towards victim:	*
	5 4 3 2 1
*	
28. Juvenile willing to make amends to victim:	*
	5 4 3 2 1
*	

### VIII. WISCONSIN DELINQUENCY RISK ASSESSMENT

1.	Age at First Referral to Juvenile Court Intake	<u>Check (✓)</u>
	Under 15	2 *
	15 or Over	0
2.	Prior Referrals to Juvenile Court Intake	
	None	-1 *
	One or Two	0
	Three or More	2

3.	<b>Prior Assaults (includes but is not limited to use of a weapon)</b>	
	Yes	2 *
	No	0
4.	<b>Prior Court Ordered Out-of-Home Placements</b>	
	None or One	0 *
	Two or More	1
5.	<b>Prior runaways (from home or placement)</b>	
	None or One	0 *
	Two or More	2
6.	<b>School Behavior Problems (includes truancy)</b>	
	None	-1 *
	Minor Problems	0
	Serious Problems or Habitual Truancy Noted	2
7.	<b>History of Physical or Sexual Abuse, or of Neglect, as a Victim</b>	
	Yes	1 *
	No	0
8.	<b>History of Alcohol or Other Drug Abuse</b>	
	Yes	1 *
	No	0
9.	<b>History of Serious Emotional Problems</b>	
	Yes	1 *
	No	0
10.	<b>Peer Relationships</b>	
	Good Support and Influence	-1 *
	Negative Influence	1
	Strong Negative Influence	2

TOTAL RISK SCORE           \*

-3 to +1 LOW RISK

2 to 4 MEDIUM RISK

5 to 8 HIGH RISK

9 or Above VERY HIGH RISK

RISK LEVEL:           \*



**Level 1**

- \* Deferred Prosecution / Informal Disposition
- \* Consent Decree
- \* DCDHS Supervision (6 months or less)
- \* First offender programs
- \* Out-patient individual/family counseling (including AODA)
- \* Restitution, community service work
- \* Educational support programs
- \* Employment/training programs
- \* Consider for PASS
- \* Retail theft group
- \* Badger Challenge
- \* Aggression counseling /anger management
- \* Weekend Report Center

**Level 2**

Any Services from Level 1, Plus the Following:

- \* DCDHS supervision (6-12 mos.)
- \* Community supervision programs [Low to moderate supervision]
- \* In-home therapy services
- \* Foster home placements
- \* Group home placements
- \* Day treatment programs
- \* Sex offender services

**Level 3**

Any Services from Levels 1 & 2, Plus the Following:

- \* CCF Case management service
- \* Community supervision programs (moderate-intensive) (CAP, DCNIP, RTSC)
- \* Intensive supervision program (ISP)
- \* CCI Placement including Type II
- \* SPRITE

**Level 4**

Any Services from Levels 1, 2 or 3, Plus the Following:

- \* Serious Juvenile Offender program
- \* Corrections placement

In moving up the levels any services available at a lower level can be considered as part of a case plan for juveniles and their families.

## X. ASSESSMENT CONCLUSIONS

1. Notable risks, juvenile/family strengths, juvenile/family needs are as follows: \*
2. This juvenile's risk assessment level determination is: \*
3. This juvenile's service placement level determination is: Level \*
4. My recommended **BARJ-DC** case plan which promotes community protection, competency, and accountability is: \*
5. Educational Plan:

**Section XI COURT RECOMMENDATIONS below. If recommending that juvenile be placed out-of-home, skip this next section and complete Section XI - COURT RECOMMENDATIONS/OUT OF HOME PLACEMENT following this section.**

**XI. COURT RECOMMENDATIONS**

The following disposition employs those means necessary to most effectively promote the objects of public protection, competency development and accountability.

**A. That the Court approve a Consent Decree** with \*\*\*, with the following terms:

**OR**

**A. That the Court make / confirm a delinquency finding** and place [name of juvenile] under the supervision of DCDHS for a period of [length of time] through [date].

**B.** That [\*\*\*] be placed in the home of his parents, [parent’s names] and that the rules of supervision are as follows:

1. All parties shall be available to and cooperative with the DCDHS social worker, including signing consent for release of information forms.
2. [\*\*\*] shall demonstrate the ability to live an appropriate and law abiding lifestyle by:
  - a. Attending school regularly with no unexcused absences.
  - b. Neither using nor possessing any alcohol or illegal drugs.
  - c. Demonstrating his/her ability to control his/her own behavior.
  - d. Obeying the reasonable rules of his/her parents, school and social worker.
  - e. Committing no further law violations.
  - f. Engaging in no acts or threats of violence.
  - g. Participating in the DCNIP Weekend Report Center as required by the social worker.

*Optional:*

- h. Performing (restitution/ CS hours) under the supervision of the YRP.
  - i. Having no contact with (victims, co-defendants, etc.)
  - j. Cooperatively participating in (ATA, DCNIP CAP, etc) as recommended by the DCDHS social worker / any services recommended by the DCDHS worker, subject to review by the Court at the request of any party.
3. The juvenile be advised of these conditions that need to be complied with and the possible sanctions that may be imposed if these conditions are violated.

**OR**

**XI. COURT RECOMMENDATIONS/OUT OF HOME PLACEMENT**

The following disposition employs those means necessary to most effectively promote the objects of public protection, competency development and accountability.

**A.** It is recommended that the Court adopt the out of home placement findings made on [date] in case [court case #]. *[Note: Use this option when there is a previous finding and out of home placement. No additional out of home language is needed here – attach the previous court order]*

**OR**



**G.** The parents shall contribute to the cost of care for [\*\*\*] in an amount to be determined by the Department. **938.33(4m)**

**H.** Include on extension petitions and/or for amending permanency plan when:  
The current permanency plan is/is not appropriate.  
The circumstances that prevent a return to the parental home are:  
The circumstances that placement with a relative are:  
Changes in placement and services are:

Include if the juvenile has been placed outside the parental home for 15 of the most recent 22 months.

The circumstances that prevents the termination of parental rights and adoption or sustaining care are: **938.38(5)(c)(6)**

**I.** That the following are the rules of supervision, and the conditions that must be met for [\*\*\*] to return to the parental home:

1. All parties shall be available to and cooperative with the DCDHS social worker, including signing consent for release of information forms.
2. [\*\*\*] shall demonstrate the ability to lead an appropriate, law-abiding lifestyle by:
  - a. Attending school regularly with no unexcused absences.
  - b. Neither using nor possessing any alcohol or illegal drugs.
  - c. Participating in and benefiting from the program at [name of placement].
  - d. Demonstrating his/her ability to control his/her own behavior and have successful home visits.
  - e. Obeying the reasonable rules of the [name of placement], parents, school and social worker.
  - f. Committing no further law violations.
  - g. Engaging in no acts or threats of violence.
  - h. Participating in the DCNIP Weekend Report Center as required by the social worker.

*Optional:*

- i. Performing (restitution/ CS hours) under the supervision of the YRP.
    - j. Having no contact with (victims, co-defendants, etc.)
    - k. Cooperatively participating in (ATA, DCNIP CAP, etc) as recommended by the DCDHS social worker / any services recommended by the DCDHS worker, subject to review by the Court at the request of any party.
3. [Parents' names] shall:
  - a. Participate in [\*\*\*]'s treatment program to the extent requested by the social worker and service providers.
  - b. Complete [any court ordered assessments]
  - c. Participate in [any court ordered treatment]

d. Demonstrate their ability to adequately control [\*\*\*] and meet his/her emotional and behavioral needs.

4. The juvenile be advised of the conditions that need to be complied with and the possible sanctions that may be imposed if these conditions are violated.

Respectfully submitted by:

**INFORMATION BELOW IS NOT SUBMITTED TO THE COURT**

**XII. SUMMARY OF CASE DISPOSITION**

Disposition of this case is as follows: \*

Date of Disposition:

Amount of Restitution:

Number of Community Service Hours:

Date required to complete Restitution/ Community Service:

Names of other offenders involved:

SOCIAL WORKER SIGNATURE: \_\_\_\_\_

Date: \*

Office: \*

Phone: \*

E-mail address: \*

SUPERVISOR SIGNATURE: \_\_\_\_\_

Date:

XIII. Transfer/Closing Summary:

## III Assessment Instruction

### A: INTRODUCTION SECTION

Social workers enter basic factual information re the juvenile in this section. Ethnicity is to be presented as follows: black; Asian / Pacific Islander; American Indian / Alaskan Native; Hispanic; white; Mixed (specify). Social workers enter their names and the date of assessment completion for report-reference purposes.

### I. JUVENILE DATA

Social workers enter basic juvenile data in this section. \* "Juvenile lives with" solicits get-go information as to the juvenile's living situation. If the juvenile lives in the family home: Social workers should enter "John and Mary Jones" ... "parents" or "Mary Jones ... mother", only, in response to these questions.

If the juvenile lives elsewhere than in the family home: Social workers should enter "Mary Smith" ... "maternal grandmother" ... "1994" ... "family placement" or "John and Mary Johnson" ... "foster parents" ... "January 1, 1997" ... "delinquency court order / CHIPS court order / VPA", etc., or "Sojourn House" ... "group home" ... etc., followed by the caregivers' address and telephone numbers, as appropriate, in response to these questions.

\* "Employment" should be followed by place of employment; "hours" should be followed by "after-school", "weekend", etc., descriptions, and approximate hours numbers, if known; "duration" should be followed by "1 month", "1 year", etc. Past employment situations might be noted here in addition to current situations.

### II. FAMILY DATA

Social workers enter basic parental and other family data in this section. **Other information can be added if the information added helps in the social worker develop and maintain a case plan.**

### III. JUVENILE / FAMILY ISSUES

Social workers enter more substantive juvenile and family data in this section. Information re AODA issues (alcohol / other drug, legal / illegal, reasonable / not reasonable use by juvenile / family members); mental health issues (individuals, diagnoses, manifestations, medications, prognoses); previous agency involvement / court history (individuals, interventions, results; court actions, determinations, results); past / current involved professionals / programs (individuals, providers, experiences, dates); significant family history (special attention devoted to child maltreatment history); and cultural considerations (racial, ethnic, cultural issues worthy of note; relevancy) is to be presented. This is a key section of this assessment.

#### **IV. OTHER**

Social workers enter information specific to the current law offense incident and aftermath in this section. Information as to the juvenile's participation in the offense and the juvenile's plan for future offense non-involvement is solicited. Information as to the parent(s)'s response to the juvenile's involvement and plan for future juvenile offense non-involvement is solicited.

Important: Social workers enter any other pertinent and significant information not solicited and not presented in other sections here.

#### **V. COMMUNITY PROTECTION STRENGTHS / NEEDS ASSESSMENT**

Social workers assess juvenile and family strengths and needs as they relate to balanced approach tenets of **community protection, competency, and accountability** in these sections. Social workers identify strengths to be promoted and needs to be addressed in this process. Services that promote such strengths and address such needs are to be identified and pursued afterwards.

##### **Procedure:**

- (1) Consider the strengths/needs statements in each section.
- (2) Mark the best possible response to each statement considering the juvenile and/or family being assessed (**refer to definitions**). The strength and needs section uses a five-point scaling system. This will allow the Social Worker to not only indicate that a particular item is a strength or need, but also to further clarify it in relation to other items. "**5**" responses will indicate that a statement holds true for a juvenile and/or parent and/or family and that the statement identifies an area of strength for the juvenile/parent/family. "**1**" responses will indicate that a statement does not hold true for a juvenile and/or parent and/or family and that the statement identifies an area of need for the juvenile/parent/family. "**3**" responses will indicate that a statement presents issues that are unexceptional to the juvenile and/or parent and/or family; or that the issues are complex and neither "S" nor "N" responses properly address the issues.
- (3) Enter any clarifying comments, as appropriate, following the strengths/needs statements.

#### **VI. COMPETENCY STRENGTHS / NEEDS ASSESSMENT**

See above.

#### **VII. ACCOUNTABILITY STRENGTHS / NEEDS ASSESSMENT**

See above.

#### **VIII. WISCONSIN DELINQUENCY RISK ASSESSMENT**

(Note: not completed in JIPS situations)

Social workers make valid recidivism risk determinations via this process.

The Wisconsin Delinquency Risk Assessment is the tool utilized to this end. This tool was developed by the National Council on Crime and Delinquency (NCCD), by commission of the Wisconsin Department of Health and Social Services, in 1993 (updated 1997). It is utilized in several state counties in addition to Dane.

Use of the Wisconsin Delinquency Risk Assessment assures that all social workers consider the same factors, and attach proper weights to factors, in drawing recidivism risk conclusions. Use assures consistent and intelligent responses to risk considerations across and within DCDHS caseloads. Risk determinations are linked to service-placement levels (see following sections).

**Procedure:**

- (1) Consider the 10 risk-related issues and enter proper responses on the form. (**Refer to definitions**).
- (2) Tally the scores and note the risk determination ("very high," "high," "medium," or "low" risk on the form).

**Note that if the juvenile is currently being supervised or under assessment for a delinquent act of a higher category that will determine the choices of service in the placement guide.**

## **IX. DCDHS JUVENILE DELINQUENCY SERVICE PLACEMENT GUIDE**

**A JIPS assessment, involving children under the age of 10 years who have committed law offenses, differs in focus from general delinquency assessments.** Some assessment questions will not be relevant **due to the developmental level of the child.** The Wisconsin Delinquency Risk Assessment tool and the DCDHS Juvenile Delinquency Service-Placement Guide do not apply in JIPS situations and need not be completed.

### Service Placement Levels

Social workers make service level placement determinations via this guide.

This service placement level is established by a cross-reference of the juvenile's offense and the juvenile's recidivism risk in the Juvenile Delinquency Service Placement Guide. The service placement level is meant as a guide to social workers in choosing the most appropriate services for the juvenile and family being assessed. Juveniles will be placed in **Level-1** (least intensive), **Level-2**, **Level-3**, and **Level-4** (most intensive) categories for service purposes.

**Level-1** juveniles will be those involved in less-serious crimes and/or juveniles at low risk for recidivism. These juveniles will be provided access to the less intensive delinquency services.

**Level-4** juveniles will be juveniles involved in serious crimes and/or juveniles at high risk for recidivism. These juveniles will be provided access to the more intensive delinquency services.

