



Disproportionate Minority Contact (DMC) Solutions Report 2019



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Greetings:

Disproportionate minority contact (DMC) is the pipeline from the youth justice system to the criminal (adult) justice system and is overflowing with youth of color. It is concerning that racial/ethnic minority youth are overrepresented despite largely comparable types and rates of actual offending behavior. Put another way, youth of color are more likely to be arrested, detained and confined relative to white youth. When one includes the compound and cumulative character of racial/ethnic involvement throughout progressive stages of the youth justice system, it is no surprise that the issue has been subject to much discussion and, in turn, received persistent attention.

The State of Wisconsin and Dane County are acting to address - and hopefully correct – the problems of DMC. The State and Dane County have histories of ultimately doing the right thing when injustices are made known and are pervasive.

The Dane County Youth Justice Solutions DMC Solutions Workgroup first convened in September 2008. The workgroup brought together dedicated individuals from numerous disciplines from across the state of Wisconsin to learn about the causes of DMC and positive manners in which to address these critical issues. The workgroup - and subgroups – met regularly over the subsequent months. The workgroup issued its report and recommendations at that time. In April of 2019, a newly established DMC workgroup convened and subgroups met regularly afterwards to review the outcomes from 2008 and to make new recommendations. The effort has been an enlightening one for all participants and the work accomplished has been intensive. I look forward to reviewing the report, recommendations and to systems' implementations to the best extent possible.

Thank you to all participants and, in particular, those noted for your meaningful impact on behalf of the youth we serve: Jim Moeser who facilitated the process and participated in the large group and the workgroups; Judge Shelly Gaylord; Chairs: Jay Kiefer – Briarpatch, Gina Agulia – MMSD, Ben Gonring – SPD, Andrew Miller – DA's office and Samantha Clausen-Ruppert; Staff Workgroup for Dane County: Andre Johnson, John Bauman, Rhonda Voigt, Sarah Thomas, Melissa Dimpfl and Heather Crowley; and assistance with the large group: Jerrett Jones and Randy Molina from Dane County Public Health.

Respectfully,

Martha Stacker, PhD., Administrator
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TO WHOM IT MAY CONCERN:

As many know, Dane County and the State of Wisconsin statistics on disproportionate minority contact are a long-standing source of concern. This latest DMC workgroup and related efforts pick up where the earlier efforts left off in seeking solutions. This includes working to bring together the child protective services and youth justice systems to provide earlier, effective interventions to avoid YJ involvement or adult criminal case involvement. In addition, another group has piloted a very short-term, volunteer "credible messengers" to serve as intensive mentors to provide community based support in hopes of avoiding out of home placements and the DMC group will be picking up on that work longer term, with the help of some county budget funds recently passed. Also, we will be keeping an eye on the new assessment tool, the YASI, to assure that static data, such as prior involvement in the youth justice system, does not improperly influence risk. Finally, I serve on a number of state-wide committees to focus our court orders on the individual needs of youth and families, particularly for people disproportionately represented in court. These committees cannot entirely filter down to the local levels for proper examination, but service on them informs both.

The current groups and many of the others on which I serve, includes representatives from various disciplines involved in the youth justice system to gain a comprehensive view of the system and viewpoints. This work is not finished and will require much more introspection and evaluation to combat this on-going, critical imbalance and harm. I hope you will support the Dane County request

Respectfully,

Shelley Gaylord - Presiding Juvenile Judge

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“Not everything that is faced can be changed, but nothing can be changed until it is faced.”

James Baldwin

Executive Summary

For over three decades there have been concerns about the disproportionate representation of youth of color, particularly Black youth, at various points of the youth justice process in Dane County. As far back as 1987, those concerns led to the development of the Neighborhood Intervention Program (N.I.P.) as well as host of other intervention initiatives in the ensuing years. Modeled after the 2009 DMC Solutions Workgroup, this report summarizes the work of youth justice stakeholders to develop recommendations for policy and practice changes and investments that can have a positive impact on reducing disparities and promoting equity for youth and families of color in Dane County.

An initial project “launch” occurred in early April at which approximately 40 stakeholders participated. Following this launch, five workgroups formed which were then tasked with defining recommendations to reduce disparities at critical points in the youth justice system. The following areas were identified: (1) Schools, (2) Law Enforcement, (3) Custody, Screening, and Petitioning, (4) Youth, Family, and Community Supports, and (5) Disposition and Placements. Each group met multiple times between May and October of this year and came up with from five to ten recommendations for further development and implementation. In December, the group recommendations were reported out to similar group of youth justice stakeholders and included opportunity for those present to provide additional feedback and concerns.

Much of the discussion in workgroups revolved around the recognition that despite lots positive currently at play, there is still a long way to go in reducing disparities for youth of color. Efforts to reduce the number of youth entering the system have had some success over the last decade, but that success has not been distributed equally across racial and ethnic groups. Essentially, much more needs to be done. This report also identifies initial tasks that could be assigned to a newly developed DMC Implementation Team led by key partners to further evaluate, prioritize, and begin planning for how they can be implemented in the years ahead.

This DMC Solutions project complements additional youth justice solutions work taking place in the community aimed at fostering safer neighborhoods by creating more trust in direct communication with public safety representatives where historically there has been communication breakdown. Recognizing that violence prevention efforts are more successful when youth and families feel safer in communicating with police, the County engaged the Zeidler Center to help build the capacity of residents in selected neighborhoods to lead on-going efforts to create and sustain greater understanding, openness, and receptivity between police and residents who have experienced traumatic interactions with law enforcement. Changing and sustaining the nature of this relationship is intended to serve as a healing intervention and response that addresses trauma, fear, anger, and mistrust - issues stemming from (but not limited to) poverty, addiction, injustice, oppression, and violence. Information about that project will be reported separately.

The 2019 recommendations are presented initially as a simple list but a subsequent section provides greater detail about the nature of the workgroup discussions and rationale for the recommendations.

Background

In 2008, the County initiated a process involving a wide range of system and community stakeholders to develop recommendations on how best to reduce the disparities that continued to be in evidence throughout the key stages of the youth justice system, including arrest, formal petitioning, and out of home placements. Those recommendations, completed in 2009 served as a “blueprint” for the implementation of additional efforts over the following ten years. The purpose of this 2019 project is to assess to what extent the situation has changed over the last decade as well as provide the opportunity to update that blueprint for the coming decade.

Frequently Used Acronyms & Terminology

Disproportionate Minority Confinement (DMC) was the earliest acronym utilized by the US Department of Justice as one of the core requirements for states to receive federal funding through the Juvenile Justice and Delinquency Prevention Act (JJDP). Given the racial and ethnic disparities that occurred across the nation related to the confinement of youth in short and longer term secure juvenile facilities, funds and programs (in Wisconsin and elsewhere) were developed to reduce the number of youth of color in confinement.

Later on the Department of Justice expanded DMC to represent the Disproportionate Minority Contact with youth throughout the **entire** youth justice process, identifying key decision points along the way such as arrest, referral to court, formal vs. deferred processing, court dispositions, and placements (particularly out of home and/or correctional placements). To help hold jurisdictions accountable and to identify critical areas to address in reducing disparities, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) developed the Relative Rate Index (RRI), a calculation that can be used to identify the degree of disparities at specific points in the process as well as the cumulative impact of driving youth deeper and deeper into the system.

A more recent modification of terminology related to disparities is the adoption of RED, Racial and Ethnic Disparities, intended to take into account culture as well as recognizing that there are situations in which youth of color in fact represent the majority of youth rather than a minority in a jurisdiction.

Finally, the most recent acronym that has been adopted by the Wisconsin Department of Justice and is emerging in some other states is use of the term **ERD**, an acronym for Ethnic and Racial Disparities. For purposes of this report use of DMC, RED, and ERD should simply be considered to be synonymous with each other.

Unless otherwise noted, the term Department refers to the Dane County Department of Human Services, usually referring to the Youth Justice division.

Equality v. Equity. Most often “equality” is used to refer to inputs – people receive the *same* resource, with the expectation that the outcome will be the same. However, if people are situated differently when receiving the same resource, equal input will only reinforce existing inequalities. On the other hand, we urge the use of “equity” to refer to outcomes – *all* people can achieve a valued goal or circumstance – that typically requires *differential* resources — because groups are not situated similarly at the outset. Racial equity is measurable, as seen when disparities are declining or gaps are closing across racial groups on a given indicator of well-being.¹

With this in mind, it is important to go beyond solutions that simply provide equal opportunities without fully understanding and addressing some of the underlying challenges.

Other Common Acronyms:

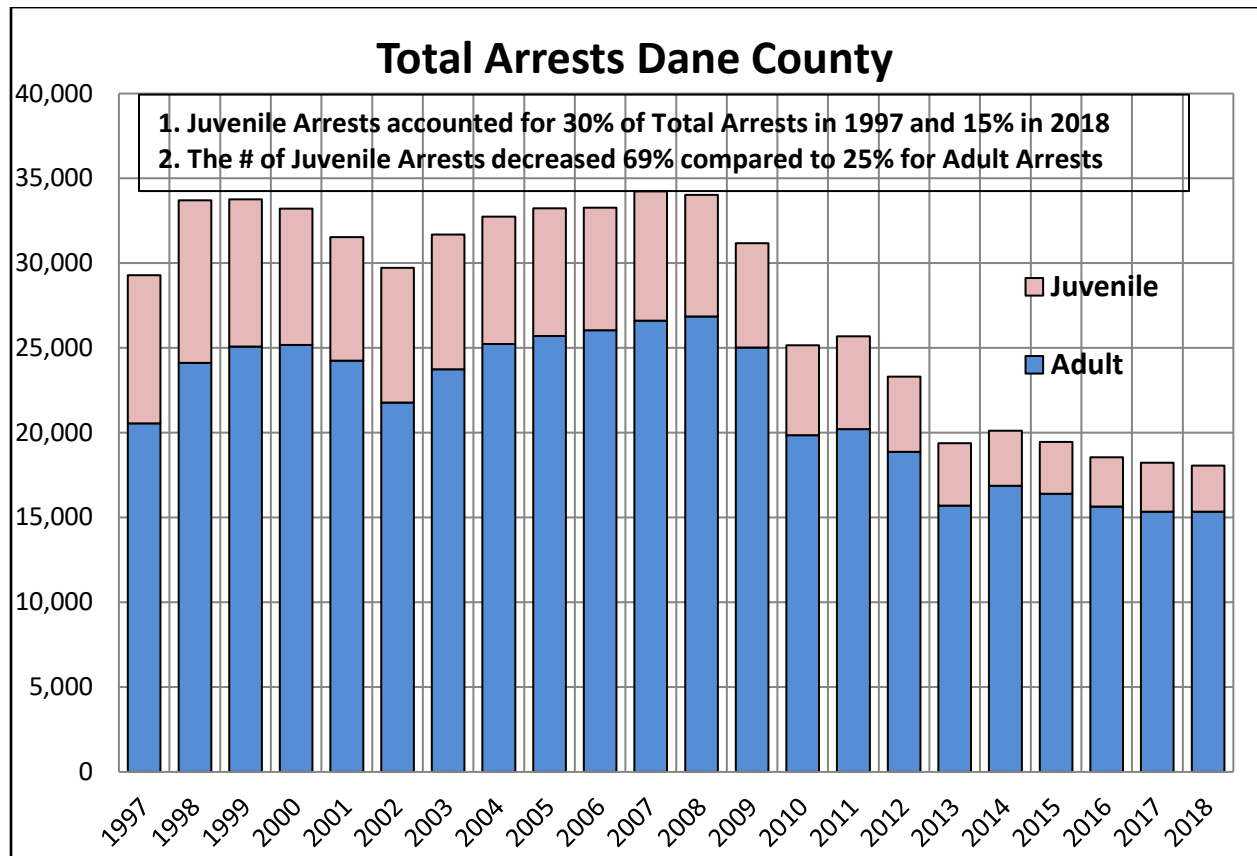
DCDHS	Dane County Department of Human Services
CYF	Children, Youth, and Family division of DCDHS
MMSD	Madison Metropolitan School District
MPD	Madison Police Department
DA	District Attorney (Dane County)
SPD	State Public Defender
DPA	Deferred Prosecution Agreement
CPS	Child Protective Services
RRI	Relative Rate Index
OMVWOC	Operating a Motor Vehicle Without Owner’s Consent
DOJ	Department of Justice (Wisconsin)
DRAI	Detention Risk Assessment Instrument
YASI	Youth Assessment Screening Instrument
YJSCT	Youth Justice Supervision Coordinating Team
BARJ	Balanced Approach Restorative Justice
RJ	Restorative Justice
CJC	Criminal Justice Council (Dane County)
PHMDC	Public Health Madison and Dane County
JRC	Juvenile Reception Center

¹ <https://viablefuturescenter.org/racemattersinstitute/resources/the-power-of-using-shared-language/>

A Decade of Change in Youth Justice

Particularly over the last ten years, but overall for over the last thirty years, both the number and rates of juvenile arrests have declined, marking the longest sustained decline in the number of youth entering the youth justice system across the nation in the history of tracking youthful offenders. Data from Dane County has mirrored that trend, although a recent rise in some selected offenses has resulted in an “uptick” in juvenile arrests and referrals to the Department for processing and has contributed to an increase in recent disparities at some decision points.

While overall arrests have declined over the past 20 years, arrests of juveniles (for Uniform Crime Reporting purposes, 17 year olds are reported as juveniles) decreased faster, dropping by 69% and as a percentage of all arrests by over 50%.



Along with the steady decline in the number of youth coming in to the youth justice system, additional changes have been occurring in practice, including adopting a Balanced and Restorative Justice (BARJ) approach and utilizing the research about what works with youthful offenders and reducing the number of youth placed out of home, most notably including the number of youth held in secure confinement.

Characteristics of the BARJ model that help guide changes in practice include: (1) Accountability without criminalization, (2) Alternatives to justice system involvement, (3) Individualized responses based on assessment of needs and risks, (4) Confinement only when necessary for public safety, (5) A genuine commitment to fairness, (6) Sensitivity to disparate treatment, and (7) Family engagement. Achieving goals related to community safety, accountability, and youth competency/skill development form the basis of the 1996 Juvenile Justice Code and many Department efforts.

The influence of research about what works, or “evidence based practices”, came to the forefront around the turn of the century and became the “gold standard” for assessing and intervening with youth who find their way into the system. The [What Works Wisconsin](#) initiative, sponsored by the Governor’s Juvenile Justice Commission, captured key research from the field and incorporated it into a series of practice briefs that were disseminated to practitioners around the state. Dane County, like other jurisdictions, invested in more staff training about evidence-based practices and continued to modify policies and practices accordingly.

