

To: Representative Schraa, Chair, Assembly Committee on Corrections  
Senator Wanggaard, Chair, Senate Committee on Judiciary and Public Safety  
From: Disability Rights Wisconsin  
Date: February 15, 2018  
Re: LRB 5233/P3

Disability Rights Wisconsin (DRW) is the designated Protection and Advocacy system for Wisconsinites with disabilities. DRW is charged with protecting and enforcing the legal rights of individuals with disabilities, investigating systemic abuse and neglect, and ensuring access to supports and services. As part of its work DRW has engaged in both individual and systemic advocacy around the intersection of disability and the criminal justice system for many years. We believe that any discussion of juvenile justice advances must actively encompass issues related to mental health and disability. We appreciate the efforts of both the Governor and Legislature to address what is a current and growing crisis in our juvenile justice system, and we look forward to a continuing collaboration with all stakeholders to bring about juvenile justice reforms that will move Wisconsin forward.

Given the complex and fluid nature of this LRB as it moves forward, DRW is hesitant to provide detailed comments on all its many components at this time. Our purpose in testifying today is to share our expertise and to support many of the concepts currently in LRB 5233.

DRW's interest in the juvenile justice system stems from the fact that so many youth caught up in the system have a disability. National prevalence studies have found that 65 to 70 percent of youth in the justice system meet the criteria for a disability. Not surprisingly, Wisconsin youth with disabilities are overrepresented throughout the juvenile justice system. For example, DRW received data from the Wisconsin Department of Corrections in March of 2016 that at least 70 percent of the then current population at Lincoln Hills and Copper Lake could be classified as having one or more disabilities. The majority of these tend to be youth with a mental health diagnosis or emotional disorder. DRW believes that one important focus of any assessment of Wisconsin's juvenile justice priorities must be to decrease the over-representation of children and youth with disabilities in the justice system. Additional attention must be devoted to promoting best practices in programming, access to special education services, and reducing the negative effects of current isolation practices.

Given the above, DRW is pleased to see that the direction of this proposal is to end the use of large congregate Type 1 juvenile justice facilities by closing Lincoln Hills and Copper Lake. DRW supports youth remaining in their own communities with appropriate services and supports as much as possible and believes that residential services should be reserved for individuals whose needs cannot be met in their communities because of a current risk to community safety. If a youth must be in a residential facility, whether a secured residential care facility, a local detention center, a Type I juvenile correction facility, or any future configuration of residential

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services, it is important that these facilities address the many factors that affect the youth's progress toward healthy and safe participation in adult life.

DRW is hopeful that there are opportunities presented in this proposal that will encourage smaller community-based facilities that do not structure services and programming around an institutional model but focus on evidenced-based approaches that will prepare youth to successfully live in the community as quickly as possible. DRW supports the empowerment of a group of stakeholders, such as the Juvenile Corrections Study Committee required in this bill, to study and advise on best practices for this population of youth. This stakeholder group should include not only the perspective of state and counties, but also people with lived experience, their families, and organizations like Disability Rights Wisconsin, that have experience working with youth with disabilities. Individuals with expertise in mental health and individuals with lived experience, such as parents of youth who have been in the system and youth/young adults who were themselves in the juvenile justice systems have a special expertise to offer about the problems and concerns that can impact the decisions as you move forward.

Some of the factors we believe should be incorporated as principles in the redesigned system are:

1. Provide programming that is strength-based and trauma-informed, and in which all staff are trained in trauma-sensitive practices and strategies.
2. Be engaged with families to encourage their participation in the youth's treatment while the youth is out of the home and planning for return to the community.
3. Provide adequate, appropriate youth-focused mental health screening, evaluation and supports/services.
4. Provide appropriate educational programming for all youth, including adequate expertise on special education and transition services.
5. Provide programming that addresses all aspects of the youth's needs including both group and individualized programming.
6. Keep youth and staff safe while using isolation only for the shortest time necessary in emergency circumstances and never as discipline or "consequences."

In addition to the above-listed factors, it is very important that there is sufficient funding not only for safe and adequate facilities, but also to support appropriate staffing to providing ongoing programming that is needed for the youth's success and keep both youth and staff safe. When youth have appropriate programming, the incidence of danger is decreased. It is also imperative that there is oversight to ensure an environment where youth are safe from abuse and a key success factor will be investing in the staffing and infrastructure needed to provide this oversight. DRW also encourages a commitment to review and update the DOC administrative rules that would conform with these new standards of practice.

Thank you for the opportunity to provide input on LRB 5233/P3. We support your effort and look forward to working with you in the future on ways to improve services for youth with disabilities who are involved in the juvenile justice system.

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