In using this guide intensive services will be more likely to be available for juveniles in need of those services and less-intensive services will be more likely to be available for juveniles in need of those services. **It is out intention to have available and to provide the right service to kids at the time they need the service.**

The SERVICE PLACEMENT LEVEL table provides a fairly complete listing of the services available to the social worker for each service placement level.

As the table reads, services that would be available to juveniles in lower service levels are available to those in higher levels. For example, a juvenile whose risk and offense would place him in level 3 may be appropriate for the services available to levels 1, 2 and 3.

### Service Placement Level Adjustment

Service placement level services and resources can be adjusted when there are relevant service-related and/or offense-related and/or circumstantial issues, which call the service-placement determination into question. In order to adjust these levels, the social worker needs to explain the rationale for the change by completing the **DCDHS Service Placement Adjustment**. The social worker's **supervisor** must approve the change.

The service-placement adjustment process may be used to increase or decrease a service-placement by **one degree only** (e.g., level 3 to level 4, level 3 to level 2).

#### **Procedure:**

- (1) Enter the juvenile's risk level (from Wisconsin Delinquency Risk Assessment) and offense level (from JCIC referral materials) on the service placement guide.
- (2) Determine the service placement level via cross-reference of these factors.
- (3) Enter the service placement level on the form.

#### **Procedure for service placement level adjustment:**

- (1) Consult with supervisor as to need for adjustment.
- (2) If adjustment is indicated, consider the three sets of service related, offense related, and circumstantial issues (second page of guide. Refer to definitions in definitions section.)
- (3) **BOLD** the letters of the issues which point to adjustment (social workers may write a brief explanation to the adjustment as well).
- (4) Secure supervisory approval via signoff on the form.
- (5) Enter the final service placement level on the first page (bottom) of the guide.

## **X. ASSESSMENT CONCLUSIONS**

Social workers concisely review notable risks (2-4 suggested), juvenile/family strengths (same), and juvenile/family needs (same) in this section. Social workers concisely review final risk determinations ("high," "low," etc.; not numbers) and service placement level determinations as well.

## **XI. COURT RECOMMENDATIONS (Court situations only)**

Social workers communicate case-resolution recommendations to court social workers and other parties in court situations only in this section. Social workers review how recommendations promote balanced approach tenets of community protection, competency, and accountability as well.

*Community Protection:*

- *What threat of injury does the behavior of the juvenile pose to the victim/community?*
- *What needs to be done to reasonably ensure short and long term safety?*
- *Who needs to do what to make that happen?*

*Accountability:*

- *What is the harm to the victim or community?*
- *What needs to be done to repair the harm?*
- *Whose responsibility is it to do what to make that happen?*

*Competency Development:*

- *What are the most important skills the juvenile/family need to learn to “come out more competent” than when they came in the system?*
- *What strengths can be built upon? What deficits need attention?*
- *Who will do what to make that happen?*

## **XII. SUMMARY OF CASE DISPOSITION**

Social workers concisely summarize case disposition in this section. Likely entries will read "Juvenile counseled, released; case closed", or "Deferred Prosecution Agreement signed; case to be held at intake" or "Consent decree entered; transfer to ongoing social worker." In court cases the summary should include the findings [which counts and what pleas were entered and what the order contained. If the order was a mirror of the recommendations, a statement to that effect will be enough. Otherwise note any changes or differences. Date of supervision period should also be included. If sanctions are imposed those specifics should be recorded here.

## **XIII. TRANSFER/CLOSING SUMMARY**

Include enough information which, when combined with all of that above, will allow a supervisor/social worker to reach the conclusion that services are/are not needed. This element is intended to enable a smooth transition for the customer in the relationship with the DCDHS.

## IV a. Definitions of Strengths/Needs Statements For Juvenile Delinquency Intake Assessment

### Community Protection - Family

#### 1. Parent is aware of juvenile's friends, activities, whereabouts:

S- [5] – Parent knows child's friends; knows (is acquainted with) friends' parents; knows child's schedule outside of school hours; knows where child is when not at home.

U- [3] – Parent knows some of child's friends, but not all; is aware of some of child's activities, but is unable to keep up with these on a daily basis.

N- [1] – Parent does not know who the child's friends are; does not know friends' parents; knows child's friends are negative influences, but does not intervene; does not know how child spends free time; does not know if child attends school on a regular basis; does not know child's whereabouts.

**BOLD or Circle or indicate** one of the following numbers based your assessment:

	Strength		Unexceptional		Need
5	4	3	2	1	

#### 2. Parent sets rules, monitors compliance, enforces consequences:

S- [5] – Parent sets behavior expectations for youth; monitors child's compliance on a regular basis; provides rewards and punishments for expectations set.

U- [3] – Parent sets rules and monitors compliance, may be inconsistent but is generally okay.

N- [1] – Parent fails to set rules for child's behavior; makes few if any consequences for child's problematic behavior; is unable to control child's behavior without intervention of authorities; seems powerless to take charge of child.

#### 3. Parent promotes, models non-criminal behavior:

S- [5] – Parent abides by the law; discourages criminal or anti-social lifestyles. Parent's attitude is long standing and existed during the child's formative years or has been effectively dealt with;

U- [3] - Parent has a satisfactory awareness of community expectations and standards of behavior.

If parent has a criminal background, has made at least minimum rehabilitative progress regarding any sentence/probation/parole requirements and he/she has a sense of remorse for any past criminal activities. Parent is vague in modeling non-criminal behavior for child.

N- [1] – Parent has a criminal record and has little or no remorse for criminal history. Child is aware of parent's pride in criminal past. Parent is currently engaged in illegal activities; continues to associate with friends involved in criminal activities. Illegal activities occur in parent's home. Parent is currently incarcerated.

**4. Parent demonstrates cooperative behavior towards authority figures:**

S- [5] – Parent is respectful to and cooperative with authority figures such as school staff, police officers, social workers, program staff, etc.

U- [3] – Parent is wary of some authority figures but comfortable with others.

N- [1] – Parent is hostile towards authority figures; speaks rudely to or about authority figures, disdains them in front of child.

**5. Parent supports community consequences for juvenile's behavior:**

S- [5] – Parent accepts community norms concerning consequences for criminal or anti-social behavior; supports system response to child's situation; encourages child's compliance with system response; wants the child to learn from misdeeds.

U- [3] – Parent defends child, but supports consequences for child's behavior; places responsibility for compliance on child.

N- [1] – Parent blames others for child's misdeeds; defends child (enabling or making excuses) in spite of evidence of wrongdoing; tells child the system is treating him/her unfairly; believes child got a bad rap and has nothing to learn from the experience.

**6. Parent/family members have positive role models and/or support systems:**

S- [5] – Parent/family members have meaningful relationships with positive people; can and do seek out other people or other community supports (e.g., agencies, churches) for assistance in times of need and stress; are not unduly isolated.

U- [3] – Parent/family members are usually supportive, can name a few friends they turn to for support; members know and will use community supports if in need.

N- [1] – Parent/family members are largely involved in harmful or negative relationships; is unable or unwilling to reach out to others for support; are isolated.

Community Protection – Juvenile

**7. Juvenile complies with parent's rules and consequences.**

S- [5] – Child obeys parent(s).

U- [3] – Child has violated parent's rules; generally accepts consequences for these actions.

N- [1] – Child and parent have a history of antagonism; refuses to obey parent's rules; has run away from parent.

**8. Juvenile accepts responsibility for choices, actions, consequences:**

S- [5] – Child accepts responsibility for choices, actions and consequences in a sincere, informed, mature manner; child accepts the rewards and punishments as merited.

U- [3] – Child accepts responsibility for choices, but feels consequences are harsher than the behavior warranted.

N- [1] – Child blames others for his/her behavior; refuses to accept responsibility; admits behavior but believes consequences are inappropriate.

**9. Juvenile demonstrates cooperative behavior towards authority figures:**

S- [5] – Child is respectful towards and cooperative with authority figures such as school staff, police officers, social workers, program staff, etc.

U- [3] – Child is not consistently respectful toward authority figures.

N- [1] – Child is openly disrespectful towards authority figures; is verbally abusive towards authority figures; has assaulted an authority figure.

**10. Juvenile has acceptable self-control and decision-making skills:**

S- [5] – Child controls impulsive behavior; weighs positive and negative aspects of a decision prior to acting; resists peer pressure.

U- [3] – Child sometimes acts impulsively; is vulnerable to peer pressure but does resist it at times.

N- [1] – Child is unable to control impulsive behavior; is unable/unwilling to resist peer pressure; child does not understand cause and effect relationship of his/her behavior vs. consequences.

Competency – Family

**11. Parent is a positive role model with respect to significant relationships:**

S- [5] – Parent demonstrates to the child that responsible adult partnerships include nurturing, respect, communication and a sense of permanence; parent models positive relationships with partner, family and friends.

U- [3] – Parent is involved in significant relationship but its permanence is unsure. Parent has no current significant relationship.

N- [1] – Parent has been involved in a series of casual, short-term relationships. Parent is in a violent relationship; is abusive to partner and/or children. If being victimized, parent fails to take steps to protect him/herself from abuse. Parent fails to protect children from abuse.

**12. Parent acts responsibly as to use of alcohol and other drugs:**

S- [5] – Parent does not use alcohol to excess; does not use illegal drugs; does not let alcohol/drug use interfere with responsibilities; actively discourages child's use of alcohol or other drugs.

U- [3] – Parent uses alcohol responsibly, but may have had substance abuse problems in the past; is ambivalent about effects of substance use in conversations with child.

N- [1] – Parent has problematic use of drugs and/or alcohol; parent does not act to prevent child from use (e.g., keeps alcohol in home where child can find and use it; excuses child's use of substances; uses substances with child; secures substances for child).

**13. Parent uses acceptable discipline techniques:**

S- [5] – Parent utilizes fair and reasoned discipline techniques; uses techniques which are effective (i.e., the negative behavior ceases or decreases as a result of the discipline); uses techniques which promote learning and respect for parent; does not harm child via discipline.

U- [3] – Parent uses acceptable age-appropriate disciplinary techniques, but these have had little or no effect on child’s behavior.

N- [1] – Parent fails to discipline child; feels powerless to discipline child; uses discipline that is abusive to child; is abusive to other children in the family.

**14. Parent communicates effectively with juvenile:**

S- [5] – Parent and child have a relationship that allows a positive dialogue in conversation.

U- [3] – Communication varies from time to time; child can talk to one parent, not the other.

N- [1] – Parent doesn’t listen. Parent responds by yelling. Parent is not communicating with child.

**15. Parent engages the juvenile in positive family and community activities:**

S- [5] – Parent interacts with child on a regular basis; plans activities with child; makes self-available to child.

U- [3] – Parent is inconsistent in making self-available to child or involving child in family/community activities.

N- [1] – Parent has no time to spend with child; rarely chooses family activities that would interest the child; does not encourage child to participate in family, neighborhood or community activities; does not share any of child’s activities.

**16. Parent promotes juvenile’s school success:**

S- [5] – Parent supervises the child’s attendance and homework, accomplishments and behaviors in school; parent supports school staff and positively interacts with school staff to insure child’s school success.

U- [3] – Parent monitors child’s report cards; parent is inconsistent in supervising attendance, homework and behavior in school; parent is inconsistent in dealings with school staff.

N- [1] – Parent does not attend any school functions or activities (including parent-teacher conferences); parent does not monitor child’s attendance or achievement; parent does not know child’s teachers; parent fails to respond to school communications or does so rarely. Parent excuses excessive absences.

Competency – Juvenile

**17. Juvenile achieves within educational abilities:**

S- [5] – Child performs well in school; achievement is satisfactory; learns in classroom.

U- [3] – Child’s achievement is minimal or not to abilities based on inconsistent effort and performance (i.e., attendance, homework completion, active engagement). Child’s achievement will result in promotion to next grade or high school graduation.

N- [1] – Child is not performing within educational abilities. Child is habitually truant; has dropped out of school; has been expelled.

**18. Juvenile has interest/abilities in one or more academic/vocational areas:**

S-[5] – Child demonstrates interest or abilities in an academic area (e.g., science, math, foreign language, art, music) or vocational area (e.g., computers, auto mechanics, carpentry).

U- [3] – Child has general interest but lacks the focus or commitment to consider an academic/vocational strength.

N- [1] – Child has no real demonstrated ability or interest in any academic or vocational subject.

**19. Juvenile has long-term educational or vocational goals:**

**The age of the juvenile must be considered in assessing this element. It would be exceptional for a 10-12 year old to have ed. plans beyond high school.**

S- [5] – Child has educational or vocational plans beyond high school; plans are reasonable and attainable; child has some future-orientation.

U- [3] – Child’s plans are vague or uncertain.

N- [1] – Child has no educational or vocational plans; child has goals that will be unattainable given his/her current academic performance; child plans to drop out of school; child has dropped out of school or has been expelled.

**20. Juvenile is involved in constructive community/school activities:**

S- [5] – Child participates in school-related clubs or athletics; child participates in positive community programs (e.g., athletics, Scouts, arts, drama); child participates in religious groups or activities.

U- [3] – Child’s participation in activities is inconsistent (e.g., interest wanes; lack of support; no engagement or attachment).

N- [1] – Child does not participate in any organized sports, clubs, or other socialization activities.

**21. Juvenile demonstrates age-appropriate daily living skills:**

S- [5] – Child conducts self in age-appropriate independent fashions (e.g., gets up on time, deals with hygiene, dresses self appropriately, eats properly, gets to and from school and elsewhere, does homework and chores, etc.).

U- [3] – Child has ability to do these things but needs reminding.

N- [1] – Child fails to meet age-appropriate daily living expectations (e.g., requires parent to get him/her up in the morning; cannot work out own transportation needs; fails to do chores needed by the family).

**22. Juvenile demonstrates age-appropriate peer social skills:**

S- [5] – Child relates positively to peers of both genders in his/her age group; demonstrates reasonable maturity in relationships regarding age, race and gender;

U- [3] – Child sometimes has problems maintaining relationships or interacting acceptably with others based on age, gender or race; sometimes has problems or needs guidance choosing positive peer groups.

N- [1] – Child has predominately negative relationships with peers; is not accepted in peer groups; interacts with younger children or older persons more than others

his/her own age; has no friends of own age; has strong prejudices based on age, race or sexual orientation; is engaged in subgroup or gang behavior.