A key feature of this overlap of BARJ and best practice research revolves around the importance of properly assessing youth in terms of their risk of reoffending, criminogenic needs, and strengths and using that information to put together a supervision plan that had the best chance of reducing reoffending and helping youth get back on track to success. This includes an understanding that driving youth deeper into the system is often counterproductive and that long-term out of home placements are very expensive and too often yield poor outcomes. Additional community-based strategies, e.g. restorative justice programs, peer courts, the Dane County Timebank, and others were developed and supported by communities and the County to hold youth accountable but defer them from the formal system, in some cases focusing intentionally on deferring youth of color.

Based on the research about youth criminogenic needs, various assessment tools began emerging to help youth justice professionals better assess what would work best with specific youth. Dane County adopted use of the COMPAS, a tool initially developed for assessing adult offender risks and needs but eventually modified for use with youthful offenders. With support from the WI Department of Children and Families, Dane County has recently transitioned to using the Youth Assessment and Screening Instrument (YASI). Training related to using the instrument to complete the assessment and guide development of a more successful case plan is in progress as this report is being written.

The generally positive trends related to the decline in the number of youth being arrested and entering the youth justice system and placed out of home are offset by two notable concerns: (1) There has been a significant increase over the last several years in the number of youth of color arrested for offenses related to Operating a Motor Vehicle Without Owner’s Consent (OMVWOC), and (2) Despite episodic improvements in disparities in the last decade, substantial ethnic and racial disparities remain and have even increased over the past two years in some areas. Much more work lies ahead.

More detailed Dane County Youth Justice Data, including data related to ERD, is available at https://yj.dcdhs.com/pdf/2019_DMC_Report_Appendix.pdf

The 2009 DMC Solutions Report - Revisited

The DMC 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. Participants were selected 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, contracted 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. 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 viable prevention and intervention strategies within their assigned work area to reduce juvenile justice DMC in our community. The main recommendations of each workgroup included (a general assessment of completion is included in parenthesis):

Related to Custody, Screening, and Petitioning:

- Dane County Department of Human Services (DCDHS) needs to begin tracking Deferred Prosecution Agreements, clarify case management expectations, and consider altering the case assignment procedure in order to enhance supervision.
- DCDHS should revise the case assignment process for youth who are newly assigned due to placement on a 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.
- Juvenile Reception Center staff should have limited access to WiSACWIS in order to enhance their information base when making custody decisions.

Related to Family and Community Supports:

- 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.

- Create outreach to African-American families. Help families understand the way legal and other systems are likely to respond to their family issues and assist them in making choices that have more positive results.
- Increase the number of African-American and other people of color hired in positions of visibility in formal systems.
- The community must stand firm even during difficult economic times, and dwindling revenues to provide a solid continuum of positive alternatives to youth.
- Support the expansion of evidence-based youth programming in our community.
- Improve collaboration and communication within our community's key funders and resource providers as to youth trends, needs and risk factors.

Related to Law Enforcement:

- Expand training for police and school staff together re: strategies to address DMC, cultural competency, mental health, child/teen development/behaviors, and brain development.
- Expand conflict resolution/anger management programming (i.e. D.A.R.E., ADDS) to elementary and high school levels.
- Expand youth courts and time banks to include additional county areas.

Related to Schools:

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

Related to Disposition and Placements:

- Increase use of Deferred Prosecution Agreements (DPA) with services more typically used in court ordered cases and adequate social worker case management to monitor engagement in services. The idea of using a group approach for at least some DPA cases, for example retail theft.
- 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.
- 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.
- Provide supervision that is consistent yet realistic and flexible enough to take into consideration individual circumstances.

Following release of the Solutions Report, Dane County Human Services developed a series of Implementation Teams to further prioritize the recommendations made and identify steps to take to

implement them. Over the course of the subsequent 10 years (2009-2019) various workgroups and collaborations with other stakeholders occurred, and “oversight” of implementing DMC initiatives was assigned to a DMC Subcommittee of the Youth Justice Supervision Coordinating Team (the YJSCT). The YJSCT is a multi-stakeholder group that meets monthly and serves as a forum for sharing youth justice and related system information and initiatives, mutual planning related to initiating changes related to youth justice system policies and practices, reviewing and analyzing youth justice system data (including data related to DMC), and partnering to initiate significant system reforms. The YJSCT also provides a forum for community providers working with youth. Over the past decade, members of the full YJSCT as well as other members of the DMC Subcommittee have been moving forward to plan and support a number of key ideas emerging from the DMC Solutions report.

Examples of initiatives and practices implemented over the past decade by the Department, in collaboration with other partners, in response to the Solutions Workgroup recommendations include:

- Development of additional resource to support earlier intervention with youth at the middle and high school level, including the expansion of the [ADDS](#) programs;
- Transforming the Gang Response Intervention Team (GRIT) to take a more proactive, relationship-focused approach to working with youth in schools and the community;
- Development of a Court Diversion Unit at the Department and changes in the process related to screening delinquency referrals that have led to a substantial increase in the use of Deferred Prosecution Agreements (DPAs) with a corresponding substantial decrease in recommendations for formal court filing;
- Development alternatives to referral of youth to the Department/youth justice system through a collaboration with the Madison Police and Municipal Court that has redirected many youth to restorative justice alternative programs;
- Enhancing the Department’s (expanded Youth Justice Database) capacity to gather, analyze, report out, and track a variety of data related disparities that exist at various decision points in the referral, assessment, custody, and disposition process. This data is reviewed regularly by the DMC Subcommittee of the YJCC and Department leadership;
- Modified the Department case assignment process for custody cases, developing in custody coverage/workers that handle all in custody cases to ensure a worker is at all hearings and that the assessment process begins more quickly;
- Implemented GPS monitoring for High Risk youth for a select group of youth in 2010.
- Implementing ongoing Dialogues with CYF staff about Race and Equity, e.g. held “Conversations on Race” with all CYF staff, provided numerous trainings around implicit bias and unit meeting discussions around race and equity, and developed the “RACE” committee for continued dialogues and recommendations to leadership;
- Juvenile Reception Center staff will have limited access to WiSACWIS so they can access additional system history for youth referred for physical custody intake; and
- The Department recently gathered consumer satisfaction input from families they have served and from youth in the youth justice system.

The Community Steps Up to Promote Equity

Since release of the 2009 DMC report there have been significant complementary community, government, and school initiatives as well as policy changes and investments, focusing their attention on issues of equity and disparities. Examples include:

- Expansion of restorative justice programs throughout the county and school district ([YWCA](#), [Dane County Timebank](#), and [Briarpatch Youth Services](#)) to provide additional support for dealing with youth issues at the neighborhood and school level. This also includes the development of the [Dane County Community Restorative Court](#), managed by the Department of Human Services, providing an alternative to the formal justice system for young adults;
- The Madison School District revised their [Behavior Education Plan](#) to address concerns about youth of color being trapped into what was often referred to as the “school to prison pipeline” as well as provide alternative programs to promote academic achievement and success;
- The Madison School District created an [Office of Equity, Partnerships and Engagement](#) to lead a variety of strategies designed to promote equity and reduce disparities in the community;
- Publication and dissemination of the [2013 Race to Equity Report](#) produced by [Kids Forward](#) (formerly Wisconsin Council on Children and Families) that captured data related to disparities in the health and well-being of families and youth of color in Dane County. This report, cited in hundreds of subsequent articles and initiatives, made a significant contribution to promoting a community-wide dialogue about disparities and prompted increased action by the private and government sector;
- The [2016 Racial Equity Community Impact Report](#), a follow up report from Kids Forward, compiles over 125 racial equity initiatives that were implemented since release of the 2013 report. The initiatives were developed by the Madison and Dane County governments, non-profit organizations, schools, UW-Madison, the private sector, the arts community, faith-based organization, foundations, and the media. Since that time there are many more that could be compiled in a similar list. Examples of foundation investments included:
 - CUNA Mutual Foundation awarding four grants of \$100,000 each to the Urban League of Greater Madison, the Boys and Girls club, the YWCA, and Centro Hispano to strengthen their capacity to address racial equity;
 - The Oscar Rennebohm Foundation provided a \$300,000 grant in support of the Boys and Girls Club of Dane County and the Urban League of Greater Madison collaborative two-generation strategy to create internships, employment, and career training over several years to promote a more inclusive and diverse workforce in Dane County; and
 - The American Family Insurance Dreams Foundation, the Milwaukee Bucks, and the Burke Foundation provided multi-million dollar support for the expansion of the Boys and Girls Club AVID/TOPS program, a college preparatory program designed to boost graduation rates and college enrollment for youth of color, low-income, and first-generation students;
- In 2017 Dane County created the [Tamara Grigsby Office for Equity and Inclusion](#) to both manage critical Affirmative Action programs but also to serve as a resource for all County Departments

around issues of equity, disparities, conflict resolution, staff development, and best practices. The creation of this office also demonstrates a long term commitment to address these issues and institutionalize the work of heightening awareness, eliminating disparities, and achieving equity;

- The City of Madison has expanded its [Racial Equity and Social Justice Initiative](#), providing multiple programs and services to promote equity and reduce disparities, including utilizing a Racial Equity and Social Justice Tool to impact decisions related to hiring practices, program investments, and policy development;
- The Dane County Criminal Justice Council created and continues to operate a Racial Disparities subcommittee, and Dane County government developed Racial Justice and Social Justice (RESJ) Teams;
- The Madison Police Department invested considerable time and expense in officer training related to issues of implicit bias, “Policing the Teen Brain”, and mental health;
- Emergence and growth of faith-based efforts to promote racial justice and equity across the community, including in the adult and youth justice systems. Examples include [Nehemiah’s](#) Justified Anger Coalition and the Focused Interruption Coalition to reduce violence;
- The City of Madison, in partnership with community-based agencies, secured a number of federal grants related to violence prevention that have supported the development of programs on the [Northside](#) and [Southwest side](#) of the city, areas that have a higher representation of youth and families of color;
- YWCA has partnered with other organizations to host an annual Racial Justice Summit, bringing together hundreds of stakeholders each year to learn more about how they can contribute to a more equitable community. The [2019 Summit](#) was held in October; and
- The City and County have invested over \$1.1 million in supporting a variety of youth employment programs with an emphasis on outreach to low-income and youth of color.

While these and other efforts have undoubtedly contributed to increasing positive opportunities for youth and providing support for families, there remains much to be done to overcome decades of disparities in income, justice, housing, employment, transportation, and other domains of the lives of youth and families of color.

On-Going Collaborations

There is no shortage of collaborations and committees in Madison/Dane County, and we are fortunate to many of them whose work clearly complements efforts to promote equity, reduce the number of youth entering the youth justice system, and better coordinate efforts to get/keep youth on track for positive outcomes. Examples include:

The Public Health Department of Madison/Dane County initiating a public health-based approach to reducing violence, including supporting/leading several youth-focused initiatives in neighborhoods and schools, cross-sector collaborations like the Community Safety Intervention Team (CSIT), and the development of five workgroups that are developing and presenting recommendations to address disproportionate minority contact in the criminal justice system.

The Dane County School Justice Partnership, bringing together stakeholders across school districts, the court, the county, public health, and law enforcement working to promote alternatives to arrest in school and support families to reduce truancy.

The Center for Children and Law Policy and its partnership with the Madison Police Department working to improve law enforcement practices when working with youth, with an emphasis on working with youth of color.

The Opportunity Youth Cross Sector Coalition, bringing together key government leaders, law enforcement, courts, and private/non-profit service providers working to reduce arrests among youth. This group is leading efforts to promote more effective mentoring interventions, focusing initially on youth involved in serious offenses such as Operating a Motor Vehicle Without Owner's Consent (OMVWOC).

The Dane County Youth Justice Supervision Coordinating Team which meets quarterly and brings together County Youth Justice staff, court staff, school representatives, law enforcement, community advocates, service providers, and others to stay informed of and partner for the development of new programs and practices, hoping to improve outcomes for youth involved in the youth justice system. This team has been functioning for many years and has a subcommittee focused on issues related to DMC.

While these groups were not all specifically created to focus on issues related to disparities, the issue of disparity reduction has either naturally or by default become a key component of their work. Group leaders work across and among one another to help ensure coordination of efforts and identify best means to leverage resources from one group to another to support the work.

Common Themes Emerging in Discussions

Although each of the workgroups had different domains to explore, there were some themes that emerged across most, if not all of the group discussions, including:

- All groups discussed both the importance and the challenges of developing meaningful relationships with youth and families. These can be viewed as supportive rather than intrusive and will take strategies which will likely include identifying mentors, parent peer support staff, and credible messengers that youth and families view as authentic;
- The difficulty in engaging with/providing support to youth and families early on, preventing issues from arising and providing greater opportunities for success. It surprises no one that the more history a youth has in the youth justice system the more difficult it is to get out and get back on track. Too often there were missed opportunities along the way to engage and support youth and families in a proactive and positive way;
- The importance of gathering and tracking data by ethnicity/race in order to evaluate where the systemic problems exist and whether various programs or interventions are having the desired impact of reducing disparities. While it is easy to get bogged down by diving deeper and deeper into data (“analysis paralysis”), accountability and transparency related to disparate outcomes is essential to developing successful strategies; and
- The importance of recognizing the legacy of practices and societal influences that have led to and/or contributed to disparities and taking proactive steps to reverse the course of disparate treatment for youth and families of color. In some cases, e.g. when addressing issues related to poverty, the workgroups recognized that some things were simply beyond their scope of control, but groups quickly moved on to focusing on those things that they could have an impact on. In many cases this means finding ways for those most affected by practice and policies to play a much greater role in the development and oversight of practices and programs as they are developed and managed.

It was evident throughout the discussions that a lot of things are being done in an attempt to reduce disparities that we know exist in school success, youth justice involvement, housing, access to transportation, employment, and other key domains in the lives of families and youth. Groups discussed many of the positive things going on to try to address these issues, but there was a recognition that all of the good work falls short if we are not able to proactively reach true equity for all youth, particularly youth of color.

*“Not everything that is faced can be changed,
but nothing can be changed until it is faced.”*

James Baldwin

Recommendations

The initial list of recommendations developed by workgroups follows and provides an overview the ideas explored. More detail about the process, the range of issues talked about by the various groups, and more discussion about the recommendations themselves is in the subsequent section.