**23. Juvenile demonstrates non-problematic sexual behavior:**

**The age of the juvenile must be considered in assessing this element. It would be exceptional for 10-12 year olds to be sexually active.**

S- [5] – Child refrains from sexual behavior or engages in age-appropriate and responsible sexual behavior only; is cognizant of sexual boundaries and respects sexual boundaries.

U- [3] – Child is sexually active; child generally uses safe sex practices.

N- [1] – Child has highly sexualized behavior; is inconsistent in use of safe sex practices; may have multiple sexual partners; has significant preoccupation with sexual matters; may have difficulty with appropriate sexual boundaries. **Child is a parent**; has tested positive for STD's; has preoccupation with pornography or deviant sexual practices; has engaged in harassing or assaultive sexual behavior.

**24. Juvenile demonstrates ability to learn from mistakes:**

S- [5] – Child has the ability to process errors and successes of the past and to develop positive solutions for the future.

U- [3] – Child can process errors and successes of the past with appropriate guidance, support and adult intervention.

N- [1] – Child's demonstrated ability has shown serious problems in processing errors and making positive solutions.

**25. Juvenile resolves conflicts in effective and non-violent fashions:**

S- [5] – Child is aware of and employs alternatives to aggression.

U- [3] – Child is frequently able to resolve conflicts, but has used or may use aggression.

N- [1] – Child is unable to resolve conflict without force or aggression.

Accountability

**26. Juvenile has awareness of impact of his/her behavior upon victim:**

S- [5] – Child understands who the victim(s) is; understands the short- and long-term effects of his/her behavior upon the victim.

U- [3] – Child acknowledges impact but has varying degrees of regard for impact of behavior on victim.

N- [1] – Child lacks regard for impact of behavior on victim.

**27. Juvenile has remorse towards victim:**

S- [5] – Child expresses remorse or demonstrates empathy towards victim and regret for his/her unlawful behavior.

U- [3] – Child expresses or demonstrates varying degrees of remorse or empathy for victim.

N- [1] – Child is blameful toward victim; demonstrates no empathy for victim; expresses a sense of entitlement for behavior.

**28. Juvenile willing to make amends to victim:**

S- [5] – Child has accepted the responsibility to restore damage to victim and/or community for his/her unlawful behavior.

U- [3] – Child is willing to comply based on external controls (i.e., court, social worker).

N- [1] – Child unwilling to restore damage or make amends to victim.

**IV b. Definitions Wisconsin Delinquency Risk Assessment**

**1. Age of First Referral to Juvenile Court Intake:**

Only count referrals to juvenile court intake for a delinquent act. "Delinquent" is defined in sec. 938.02(3m) of the Wisconsin Statutes as "a juvenile who is 10 years of age or older who has violated any state or federal criminal law, except as provided in s. 938.17 and 938.18 and 938.183, or who has committed a contempt of court, as defined in s. 785.01(1). as specified in s.938.355 (6g)."

Include JIPS referrals for youth under age 10 who were referred for delinquent behavior.

**2. Prior Referrals to Juvenile Court Intake:**

"Referrals" defined per statute stated above.

**3. Prior Assaults:**

"Assaults" is defined as any assaultive behavior, whether physical or sexual, and any weapon or weapon possession arrest/offense as evidenced by any reliable source including prior referrals, policy/professional reports, or other confirmed reports. "Prior" excludes current intake offense.

**4. Prior Out-of-Home Placements:**

Determine the total number of previous court-ordered out of home placements. This does not include respite care, detention, shelter care, or similar placements. Do not count a change in foster family, without an intervening return home, as a separate placement.

**5. Prior Runaways:**

History of previous runaways from home or any placement. Runaways are defined as absconding from home or any placement and not voluntarily returning within twenty-four (24) hours.

**6. School Behavior Problems:**

Minor problems are defined as occasional problems with attendance, work effort, or disciplinary problems which are handled at the home or school level.

Serious school behavior problems are defined as recurrent habitual truancy and/or severe behavior problems, which may have resulted in suspension and expulsion.

"Habitual truant" is defined in s.118.16; Wisconsin Statutes as a pupil who is absent from school without an acceptable excuse for either of the following:

1. Part or all of 5 or more days out of 10 consecutive days on which school is held during a school semester.
2. Part or all of 10 or more days on which school is held during a school semester.

**7. History of Physical or Sexual Abuse or of Neglect, as a Victim:**

Physical or sexual abuse or neglect victimization suspected by professionals whether or not substantiated. Professionals are those listed under s.48.981 Wis. Statutes.

**8. History of Alcohol or Other Drug Abuse:**

Abuse is defined as use resulting in some disruption of functioning.

**9. History of Serious Emotional Problems:**

Severely emotionally disturbed individuals are defined as persons under 21 years of age who have emotional and behavioral problems that:

Have persisted for 6 months and are expected to persist for a year or longer

Include a condition of mental or emotional disturbance listed in DSM-IV. Adult diagnostic categories are organic mental syndromes and disorders, psychoactive substance use disorders, schizophrenia, schizo affective disorders, mood disorders, somatoform disorders, dissociative disorders, sexual disorders, intermittent explosive disorders, pyromania, adjustment disorder, personality disorders, psychological factors affecting physical condition and post-traumatic stress syndrome. Disorders usually first evident in infancy, childhood and adolescence, eating disorders, gender identity disorders, tic disorders and reactive attachment disorders of infancy and early childhood.

Result in functional symptoms or impairments. Functional symptoms include: psychotic symptoms characterized by defective or lost contact with reality, suicidal (attempt within last three months or ideation within last three months); or violence such that the individual is at risk for causing injury to persons or significant damage to property as a result of emotional disturbance. Functional impairment is considered present when deficiencies in two of the following capacities are observed: (1) self care, (2) community function, (3) social relationship, (4) family function, (5) social/work function.

If none of the three indicators highlighted above are present, circle "0" for the item.

If any of the indicators are present, circle "1" for the item.

**10 Peer Relationships:**

"Good support and influence" is defined as positive peer relationships.

"Negative influence" is defined as negative peer relationships where some companions are involved in delinquent behavior, or lack of peer relationships.

"Strong negative influence" is defined as strong negative peer relationships where most peers are involved in delinquent behavior such as gang membership.

**IVc. Definitions      Service Placement Level Adjustment**

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**a. Supportive family situation:**

Child has competent caregivers who will hold child responsible for behavior and work to assure improved child behavior.

**b. History of successful interventions:**

Child has demonstrated positive behavioral changes (e.g., no or fewer additional law offenses) following past interventions.

**c. Child's service needs are exceptional:**

Child is SED or DD with unusual service needs which argue for less intensive treatment.

**d. Non-supportive family situation:**

Child does not have competent caregivers who will hold child responsible for behavior nor work to assure improved child behavior.

**e. History of failed interventions:**

Child has failed to demonstrate positive behavioral changes following past interventions.

**f. Child's service needs are exceptional:**

Child is SED or DD with unusual service needs which argue for intensive treatment.

**g. Services not available:**

Services appropriate to child and family are not readily accessible or available or do not exist.

**h. Child played minor role in offense:**

Child played a peripheral role in offense.

**i. Offense committed under duress, coercion:**

Child was threatened or forced into involvement in offense.

**j. Victim(s) provoked offense by their conduct:**

Child was provoked into offense by victim's threats or actions.

**k. Offense unique (not likely to be repeated):**

Offense and circumstances surrounding offense are so unusual that repeat offense is not likely.

**l. Child played lead role in offense:**

Child planned and led offense; offense would not have occurred in absence of child.

**m. Child demonstrated vicious, heinous behavior:**

Child's conduct was particularly vicious, violent, and/or regardless of consequences to victim(s).

**n. Dangerous weapons involved:**

Weapons which may have maimed or killed victim(s) or witness (es) were utilized in commission of offense.

**o. Multiple victims:**

Two or more individuals were victimized in offense; an individual previously victimized by the child was re-victimized by the child following intervention.

**p. Witness threatened:**

Child threatened witness (es) with bodily harm during commission of offense; child threatened witness (es) as to cooperation with authorities following commission of offense.

**q. Child actively participating in appropriate services:**

Child has engaged in appropriate services and is benefiting from those services since commission of offense; services likely to improve child's behavior.

**r. Child's living situation has significantly, positively changed:**

Child's living situation is significantly and positively different than at time of offense; child's changed living situation predicts improved behavior on child's part.

**s. Escalating delinquent behavior:**

Child has engaged in increasingly frequent unlawful acts; child has engaged in increasingly serious unlawful acts; child has engaged in flurry of unlawful behavior.

**t. Child not participating or refusing to participate in appropriate services:**

Child has not engaged in and available services despite recommendation to do so; child refusing participation in such services at this time or in the future.

The Assessment Revision committee was chaired by **Mr. Stephen D. Blue**. Committee participants were Conrad Landsness, Diane Prellwitz, Ginny Whitehouse, Jane Ahlstrom, Meryl R. Manhardt, Robert Syring, Eileen P. Backes, Tim Dierking Mary Kasperek, Jim Moeser and David Johnson.

If you have any questions regarding this document, please e-mail [johnson.david@co.dane.wi.us](mailto:johnson.david@co.dane.wi.us).

March 7, 2001

## **ADMINISTRATIVE REVIEW BOARD**

The purpose of the Administrative Review Board (ARB) is to assist social workers and CCF case coordinators to develop and implement community plans for youth at risk for placement in residential care facilities (RCC's), correctional institutions, and inpatient mental health facilities including placement at Anchorage; to approve enrollments in Children Come First (CCF); and to authorize institutional referrals if needed.

ARB staffings are held on Tuesdays at the South Madison Office. Thirty (30) minute time slots are available beginning at 12:45pm. The last available time slot is 5:15 pm.

### **COMPOSITION**

ARB is chaired by the CYF Mental Health & Alternate Care Services Manager, and is comprised of the Delinquency Services manager or a Delinquency supervisor, the ARTT supervisor, and the Substitute Care supervisor. Also serving on the panel is a parent representative from Wisconsin Family Ties, a CCF representative and a representative from Youth Crisis.

### **PHILOSOPHY**

Decisions made by ARB are based on the philosophy that whenever possible, youth have a right to be with their parents and siblings in the community and those parents have responsibility for their children. Out-of-home placements, when necessary for reasons of safety and treatment of youth or safety for families and the community, must be for the shortest time possible to resolve identified problems.

### **PURPOSE/EXPECTATIONS**

All DCDHS referrals to CCF and to RCC's, corrections or state in-patient mental health facilities must be authorized by ARB. (This includes recommendations for the SPRITE program when the "back-up" plan includes a RCC or corrections placement.) Therefore, any time a worker intends to go to court with a recommendation for institutional placement, or if s/he anticipates the court may consider that institutional placement, that worker must first initiate an ARB staffing. (The worker must also have supervisory approval for this recommendation.) Social workers are also encouraged to utilize ARB for case planning purposes.

All directives from ARB are binding. Social workers must present the ARB recommendation as the CYF Division's recommendation to the court. If a social worker strongly opposes the ARB recommendation, he or she must consult with his/her supervisor. The supervisor will then notify the Mental Health & Alternate Care Services Manager regarding the social worker's concern. Social workers will not present a counter recommendation to court without the knowledge of their supervisor and the Mental Health & Alternate Care Services Manager.

If the court orders referrals to RCC's, the Department will comply. However, the social worker is expected to schedule an ARB staffing so the Department's recommendations can be provided to the court.

Parents receive a letter inviting them to attend the ARB staffing and informing them of family advocacy services through Wisconsin Family Ties. The assigned social worker should also contact the parents and other involved family members to encourage their participation. Other involved professionals should be invited to share specific information about the child/family to assist the ARB members in making their decision. As much as possible, each system/agency should be encouraged to send only one representative to the ARB staffing.

**ADMINISTRATIVE REVIEW BOARD**  
**PRESENTATION OUTLINE**

Case Name: \_\_\_\_\_

Social Worker: \_\_\_\_\_

Date: \_\_\_\_\_

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**Reason for ARB request:**

- CCF enrollment                       RCC                       Juvenile corrections
- Court ordered RCC referral                       RCC Type II                       Other:

**Previous ARB Review Information:**

**Date of  
Review:**

**Recommendation:**

**Family:**

- **Who are the family members and where do they live?**  
(Are there any natural supports available to assist the family?)
  
- **What are the strengths of this child and family?**  
(What competencies do the child and family possess?)  
(What competencies has the youth identified to work on and develop?)  
(How can these strengths be utilized within a case plan?)
  
- **What challenges are present for this family?**  
(What competencies need to be developed?)

**What is the child's current living situation?**  
(How well is the child functioning in this environment?)

**What services/interventions have been tried? Outcome?**  
(Please comment on the elements that contributed to the success or failure of the intervention.)

- **Out of home placements (please list chronologically.):**
  
- **Mental health/AODA services:**  
(Please indicate if there were any significant successes or challenges associated with the listed services)

**Current Services:**

**Previous Services:**

- **Other community services:**  
(Both traditional and non-traditional services can be listed in this section:

**Current Services;**

**Previous Services:**

**What concerns do you have about this child that placed this child at institutional risk?**  
(Address the areas that are relevant to this child/family.)

**Mental Health**

**Diagnosis**

**Diagnosis Given By:**

**Approx**

**Date:**

**Hospitalization(s)**

**Dates:**

**Hosp or Physician**

**Treatment**

**Recommendations:**

**Self harm history/Suicidal Ideation or**

**Threats:** \_\_\_\_\_

**Exposure to Traumatic Events:** \_\_\_\_\_

- **Legal (Describe any formal charges – include circumstances and month/year. If new charge please indicate DEL Risk Assessment and when it was completed. Please also indicate if there is known or suspected Gang involvement)**
- **Community (What are the community protection risks?) Behavior in the community? (Please include family strengths and needs for protection)**
- **Accountability – (FOR DELINQUENCY CASES ONLY) (Please comment on issues of juvenile accountability [how this child will give back to the community] for any adjudications)**
- **Safety and Risk Issues: (Include CPS and child welfare as well as risk taking behaviors of the child or family members.)**

**AODA (Has there been an evaluation and/or treatment: U.A.'s:  
To what extent is this a concern?)**

**G. School (Please provide school information that includes the following :)**

**Name of School:**

**Grade**       ED     LD     Regular ED

**Special Programming:**  Yes     No

**If yes, name program:**

**Attendance Problems:**     Yes     No

**If yes is checked above is child actually truant:**     Yes     No

**If yes to either box, explain:**

**Behavioral Problems:**  Yes  No  
**If yes, explain:**

**Other comments:**

**H. Perspective of other key people:**

- **Community members/Current Treatment Providers:**
  
- **Family members:**

Dear \*:

You are invited to attend an Administrative Review Board staffing regarding \* at \* p.m. on Tuesday, \*, at the Dane County Department of Human Services South Madison Office, 2322 South Park Street, Madison. Your knowledge of your child is very important and we value your input. Please let your social worker know as soon as possible if you need transportation to this meeting or would prefer to participate by phone.