As you review these recommendations, keep in mind that:

- The recommendations that follow should be viewed as the beginning of further dialogue and planning to promote greater opportunities for success of youth that too often end up involved in the youth justice system. They are the product of discussions among a diverse group of stakeholders but certainly do not address all of the issues that youth of color face in our community nor do they encompass all of the ideas and good work that is occurring across the community;
- The recommendations are not listed in priority order, although the priority items identified by stakeholders that attended the December 11 report preview are noted. One of the early tasks of the Implementation Team(s) will be to prioritize in terms of which timeframe, cost, impact, and other factors;
- The recommendations have not been “vetted” by the Department of Human Services or other county/city/school administrative body. As such, how these recommendations fit in the larger context of needs, initiatives, and fiscal realities that these governmental bodies need to address will be part of on-going implementation discussions;
- A number of the recommendations are admittedly aspirational, particularly to the extent that they may require significant fiscal investments/redirection of resources. Nonetheless, the workgroups determined it was important to set out some ideas and goals that may admittedly take time to achieve;
- Other recommendations reflect changes in practice or policy that may have some limited initial fiscal impact but should, over time, improve outcomes for youth of color and “pay for themselves”;
- There was limited youth, family, and other consumer input into the process (although the Department was able to provide some consumer feedback and youth input into the discussions). It should remain a goal for implementation to engage the voices of those most affected by policies and practice; and
- Although invited, participation by school district and law enforcement personnel outside Madison was limited. While a sizeable majority of youth in the system come from Madison, it is important that these recommendations be applied to other districts and departments as well. This is a county-wide issue requiring county-wide solutions.

A “report out” to stakeholder session was held on December 11 (25 participants). At that meeting the workgroups presented their recommendations, and participants had the opportunity to provide feedback as well as identify concerns/issues, and suggest priorities that should be considered for implementation (recommendations noted as priorities by at least four “votes” are denoted with an “*”).

Youth, Family, and Community Supports Workgroup

Related to the Collection and Use of Data, the workgroup recommends that the Department (Human Services, Public Health):

1. Increase the capacity for internal data and research to help identify successful outcomes, assess program effectiveness, and analyze disparities;
2. Routinely engage in strategic racial justice/equity policy analysis and program evaluation for decision making;*
3. Works with/supports and requires all contracted organizations/programs to incorporate participant feedback/satisfaction surveys to collect data that can be used to evaluate/improve services and guide subsequent program/service delivery decisions; and
4. Review user data and information to further evaluate the impact of potential Medicaid expansion and/or pursue other state prevention funds that may be available in order to support enhanced services.

Related to Program Service Delivery, the workgroup:

5. Recommends that the county pursues implementing a ‘credible messenger’ model of violence interruption that provides pathways for healing from trauma based in restorative/transformational justice and community accountability. The model should utilize community members with lived experiences necessary to this work, and the organizing agency needs to be deeply rooted in the communities targeted to serve:*
6. Advocates for increased support of program services that support the entire family/kinship community and increased investments in local programs with evidence of success for families of color (ex: Family Group Conferencing & Parent Peer Specialists, Restorative Justice Circles); * and
7. Supports the exploration and development of the concept of wellness/intake center(s) for youth and families in need of services that is completely separate from youth justice and is community driven, localized, and rooted in peace/healing/racial and restorative justice.

In order to promote sustained and systemic progress toward reducing disparities, the workgroup recommends that the County:

8. Create an Office of Youth Diversion/ReEntry within DCDHS or in collaboration with the City of Madison (based on a program developed in Milwaukee);
9. Promote and utilize power sharing leadership models that allow for youth, families, and communities of color to have tangible decision making power over the systems that impact their lives, including taking steps that eliminate barriers to youth/family/community engagement (e.g. change meeting times/locations to make them more accessible) and compensate them for their labor/time;* and
10. Invest in racial justice consultancy and community accountability development within the internal staffing of DCHS.*

Custody, Screening, and Petitioning Workgroup

Related to Custody, the workgroup recommends that:

1. The Juvenile Court Program and Department monitor the Detention Risk Assessment Instrument (DRAI) used by other counties that is currently being evaluated by the State Department of Justice to see if it has an impact, one way or the other, on Ethnic and Racial Disparities (ERD) of youth held in secure detention;
2. If the Juvenile Court Program institutes internal policies on certain referral offenses being a de facto hold in secure detention (e.g. passenger OMVWOC), the impact of that policy on ERD must be continuously evaluated and reported periodically to the Youth Justice Coordinating Committee/DMC sub-committee; and
3. All plea hearings for youth held in secure custody should be, without need for further notice, assumed to include a review of the youth's custody status.

Related to the Screening process for delinquency referrals to the Department, the workgroup recommends that:

4. The Department examines ways in which the intake process operates as intended in the statutes and can be independent of the DA's office, including the possible discontinuation of the feedback memo from the DA's office during the 40-day intake period; and
5. The Department ensures ongoing training and support for the intake worker's ability to utilize the statutory 40 days allotted for the intake assessment process.

Related to Petitioning, the workgroup recommends that:

6. The Department and DA's office should meet regularly and work collaboratively to discuss and evaluate the use of Deferred Prosecution Agreements (DPAs) to address any concerns about them.

Disposition and Placement Workgroup

1. Given the significant number of youth entering the youth justice system who have had one or more previous referrals to CPS, the Department and other system representatives should create a work team to:
 - a. examine the CPS process to identify strategies to provide more effective support for parent(s) and children in situations in which there is not a substantiated abuse/neglect finding;
 - b. improve the collaboration between Youth Justice and CPS staff to ensure a more family-focused response for those youth crossing over into the delinquency system; and
 - c. Utilize existing staff and/or seek out additional support and research to utilize predictive analytic tools to identify the characteristics of referred children/families that present the highest risk of subsequent involvement in the youth justice system and recommend practice changes and/or enhanced resources that reduce the likelihood of youth justice involvement in later years.
2. The workgroup supports the development/increase of intensive, research based mentoring services that can be provided to youth, with a particular focus on supporting culturally specific services that can more effectively engage with youth of color. *
3. The workgroup supports further planning that would lead to the development of parent supports that are accessible to families and can be initiated very early in the CPS and youth justice process, including finding ways to better engage with families/parents during the intake assessment stage. The use of parent peer support specialists, increased capacity and role for Department program leaders, or developing similar “credible messengers” that can link with families/youth will lead to more effective interventions for the youth/family.
4. The Department should increase the use of Program Leaders, including at the Intake Assessment stage, to provide greater and more targeted support to both youth and families, using varying strategies based on the needs of the youth/family to help them better understand the system and utilize resources and to more fully engage them in taking an active role in reaching case plan goals.
5. The group supports continued discussion among the judges and other key stakeholders in the court process to identify best practices for the development of more limited court orders that focus on a smaller number of the most critical elements the youth/family should work on while a youth is under supervision.*
6. As the Youth Assessment and Screening Instrument (YASI) is implemented by the Department, the evaluation unit of the Department and other system representatives need to be engaged in assessing potential ethnic and racial disparities that may result in terms of case plans and/or placement recommendations.
7. An increase in resources and strategies is needed to support youth becoming successfully engaged in work-like opportunities as early as middle school and supporting their transition to wage-earning jobs and/or increased opportunities to connect with job training/vocational programs.
8. The workgroup supports recommendations and initiatives that promote success in school, including addressing issues that arise as early as elementary school and through middle/high school.

9. The Department should lead a cross-system task force to address the rise in auto thefts that has led to significant numbers of youth of color being arrested and confined. This effort may build on existing efforts that are already underway but needs to be more robust and can:
 - a. Research what has worked in other communities to address this issue;
 - b. Identify policy and practice changes that can reduce the number of repeat offenders, including potential changes in the supervision of and supports provided for high risk youth; and
 - c. Assess the implications and/or opportunities that will result from the development of a local Secure Residential Care Center for Children and Youth (SRCCCY).
10. The Court and/or County should seek resources to obtain technical assistance/expertise necessary to conduct a study of whether there are ethnic and racial disparities in placement outcomes for some selected offenses.*

Law Enforcement Workgroup

1. The workgroup recommends expansion of resources to support 17-18-year-old youth with Municipal Court citations, with an initial step of including 17-year old youth in current Restorative Justice Court services for selected offenses. Additionally, key stakeholders should create a task force/workgroup to look at specific challenges of 17-18-year-old young adults currently on Probation/Parole/Community Restorative Courts and promote alternatives to formal court processing by supporting them through Restorative Justice and other youth justice initiatives.*
2. Through a collaborative process, DCDHS and the City of Madison should take the lead to explore the potential of “mobile”, regional, or geographically located Youth Wellness/Diversion Centers for youth and families in need of services that is separate from Youth Justice that is community driven, localized, rooted in services driven by peace/healing/racial and restorative justice.
3. The county should utilize a “Credible Messenger” program model/strategy of violence interruption that involves community members with lived experience in providing support and “intense mentoring” for our highest risk level youth and other pathways for healing from trauma that are based in restorative/transformational justice and community accountability. *
4. The workgroup supports the six recommendations developed through the Madison Police Department (MPD) collaboration with the Center for Children’s Law and Policy (CCLP). (The recommendations are included in the next section).
5. Continue to complement the work done by school staff and School Resource Officers (SROs)/Education Resource Officers (EROs) by increasing support to eventually provide Restorative Justice specific positions in each Dane County High School and Middle School and reduce the need for law enforcement response to situations that can be resolved otherwise. RJ staff can be much more proactive to help provide support for youth, support alternatives to law enforcement involvement in preventing and responding to behavior issues/conflicts, and support development and/or restoration of positive relationships among youth and staff in the school.*

Schools Workgroup

1. Related to **Staff Training and Skill Development**, the workgroup recommends that staff receive mandatory additional professional development and coaching in the area of Culturally Responsive Teaching and Practices. Training would be both large group professional development and observation/assessment and coaching, preferably by an outside agency.*

To better respond to student behavior through authentic relationships it is recommended that:

2. MMSD partner with community leaders, advocates, and agencies to develop more positions aimed at connecting with youth of color, especially youth of color who identify as disengaged or disconnected from school, including it is recommended that:
 - a. Each elementary school will employ a Family and Community Engagement Liaison tasked with partnering with families in the community, helping families navigate school systems, and support positive school culture and climate; and
 - b. Each elementary school have an after school program that is free or very low cost to families. These after school programs would be run by community members living in the school's neighborhood to promote connection between school, home, and community; and
 - c. Middle schools utilize GRIT Workers, specific youth workers employed by Dane County's Neighborhood Intervention Program to mentor and provide guidance to youth who are identified as possibly involved in maladaptive behavior in the community. GRIT workers build relationships through one on one conversation, sports, group work during the school day, and after school outings; and
 - d. All high schools should invest in a position focused on building connections between the community and the school. Further exploration of the Credible Messenger Program is recommended to design a position that will act as a liaison between families and schools to support youth of color.
3. Each attendance area (High School feeder patterns) create a community based school social work position to provide case management and navigation of complex school and community systems to families with children across multiple schools within a feeder pattern. This position will provide advocacy, resources, partnership, and guidance to families in order to break down barriers that keep students from feeling prepared and successful; and
4. To strengthen and enhance effective community partnerships to work with youth the workgroup recommends that the Madison Public Schools It is recommended that further exploration of MOA/MOUs and grant funding is needed to continue these partnerships on a large scale across all of Dane County.

To work more effectively with out of school youth or youth at risk of becoming disengaged, the workgroup recommends that:

5. A Day Resource Center should be developed for youth who are out of school due to justice involvement, suspension, expulsion, or for other reasons. This Day Resource Center would be staffed by a special education teacher, social worker, mental health professional, and other supportive staff to assist with various academic, social, and emotional activities that support the student while they are out of school and prepare them for re-entry; *
6. Both in-school and community-based alternative programs be created that specifically focus on vocational skill development for students who would like to go into trade careers or who would like an alternative educational experience;
7. The [personalized pathways program](#) should be further developed to include a pathway in education, culinary arts, and human services fields; and
8. Employment opportunities for youth be increased and enhanced both within the community and within the school districts.

As noted elsewhere, additional work needs to be done to engage school districts outside Madison to help address disparity issues, but the initial focus has been on MMSD.

Workgroup Issues and Discussion

Youth, Family, and Community Supports Workgroup Recommendations: Issues and Discussion

Led by Sami Clausen-Ruppert, YWCA, this group met six times between May and October. The initial charge to this group was perhaps less defined than others. Whereas other groups focused more directly on youth, the potential scope of discussion for this group recognized the important role that family and community play in the lives of our youth and how important it is to look for solutions to ERD in that realm. That “opened the door” to a wide range of issues, but as wide-ranging discussions occurred, the group developed a more complete way of looking at their charge and mission and eventually developed an updated charge and vision:

The Youth, Family, & Community Supports Workgroup envisions a holistic system that supports the well-being, success, and needs of youth through a racial justice lens. This group recognizes and values the family and community of kinship that surrounds young people of color and will provide recommendations that work to transform the current individualistic, reactive, punitive systems. We imagine a public health model that is race conscious, equity focused, data driven, collaborative, population based, restorative, and primarily prevention focused.