The Administrative Review Board is made up of staff from Dane County Human Services and other community professionals. We review all case plans where institutional placement or Children Come First enrollment is a consideration.

By participating in this meeting, you will be able to share your information and help us in our decision-making process. A representative from Wisconsin Family Ties will try to contact you prior to this meeting to explain the staffing and answer any questions you may have about this process. Wisconsin Family Ties is a statewide non-profit organization of families that include children and adolescents with emotional, behavioral, and mental disorders. You may contact Wisconsin Family Ties at 608-267-6888 or toll free at 800-422-7145.

We look forward to meeting with you.

Sincerely,

ADMINISTRATIVE REVIEW BOARD

# PROTOCOL FOR FOCUS ELIGIBILITY SCREENING AND ENROLLMENT RECOMMENDATIONS

## Pre-screening

All potential Focus enrollees will be pre-screened to ensure that they are likely to meet core enrollment criteria prior to scheduling of a formal interview for the program. **Social workers should contact the ARTT Supervisor at 242-6259 (or designee) for pre-screening.** Social Workers should be prepared to answer questions on the core Focus enrollment criteria and provide family contact information when they place the phone call for pre-screening. Core enrollment criteria include the following:

- Male age 13-17
- Child meets Children Come First enrollment eligibility
- Child has a parent, guardian, or other significant adult in his life who is able and willing to participate in all phases of Focus programming
- Child has charges that would result in a correctional finding **and** a subsequent recommendation for a correctional placement
- Child is not charged with a sex offense or deemed in need of sex offender treatment
- Child does not have a major mental illness
- Child has not been deemed alcohol or drug dependent and/or in need of intensive AODA treatment

Two members of the Focus team will sign off on the initial screening information and will provide a memo (electronically) to the social worker indicating if the young man referred does or does not meet screening criteria.

## Face-to-Face Interview

The ARTT supervisor will notify Focus RCC staff and Focus DCDHS staff with the core enrollment and family contact information for each referred boy who meets screening criteria. Two team members, one from the Focus RCC and one from the DCDHS will interview the young man and at least one family member. The family member must be willing to meet with team members at the family home. The purpose of the interview is the following:

1. Gather supplemental information to ensure eligibility criteria is met
2. Explain the all phases of the Focus program (RCC placement, intensive supervision, and intensive wraparound services) to youth and family and garner their commitment to program participation
3. To assess the ability of the Focus program to meet the unique needs of the youth presented for the referral.

Upon completion of the interview the interviewing team will provide a letter accepting or denying Focus enrollment for the referred youth.

### **Administrative Review Board/Human Services Department Recommendation**

Social Workers who wish to make a Focus recommendation to the Court must come to the Administrative Review Board (ARB). Focus includes both institutional placement and CCF/ARTT enrollment. These Department recommendations are made via the ARB process.

If a social worker has not considered Focus prior to the ARB, an interview with the Focus team will need to be conducted post the ARB review. The Department recommendation will indicate that Focus is recommended pending the results of the family interview process. In these instances, the ARB Chair will sign off that the case information presented at ARB demonstrates that the young person meets Focus eligibility criteria thereby eliminating the need for pre-screening.

# **DELINQUENCY INTAKE IN DANE COUNTY**

## **2008**

Chapter 938 of the Wisconsin Statutes sets forth a multi-stage process for determining whether or not a juvenile is charged with a law violation and prosecuted through a formal court process. Initially, police agencies investigate a reported law violation and, if it is determined, at least to the level of probable cause, that a crime has been committed and a specific juvenile or number of juveniles is responsible, the police then have discretion to take no further action, issue a warning, issue a municipal or county citation, or make a formal delinquency referral to the appropriate authority. There is no statutory time limit prescribing a time period within which an initial investigation must not be completed nor is there a statutory time limit prescribing when a referral must be made after an investigation is completed. There is appellate case law holding that a referral may not be intentionally delayed in order to avoid the jurisdiction of the juvenile court in favor of the jurisdiction of the adult, criminal court.

Assuming that a police agency makes a formal delinquency referral, the referral, pursuant to sec. 938.24, first goes to an intake social worker with the county's social services or juvenile probation agency. Pursuant to sec. 938.24(1), the intake worker must conduct an intake inquiry "to determine whether the available facts establish prima facie jurisdiction and to determine the best interests of the juvenile and of the public with regard to any action to be taken." The phrase "prima facie jurisdiction" means that the facts submitted by the police agency must establish probable cause that a crime has been committed and that the specific juvenile referred committed the crime. Pursuant to sec. 938.24(5), the intake worker has 40 days from the date of the referral by the police to conduct the intake inquiry and to determine whether (1) the case should be "closed"; (2) the case should be handled outside of court with a "deferred prosecution agreement" as set forth in sec. 938.245; or (3) whether the case should be referred to the district attorney for consideration of filing a delinquency petition in court.

Again, pursuant to sec. 938.24(5), if the intake worker decides that the case should be "closed" or that a "deferred prosecution agreement" without court action is appropriate, written notice of either of those decisions must be provided to the district attorney. The district attorney, after receiving such notice, can override the intake worker's decision by filing a delinquency petition in court within 20 days of receipt of the written notice. The district attorney, therefore, essentially has "veto power" over any action taken by the intake worker short of a formal court action.

If the intake worker decides that a formal court action is warranted, the intake worker must refer the case to the district attorney for consideration of filing a delinquency petition in court. Pursuant to sec. 938.25(2), once such a request or referral is received, the district attorney has 20 days from the date of the request or referral to file the delinquency petition with the court, with a couple of statutory exceptions. Within the 20-day time period, the district attorney can simply decide not to file a petition in court and can refer the case back to the intake worker. In that case, the intake worker then has 20 days from the date of the referral back to intake to either "close" the case or enter into a "deferred prosecution agreement" with the juvenile and parent(s). In the alternative, the district attorney, again within the 20-day intake period, may conclude that "further investigation" is required by either the law enforcement agency that made the initial referral, by the intake worker, or by both. In that case, the district attorney will refer the case back to either or both agencies for "further investigation" which must be completed within 20 days of receipt of the request from the district attorney. Once the district attorney receives the "further investigation", the district attorney then again has 20 days to determine whether to file a petition with the court or to decline to do so. All of these procedures and time limits are found in sec. 938.25(2).

The above is the intake procedure set forth by statute, which has not changed substantially for close to thirty years at least. There are several major drawbacks to this procedure. The first drawback is the combination of statutory time periods involved. It is true that juvenile intake, even by statute, generally occurs much more quickly than intake of the same type of offense committed by an adult, if that adult is not incarcerated because of the charge. Nonetheless, in a high-volume county like Dane County, with a limited number of resources, the time between the commission of an offense and the actual filing of a charging document in court can, by statute, be at least 60 days and sometimes much longer depending on how long it takes to complete the initial police investigation and whether or not the case has to be sent back by the district attorney for “further investigation” of one sort or another. Then, once the petition is filed, nearly another 30 days will elapse before the first hearing if the juvenile is not being held in the detention facility. In short, even following the statutory procedure, it may be two to three months or longer from the actual commission of the offense before the juvenile actually has to appear in court to answer to the charge.

Another drawback is the requirement that an intake worker determines “whether the available facts establish prima facie jurisdiction”. In essence, this phrase, as stated previously, requires a social worker to make a determination that it is more likely than not that a crime was committed and that the specific juvenile committed the crime. Social workers, by and large, are not trained in the criminal law and may or may not have the expertise or ability to make this determination, especially in reference to anything more than a routine, simple case. If the police are simply mistaken in their understanding of how the facts they have determined interface with the criminal law, then it is quite possible that the specific juvenile has, on those facts, simply committed no provable crime. If that is the case, then neither an intake worker nor a prosecutor nor a court has any legitimate reason to interfere with that juvenile and his or her family. If a social worker is simply mistaken on the “jurisdiction” question, a juvenile and his or her family may, at the least, have to undergo an “intake inquiry” and, at most, be subject to a “deferred prosecution agreement” supervision package for up to a year or longer if the agreement is extended by the social worker. If the case is referred to the district attorney, the district attorney will, at that point, hopefully, be able to determine that no provable crime was committed and decline to prosecute and further inform the intake worker that even a “deferred prosecution agreement” would be inappropriate.

A final drawback is the possible negative effect that the process can have on the successful prosecution of the case in court. It is a frequent occurrence that, once a district attorney reviews police reports, the district attorney will see gaps in the investigation by the police that must be corrected or supplemented if the case is going to be successfully prosecuted in court. The longer the needed supplementary investigation is delayed, the more likely it is that the needed evidence will simply “disappear”. This can probably be most easily understood by thinking of physical evidence that must be obtained by means of a search warrant. If supplementary police investigation is needed, it is best to have it completed as close in time to the actual event as possible. Under the statutory procedure detailed above, the district attorney will generally not see the police reports within the 40-day period that the intake worker has available to make an intake determination and, therefore, would have no ability to request the supplementary investigation by the police within that time period.

Several years prior to this writer becoming Deputy DA, the then head of the DA Juvenile Division and the then Juvenile Court Administrator developed a delinquency intake procedure. This procedure has remained in effect up to the present and can be considered a hybrid of the statutory procedure outlined above. While this hybrid procedure addresses some of the problems stated above, there are other problems associated with the procedure.

In Dane County, once police agencies determine that they wish to make a delinquency referral on a juvenile, those agencies will prepare intake forms and set of police reports which they will present to the District Attorney’s Office and the Juvenile Delinquency Intake Coordinator for DCDHS close to

simultaneously (there may be a day or two difference). The Intake Coordinator will review the police reports and will make an initial advisory determination on whether or not a delinquency petition should be filed but will take no further action on the referral until the case is reviewed by the District Attorney's Office. The 40-day statutory intake period for DCDHS is in effect at this time.

The District Attorney's Office, most often by this writer, will review the police reports and first determine (1) whether or not a crime was committed, (2) whether or not the referred juvenile committed the crime, and (3) whether or not the case can be proven beyond a reasonable doubt in court, based on the evidence contained in the police reports. If the answer to any of these three questions is "no", the District Attorney will generally note that the case is "declined" for lack of prosecutive merit or insufficient evidence. This conclusion is communicated to the Intake Coordinator and no further action by DCDHS or the DA's Office is taken on the case other than to communicate the decision not to prosecute to any alleged victims. It should be noted that the legal standard employed here is "proof beyond a reasonable doubt", not "probable cause", i.e. more likely than not. Although the DA can legally and ethically charge a case based on probable cause, there really is no point in charging a case that in all likelihood cannot be ultimately proven. [There are rare occasions where either the "probable cause" standard, but not the "proof beyond a reasonable doubt" standard is met, or where there are proof problems in terms of likely suppression of evidence due to the failure of police to meet certain procedural standards, where the case will not be "declined" totally, but, rather, will remain with DCDHS to deal with "informally", i.e. by ultimate case closure or deferred prosecution agreement. These cases usually involve some very apparent treatment needs of the specific juvenile that might be able to be addressed by DCDHS without the necessity of court intervention. In these cases, it is made clear by the DA that the case will not ultimately be filed in court because of the problems detailed earlier.] In summary, the DA will initially review the referral to make sure that the legal standard is met, which authorizes intervention by any agency. If the standard is not met, there generally is no intervention by anyone beyond the initial investigation by the police. This writer has no statistical basis to determine what percentage of all delinquency referrals result in the above disposition, but, would estimate, based on experience, that the percentage would be approximately 3-5 %.

If the DA determines that the case can be proven against the juvenile, the DA will then determine whether or not a petition should be filed in court. This decision usually is based on the specific juvenile's past record and / or the severity of the offense and / or the apparent need for supervision and treatment. For example, a referral for Disorderly Conduct on a juvenile who is currently under delinquency supervision and who has a substantial delinquency history may or may not be charged depending on the behavior alleged. A referral for Misdemeanor Battery for the same juvenile, on the other hand, likely would be charged. In contrast, a referral for Misdemeanor Battery on a juvenile with no previous delinquency history may not be charged, again dependent on the behavior alleged. On the other hand, a referral for Felony Robbery on the same juvenile likely would be charged because of the severity of the offense. As an example of the final consideration, a referral for Misdemeanor Theft on a juvenile with no delinquency history would likely not be charged. However, the same referral on the same juvenile where there is information in the police reports detailing a history of drug and alcohol use and runaway behavior likely would be charged because of the obvious supervision and treatment needs. If the DA decides to charge a case and the Intake Coordinator for DCDHS has a differing opinion, the Intake Coordinator will communicate that opinion and the reasons for it to the DA who may or may not change the decision to charge.

If the case is going to be charged, the Intake Coordinator will transmit the case to the appropriate Delinquency Intake Unit for DCDHS where an intake worker will complete a further assessment of the juvenile and family and will prepare a written intake assessment with recommendations for the Court and parties. If the DA decides to not charge the case, the Intake Coordinator will again transmit the case to the appropriate Delinquency Intake Unit of DCDHS with directions to assess the case for either "case closure" or "deferred prosecution agreement". "Case closure" usually involves a "counsel and release" by

letter or by a meeting with the juvenile and parent(s). A “deferred prosecution agreement”, again, involves a period of “informal”, i.e. without court action, supervision with a number of requirements for the juvenile and family to achieve. In these cases, where a charge is not issued, the assessment and decision by the intake worker must be completed within the 40-day time period from the initial police referral. In some cases, the intake worker will conclude, after further assessment, that neither a “case closure” nor a “deferred prosecution agreement” is appropriate. In these cases, the matter will be formally referred to the DA for the filing of a delinquency petition, which, since the DA review has already been completed, is usually accomplished very quickly. Again, this writer does not have a statistical base to rely on, but, again based on experience, I would estimate that approximately 30-35 % of all delinquency referrals that could be charged are handled, instead, by “case closure” or “deferred prosecution agreement”. Due to anticipated staffing cutbacks in the Juvenile Division of the DA’s Office, that percentage will likely increase substantially in the near future.

The above hybrid procedure has a number of benefits associated with it. First, delinquency petitions are generally filed much more quickly than they would be if the two-stage procedure were strictly followed. If the reviews are done promptly, a delinquency petition may be filed two to three weeks after the police referral is made. This contrasts with the weeks associated with the two-stage process.

Another benefit is the initial “legal review” by a trained attorney to determine if there is a legal basis for any kind of intervention. If the juvenile has not committed a provable crime, then an “intake inquiry” by a social worker would be a waste of that worker’s time. It also avoids an unwarranted intrusion into the lives of the juvenile and his or her family if there is no legal basis for doing so.

An additional benefit is the ability of the DA to request supplementary investigation by the respective police agencies much closer in time to the actual event. On many occasions, this writer has requested and received the necessary supplementary investigative reports within the 40-day time period assigned to DCDHS for intake. On some occasions, the further investigation has strengthened the prosecutive merit of the case considerably. On other occasions, the supplementary investigation has actually helped to determine that a case should not be charged.

Finally, the hybrid procedure has allowed DCDHS and the DA’s Office to combine their responsibilities under Chapter 950 of the Statutes, which refers to victim rights. If a delinquency petition is filed after the DA review, the DA’s Office completes all of the victim rights obligations on behalf of both agencies. Only in those cases where there is a “case closure” or “deferred prosecution agreement” must DCDHS fulfill their independent statutory obligations under Chapter 950.

However, the hybrid procedure also has some drawbacks as well. It may appear that the hybrid procedure inverts the statutory process by having the DA make an early determination on whether a delinquency petition should be filed in court rather than waiting for a referral or notice from DCDHS. But, since the DA has the independent discretion to determine which cases should be filed in court, regardless of the actions and recommendations of DCDHS, the hybrid procedure conveys no more authority on the DA than that already provided by statute. In addition, the DCDHS Intake Coordinator is also making a contemporaneous assessment on what should be done with each case and is able to communicate an independent recommendation to the DA, which may change the ultimate decision on a case. Again, based on experience, I believe that the DA and DCDHS Intake Coordinator agree on the intake decision 99 % of the time.

One drawback of the hybrid procedure is the quantum of information that may go into the intake decision. This is not a serious issue with juveniles who have a delinquency history. Both the DCDHS Intake Coordinator and the DA have access to the DA files on each juvenile which contain a great deal of information, including past delinquency petitions and police reports, past assessments prepared by

DCDHS of the juvenile and family, past evaluations, etc. The Intake Coordinator or DA may also consult with DCDHS social workers who have been previously or currently involved with the juvenile and family. All of this information would be available to determine whether or not a delinquency petition on a new referral should be filed with the court. Where the lack of information may become problematic relates to those juveniles with their first or second delinquency referrals. In those cases, the only information generally being considered is the information contained in the police reports accompanying the referral. Information concerning school attendance and performance, compliance with parental rules, mental health issues, etc., is generally not contained in the police reports, yet might be relevant to an intake decision. If a case is filed in court, an intake worker with a Delinquency Intake Unit will generally collect this additional information. If it is determined at that time that formal court action may not be necessary, there is a statutory mechanism which would permit the dismissal of the delinquency petition and resolution of the case with a “case closure” or “deferred prosecution agreement”. On occasion, this mechanism is utilized in specific cases.

Another drawback occurs when case reviews, for one reason or another, cannot be completed promptly. Because of recurring short-staffing issues, the DA has, sometimes for periods of weeks, been unable to keep up with the volume of delinquency intake. During a good share of 2007, for example, there were probably upwards of 50 cases of all types where no action of any kind was taken simply because there was not sufficient time to review the cases within the respective statutory time periods. Although the DA will be undergoing additional staff changes, these changes are anticipated, unlike 2007, and can be planned for. Nonetheless, there will be periods where case review cannot be done promptly. The result of this kind of backup is that some cases may be charged that otherwise would not be, simply in order to comply with the statutory time period. If no delinquency petition is filed with the court, DCDHS still has only 40 days to complete a “case closure” or “deferred prosecution agreement”. And, the DCDHS Intake Coordinator does not transmit the referrals to the respective intake units until the DA makes an initial assessment of the case. If those initial assessments by the DA are inordinately delayed, there may not be sufficient remaining time within that 40-day period to do anything other than file a delinquency petition. These backups do occur periodically but generally, unlike the situation in 2007, affect only a very small number of cases. And, even if a delinquency petition is filed, there remains the statutory mechanism by which that petition can be dismissed and a more “informal” disposition pursued.

Both the strict statutory procedure and the hybrid procedure utilized in Dane County have their respective strengths and weaknesses. Hopefully, constructive suggestions can be made to improve the intake process, which combines the strengths of both approaches and minimizes the weaknesses.

Mike Walsh  
Deputy District Attorney

# Dane County Commitments to Juvenile Corrections Attachment

## Dane County DJC Commitments by Sex and Race/Ethnicity - 2006-2008

	2006	2007	2008
# Commitments	N=43	N=27	N=42
<b>Females</b>	7 - 16.3%	4 - 14.8%	9 - 21.4%
African-American	2 - 4.7%	3 - 11.1%	7 - 16.7%
White	4 - 9.3%	N/A	2 - 4.7%
Hispanic	1 - 2.3%	N/A	N/A
Asian	N/A	N/A	N/A
Native American	N/A	1 - 3.7%	N/A
<b>Males</b>	36 - 83.7%	23 - 85.2%	33 - 78.6%
African-American	25 - 58.1%	16 - 59.3%	23 - 54.8%
White	8 - 18.6%	4 - 14.8%	9 - 21.4%
Hispanic	2 - 4.7%	3 - 11.1%	N/A
Native American	N/A	N/A	N/A
Asian	1 - 2.3%	N/A	1 - 2.4%

### Committing Offense Categories Description

Property offenses include the following examples:

Burglary, Criminal Damage to Property, OMVWOC, Take & Drive Vehicle Without Owner Consent, Retail Theft, Receiving Stolen Property, Entry Into Locked Vehicle/Building, Theft, Arson, Negligent Handling of Burning Material, Fraudulent Use of Credit Card, Trespassing, Graffiti, Forgery, etc.

Weapons/assaultive offenses include the following examples:

Battery, Substantial Battery, Reckless Endangering Safety, Carrying Concealed Weapon, Robbery, Strong Armed Robbery, Armed Robbery, DC-Armed, Armed Burglary, Mayhem, Intimidation of a Victim/Witness, False Imprisonment, Possession of a Weapon at School, Theft of a Firearm, Battery to a Police Officer, Sexual Assault, Physical Abuse of Child, Negligent Use of Weapon, Extortion, Battery to Prisoner, etc.

AODA only offenses include the following examples:

Possession of Marijuana (cocaine, look alike substances, etc), Possession with Intent to Deliver, Possession of Drug Paraphernalia, etc.

**CYF Delinquency  
Services Social Worker  
DMC Issues and Question Responses**



*Compiled by Supervisor Debra Vieaux*

## **CYF Delinquency Services Social Worker DMC Issues and Question Responses**

DMC issues and question responses Dane County Department of Human Services delinquency staff including social workers, program leaders, and social service specialists were all sent an e-mail with questions asking staff to identify factors that go into the decision of a youth being placed out of home with the goal of identifying factors that DCDHS may have some influence over that could positively affect the disproportionate placements of minority youth out of home. They were asked to address both the considerations that social workers base recommendations on, as well as factors they perceive go into the court orders and attorney's recommendations that result in out of home placements. Social worker replies were listed under each question and reviewed. There were several factors that were repeated themes that played out into numerous factors:

1. Lack of ability of parents to positively influence youth.
2. Youth are not engaged and obtaining sufficient positive natural supports/structure in their neighborhoods/communities.
3. The younger youth are when they get into the system –the more opportunity for adolescent behavior to end up as adjudications, repeated violations, that escalate to out of home placements.

With these three themes in mind, and basing the questions on several suggestions generated by staff e-mails, the same DCDHS delinquency staff as part of a quarterly meeting, were broken into groups and posed with intentionally very open/loose questions hoping to generate more discussion and recommendations.

The following questions were discussed:

1. Determine what a neighborhood assessment would look like? What information do you need about a neighborhood to create an effective individualized case plan? Who do you need to know (contacts/relationships) in a neighborhood/community?
2. How can we provide families the information they need to present well in court, learn about their children's needs, and learn about the court system? How do we empower them to use their influence? How can we assist parents to get what they need to provide adequate supervision, structure and guidance to their teen? How would we change our practice? What would a program(s) look like that would do this? How would it differ from the programs we have?
3. What do we need to know from/about families to develop an effective case plan? What would a good family assessment look like? What missing info causes case plans to de-rail?
4. What components are needed to develop effective Deferred Prosecution Agreements?

## **RESPONSES FROM DELINQUENCY SPECIALISTS**

### **What factors do you believe contribute to the Dane County JJ-DMC issue?**

- a. They commit a disproportionate amount of the crimes.
- b. They are monitored more closely when in the community and the school staff appear to be at a heightened state when dealing with minority children.
- c. The lack of respect that the children have for the police leads them to make stupid statements or to act inappropriately.
- d. Fear.
- e. Types of crime (seriousness and done in a group), which lead too more likely to be held.
- f. Lack of access to mental health resources/willingness to use it (Caucasian families tend to access mental health services early and often for difficult behaviors while non-Caucasian families tend not to or resist mental health services).
- g. Poverty and related problems (caregivers not available for supervision due to work, AODA, overwhelmed with trying to meet the basics, absent dad, etc).
- h. Different familial norm - a behavior is treated as acceptable or less unacceptable vs. a different family who might react stronger to a negative behavior (how many times have we heard "in Chicago, the police wouldn't have done anything, this wouldn't even be in court", etc.).
- i. Lack of success in school setting.
- j. Repeated failures/non-compliance in less intensive services leads to an escalation.
- k. Lack of economic opportunity and historical discrimination in education and housing, which leads to concentration of minority populations in pockets of low-income housing and which highlights the profound differences in economic status that disproportionately affect many minority families.
- l. Systematic lack of cultural sensitivity among all players in the court system, but particularly in the courts, which is reflected in the lack of trust between minority families and the court system. When judges and the DA's see a two-parent family with sufficient financial resources, they are much more likely to grant a juvenile the benefit of the doubt. At the same time, low-income families lack the resources to be able to meet the demands of the court system as effectively as families with higher incomes and educational status. The courts & DAs view safety concerns among minority families more harshly, and the problem is compounded by lack of trust, which increases the chances that a minority family may not respond positively to an initial intervention, which increases the chances that the court will respond even more harshly.
- m. Lack of culturally sensitive and affordable services to help minority families address issues of AODA addiction, violence, and mental health compound the problem, as families must wait longer for appropriate services (increasing the chances of additional offenses), and economic

instability decreases the intensity with which minority families can or will be able to work with service providers to address the problem.

- n. The role of gangs, which serve minority juveniles in providing the opportunity to obtain some degree of power within the school and community setting, but which increase the chances that juveniles will commit multiple offenses and more severe offenses as rival gangs escalate the level of violence in response to perceived threats or insults. Even when white kids have some sort of gang affiliation, the difference in the role that gangs play can be huge - juveniles in white families are more likely to view gangs as a cool fad to experiment with & as something to bug their parents, while minority juveniles see gang unity as a critical system of support and protection.
- o. I saw this a LOT more when I was working in child protection intake, although I'm sure it applies to juveniles as well: the police were way more likely to arrest a poor person of color than a white person or a person with money. The attitude seemed to be that if they could afford a lawyer, they'd be more careful about how they went about an investigation and were less apt to arrest as quickly. The first contact (police) is huge. I also suspect that black kids have the police called by schools, store owners, citizen, etc, faster than white kids but really, my biggest suspicion is that they are the largest group of poor people. I think class has a lot to do with whether or not you get incarcerated.

#### **A. Systems Issues**

- a. Law enforcement less likely to “counsel” juveniles in today’s post-Columbine environment. Possibly for fear of being sued, it appears that the current policy is to refer EVERYONE to the DA’s office, rather than risk being the officer who failed to do so.
- b. DA’s office more likely to prosecute cases, especially if the behavior occurred in a school setting. This is more of the post-Columbine effect, combined with a significant decrease in the amount of respect that some students (and their parents) demonstrate towards school officials (see below).
- c. Institutional racism – perception that certain kids of color are more threatening or dangerous than other kids. This combined with poor socialization of some kids (see below) makes it more likely that minority kids will come to the attention of law enforcement, and will not be given any “breaks” when they do.

#### **B. Family/Cultural Issues**

- a. Huge distrust of “the system” which includes school authority figures.
- b. Police, human services, and the court system. Distrust is frequently exhibited as disrespect, and is often modeled by the adults in the juveniles’ lives. Respect for adults “just because they’re adults” appears to be a thing of the past, and a significant number of juveniles feel completely justified being verbally or even physically aggressive towards authority figures by whom they feel they have been “disrespected.” Many of these kids are also under-socialized, meaning that they don’t even know “how to play the game” when it is to their advantage to do so.
- c. Social and cultural issues (including racism and poverty) have created a “disconnect” between many of our young people and education / the job force. Many of the kids of color being referred to the court system have family members who have been or are currently incarcerated. Incarceration has essentially been “normalized” for these kids, and they appear to have minimal fear of being locked up. There is a rapidly growing social “underclass” of adults and juveniles

who drive illegally, which removes both an important motivator (the desire to get a license) as well as a potential deterrent (the fear of losing one's license) for those working with juveniles. It also creates a "hole" that late teens and young adults dig themselves into, and which many of them are financially unable to get out of. Some minority kids chastise their peers for "acting white" when they do well in school. The pressure to fit in with peers, to affiliate with a gang, and to not accept middle class values are constant factors that minority kids have to live with. I believe that all of these things contribute to the DMC issue.