To develop a set of recommendations related to ERD, the group covered a wide range of issues and undertook a number of activities, including:

- Placing a high value on accessibility to supports for youth and families as much (if not more) than creating new supports, including (1) advocating for resource allocation to communities and neighborhoods impacted most by systems; and (2) emphasizing the importance of engaging with meeting youth where they are, where they live (e.g. in their neighborhoods, in their schools);
- Shifting the orientation of service models to recognize the importance of relationships, family supports, and community impact;
- Discussing how systems develop and relate to families and communities, including moving away from a “top down” approach by shifting to a more youth choice/decision and supportive service model emphasizing empowerment, choice, and flexibility;
- The importance of shaping systems, resources, and staffing to reflect the culture of youth and families to be served and from a trauma-informed to a more trauma-responsive standard for how services are delivered and who delivers them;
- The importance of coordinating connections to supports for youth and families before they end up in the system and supporting youth after “aging out” of the system;
- Identifying the value of having good data on outcomes and consumer perspective on services;
- Reviewing research conducted by the Department including the [Youth Justice Satisfaction Survey](#) and the [2018 Dane County Youth Assessment](#). While much of the feedback was positive, discussion ensued related to consideration of a recommendation that all of the services provided by the Department/contract agencies need to increase efforts to find ways to get similar feedback so that services can be more effective;

- Noting that there is a significant difference in the employment history of youth of color involved in the system compared to white youth;
- Discussing of prior efforts through the Neighborhood Intervention Program to maintain a Parent Advisory Council, the past use of a [Family Group Conferencing](#) approach with families involved in the CPS system and interest in renewing that effort and applying to the youth justice system and gathering information about the wide range of services providing services to youth and families through contracts with the Department;
- Discussing initiatives that are underway and/or projected to be added to the 2020 budget, including some mentoring pilot program(s), adding staff to the GRIT (gang intervention team, but located in the schools);
- Getting input from team members from Milwaukee County related some of the violence prevention and other efforts they are working on in Milwaukee, e.g. the beginning use of a [Credible Messenger](#) program, Opportunity Youth United, and a collaborative violence interruption plan;
- Identifying the need to find better ways to engage and support families, e.g. a family resource center, a family “wellness” center/outreach how to expand the capacity of the existing Joining Forces for Families (JFF) units, etc.;
- Researching successes and models develop through the [Northside Safe and Thriving](#) grant opportunity, including some of the efforts in that program to strengthen community bonds;
- Researching examples of other program models that may better connect with youth and families, including [Wisconsin Family Ties Parent Peer Specialist](#) program and the [Credible Messenger](#) program model; and
- Learning more about the potential to increase the capacity of [Parent Peer Support](#) programs for targeted neighborhoods/families.

Recommendations

Related to the [Collection and Use of Data](#), the workgroup recommends that the Department (Human Services, Public Health):

1. Increase the capacity for internal data and research to help identify successful outcomes, assess program effectiveness, and analyze disparities;
2. Routinely engage in strategic racial justice/equity policy analysis and program evaluation for decision making;
3. Works with/supports and requires all contracted organizations/programs to incorporate participant feedback/satisfaction surveys to collect data that can be used to evaluate/improve services and guide subsequent program/service delivery decisions; and
4. Reviews user data and information to further evaluate the impact of potential Medicaid expansion and/or pursue other state prevention funds that may be available in order to support enhanced services.

Comments/Discussion: The above recommendations focus on the importance of obtaining and analyzing data from consumers (youth and families), tracking program outcomes, and ensuring that both existing and future policy decisions and program developments be evaluated through a racial justice/equity lens. Related to funding, continued analysis of existing and/or potential Medicaid funding and/or other state prevention funds may enable the county to increase program capacity for services that can have a positive impact on reducing the number of youth entering the justice system.

Related to Program Service Delivery, the workgroup:

5. Recommends that the county pursues implementing a Credible Messenger model of violence interruption that provides pathways for healing from trauma based in restorative/transformational justice and community accountability. The model should utilize community members with lived experiences necessary to this work, the organizing agency needs to be deeply rooted in the communities targeted to serve;
6. Advocates for increased support of program services that support the entire family/kinship community and increased investments in local programs with evidence of success for families of color (ex: Family Group Conferencing & Parent Peer Specialists, Restorative Justice Circles); and
7. Supports the exploration and development of the concept of wellness/intake center(s) for youth and families in need of services that is completely separate from youth justice and is community driven, localized, and rooted in peace/healing/racial and restorative justice.

Comments/Discussion: A theme that emerged consistently in this group and others related to the challenges providers face in “connecting” with youth and families when coming from a different background, culturally and experientially. The core of Credible Messengers and Parent Peer Support Specialist type services is based on identifying individuals who have the kind of lived experience that youth and families in the system have and can speak from that experience in a meaningful way. The group gathered information about a variety of program models that could be further reviewed and/or developed by the county. The group supports revisiting the benefits of Family Group Conferencing or Family Group Decision Making, models that more fully engage family members in taking a much more active role in making decisions about how to address issues/concerns and solve problems on an on-going basis. The county has used this model in the past, but due to staffing changes its use has been too limited.

The group reviewed the concept of a wellness center, something that has been developed in other jurisdictions to provide easy access by youth and families to resources and referrals for services without having to be tracked into the more formal system. The exact form (i.e. a single location? Combined with already existing neighborhood based services?) of this approach is something that can be worked out by a planning group, but similar to the other program ideas in this section, it is important that such a service be accessible to youth/families, staffed by individuals that can credibly connect with them, and is based on concepts related to restoration.

In order to promote sustained and systemic progress toward reducing disparities, the workgroup recommends that the county:

8. Explore creation of an Office of Youth Diversion/ReEntry within DCDHS or in collaboration with the City of Madison (based on a model developed in Milwaukee);
9. Promote and utilize power sharing leadership models that allow for youth, families, and communities of color to have tangible decision making power over the systems that impact their lives, including taking steps that eliminate barriers to youth/family/community engagement (e.g. change meeting times/locations to make them more accessible) and compensate them for their labor/time; and
10. Invest in racial justice consultancy and community accountability development within the internal staffing of DCHS.

Comments/Discussion: These three recommendations focus in one way or another on evolving the processes and infrastructure of how we work with youth and families in terms of where we focus efforts, how we share responsibility for program decisions and developments, and how we hold ourselves accountable for being effective. Developing solutions from a “systemic” point of view have the potential to promote longer-term, sustainable progress to ERD.

Custody, Screening, and Petitioning Workgroup Recommendations: Issues and Discussion

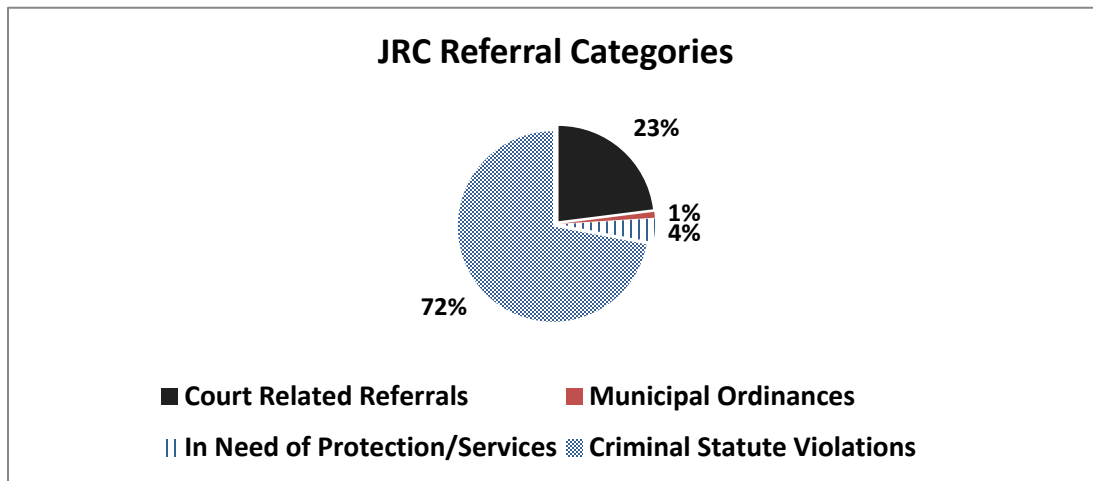
This group, led by Ben Gonring, State Public Defenders Office, met five times between May and October. The original charge to the workgroup served as the framework to look at key decision points in the youth justice process at which concerns about ERD are evident. That charge was:

The Custody, Screening, and Petitioning Workgroup should 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 that may contribute to inequity in how youth of color are treated in the youth justice system. The group should make recommendations for changes that lead to equitable and positive outcomes for youth of color.

To develop recommendations related to ERD the group:

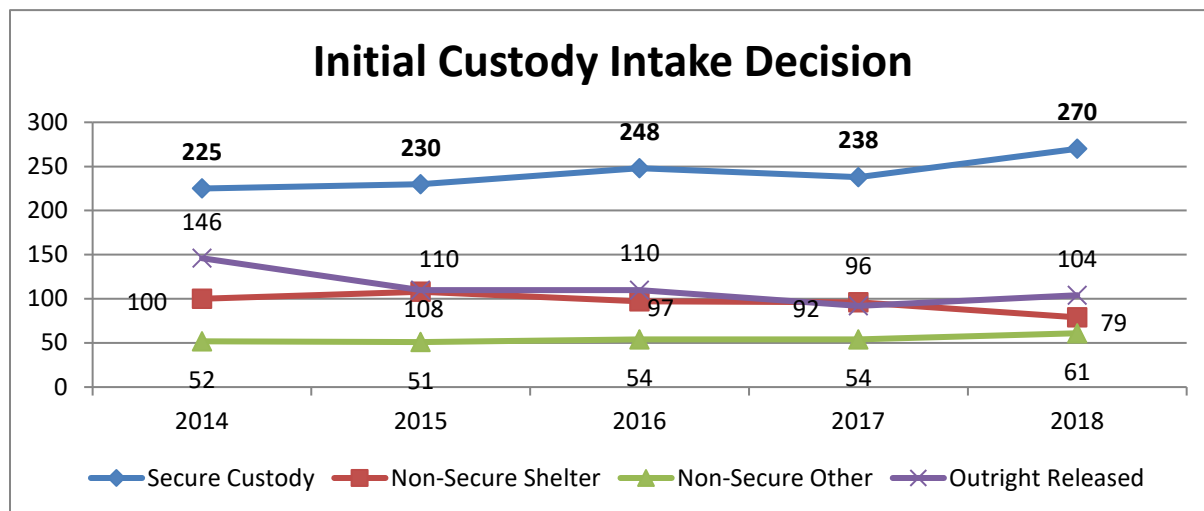
- Reviewed 2018 data related to youth referrals to JRC for a custody intake decision and initial placement decisions, including:

General Referral Categories – The majority of youth, 72%, were referred for alleged criminal statute violations; nearly one-quarter, 23%, were referred to Reception Center by the court, generally ordering placement in secure detention or non-secure custody.

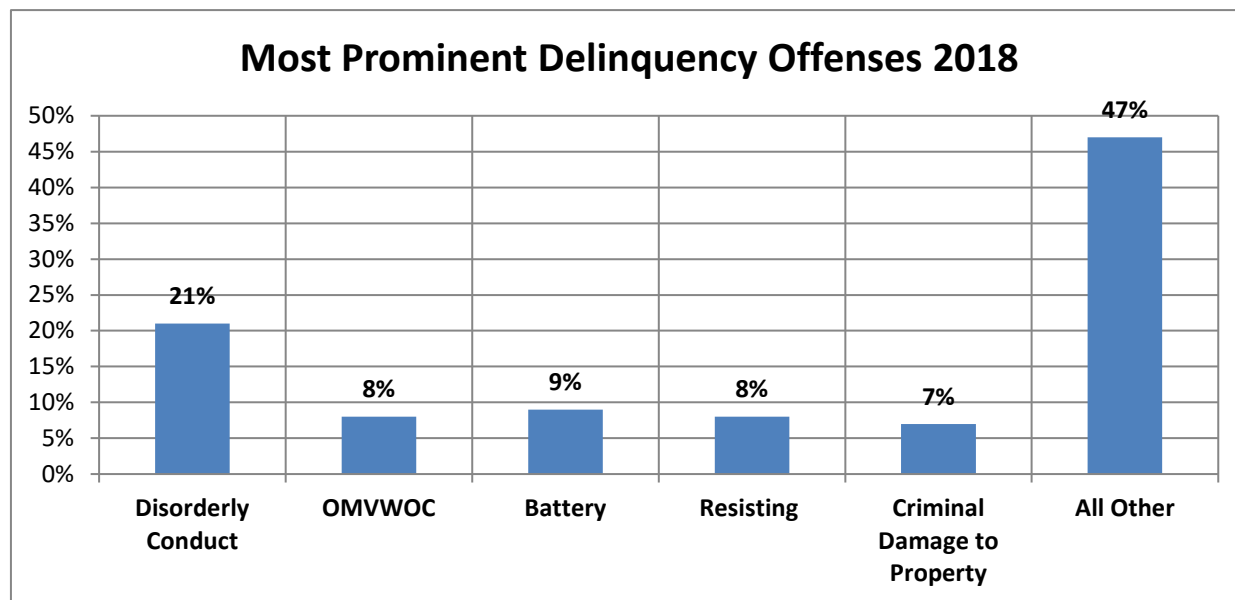


The number of youth referred to JRC for a custody intake decision - A total of 585 juveniles, between the ages of 10 and 17, were referred to the Juvenile Court Program in 2018. In addition, 107 juveniles under an existing custody order were re-referred (violations of NSC or TR/SC) for a total of 692 referrals.

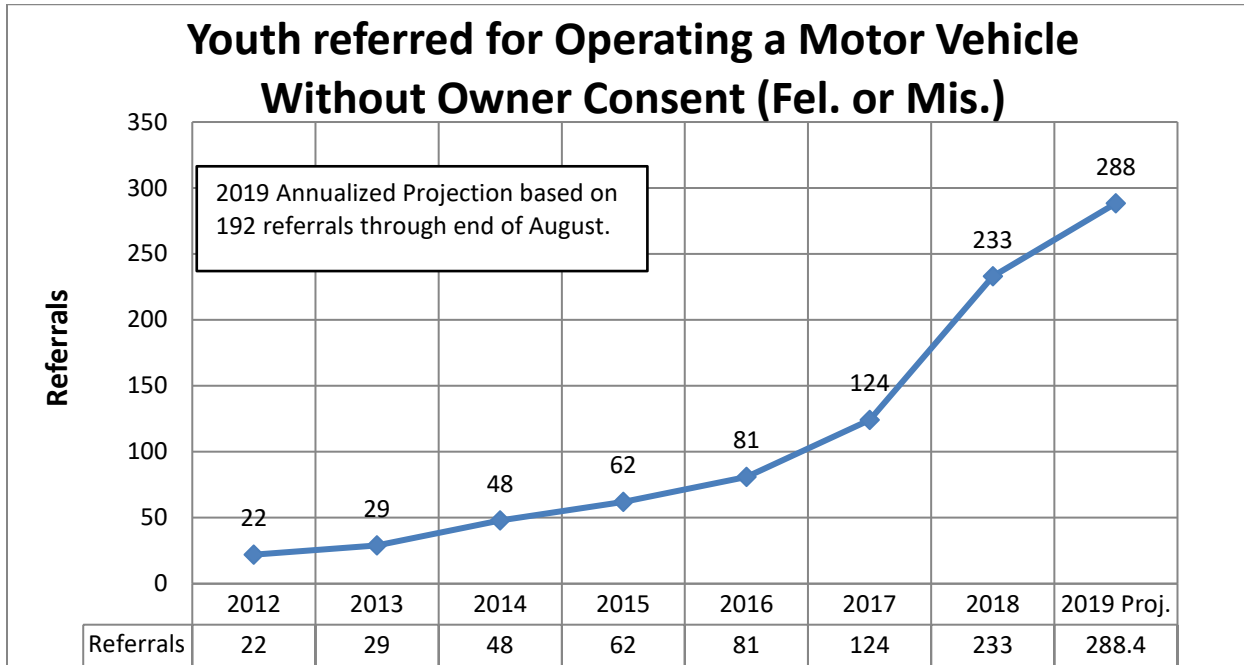
Data related to the initial custody decision for the initial referrals made by the intake worker (excludes referrals processed by Reception Center as the result of a court order). Slightly more than one-half (270) resulted in placement in secure detention.