- d. Another issue that I have observed many times with minority kids is the parents' belief that the child is "grown" long before the juvenile has attained maturity. There appears to be a cultural norm that encourages Latino males to pull away from their families as teenagers. I've interviewed a number of African-American mothers who became parents in their mid-teens, and have tired of parenthood by the time they reached their early thirties. Many of them want to move on with their own lives, whether that means returning to school or establishing a career. They expect their teenagers to "know better," and to just stay out of trouble with minimal adult guidance. Even in families where the parent(s) grasp the importance of ongoing adult guidance for their teens, economic factors play a role in making the parent(s) less available to their children than middle-class parents are able to be. In general it appears that for lots of different reasons, kids coming out of poor homes perceive themselves as having fewer options in life than kids coming out of more advantaged backgrounds.

**C. I see all of the above factors kind of intertwining and ultimately bringing more kids of color to the attention of school staff, law enforcement, and the juvenile justice system.**

**What are your Top 3 Concerns related to the Dane Co JJ-DMC issue?**

- a. Why are Dane County and Wisconsin numbers so far off?
- b. I already do an extra check on myself when having to adjust a case plan on a minority client but how to balance the need to respond and meaningful interventions when behaviors persist.
- c. Continuing fairness/consistency.
- d. Parents being overwhelmed, stressed, trying to keep a roof over their heads, etc./too busy for whatever reason to provide supervision at the level needed.
- e. I've seen judges treat kids differently based on how they are dressed for court, how "well" they speak in court, if they are polite in court and say sir, your honor, etc, the kids and parents level of education, which again is often indicated by their speech.
- f. Police stopping people of color, older beat up cars, etc. more often for minor traffic issues than others.
- g. I'm very concerned and saddened every time that we lose an intelligent, creative, and personable young person of color to the correctional system, particularly when it is clear that their minority status contributed to the cycle that led to their removal from the community. While I never like seeing any kid go to corrections, it is clear that for some kids, whether due to significant personality issues or otherwise, corrections is the most appropriate option. However, many minority juveniles have not been able to make the most of their skills and abilities in order to avoid incarceration, and this is a tremendous tragedy.

- h. I'm very concerned that highly publicized gang violence or threat of violence, like that which just occurred at Memorial High School will increase tensions between minority and white families and lead to greater economic and educational segregation. Some white families are already leaving the otherwise excellent Madison schools because of fear (which is largely unwarranted for white kids) about gang presence and violence in Madison schools. I know DCNIP is on the cutting edge in addressing gang issues, but it is an incredibly difficult thing to fix, and part of the cure may involve increasing DMC rates if an emphasis is placed on removing gang leaders from school and community environments. As much as we cannot afford high RCC populations, I think that it may be important to look at programs like Northwest Passages II sooner with gang-involved juveniles and improve our services & economic opportunities upon return to the community; otherwise higher correctional and prison populations will be likely.
- i. The economic crisis will have a tremendously disproportionate effect on minority families. Foreclosure rates, due to predatory lending practices targeted at minority populations, along with a contracting job market, will increase economic instability among minority families, which is likely to lead to an increase in crime and a decline in the ability of minority families.
- j. I unfortunately don't have many ideas as to how to address the problem. Everyone in the system needs to be better educated, but that alone will not change the problem. We may need to make an even stronger effort at earlier ages to prevent gang involvement and provide genuine opportunities for minority youth to gain acceptance, achievement, and involvement outside of gangs. We may also need to work better with schools to avoid situations like Friday where Memorial High School closed early (which leads to unnecessary fear in the community and creates a climate promoting incarceration), & instead intervene directly with gang members before a risky situation arises. A program to develop more intensive methods of mediation and violence prevention where police and DCDHS staff can identify and seek out gang members following a conflict in order to diffuse things without additional violence may be necessary. The presence of police in high schools may be leading to increased delinquency referrals. If this is so, maybe DCDHS needs to have an increased presence in high schools to lead to increased early intervention.
- k. Students disengaging from school because they are passed at the lower levels, elementary and middle schools without skills and at High School they cannot earn credit, Students end up truant, dropping out, or in half day or less alternatives leaving them too much free time.
- l. Lack of *quality* treatment for mental illness resulting in delinquency charges.
- m. Family dynamics.
- n. Getting kids out of detention in a timely fashion once they've been put in.
- o. "Upping the ante" and starting those kids off with higher stakes because they've been arrested and held to begin with.
- p. Culturally appropriate services, specifically, more culturally appropriate mental health services.
- q. All of our efforts to address DMC are temporary fixes that deal with symptoms, rather than addressing the underlying societal and cultural issues.

- r. “The system” cannot make any meaningful changes without buy-in from those who would be affected by the changes. People don’t change unless they want to, and they don’t want to unless they can see some advantage to doing so.
- s. All parts of the system, school staff, law enforcement, prosecutors, social workers, judges, etc, - need to work together to address some of the factors that have resulted in the underlying, often times justified distrust of the system by so many poor, disadvantaged, and minority clients.

**Suggested strategies for Change:**

- a. Now – as for one practical strategy that could reduce “no shows” for court / and or CAPIASes being issued – have enough HDP staff so that their duties could also include making home visits to families considered high risk to miss court (namely those without phones). In cases where a phone contact can be made, perhaps we should have clerical staff making those reminder calls a few days in advance (similar to what dental offices do). Those who cannot be reached by phone would get a face-to-face contact. All contacts would also confirm that the clients had transportation to / from court.
- b. A second strategy that would help MANY persons of color, young and old, would be some type of system that would assist people in dealing with / cleaning up revocations, suspensions, and other traffic related issues that prohibit them from being able to drive legally. Slapping multiple revocations / suspensions on to poor people who simply can’t pay the fines just sets them up to re-offend by driving without a license. I don’t have any real smart ideas as to how this goal could or should be accomplished, but CCAP data tells me that this is badly needed.

**Problem: Lack of ability of parents to positively influence youth.**

(Parents that do not provide adequate supervision, structure, and guidance due to barriers or lack of information, lack of knowledge, lack of power in the system, lack of time and money, lack of extended family support, lack of ability due to their own mental health and/or AODA issues, cultural differences.)

**Suggestions:**

1. Project Hugs model parent support program, model to duplicate in developing a similar service that targets assisting minority parents.
2. 211 call center to answer basic questions anonymously regarding juvenile system, court policies and procedures.
3. Provide childcare for working parents- pay for teens as well who have a similar need for supervision (as CPS children) would certainly be cheaper than placement.
4. Paid (40 hrs/week) parenting program.
5. Use family group conferencing/decision making in delinquency cases. This empowers families, make referral required when out of home care is being considered, could also use it as a pre-reunification service.
6. Request that the court hold families responsible. We see no meaningful consequences to parents when court enter orders requiring parents to cooperate with services and they do not comply.
7. Develop reunification service that evaluate what changes need to be made by other family members besides the youth in placement, and then works on the issues identified while youth is in placement to prevent youth returning to same environment that they left.

**Ideas:**

Parents need to be encouraged to be proactive. Begin interventions and/or holding their child accountable right away and not wait until the court does it for them.

Educate parents prior to hearings, about the specific intent on that particular hearing. Encourage parents not to blame or minimize, and the importance of keeping their cool. Review some stress management suggestions and ask them to limit their responses. Avoid predicting hearing outcomes. Prepare them that the social worker will be sitting next to the DA.

Be more direct in evaluating parents ability/capacity/desire to change at intake, and adapting our recommendations accordingly. (Decide to focus on youth vs. family. What is the realistic path to success?)

Workers need to remember that the families first focus is basic needs – housing, food, etc. Do not to forget the impact that poverty and instability often has and that you will often only know the information the family gives you . Pride and other factors may prevent them from disclosing some of their more significant issues.

**Problem: The younger youth are when they get into the system the more opportunity for adolescent behavior to end up as adjudications, repeated violations, that escalate to out of home placements.**

**Suggestions:**

1. Allow use of DCNIP/CAP groups for kids with DPA's (by risk level?) Examine current programs and see if they can be re-tooled to work with more DPA cases. Or if the programs can be paired down so that more youth are able to access them.
2. DPA designated social workers that would have just a DPA caseload. That would assure that DPA's received more attention and were not pushed to the bottom of the priority list.
3. Reallocating/securing more resources for early intervention programming (i.e. JFF, ADDS, ADDS II). These could then be utilized before school contact law enforcement or as an alternative to law enforcement. vs. the formal system.
4. Work with municipal courts in an effort to avoid the formal system while having a productive set of resources to utilize with youth.

What components are needed to develop effective Deferred Prosecution Agreements?

5. Develop information as to why DPAs are not happening:
  - o Intake workers may need more time to connect with the family. Use other methods of connecting.
  - o Can we use JFF to assist in tracking people? Work with law enforcement. Extend time limits.
  - o Track information as to why social workers are not in agreement to entering DPAs. Supervisors to be the point person in each unit to keep track of this information. Some social workers ask the DA's office to file petitions, find out why.
6. Make more services available for DPAs.
  - o Community supervision services could be beneficial in DPA cases, but are not available unless court ordered.
7. Work with law enforcement, point of entry.
8. Develop practice protocols across units regarding DPAs.

**Ideas:**

Increase the number of social workers doing community social work as a potentially preventative resource.

Decrease the paperwork/computer responsibilities. The state requirements put up barriers to what social workers can do, social workers can't do best practice. Social workers need more time to spend with kids and families.

Increase the number of staff so as to better be able to deal with DPA's and give them more attention

**Problem: Lack of ability of parents to positively influence youth.**

*What information do we need to know? How can we better assess families and needs?(Done by 2 groups-answers combined).*

**Suggestions:**

1. Parent's work schedules. When are they available for supervision? Meetings?
2. Actual financial situation. Are they working on the side to keep other benefits? What is the real money situation (SSI/ W-2); Debt under control? Eviction pending?

3. Informal services/supports they already use. Sports teams, recreation depts., youth centers, girl/boy scouts, if they used to be in them, why not anymore?
4. Faith Community. Supports they already use.
5. Extended Family/Friend Supports a) for the youth b) for the family with whom they already have a trusting relationship -invite this person to team meeting; who is the decision maker in the family/who does the parent go to for advice? (Grandparent? Parent?) Are there other influential people or agencies within the community the family seeks out?
6. What does the family culture include?
7. Accurate race info. (Ask the families)
8. Past Dane County services used. Info history in each JDA.
9. CCAP parent histories in each JDA.
10. WISACWIS history in each JDA.
11. Step parent information – when entered family. More details regarding employment (pediatric nurse vs. just “UW hospital”). Their specific work hours. Who is in your family...identifying others in the house or adult children?
12. History with the court system. Ask if it was a good/bad experience?
13. History with past providers. Ask if it was a good/bad experience?
14. Where were the family members born, where lived? Moved a lot?
15. Family history of medical, MH, AODA.
16. What is your mode of transportation? Bus, cab, car?
17. Include list of contacts on the JDA
  - o 1/1/09 Sent letter to family
  - o 1/12/09 Intake held. Child & mom attended.
  - o 1/16/09 Received school records and talked to school social worker.

**Ideas:**

**Adequate Supervision.**

- Who determines what's adequate.
- Cultural biases play into how these decisions are made.

**Other Areas Worth Discussing.**

- Purpose of UA's? Sometimes don't do anything with + results.
- Should kids be under supervision for 'minor school yard/neighborhood fighting'?
- Charging kids with sexual assault for consensual sex.
- How to better educate families in mental health.

**What are barriers to families buying into services? (They may or may not tell us.)**

- Transportation.
- Time constraints in family schedule.
- Other priorities (pending eviction, lost job, basic needs not met).
- No support from court to enforce compliance.
- Therapy is taboo/not acceptable response.

**Problem: Youth are not engaged and obtaining sufficient positive natural supports/structure in their neighborhoods/communities.**

What would a neighborhood assessment look like if we created one? What are the barriers to a youth? Succeeding? What are the assets and resources?

### **Suggestions:**

1. How many kids are “hanging out” in the neighborhood unsupervised with nothing to do? (Observation that African-American youth seem to get discouraged and disconnected from school in middle school—they do not feel accepted, listened to or get enough attention).
2. What is the turnover of families in rental properties in the neighborhood? Is this a transient or more stable neighborhood?
3. What does crime look like in the neighborhood? (Type, prevalence)
4. Who is in control of the neighborhood?
5. Is there a “natural” leader in the neighborhood who could be a resource?
6. What is JFF’s role in the neighborhood?
7. What are the resources? (Is there a community center, Boys and Girls Club, church or other programming available?)

### **Other Ideas:**

- Unsupervised playtime. A positive in our childhoods versus the “hanging out” and getting into trouble that occurs more often today. What has changed? Several group members believe certain values not being taught like what is right and wrong; respect for adults; responsibility to return home on time. Also that adults in a neighborhood would keep an eye on kids and intervene if they saw something going on that shouldn’t be (Could neighbors come together again to “keep an eye on things”?)
- Depending on the size of the neighborhood, parents may need transportation to pick up kids and take them home.
- More white kids are in structured activities which requires a high level of parental involvement, money and transportation.
- Community centers can be a resource but need to offer activities that will be perceived as worthwhile/engage the youths’ interest. Also need someone who will do outreach and make effort to involve neighborhood youth. (When youth are engaged in activities at community centers or the Boys and Girls Club, it is usually because the parents are invested in them being involved?)
- YRP sets up community service in a youth’s neighborhood so the youth would be seen doing something positive.

**DISPROPORTIONATE MINORITY  
CONFINEMENT/CONTACTS COMMITTEE  
DRAFT REPORT MAY 2006**

African-American youth make up approximately 8% of the population of Dane County. At the same time, in 2005 they also comprised 47% of the delinquency referrals and 63% of youth sent to corrections. There are many larger societal issues that impact these numbers. This report represents an effort to examine the role DCDHS workers and the policies/procedures that guide their practice that might affect DMC. Although there are growing concerns related to the Hispanic and Asian communities, this report will primarily focus on the over representation of African-American youth involved with juvenile court and CYF services.

The committee looked at a wide variety of statistics and areas where DCDHS workers have influence over outcomes, which include: CPS Intake decisions, custody decisions, charging decisions, sanctions, department hiring and training practices, type II dispositions and corrections.

**CPS Intake**

Statistics on referrals to CPS Intake gathered in 2005 reveal that reports on African-Americans families/children were received at five and one half times the rate of Caucasian families/children. Hispanic referrals were at four and one half times the rate of whites. The most disproportionate referral sources were from social workers and nurses (presumably related to school referrals, but this is not certain). Cases accepted for investigation and subsequent substantiation decisions however remained proportionate to population. Despite this proportionate response to CPS referrals, in 2005 African-American youth comprised nearly 50% of foster care placements of children between the ages of 0-12. That number grows to 53% when all ages are considered.

*Analysis:* Further study of the reasons for placement in foster care is needed to ensure that placement decisions are safety based and that the same criteria are being applied consistently across racial groups. Referral to family group conferencing is currently mandated for all CPS cases involving out of home placement, but is not for delinquency cases.

**Custody Decisions**

In 2005 there were 1016 youth referred to the Juvenile Reception Center. Of these, 67% were minorities with fully 50% of the total being African-American youth. At present, DCDHS does not routinely have a presence at initial custody hearings involving delinquent youth who are not open cases. It is unknown whether beginning information gathering immediately would speed up the release for some youth who are held in secure custody pending department assessment of their situation.

*Analysis:* The department should collaborate with juvenile court in a 3-4 month study to determine how many youth are held in secure custody due to lack of information about their family situation/resources (and who are subsequently released from secure custody once that information is made available to the court). If there are significant numbers, DCDHS should consider reallocating delinquency staff in order to initiate case assignment and/or initial information gathering immediately each morning prior to the afternoon custody hearings.

## **Charging Decisions**

In 2005, minority youth comprised 54% of those charged with juvenile delinquencies in Dane County, with African-American youth being 47% of this total. African-American youth however were only 39% of the cases where the decision was to defer prosecution, compared to 56% for Caucasian youth. A study was done specifically on disorderly conduct charges involving males where that was the only crime charged. Between 1/1/05 and 11/1/05 there were exactly 200 referrals of this nature processed by the District Attorney's Office that resulted in charges. Of these, 98 were Caucasian youth and 102 were African-American. The statistics show the following: African-American youth were much more likely to have a referral result in formal prosecution (44% vs. 32%) while Caucasian males were more likely to get Deferred Prosecution Agreements (27% vs. 16%). Schools are referring far more African-American boys than white, and these cases are much more likely to go formal (56% vs. 37%). At the same time, Caucasian males are much more likely to have their referral be based upon an incident in the home (37% vs. 8% for African-American males). City of Madison Municipal Court also reports a racial disparity in the number of disorderly conduct citations issued by Madison police. They looked at 250 citations issued in 2005 and learned that only 56 were issued to white youth while 174 (70%) went to African-American youth. Their statistics do not include the location where these citations were issued.

*Analysis:* DCDHS currently makes recommendations on charging decisions, but the ultimate decision rests with the District Attorney's Office. If DCDHS were to take on this responsibility we would have greater control over what and who gets charged. There would also likely be 50-100 cases per year that would be accepted by DCDHS that subsequently would be found insufficient for prosecution by the DA (resulting in unnecessary assessments and intrusion into families).

## **Sanctions**

Most requests for the imposition of Sanctions are made by DCDHS social workers. In 2005, there were 30 African-American males and 25 Caucasian males who received sanctions in juvenile detention. The African-American youth averaged 6.8 days while the Caucasian youth averaged 5.3 days, meaning African-American youth stays in detention averaged 22% longer than their white counterparts. Additionally, there were 4 white males who were sanctioned for seven or more days during 2005, while there was eleven African-American youth with sanction orders this long. There has been no study of the effectiveness of sanctions as tool to correct behavior or prevent a more restrictive placement. Nor has anyone examined whether DCDHS is requesting sanctions evenly or requesting equal days for equal violations. Additionally, there is no information available related to the influence of individual DAs or judges on sanction orders.

There was also discussion related to whether we should always include standard language in court orders, specifically around school attendance and AODA use, if the offense had no clear connection to these concerns or if there was no desire/intent to impose ever-escalating consequences for these violations. Some members suggested the department could revive the rules of supervision form to document these sorts of expectations for youth and families. The committee could not achieve any consensus so will make no recommendations at this time on this issue.

*Analysis:* There is a need to analyze data in conjunction with juvenile court. A study should be implemented to examine youth sanctioned in the first six months of 2005 to determine whether they have remained out of more restrictive placements. We also need to more closely examine what violations were committed which led to the sanction motion, and consider developing department guidelines for sanction recommendations.

## **Department Hiring and Training**

Outside of DCNIP, DCDHS has struggled to recruit and maintain minority social work staff, such that our staff racial composition does not mirror the population we serve. As a result, there is an increased need to provide ongoing and relevant cultural competency training.

*Analysis:* Complacency must be guarded against, especially for staff that is part of the dominant culture. Just like there is a state requirement that all staff receive ethics and boundaries training every two years, so too should there be a department requirement that all staff attend cultural competency training every two years. DCDHS should seek out grants to assist with implementation of this initiative, and commit training budget monies to it. Additionally, the county has a specific recruitment/hiring ordinance for the Sheriff's Dept that targets socially and economically disadvantaged potential employees. Although recruitment efforts have targeted newspapers in African-American dominated communities such as Milwaukee, DCDHS has never done special recruitment like the Sheriff's Department, in recent years no doubt in part because duplicating their effort would be somewhat hampered by the requirements of social work certification. The county also has an exceptional Employee Retention Program that to our knowledge has not been utilized by DCDHS.

## **Type 2 Dispositional Orders**

DCDHS began compiling data on Type 2 orders in 2006. Presently 35 youth have been recorded as being on type 2 supervision. Of these, 3 (9%) are Caucasian, 29 (83%) are African-American, and one each Hispanic, Native American, and Asian. Documentation has not been kept regarding the nature of the offenses, who recommended type 2, or whether this disposition was part of a plea agreement to avoid other more serious consequences such as waiver or corrections.

*Analysis:* Further study of how type 2 is being utilized is needed. Clearly there is a significant racial disparity in its application as a disposition. It would not be overly difficult to examine these thirty-five cases looking at the questions raised previously.

## **Corrections**

Dane County has sent approximately 57 youth to Corrections in three of the past four years. From 2002 to 2005 the number of African-American males sent to corrections increased from 37% of the total in 2002 to 63% in 2005. At the same time, the number of female African-American youth committed to corrections dropped from 21% in 2002 to 2% in 2005. The numbers for Hispanic and Asian youth have remained consistent and relatively low. African-American males dominate the SJO referrals. Committing offenses for African-American youth are primarily weapons and/or assaultive in nature (83%). White males have seen their offense pattern change from being dominated by property crimes in 2002 and 2003, to also being for weapons and/or assaultive crimes in 2004 and 2005. Nevertheless, their overall numbers declined over this period, which coincides with the increase in African-American youth sent to corrections. Finally, the number of gang-involved youth committed to corrections has been rising, especially amongst African-American and Asian youth. Nearly all youth sent to corrections tend to have had multiple prior offenses and numerous previous interventions.

*Analysis:* A study of the data around committing offenses does not reveal any definitive racial disparity in the use of corrections vs. other less restrictive alternatives. The corrections data reflects the ultimate failure to address disproportionate minority contacts and confinement throughout the earlier phases of the continuum of services/interventions of the juvenile justice system.

## **Summary**

DMC is a difficult subject to analyze. Data tends to be either non-existent or confusing. The answer to one question generally leads to yet another question rather than to an obvious solution. Many of the underlying causes of DMC are not things this agency or its workers can control, much less influence. Nevertheless, there are clearly directions DCDHS should consider moving in order to take the lead in the juvenile justice system towards examining how our policies and actions contribute to the problem. This can and should be only a first step towards inviting the larger community to engage in critical self-examination in an effort to develop a systemic response to DMC.

## **Recommendations**

1. Examine FGC models currently being used with the older delinquent population. If there are effective models, which can be emulated, make referral to family group conferencing mandatory for all out of home placement youth. This would require additional staff be allocated to the FGC program, and would also require a way to ameliorate the subsequent increased demand on delinquency caseloads that participation in significantly more FGC's would require.
2. Initiate a data gathering study with juvenile court of both initial custody hearings (delinquency) and sanctions.
  - a) Sanctions – In addition to age, gender and ethnicity of the youth, document who asked for Sanctions, what they requested, what the underlying offense was, what the violation was, what else was tried, and who the other parties are (Judge, DA, SPD, SW)
  - b) Initial Custody – Initiate a 3-4 month pilot of treating a youth in secure custody as the equivalent of a CPS level one case. The delinquency intake supervisor would immediately assign these cases – expectation would be that the worker initiate information gathering prior to the custody hearing and attend that hearing.
3. Commit training resources for yearly Cultural Competency/Fairness training for staff. Investigate whether there are grants available for this, but do it regardless. Invite system partners (i.e. Juvenile Court, DA/SPD, schools) to train with us. Begin this process by having DMC Committee members attend all unit meetings to present the committee results.
4. Draft a request to the County Board to allow special recruitment/hiring of minority Social work employees. Create a process to begin utilizing the Exceptional Employee Retention program in order to both hire and retain minority workers.
5. Do additional investigation of type 2 cases. Review the first 35 cases, gathering data on what underlying offense led to type 2, who recommended type 2, what alternatives had been tried/were being proposed.
6. Utilize JFF more frequently as a referral option for prevention/early intervention situations (such as DPA cases) where there will not be any ongoing formal DCDHS involvement.
7. Share statistics gathered in the course of this committee work with the District Attorney's Office especially as relates to findings with disorderly conduct charges. Review current policy of having the DA have final say in all screening decisions.

8. To address the disproportionate number of both CPS and delinquency referrals involving minority youth that originate from schools, initiate additional training/collaboration with the schools, especially Madison.
9. Have ARB begin collecting and collating data regarding ethnicity and recommendations, especially around placements, corrections, and type 2.
10. Continue to collect and monitor corrections data. Track trends and bring to the departments attention should any significant changes occur.

## **Madison Metropolitan School District School Safety Strategies**

MMSD's goal is to maintain a school environment that is safe for students and staff. This goal is achieved by the implementation of the following strategies in all schools:

### **Engagement of Students and Development of Trusting and Supportive Relationships**

Students are the key to maintaining safe schools. The building of positive relationships between staff and students is critical to obtain student cooperation, to develop school spirit, to address problems in a pro-active manner, to maintain open lines of communication and to manage behavioral issues effectively and before they reach a crisis point. All staff members are involved.

### **Building a Sense of Community in Each School**

The creation of a safe school requires participation of the entire school community. Safe neighborhoods and communities can only be created through the involvement of its members. Families, administrators, teachers and students are the foundation of the school community and all have a role to play in this effort.

### **Staff Training**

Training is provided to staff on an on-going basis and on a wide-range of topics such as: bullying, protective behaviors, classroom management, crisis intervention, violence risk assessment, physical support and gang intervention. All staff members are required to participate in fire, tornado and "Code Red" drills. MMSD's School Security Assistants receive advanced training on crisis management, conflict resolution and CPR.

### **Reaction to Community Incidents**

Student involved conflicts that occur outside school, in the neighborhood, at the mall, or on public transportation have the potential to continue in our schools. To minimize the potential of our schools being placed at risk, it's critical that staff be attentive to incidents that may have involved students. These incidents must be identified and resolved before they affect our schools and jeopardize the safety of students. Schools accomplish this by maintaining open lines of communication with students, families and neighborhood agencies.

### **Collaboration and Communication with Police, Courts and Social Service Agencies**

Schools are part of the larger community and strive to work and collaborate with other agencies to establish good working relationships and to open lines of communication that enable them to respond to crisis incidents in a prompt and efficient manner. The district encourages on-going dialogue with outside agencies, as well as collaborative and joint efforts to address community issues that may impact its students.

## **Utilize a Problem Solving Approach to Identify Patterns or Clusters of Incidents**

School responses to safety concerns must be effective and long-term. The use of data to identify clusters of incidents, patterns of behavior and root causes of problems are critical. All schools will develop information-gathering systems that enable the tracking and identification of incidents that impact students or staff safety.

## **Incident Management**

Whenever an incident or threat significantly impacts the safety of a school, the District Administrative Team will respond to support the principal with the management of the incident. The team consists of the Grade Level Superintendent, the Safety/Security Coordinator, the Public Information Officer, and the Building Services Director. Along with the school principal, the team will establish and maintain communications with the superintendent and chief of staff and will manage and coordinate all emergency and security operations with the police or fire department.

## **Use of MMSD's Violence Risk Assessment and other Analytical Tools to Support Students in Crisis**

Staff is trained to utilize MMSD's Violence Risk Assessment (VRA). This is an effective tool for gathering information related to threats or student behavior and for analyzing the need for additional support or for the implementation of safety plans. The VRA is conducted by the principal in conjunction with a support team of psychologists, school social workers and other key staff members.

## **Employment of Educational Resource Officers**

The district contracts with the Madison Police Department for the placement of an Educational Resource Officer (ERO) in each of our high schools. The specific duties, roles and responsibilities of the officers are addressed in a formal contract negotiated with the department every two years. The district and the police department are committed to providing a balanced approach to the ERO's responsibilities in the schools which reflect their educational role, as well as their law enforcement role. The officers provide a consistent police presence in the schools which enables them to develop positive relationships with students and staff and to work proactively to prevent incidents. The officers' work is by and large of a preventative nature and in support of the schools' overall efforts to maintain a safe environment.

## **Employment of School Security Assistants**

In addition, the district employs a staff of 27 uniformed School Security Assistants (SSA's) whose primary function is to provide for the safety of our high schools and five designated middle schools. Working under the day-to-day leadership of the school principals, the SSA's provide direct support to students and staff. The SSA's are CPR trained and receive extensive training on student engagement, conflict resolution and crisis management.

## **Utilize MMSD Emergency Procedures in All Schools**

Emergency plans and procedures are standardized throughout the district. These plans contain specific procedures to follow in the event of an emergency. All staff is trained on the procedures and is required to participate in school-wide drills to familiarize themselves with the nature of emergency response.

## **Traffic Safety**

The district recognizes the importance of student safety to and from school. To this end, the district participates in a joint effort with the Madison Police Department, Traffic Engineering and PTO's to address vehicle traffic and pedestrian issues. The School/Traffic Safety Committee meets regularly to address specific concerns or to review significant traffic accidents involving students or staff. Recommendations for improvement may involve the designation of safe routes for students, changes to school parking lots, alteration of school bus or parent drop-off and pick-up points, use of additional police resources or street redesigns.