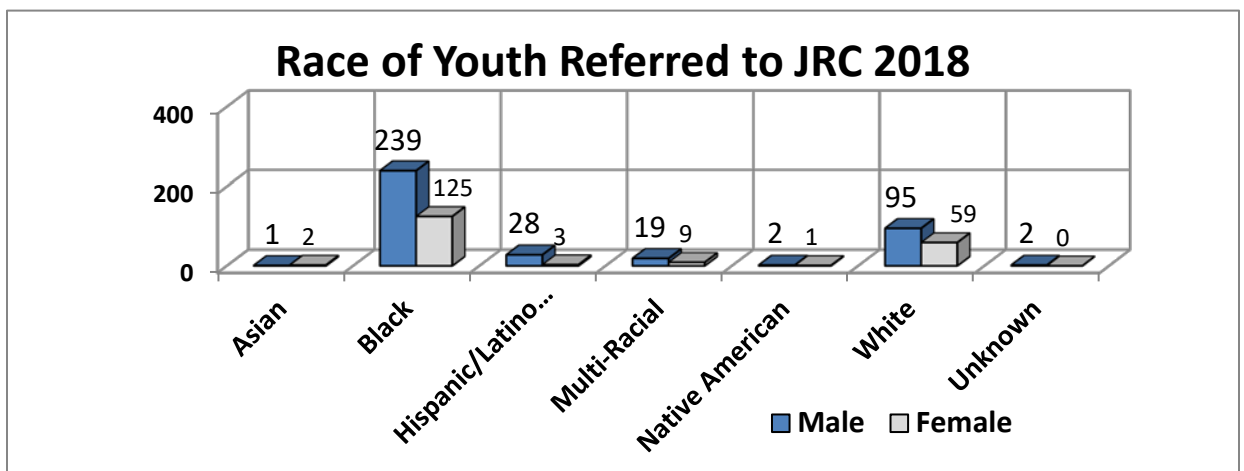
Additional data related to the most prominent offenses, in particular Operating a Motor Vehicle Without Owner’s Consent (OMVWOC) and Passenger w. OMVWOC), with a focus on understanding to what degree those offenses are leading to increased ERD concern for youth placed in secure detention. The notable increase in recent years of OMVWOC and PTAV/OMVWOC, largely alleged to have been committed by youth of color, has contributed to greater disparities for youth held in detention.



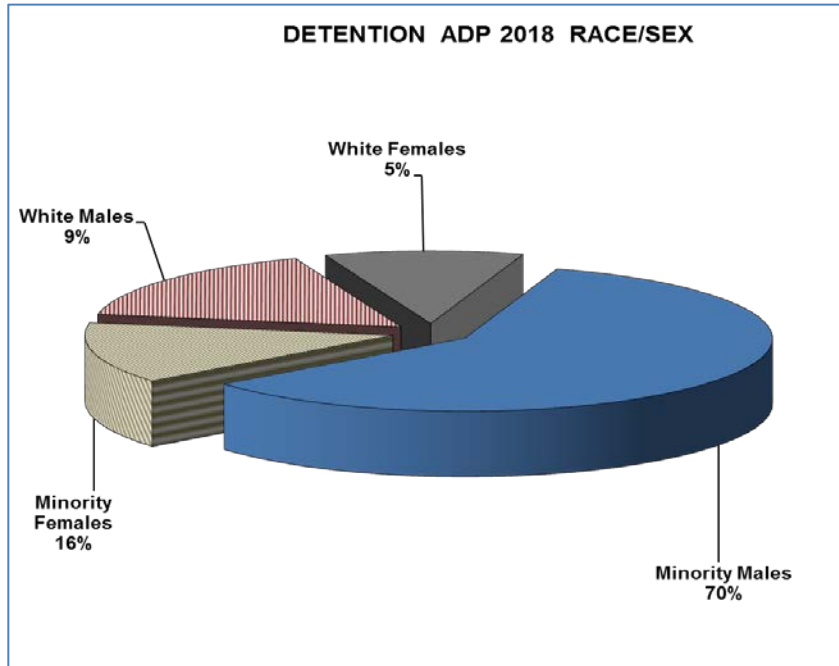
The chart below illustrates the dramatic increase in referrals to the Department for youth with an OMVWOC charge. The vast majority of these youth are youth of color and almost all are referred to Reception Center for a physical custody intake. If the projected number of referrals turns out to be accurate, it means that over the course of seven years there has been a ten-fold increase, and just over the last two years the number has more than doubled. The big increase in this offense alone accounts for notable increases in the RRI rates for Black youth at a number of decision points in the process.



Race of youth referred to Reception Center for custody intake. The percentage of Black youth referred was sixty-two percent in 2018, an increase from 2017. The percentage of White youth referred in 2018 decreased from thirty percent in 2017 to twenty-six percent. The numbers of youth (and gender) referred are reflected below.

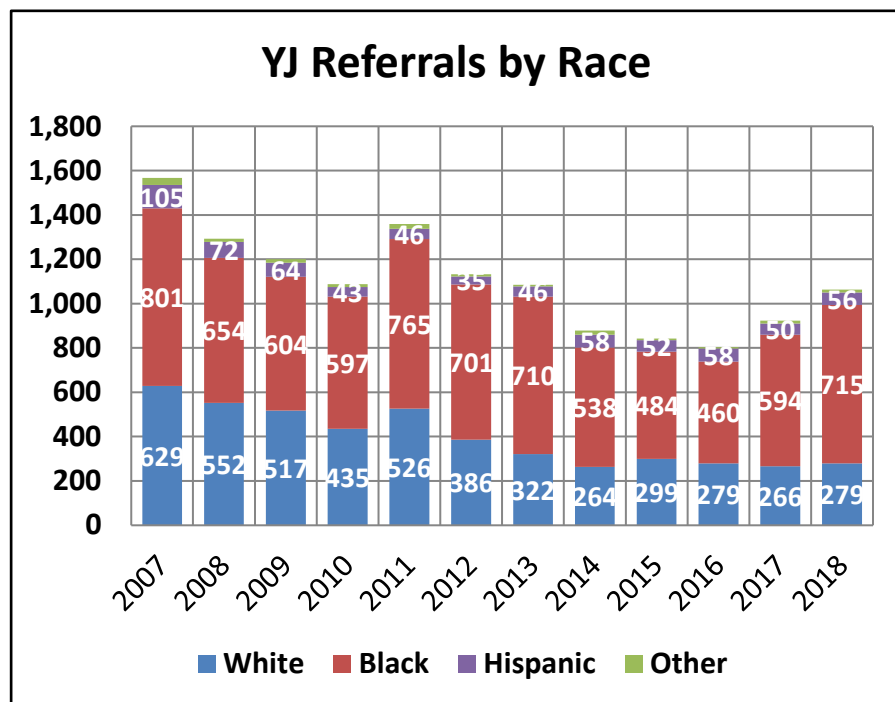


The Average Daily Population (ADP) of youth held in Secure Detention, comparing White youth and youth of color, with the bottom line being that “on average” 86% of youth were youth of color.



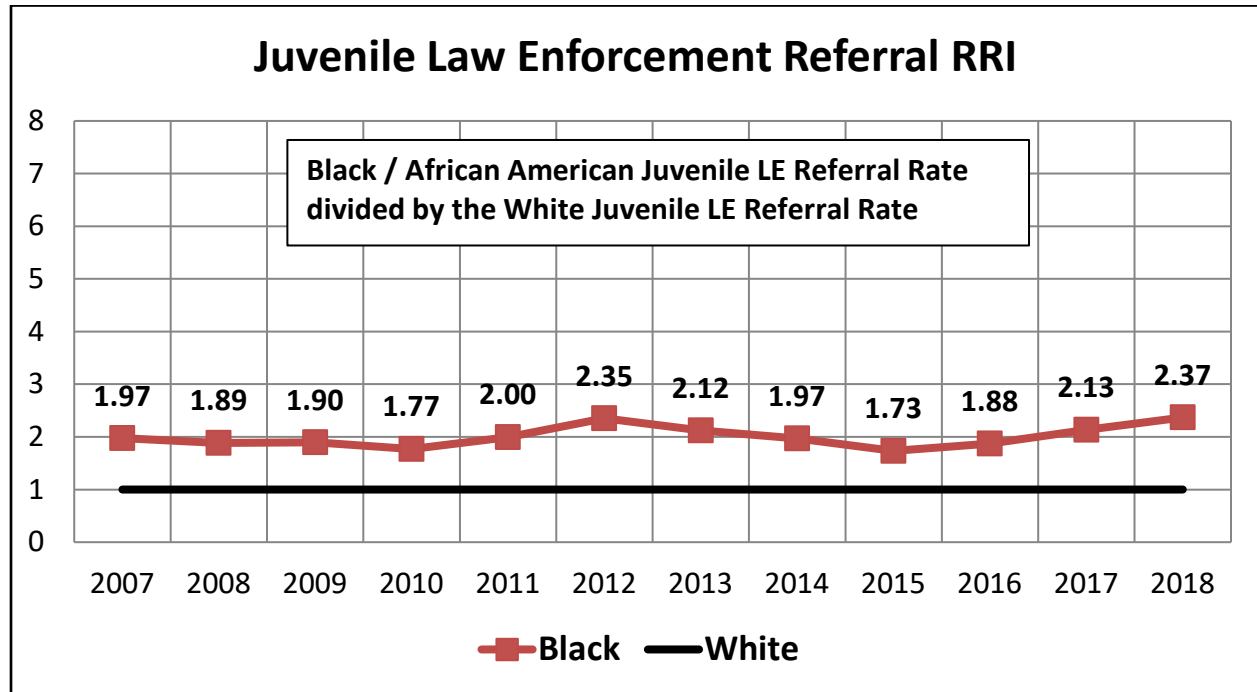
Note: There are similar disparities for youth placed under Non-Secure Custody at the Shelter Home (76% youth of color) and on the Home Detention Program (85% youth of color). More complete data related to youth referred to JRC for custody and custody decisions is available in the [Annual Juvenile Court Report](#).

Reviewed data related to referrals (police report) of youth to the Department/DA for Intake Assessment and charging decision, the first phase of potential involvement in the formal youth justice system. (Note that at least one of the recommendations made by this group would change that process). Data reviewed includes:



What stands out in the data above is that in 2018 2.5 times as many Black youth were referred for Intake than White youth.

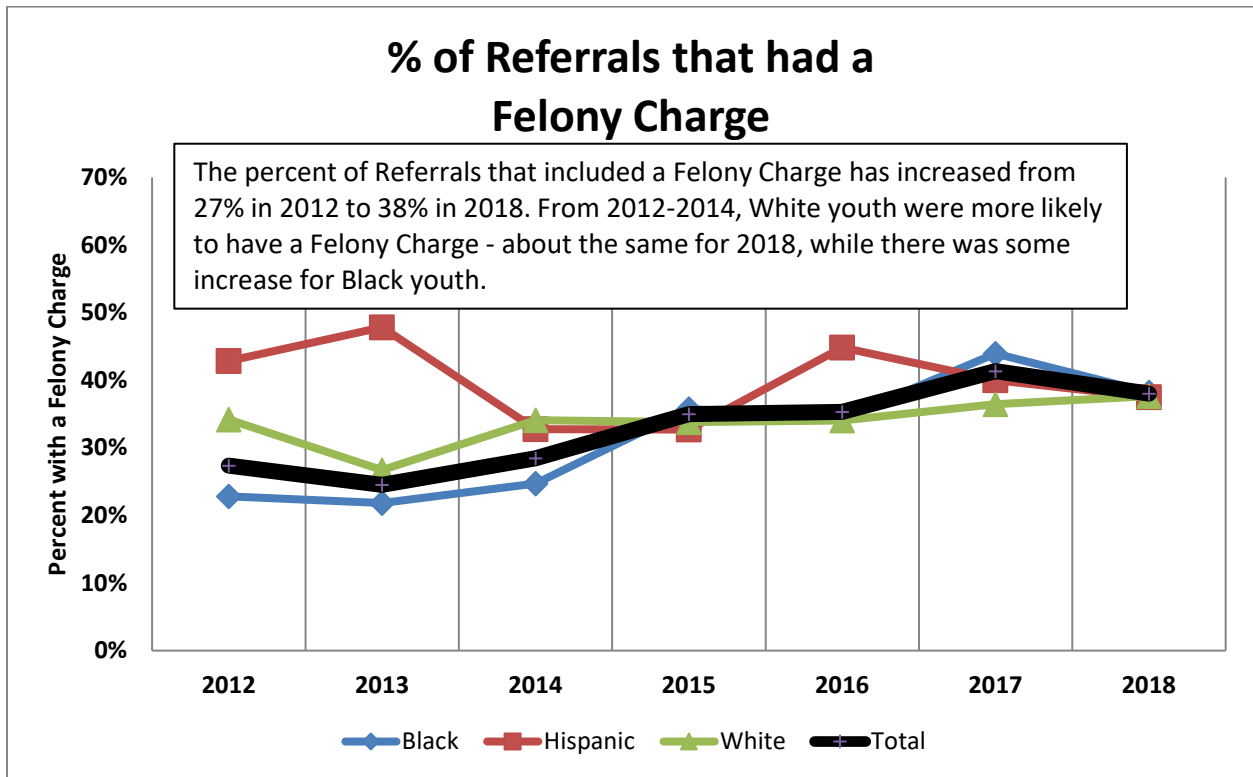
It is also possible to calculate the Relative Rate Index for Black vs. White youth referred by comparing the referral rates (number of referrals per 1,000 youth) for each group, which results in an RRI of 2.37 for Black v. White youth in 2018.

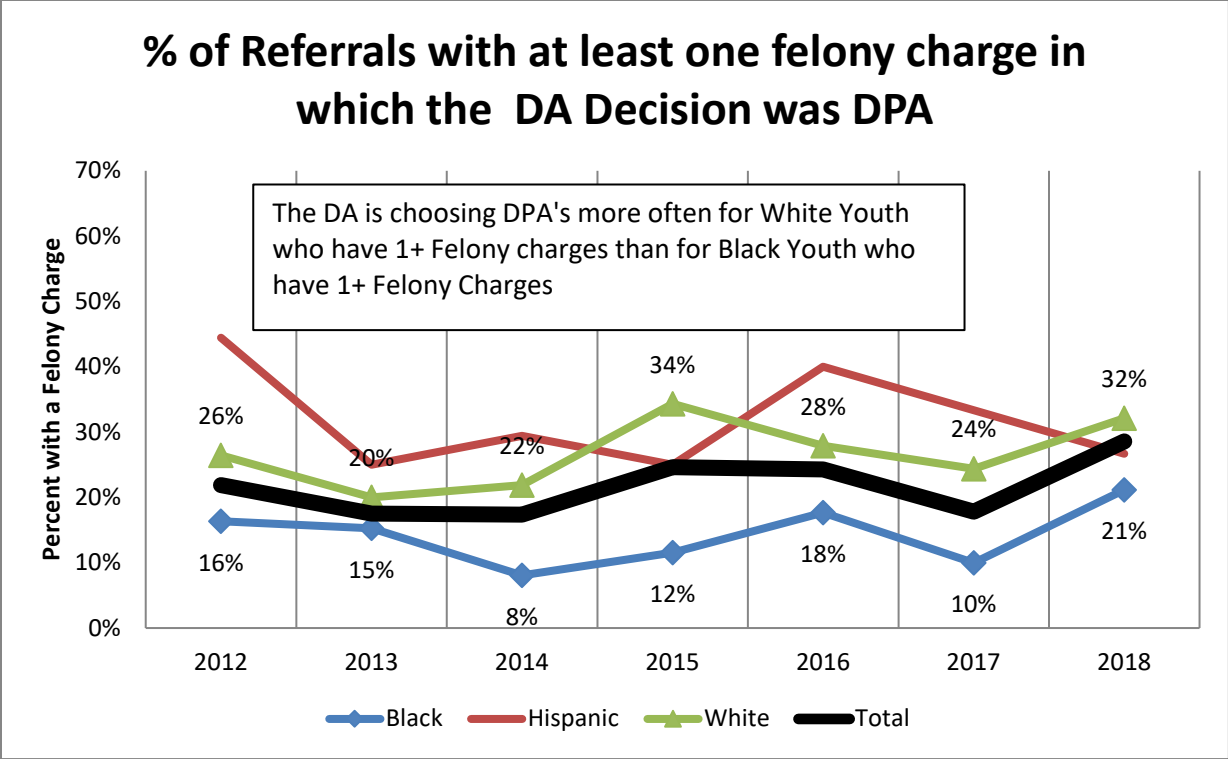


Calculating and tracking the Relative Rate Index across these stages of the process provides some indication of where changes may be most needed. As has been historically true in Dane County, highest RRI tends to be at the “start” (arrest) of the process and at the “deep end” (confinement, short and long term).

- Reviewed policies and practices related to [physical custody intake](#) decisions, including discussion of the use of a Detention Risk Assessment Instrument (DRAI) that is being used in a number of other counties in the state.
- Reviewed data related to length of stay, noting that the average daily population (ADP) in secure detention is essentially a function of the number of youth coming in/held in detention and how long they stay. As it relates to length of stay (LOS), the LOS for youth of color was approximately 35% greater than for white youth. Given the disproportionate number of youth of color held in detention, decreasing the length of stay should simply reduce the number of those youth held in detention on a daily basis.
- Continued review of the custody screening process and policies, including reviewing data related to the impact of those policies on youth of color; a key area of focus is on the use of “presumptive” secure holds for youth referred as a passenger in a stolen car.
- Discussion of the referral and assessment process changes that have occurred since 2009, particularly focusing on how cases are referred to the Department for intake assessment, the role of

the DA in the process, and the relationship of the current process to statutory intent. The group was able to review some of the data related to the nature of referrals to the Department and subsequent decisions, including showing an increase in the relative percentage of referrals that included at least one felony count and decisions related to deferred prosecution vs. formal filing. A couple data points are illustrated in the following charts, including information related to the relative use of Deferred Prosecution Agreements (DPAs) by ethnicity/race, so additional factors may account for variations, how the process may contribute to disparities requires considerable analysis.





Note: This chart reflects the filing decision by the DA’s office, but there are similar disparities at the point of recommendations made by the Social Worker from the Department following their Intake Assessment. For example, Social Workers recommend proceeding formally in about 65% of cases involving Black youth compared to slightly less than 40% for White youth. For both of these decision points there may be additional variables that account for differences, e.g. the nature of the felony charge, prior referrals, or current court status. But at a minimum, this data provides direction for further evaluation and opportunities for change.

- Identifying potential variations in the referral/assessment process and how current court intake policies impact disparities.
- Identifying potential options in the custody review process so that for those youth confined there are regular opportunities for the court to review the continuing necessity of confining the youth prior to adjudication.

Recommendations

Related to Custody Intake/Decisions:

1. The Juvenile Court Program and Department should continue to monitor the Detention Risk Assessment Instrument (DRAI) used by other counties and that is currently being evaluated by the State Department of Justice to see if it has an impact, one way or the other, on Ethnic and Racial Disparities (ERD) of youth held in secure detention.

Comments/Discussion: Use of a DRAI in many jurisdictions has historically resulted in significant declines in the use of secure custody. However, Dane County utilizes a different process and has maintained one of the lowest rates of secure detention per capita in the state. In 2016 Dane County conducted a study comparing the two processes and found no significant difference related to secure custody but did find that the DRAI would have resulted in an increase in the use of Non-Secure Custody (NSC). The WI Department of Justice has commissioned an evaluation of the validity and impact of use of the DRAI in other counties, and if further evaluation suggests an impact on reducing disparities, the committee believes it would then be prudent to reevaluate the “Dane County method” of custody determinations.

2. If the Juvenile Court Program institutes internal policies on certain referral offenses being a de facto hold in secure detention (e.g. passenger OMVWOC), the impact of that policy on ERD must be continuously evaluated and reported periodically to the Youth Justice Supervision Coordinating Team/DMC sub-committee.

Discussion/Rationale: The Juvenile Court Program has a custody intake policy that includes designating certain offenses as de facto or presumed grounds for placement in secure detention. While largely consistent with the statutes related to “presumptive” grounds for secure placement, the internal policy presumes that being referred as a passenger in a stolen car is grounds for secure custody, something not included in the statutes. As a result of the marked increase in referrals for that offense, almost exclusively involving youth of color, there has been a notable negative impact on ERD for Detention such that intakes related to that offense merit ongoing oversight and review and possible modification of the policy (although an initial review indicates that there may be other, concurrent concerns that result in a secure custody decision). Any further modifications of the custody intake policy should be accompanied by data collection process to assess the ERD impact.

3. All plea hearings for youth held in secure custody should be, without need for further notice, assumed to include a review of the youth’s custody status.

Comments/Discussion: For youth held in secure detention following their initial custody hearing, the next court appearance is Plea hearing. The court should adopt the practice of considering the youth’s physical custody status at all court hearings, including the Plea hearing, without requiring additional prior notice to the parties. While State Public Defender (SPD) attorneys routinely file notice, private bar attorneys taking SPD appointments are, at times, unaware of the notice requirement. Adopting the practice of reviewing custody without the need for additional notice would obviate the need to file anything, potentially reducing the length of time some youth spend in detention. Given the disparate numbers of youth of color in detention, this may help reduce those disparities.

Related to the Screening process for delinquency referrals to the Department, the workgroup recommends that:

4. The Department examines ways in which the intake process operates as intended in the statutes and can be independent of the DA's office, including the possible discontinuation of the feedback memo from the DA's office during the 40-day intake period.

Comments/Discussion: Consistent with the dictates of *State v. Bergwin*, 2010 WI App 137, which noted: *“Juvenile intake workers must exercise independent judgment when determining whether to recommend that a petition be filed, enter into an informal disposition, or close a case within forty days of the receipt of the referral information. (Refer to WIS. STAT. §§ 938.24-25). In short, juvenile intake workers do not perform their statutory duties by simply acceding to the demands of other institutions.”* There is concern on the part of the workgroup that the intake worker's decision is being overly influenced by the DA's feedback, potentially resulting in a recommendation for formal filing in situations in which a more complete assessment would lead to a Deferred Prosecution Agreement (DPA) . Given that the number of formal filings has clear ERD implications, it is hoped that reducing the number of such filings would positively impact the number of youth of color coming through the formal system. The system must continue to explore ways to keep that intake process as independent as possible and evaluate the impact of any practices that may contribute to ERD.

5. The Department ensures ongoing training and support for the intake worker's ability to utilize the statutory 40 days allotted for the intake assessment process.

Comments/Discussion: The workgroup wants to ensure, as more and newer workers are assigned the task of doing intake screening for youth, that each intake worker is continuously trained and supported in the best utilizing the statutory time allotted (up to 40 days) to complete the intake assessment, providing sufficient time to put a DPA or other alternative to formal filing in place.

Related to Petitioning, the workgroup recommends that:

6. The Department and DA's office should meet regularly and work collaboratively to discuss and evaluate the use of Deferred Prosecution Agreements (DPAs) to address any concerns about them.

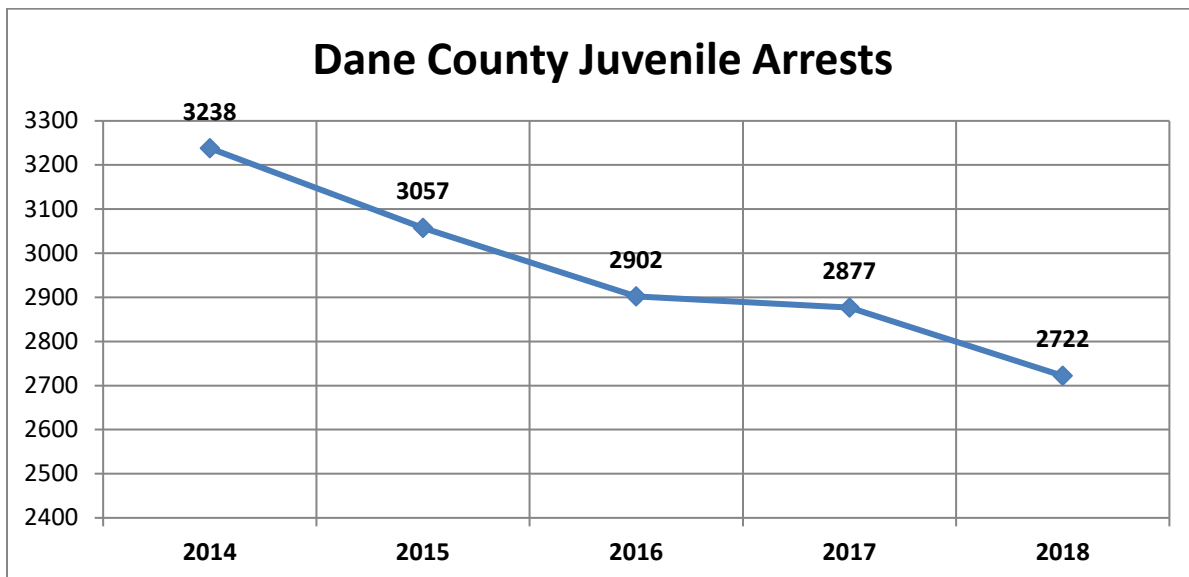
Comments/Discussion: It was readily apparent in this discussion that the District Attorney's office has some concerns relating to the supervision of deferred prosecution agreements. To the extent they are unclear about the effectiveness of DPAs, they may be more likely to file formal petitions resulting in more youth being drawn deeper into the court system. It is believed that forming a workgroup, likely consisting of DA, SPD, and DCDHS staff, to have discussions to clarify the DPA process and expectations could again help reach the goal of fewer formal filings and reduce disparities in the formal court process.

Law Enforcement Workgroup Recommendations: Issues and Discussion

The Law Enforcement workgroup, led by Jay Kiefer, Briarpatch focused on one of the most critical decision points in the youth justice process, namely how law enforcement personnel interact with youth, particularly youth of color. The group met six times between May and October. The initial charge to the workgroup was:

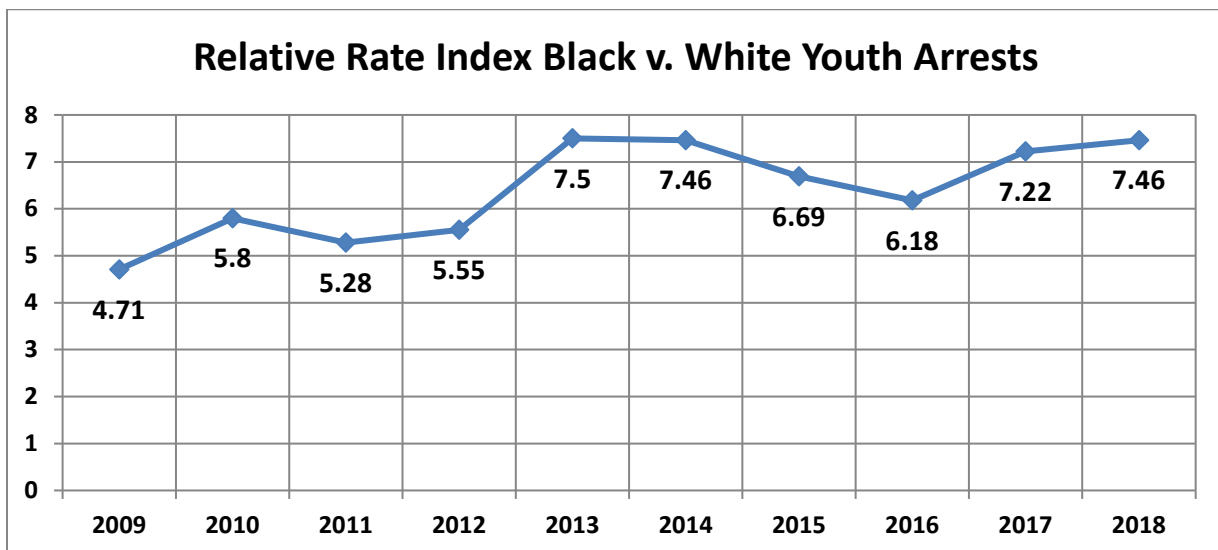
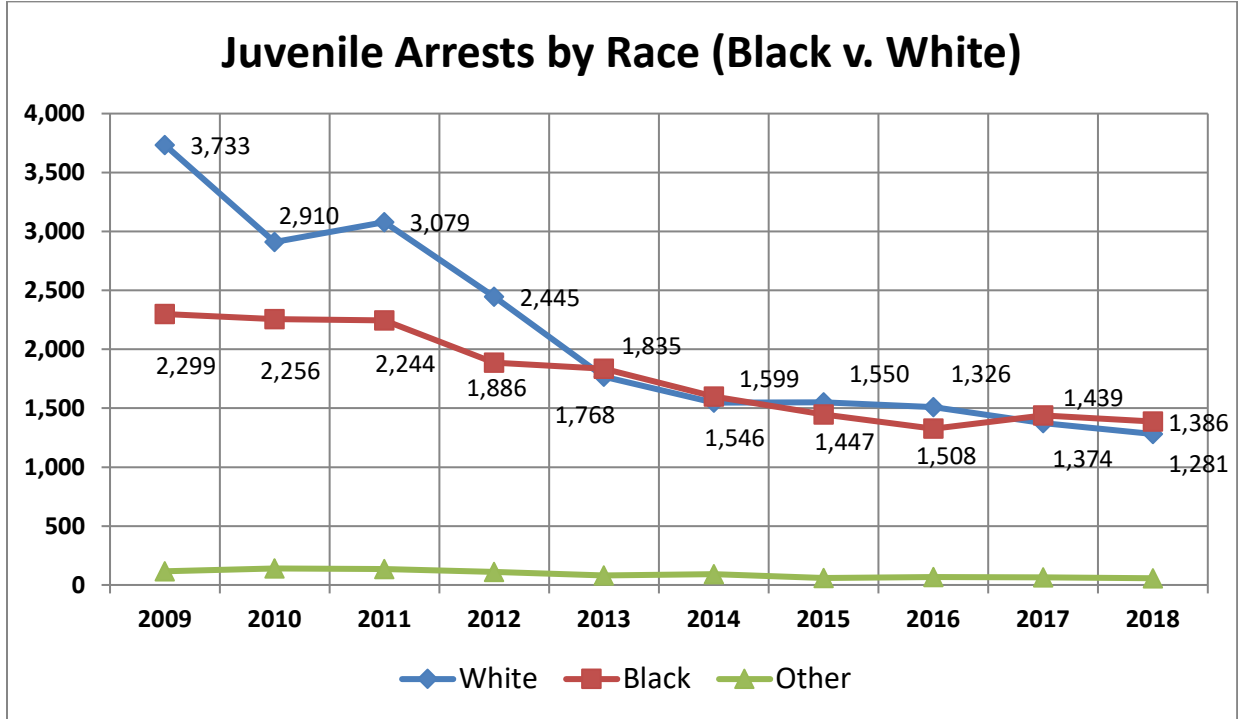
The Law Enforcement Workgroup is charged with examining the initial law enforcement/juvenile contact, assessing the availability and use of alternatives to arrest, and determining how discretion factors into the policing process. The group should make recommendations for changes that contribute to an equitable outcome for youth of color.

The data shows that the number of youth arrested has continued to decline for more than two decades, a trend holds true in Dane County as well as across the nation. During that time, on a statewide basis, youth arrests have declined from over 100,000 per year to approximately 35,500 in 2018. The trend in Dane County from 2014-2018 is shown below.



That fewer youth are being arrested is good news. However, as it relates to ERD, one of the most concerning points of ERD in Dane County is at this point of arrest. This disparity is reflected in the trends in Arrests by Race and the Relative Rate Index (RRI), the formula that takes into account the youth population by race and compares it to the juvenile arrest data. The charts below reflect the number of arrests of youth and the relative likelihood a youth of color will be arrested compared to a White youth, e.g. in 2018 a Black youth was 7.46 times more likely to be arrested than a white youth. As is evident from this chart, the RRI has fluctuated over time but is essentially higher than it was in 2009, the time of the last DMC Solutions project. That and other data reflects the challenge in implementing strategies

that often tend to have a significant impact on reducing the overall number of youth, in this case youth arrested, but may result in arrest numbers/rates for white youth actually declining faster than for Black youth. In fact, over the past 20 years, the Arrest Rate (number of arrests per 1,000 youth) for White Youth has declined by 80% while the Arrest Rate for Black youth has decreased by 56%.



To develop recommendations to reduce ERD, the workgroup:

- Reviewed significant changes in a number of areas since 2009, including increased use of municipal court and restorative options.
- Reviewed the recommendations and status of the Center for Children’s Law and Policy (CCLP) partnership with the Madison Police Department related to improving policies and practice focusing on addressing ERD concerns.
- Reviewed updates on MPD training (significant work over time re: implicit bias) and potential support needed for law enforcement training (e.g. Policing the Teen Brain, Strategies for Youth);
- Discussed the issues related to how calls come in to law enforcement, recognizing that there are disparities in how community responds to youth of color.
- Discussed ways to support law enforcement options, e.g. investing in the concept of a wellness center, a youth assessment center process for referrals, or other alternatives that can be made available for law enforcement when they come in contact with youth and/or take them into custody. These options could also provide direct services for youth and families and/or link them with other appropriate services to meet their needs.
- Reviewed city and county initiatives that complement each other, including the Opportunity Youth collaborative and the School Justice Partnership group.
- Assessed the potential to increase the capacity of restorative justice initiatives for youth and young adults, including 17 and 18 year olds. Note: In communities outside Madison in which there is a teen/peer restorative court operating, 17 year olds are served, so the discussion related to whether and/or how steps could be taken to make that option available for Madison youth as well.
- Reviewed on-going efforts by the Madison Police Department to review and update policies and training related to interacting with youth, including initial efforts to implement a Youth Advisory Board and continuing training on “Policing the Teen Brain” and “Strategies for Youth”.
- Discussed the potential of developing more direct referral options that would reduce the use of citations, allowing youth to be directly served through other restorative programs.

Recommendations

1. The workgroup recommends expansion of resources to support 17-18-year-old youth with Municipal Court citations, with an initial step of including 17-year old youth in current Restorative Justice Court services for selected offenses. Additionally, key stakeholders should create a task force/workgroup to look at specific challenges of 17-18-year-old young adults currently on Probation/Parole/Community Restorative Courts and promote alternatives to formal court processing by supporting them through Restorative Justice and other youth justice initiatives.

Comments/Discussion: There is an increasing consensus among key stakeholders that they would be served with better outcomes by supporting the current City of Madison Municipal Court Judge to utilize current youth service providers to provide expanded services to 17 year olds. Seventeen year old youth are currently being served through Restorative Justice Courts in the communities of Sun Prairie, Oregon, and Cottage Grove; expansion of these services, particularly in Madison, should have a positive impact

on reducing the number of youth of color tracked into the more formal justice system. Whether and how 18 year olds can be included is more complicated but can remain an objective going forward.

2. Through a collaborative process, DCDHS and the City of Madison should take the lead to explore the potential of “mobile”, regional, or geographically located Youth Wellness Centers for youth and families in need of services that is separate from Youth Justice that is community driven, localized, rooted in services driven by peace/healing/racial and restorative justice.

Comments/Discussion: One of the significant challenges identified by the workgroup is that it is too often difficult for law enforcement to effectively and efficiently link youth and families, particularly with youth of color, in a timely manner to supports and services without detaining or taking the youth in custody, issuing a citation, or taking some other action that tracks the youth into the more formal youth justice/human service system. The concept of a “Wellness Center” has been piloted in other counties, so further exploration of whether and how best to effectively engage with and support youth and families earlier in the process may lead to the development of new or enhanced place-based or outreach services.

3. The county should utilize a “[Credible Messenger](#)” program model/strategy of violence interruption that involves community members with lived experience in providing support and “intense mentoring” for our highest risk level youth and other pathways for healing from trauma that are based in restorative/transformational justice and community accountability.

Comments/Discussion: The concept of “credible messengers” has been developed and implemented across the country to identify individuals in the community with “lived” experiences in the justice system that can effectively engage higher-risk youth through targeted, culturally appropriate mentoring strategies. One of the challenges identified by the group revolves around answering the basic question of “who will the youth listen to?” the answer to which requires a more non-traditional approach to identifying and supporting adults that can influence youth.

4. The workgroup supports the six recommendations developed through the Madison Police Department (MPD) collaboration with the Center for Children’s Law and Policy (CCLP).

Comments/Discussion: The MPD/CCLP collaboration has been focusing on the critical point of contact between law enforcement officers and youth and has generated considerable review of best practices in ensuring that that point of contact leads to better outcomes for both youth and the community. MPD has been in the process of reviewing and updating policies, practices, and training to be more consistent with what works research, and there are some specific examples of strategies/projects that should be implemented, including: (a) the development of collaborative efforts that focus on educating youth and Law Enforcement personnel on how to more effectively interact with youth; (b) provide stipends or other incentives/supports for youth to enable them to participate in working with law enforcement on how best to approach and handle situations involving youth as well as to help educate other youth on how to respond to law enforcement; (c) continuing to expand training for MPD and other county law enforcement agencies utilizing the “Policing the Teen Brain” curriculum; and (d) supporting MPD in creating a Youth Advisory Board (YAB) in 2020. Related specifically to the

Youth Advisory Committee, the City of Madison has identified some funds that can help support youth involvement and coordination of the YAB, and the city and/or county may seek or identify additional funds as needed to help sustain the YAB.

5. Continue to complement the work done by school staff and School Resource Officers (SROs)/Education Resource Officers (EROs) by increasing support to eventually provide Restorative Justice specific positions in each Dane County High School and Middle School. RJ staff can be much more proactive to help provide support for youth, support alternatives to law enforcement involvement in preventing and responding to behavior issues/conflicts, and support development and/or restoration of positive relationships among youth and staff in the school.

Comments/Discussion: There have been some Restorative Justice resources and programs implemented in a number of schools, but their capacity to deal with the multitude of issues that arise is limited. Providing a more robust RJ program in schools across the county could lead to both an expanded and more effective utilization of RJ practices and principles to both prevent and respond to a wide variety of behaviors that do not necessarily require a law enforcement response and/or are often left only partially dealt with through more traditional school responses. There are existing collaboratives working on promoting RJ programs across the county, and a focus of their work in the first quarter of 2020 could be to assess the impact of any to enhance an RJ pilot project and/or seek additional funding to implement expanded programming by the fall of 2020. It will be particularly important to focus any enhanced efforts on identifying the situations that contribute to subsequent disparities in the youth justice system.

Center for Children’s Law and Policy
Madison Police Department
Law Enforcement Leadership for Equity Initiative
Assessment Recommendations

1. Implement new training designed to promote effective interactions between youth and law enforcement.
2. Develop a Memorandum of Understanding with MMSD that outlines the role of law-enforcement in public schools, captures consensus points on early diversion efforts, and creates an infrastructure to regularly review and respond to trends in school based incidents.
3. Expand the use of direct referrals to diversion programs in lieu of tickets and arrests for eligible offenses occurring in the community.
4. Expand access to current restorative justice diversion programs or the County Restorative Court to include low-level state misdemeanor offenses, including battery, disorderly conduct, retail theft, and resisting/obstructing, for youth age 12- 16.
5. Develop contact guidelines for common scenarios that currently generate high numbers of tickets for low-level discretionary offenses, and train officers on those guidelines.
6. Revise the Standard Operating Procedure governing youth contacts to capture the Department’s current approach to contacts with youth, including expectations regarding use of available diversion programs, and then train on the revised SOP.

Schools Workgroup Recommendations: Issues and Discussion

The Schools Workgroup was led by Gina Aguglia, Madison Public Schools and met five times between May and October. The initial charge to the group was:

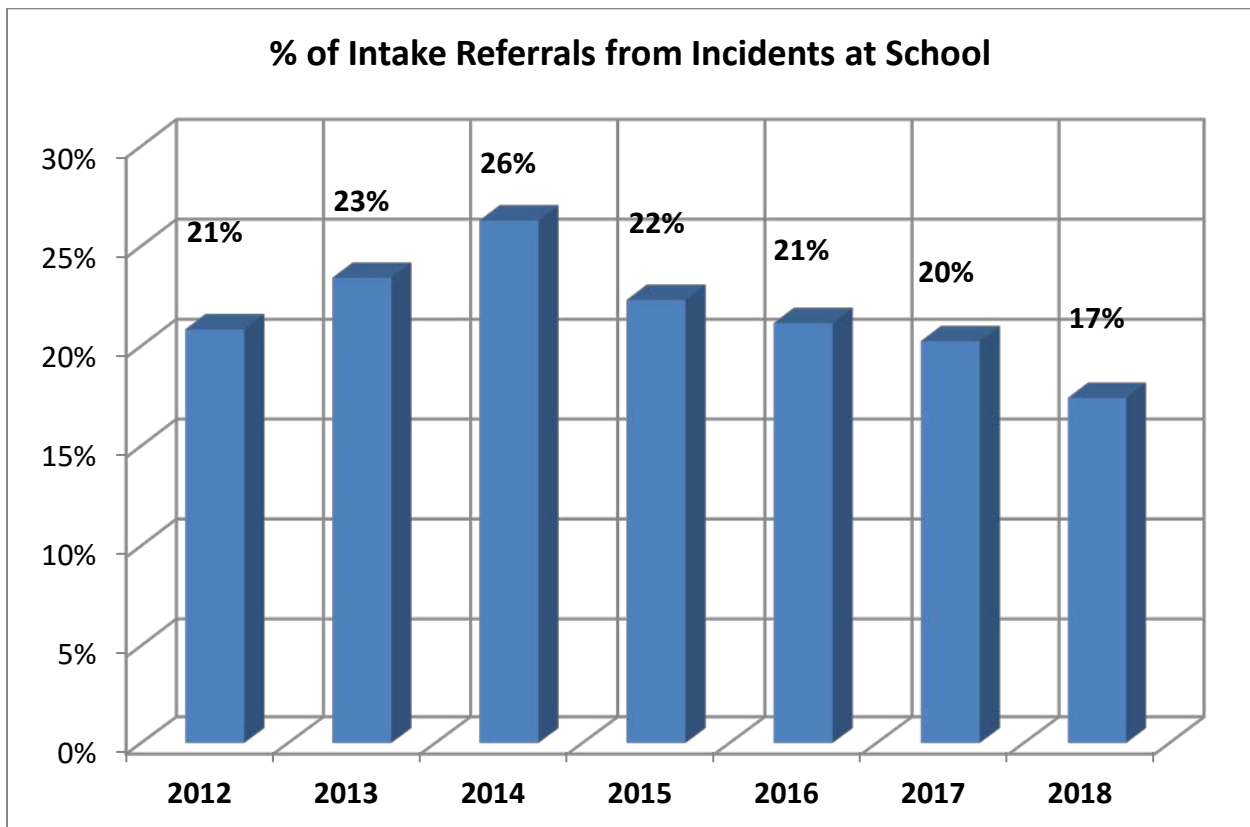
The Schools Workgroup should focus on the behaviors of students that lead to intervention by school officials, the decisions made about how to respond to those behaviors, and how discretion is exercised in that process. The group may focus on situations that result in law enforcement contact, suspension and/or expulsions, or other responses that lead to youth justice system involvement and should make recommendations for changes that lead to equitable outcomes for youth of color.