## **Technology**

The district utilizes various communications equipment such as radios and repeater systems, classroom telephones, PA systems and video surveillance cameras. The use of the cameras is guided by Board of Education policy. In special circumstances and with approval of the school principal, metal detectors may be utilized.

## **Gang Prevention**

The district recognizes the existence of gangs in the community and that gang-involved students attend our schools. To minimize the extent of gang activity occurring in our schools, the district has specific rules that prohibit anti-social behavior and the use of gang symbols in school. The district is committed to the academic achievement of all students, regardless of their affiliation with gangs. However, gang activity, recruitment or use of intimidation is not permitted. Schools may use the most appropriate response which may include: enforcement of MMSD's Code of Conduct, referral to the police or other agencies, or to provide support to gang-involved youth and their families. Training is provided to all staff members.

## **Student Code of Conduct and Consistent Application of Rules**

The district has a comprehensive code of conduct that addresses a wide range of student infractions. By applying the specific code that best suits the violation, the schools are guided to the most appropriate and consistent school responses with the goals of improving student behavior and maintaining a safe environment that is conducive to teaching and learning.

## When to Call Police

The responsibility for the safety of your building, your staff, and your students is shared by all MMSD employees and students as well as the community. You are, however, the person who must ensure all the activities needed to accomplish this happen in a coordinated, systematic way. There are many resources available to help and assist you, such as other MMSD administrators, Security Assistants, Dane County Human Services, Dane County Mental Health, Fire department, and the Police, to mention a few. This training memo will focus on when it is appropriate, and sometimes critical, to ask for Police assistance at your school. You, not unlike the community, will use the Police to aid you in maintaining good order and to protect and help ensure the safety of students and staff in order to maintain an environment in which education and learning can occur.

Even though you may need to utilize the Police to aid you in maintaining good order, it does not mean every time a student raises his/her voice, threatens to strike another student, refuses to obey your direction, or disrupts the classroom, that you should call them to your school. **Most disturbances and arguments can be and should be resolved without Police intervention.** We have a responsibility to resolve these incidents as well as others, which might be minor criminal infractions. This is very appropriate and something we have done for years and must continue to do! Examples of these incidents are minor disturbances; disorderly, loud, boisterous, and disruptive activities; minor damage to property and fights; harassment; and graffiti incidents to mention just a few.

I strongly believe that whenever possible, we need to resolve these incidents without police intervention because:

1. We have our own quasi “criminal justice system” in place with the Code of Conduct.
2. We have a variety of disciplinary responses available to us, from counseling to expulsion.
3. Our disciplinary system is far swifter and less cumbersome for students, parents, and us; more child oriented; and does not place the stigma of an arrest on a student’s record.

I believe parents, the Police, and the community support this approach. It is important that all of our staff understand our desire to resolve these matters without using the Police. Discussions about this at the beginning of each year with your staff is critical.

This philosophy is also supported by State laws, which impose upon us the “general duties of supervision, management, and control over the operation of the school system.” As such, we may adopt policies that are reasonable and bear a rational relationship to our role in providing a public education, including policies for the “advancement of education, discipline, and the orderly operation of our schools.” We must also recognize our **in loco parentis** (in place of the parent) relationship to our students when trying to resolve situations concerning discipline and conduct of students, especially when involving the Police. This has several important implications. We can discipline students within the framework of the Code of Conduct, and we can call for police assistance when we cannot safely and in a timely fashion resolve a situation of

safety to students and staff. Lastly, when we do involve the Police, we are guided by BOE Policy (4400) to protect the legal interests of students and assist them when interacting with the Police.

That said, the following Code of Conduct violations are situations when the Police shall be called, regardless of the circumstances. An Assistant Superintendent should approve any deviation of this.

- 303. Sexual Assault – Intentional touching, either directly or through clothing, by the use of any body part or object of another person if done for the purpose of sexually degrading the other person, or sexually arousing or satisfying the perpetrating pupil.
- 304. Arson – Setting fire, or attempting to set fire.
- 305. False Alarms – Activating the school’s fire and/or other alarm systems, reporting a fire when no fire exists, or making a false alarm call to 911.
- 317. Possession of alcohol or being under the influence of any alcoholic beverage.
- 318. (a) Elementary School: Possession of drugs other than alcohol, or being under the influence of any narcotic, controlled substance or other mind-altering drug or chemical.  
  
(b) Middle & High School: Possession of drugs, other than alcohol, or being under the influence of any narcotic, controlled substance or other mind-altering drug or chemical, unless legally possessed or used while under the supervision of a licensed health care provider who prescribed the substance.

**Middle and High Schools:**

- 401. (b) Possession of a weapon, recommend for expulsion.  
  
(c) Possession of an object that may be used as a weapon coupled with a student’s intent to use, threat to use, attempt to use, or actual use of the object as a weapon, recommend for expulsion.  
  
(d) Possession of a knife or cutting instrument coupled with a student’s intent to use, threat to use, attempt to use, or actual use of the knife or cutting instrument, recommend for expulsion.  
  
(e) Possession or use of a firearm, recommend for expulsion.

**Note (1): Definitions**

- **“Knife” refers to knives of all types, without regard to blade length,**
- **“Cutting instrument” refers to all objects that have as their primary intended purpose being an object utilized to cut something. (E.g., box**

**cutter, carpet cutter, razor blades, straight razor, is an illustrative but not exhaustive list)**

- **“Weapon,” means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. (E.g., pistols, rifles, shotguns, regardless of whether exploding power or air is used to propel its ammunition; bow and arrows; BB guns; pellet guns; and brass knuckles)**

402. Possessing a controlled substance, or illegal drug, with the intent to deliver.
405. Possession of a bomb or explosive device, making a bomb threat, or threatening to set off an explosive device, while in actual possession of a bomb, or other explosive device; or attempting to, or actually detonating a bomb or other explosive device; or making a bomb threat which causes significant safety risk or loss of instructional time even if student is not in possession of such device.
406. Selling, delivering or possessing a controlled substance, or illegal drug, as part of a drug transaction, whether as the seller, purchaser, or intermediary facilitating the transaction.
407. Serious sexual assault, e.g., by use of a weapon, force, threat, or coercion.

### **Elementary Schools:**

413. Pupil at any elementary grade level possesses a firearm; the pupil shall be suspended for five days and shall be recommended for expulsion, regardless of whether there was a threat to use, attempt to use, or actual use of the firearm.
420. Possession of a controlled substance or illegal drug with intent to deliver: Suspend for five days and recommend expulsion.
442. Possession of a bomb or explosive device, making a bomb threat, or threatening to set off an explosive device, while in actual possession of a bomb, or other explosive device; or attempting to, or actually detonating a bomb or other explosive device; or making a bomb threat which causes significant safety risk or loss of instructional time even if student is not in possession of such device. Pupil shall be suspended for five days and recommended for expulsion.

These violations of the Code of Conduct represent serious threats to the school community and must be reported. There are, however, other situations which occur in our schools where the decision on whether to call the Police is not so obvious. **Generally, I recommend calling when:**

1. There is a very serious safety-related concern;
2. The situation can't be controlled (order maintenance);
3. Certain criminal behavior occurs.

Keep in mind, the individual circumstances of each situation can vary so greatly that it is impossible to predict or describe every possible set of circumstances with all their different nuances. So, in many cases, to determine the need for Police involvement, you must consider the Totality of Circumstances which I describe beginning on page 6.

## **VERY SERIOUS SAFETY SITUATIONS**

You should call the Police whenever you have a bomb threat, most weapons incidents (see Training Memo #1: Weapons), serious threats and assaults, and other situations when the safety of students, staff, or property is at great risk or when the risk is imminent. You should follow the procedures in your Emergency Manual whenever you have a bomb threat or dangerous intruder – armed, threatening, and violent.

### **Bomb Threats**

Regardless of how the threat is received, the Police should be called to investigate if you do not know who made the threat. There may be situations when the person making the threat is known, and after considering the totality of circumstances, you may decide not to call the Police, i.e., an angry young student says, “I am going to bomb this place.” After considering the age of the student, the ability to make a bomb, his/her angry state, and his/her degree of remorse, you may decide only to invoke the disciplinary process without involving the Police.

### **Weapons**

Weapons in schools are a serious threat to the safety and security of all students and staff, and a clear message from us must be NO WEAPONS IN SCHOOL. This is why the Police should be called in almost all situations involving weapons. They must be called without exception in all situations involving a gun – BB gun, pellet gun, rifle, shotgun, and handgun – whether or not the weapon is operable. In most cases, after considering the totality of circumstances, you should call the Police for look-alike guns. An exception might be an obvious toy gun.

Much more thought needs to go into a decision to call the Police when the incident involves a knife or cutting/sharp-edged object. They are also dangerous in school and should be taken seriously. In many cases, Police should be notified, but you will need to consider the totality of circumstances in making your decision. Police must always be called when there is a concern with disarming someone carrying a knife-like object, when it is intentionally concealed on the person, or when it is used to injure or threaten someone.

The Police should be called in incidents involving homemade weapons and contraband (item illegal to possess). Because they are illegal to possess, the Police will need to confiscate these items. You would want to consider the totality of circumstances before calling the Police whenever an object like a pencil, pen, ruler, chair, etc., is used or threatened to be used as a weapon.

Lastly, two other situations of serious safety concern where the Police should be called involve all arsons on school property and all child enticements, regardless of where the enticement occurred.

## **ORDER MAINTENANCE**

You should call the Police for order maintenance situations when you cannot safely and in a timely manner restore order. Large fights and disturbances; fights where the combatants refuse to stop, especially when we are not able to control them; and disturbances involving rumored weapons are examples of situations when you should call the Police. Because of the potential for these situations to attract many by-standers who might become involved, the Police should be called immediately. You can always call them back to let them know their services are no longer needed if you gain control. It is also appropriate to call even if there is only one student who is behaving in a threatening, violent or seriously disruptive manner and, without Police assistance, you would not be able to safely calm the person, especially if verbal strategies were unsuccessful.

Again, most disturbances and arguments can be and should be resolved without Police interventions. These minor criminal acts would normally be referred to as Disorderly Conduct and are defined by Statutes as “whoever in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonable loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.” Students engaged in disorderly acts can certainly be disciplined.

## **CRIMINAL ACT**

We witness a number of acts in our schools which could constitute violations of either City Ordinances or State Statutes. It would certainly be appropriate and advisable to call the Police when the acts are serious crimes or when they jeopardize or have a likelihood of jeopardizing safety. Examples of such crimes would be all drug violations, sexual assaults, trespassers who refuse to leave, batteries and thefts where someone wants to press charges, robberies (use force or threat of force to take something from a person), and burglaries (entry into locked portion of our buildings). Because of their seriousness or because someone else who was victimized wants the Police notified, we should contact the Police to investigate.

## **TOTALITY OF CIRCUMSTANCES: NOT ALL-INCLUSIVE**

Age of Student: Age is an important factor to consider. The Police also cannot take into custody, for the purpose of prosecuting for delinquency, a child under the age of 10 but still can be called if needed.

Type of Weapon: The type of weapon makes a difference. A gun is much more dangerous in a school setting than a sharp-edged object, which is more dangerous than a pen or pencil.

Threat: A threat can play an important part to determine when trying to decide to call the Police, especially if combined with a weapon. The type of threat is important. “I am going to go home and get a gun and return” is much different from “I am so angry I could punch you.”

Injury: A push which causes minor injury is much different than a deliberate punch to the face and such would be handled differently depending on all the factors.

Extent of Disruption: A simple scream in a classroom is different than someone screaming while walking down an entire hallway.

Remorse/Demeanor: An inappropriate act with no remorse and a poor attitude might be dealt with differently than an inappropriate act followed by remorse and an apologetic attitude.

Why in Possession of Weapon: Did a student bring a knife to school to injure someone or for a school project?

Criminal Act: See “Criminal Act” discussed earlier.

Pattern of Behavior: Is this the first time a student is disruptive or has he/she been disruptive on numerous occasions should be considered.

Premeditated: Did a student plan to find another student at a particular time in a particular location to cause a fight or was the fight an outgrowth of a disagreement.

Sophistication of Plan/Threat: A well thought out plan to bomb a building which included gathering of materials needed to make an explosive is different than an uttered threat, “I’m going to blow up this place.”

Number of People Involved: Two students fighting is different from ten or fifteen fighting.

Involvement of Others: You should consider if a student solicits help or conjures others to act inappropriately.

Length of Time: Two students who stop fighting immediately after being told to stop may be handled differently than students who continue to fight for an extended period of time after being told to stop.

Need for Additional Services: If you believe additional services are needed for the student or the student’s family, which are not being provided and involvement by the Police might help get those services, is another factor which can be considered.

Mandatory Report: Is the situation such that the law requires us to report the situation to either the Police or Human Services, i.e., child abuse, regardless of where the incident may have occurred.

This informational memorandum thus far has only discussed calling the Police to your school when we need them because of their law enforcement responsibility. I suggest that you develop a relationship with your Police District Commanders and with your area beat officers. They can be utilized for educational purposes – to discuss the juvenile code; driving and drinking, drugs, gangs, harassment; their role in society or to explain their roles and responsibilities in our community. We have very diverse Police Officers in Madison who are very able and capable of providing interesting and useful instruction on a wide variety of issues and experiences. Each year, I will send you an updated list with telephone numbers of your District Commanders.

In conclusion, if you should ever have a question on whether the Police should be called, your Assistant Superintendent, Legal Services, and I are available for consultation. **For those of you who have an E.R.O. in your school, there must be a discussion and an understanding of our philosophy on involving the Police so that your students are not treated significantly different because of their presence.** It is also important to note that when you do call the Police to investigate an incident in your school, it does not relieve you of the responsibility to conduct your own independent investigation to determine if a violation of the Code of Conduct occurred and, if so, take appropriate disciplinary action.

**REMINDER-In all instances of pupil misconduct involving level III or IV violations of the Student Code of Conduct which result in police involvement and arrest, principals are required to conduct an “aggravating factor analysis” that may include a review of criminal charges against a student. For this reason, it’s critical that you request the following information from the arresting officer and that you provide the information to the Coordinator for Expulsions along with your suspension/expulsion recommendations:**

1. **What is the specific charge? Request the specific state statute or City Ordinance number.**
2. **Is the charge a felony or a misdemeanor?**
3. **What is the police case number?**

**If the officer does not have the information available at the time, request that he/she call you or email as soon as possible with it.**