Beginning with this charge, the goal of the School's subgroup was to develop ideas that school districts within Dane County could implement in partnership with county and community agencies to decrease the disproportionate law enforcement contact with youth of color, especially African American males. After reviewing the recommendations from 2009, the group developed new recommendations and provided ideas for implementation.

Over the course of the meetings, the workgroup:

- Initially identified potential “areas” for further discussion, i.e. funding/money, skill set/training for adults, engaging parents/caretakers, and information sharing;
- Reviewed a number of MMSD school-based data points, including the number of arrests (33) made in Madison Schools in 2018-19 school year, a reduction from prior years;
- Reviewed changes related to MMSD implementation of their Behavior Education Plan (BEP), considering the opportunities and challenges it has presented in working with youth behaviors, and how school resource officers are utilized in the district.
- Reviewed information about some of the training in classroom management that MMSD has implemented in recent years and some of the challenges of taking that training to scale across the district;
- Learned about MMSD implementation of pilot/newly implemented school youth support programs related to youth transitions and (e.g. “9th grade on track”, 6th grade 1-to-1 supports, 9OT School Within a School);
- Reviewed prior (2009) recommendations and relevance for 2019 including potential for added staff/adult training, working with youth re: behaviors (e.g. mentoring, credible messenger programming);
- Reviewed data related to suspensions and expulsions, recognizing that suspensions are much more common and need attention along with other youth that are either at risk of or are disconnected from school (e.g. habitually absent, frequent suspensions). However, the group also discussed the importance of providing support for youth and families that are tracked in an expulsion process;

- Discussed the notion of creating an ERD “czar” that can work within the county system and other stakeholders whose primary focus is to gather data, coordinate disparity reduction efforts, and research successful efforts from other jurisdictions;
- Discussed ideas to link youth with employment opportunities within the school structure, e.g. provide more work-learn options for credit, include employment preparation and vocational options for youth that want to pursue that track;
- Reviewed program models that are focused on promoting better engagement with individual youth, e.g. developing “credible messengers” working with students in the school, identifying adults with “lived experiences” that youth will listen to, and developing new group and individual strategies for working with youth of color who are at risk of failure and/or exhibiting challenging behaviors;
- Reviewed concerns related to the limited diversity of schools staff/teachers and other personnel that interact with youth, something that is common across all districts in the county; and
- Reviewed some MMSD school-based arrest data and data from the Department about the relative percentage of referrals they receive resulting from school-based incidents (chart below). This data indicates that as recently as 2014 over one-quarter of referrals to the Department were the result of incidents that occurred at schools in Dane County, but that declined to under 20% in 2018, perhaps in part reflecting efforts to direct youth to other alternatives (restorative justice programs, teen courts, etc.).



Recommendations

1. Related to **Staff Training and Skill Development**, the workgroup recommends that staff receive mandatory additional professional development and coaching in the area of Culturally Responsive Teaching and Practices. Training would be both large group professional development and observation/assessment and coaching, preferably by an outside agency.

Comments/Discussion: There is little doubt that skills related to classroom management and teaching youth in *Culturally Responsive Teaching and Practices* are critical to the success of all youth, but particularly youth of color. MMSD has been providing training in these skills on a limited basis, but to be successful this kind of training needs to be accessible to all MMSD staff, and ultimately it would be helpful for teachers in other districts as well. Implementation could begin with requesting the [MMSD Office of Equity, Partnerships, & Engagement](#) to develop and deliver a comprehensive professional development program, including researching, vetting, and contracting with an outside agency to deliver the training and coaching support for staff. Given the competing demands for training time for teachers and staff, expanding this type of training will need to be supported by the Superintendent and integrated into the in-service and/or other continuing education opportunities. The training could include utilizing a “Train the trainer” model utilizing building based instructional coaches, PBIS coaches, Equity Fellows, and/or other student services staff to sustain the training in a cost-effective manner.

To better respond to student behavior through **authentic relationships** it is recommended that:

2. MMSD partner with community leaders, advocates, and agencies to develop more positions aimed at connecting with youth of color, especially youth of color who identify as disengaged or disconnected from school. It is recommended that:
 - a. Each elementary school will employ a Family and Community Engagement Liaison (example linked [here](#)) tasked with partnering with families in the community, helping families navigate school systems, and support positive school culture and climate; and
 - b. Each elementary school have an after school program that is free or very low cost to families. These after school programs would be run by community members living in the school’s neighborhood to promote connection between school, home, and community; and
 - c. Middle schools utilize [GRIT Workers](#), specific youth workers employed by Dane County’s Neighborhood Intervention Program to mentor and provide guidance to youth who are identified as possibly involved in maladaptive behavior in the community. GRIT workers build relationships through one on one conversation, sports, group work during the school day, and after school outings; and
 - d. All high schools should invest in a position focused on building connections between the community and the school. Further exploration of the [Credible Messenger Program](#) model is recommended to design a position that will act as a liaison between families and schools to support youth of color.
3. That each attendance area (High School feeder patterns) create [a community based school social work](#) position to provide case management and navigation of complex school and community

systems for families with children across multiple schools within a feeder pattern. This position will provide advocacy, resources, partnership, and guidance to families in order to break down barriers that keep students from feeling prepared and successful.

4. Further exploration of MOA/MOUs with effective community partnerships is needed in order to strengthen collaborative work with students and families. Additionally, school districts should seek grant funding when possible to create and/or continue these partnerships on a large scale across all of Dane County.

Comments/Discussion: Implementing these recommendations will also require support from the Board and Superintendent and could be led by the Office of Family, Youth, and Community Engagement expanding and enhancing their current Family Liaison staff group, including providing additional professional development and training. Evaluating the effectiveness of a pilot program providing a community engagement social worker can help inform future efforts. Hiring for a variety of support positions within the district should be focused on employing individuals within the community that demonstrate the ability to connect with students and families through developing authentic relationships and building mutual support for youth success. This should include placing a priority on hiring people of color who have grown up in Madison, attended schools in the county, and are dedicated to improving the lives of youth of color.

Related to effective community partnerships, MMSD is currently involved in several grants partnerships, and MOA/MOUs aimed at strengthening the connection between schools, the County, the justice system, and community to streamline interventions and supports, for example: (1) *School Justice Partnership Grant* and the *STOP School Violence Prevention and Mental Health Training grant*, both focused on reducing threats of school violence by working more collaboratively with MPD and Dane County to minimize the need for arrests based on proactive, preventative, and effective assessment of student mental and physical needs as well as critical response that is restorative, culturally responsive, and trauma informed; (2) Creation of a *Coordinator of Cross Systems* position to further the work of restorative critical response to threat assessment and acts of violence in school by providing job-embedded professional development for school based response teams as well as establishing sustained communication and collaborative channels for work between systems; (3) *GRIT* employs workers from Dane County's Neighborhood Intervention Program (N.I.P.) to mentor and provide guidance to youth who are identified as possibly involved in maladaptive behavior in the community. GRIT workers build relationships through one on one conversation, sports, group work during the school day, and after school outings; (4) *Time Bank*, *YWCA*, *Briarpatch for Restorative Practice Partnerships* are in place to fund and strengthen Restorative Practices within schools to continue to move away from zero tolerance, punitive responses to behavior and instead, focus on ways to rebuild and repair harm that was caused as well as teach and reteach positive and pro-social behaviors. Restorative Practices will also be part of the new alternatives to suspension within the [Behavior Education Plan](#), which continues to evolve based on input from staff and the community. In order to develop a holistic approach across the domains of a youth's daily life (i.e. school, home, community), these kinds of partnerships need to be supported and enhanced where needed.

To work more effectively with out of school youth or youth at risk of becoming disengaged, the workgroup recommends that:

5. Creation of a Day Resource Center should be explored for youth who are out of school due to justice involvement, suspension, expulsion, or for other reasons. This Day Resource Center would be staffed by a special education teacher, social worker, mental health professional, and other supportive staff to assist with various academic, social, and emotional activities that support the student while they are out of school and prepare them for re-entry.

Comments/Discussion: There are or have been a variety of limited program efforts to develop short-term alternative learning sites for youth that are not connected within a regular school due to justice system involvement, suspension, or other reasons. But consideration should be given to working with multiple stakeholders to develop a resource center that could include providing academic support but also include restorative service options, connect youth with a variety of services to meet their needs, and otherwise reduce barriers to youth accessing a full education program. The Day Center could also act as a “soft landing” for students transitioning back into schools after extended periods of absence (i.e. out of state placements, corrections, hospitalization).

6. Alternative programs be created that specifically focus on vocational skill development for students who would like to go into trade careers or who would like an alternative educational experience.

Comments/Discussion: Districts across the county have a variety of apprenticeship and work-and-learn programs, but often it seems there are not enough alternative programs and settings for students that don't feel current high school program is the right fit for them. Alternative programming, especially serving a vocational purpose, would set several students up for entering into a career path instead of remaining disengaged in their school experience. This does not negate the need for increased attention to preparing youth of color for post-secondary education options as well, including ensuring youth of color are graduating and on track for credit in courses and well-prepared to succeed on potential standardized tests that may be required for admission.

7. The MMSD [personalized pathways program](#) should be further developed to include a pathway in education, culinary arts, and human services fields.

Comments/Discussion: Students are able to make connections between what they learn in class and the real world, practice their knowledge and skills both inside and outside of the classroom, explore options for schools and college majors, and connect with area colleges, universities, businesses and organizations. If this program is increased to include additional pathways, more students will have access to additional career tracks of interest.

8. Employment opportunities for youth be increased and enhanced both within the community and within the school districts.

Comments/Discussion: Many students benefit from the Work and Learn program, but aren't able to secure credit in math, English, and science, which is needed to graduate. An ideal Work and Learn program would develop competency based learning targets applicable to the student's current employment opportunity so that they can earn a broader range of credits. In addition to creating a better, more applicable Work and Learn program, it is also recommended that resources be provided to offer monetary benefits for students who engage in youth voice opportunities like workgroups, advisories, advocacy clubs, and mentorship opportunities.

Disposition and Placement Workgroup Recommendations: Issues and Discussion

This workgroup, led by Andrew Miller, District Attorney's Office, met five times between July and October in response to the original charge:

The Disposition & Placement Workgroup should focus on the disproportionate out of home placement of African-American youth who are adjudicated delinquent and make recommendations for changes in services and/or practices that will provide greater support for youth remaining at home and other changes that will contribute to an equitable outcome for minority youth.

The team conducted wide-ranging discussions about the effectiveness of the current system with a particular focus on preventing youth entering the youth justice system for delinquency and on reducing reoffending of youth of color. Discussions and subsequent recommendations also focus on the need to develop effective program alternatives to placement more than necessarily focusing on options for placements specifically.

Topics covered/discussed included:

- The need to ensure tracking data both in terms of relative rates and numbers, e.g. "how many" youth need to be diverted from corrections to significantly change the relative rate index for contact and confinement;
- That the system lacks systematic ways to evaluate the effectiveness of various programs and alternatives; that is, some youth seem to move through and do well, while others fail and reoffend. What is the difference, and which programs are most effective with which youth?;
- The need to find ways to provide better peer support for parents as well as youth, and discussed some of the existing programs plus a few pilot efforts. Discussed the need to find "credible messengers" for both groups;
- Concerns about lack of employment opportunities for youth;
- The need to develop case plans and court orders that are meaningful and engage families. There is some work going on in the court system to look at constructing better, more targeted court orders but that relies on good assessment information and a good case plan developed by workers;
- Discussions related to the use or lack thereof of sanctions for youth.
- Significant discussions about how the child protective system assesses and deals with referrals related to abuse/neglect, recognizing that a significant percentage of youth subsequently involved in the youth justice system had one or more referrals to the child protective service system. Are there ways to better collaborate between CPS and Youth Justice staff? Analyzing unique youth justice referrals in recent years, the following data was developed:
 - Between 53% and 61% of all youth with a Youth Justice Referral have been the alleged victim of abuse or neglect that was reported to the Dane County Department of Human Services. This does **not** mean that 53% to 61% of all youth that have a CPS history will have a Youth Justice history.

- Between 33% and 40% of all youth with a Youth Justice Referral have been the alleged victim of abuse or neglect that was serious enough that it warranted a Screen-In leading to an Initial Assessment (IA);
 - Between 5 and 9% of all youth with a Youth Justice Referral have been the alleged victim of abuse or neglect that was investigated and later Substantiated; and
 - Black Youth with a Youth Justice Referral are more likely to have had CPS History than White Youth at all points, Referral, Screen-in, and Substantiation
- The need for better screening related to trauma;
 - The need to respond much more timely than we do with effective outreach to families, particularly efforts that utilize culturally appropriate and credible individuals – the system is slow and does not have the capacity to effectively “match” services with families quickly;
 - Discussion of whether there are lessons learned from the drug court model (e.g. more case management, periodic court reviews, targeted goals, etc.) that can be implemented in some of the youth justice cases?; and
 - Discussion of how the imminent implementation of the YASI may help with more dynamic risk assessments and more importantly helping focus case plans on the most important needs/strengths for youth.

Recommendations

1. Given the significant number of youth entering the youth justice system who have had one or more previous referrals to CPS, the Department should work with other key stakeholders to create a work team to:
 - a. examine the CPS process to identify strategies to provide more effective support for parent(s) and children in situations in which there is not a substantiated abuse/neglect finding;
 - b. improve the collaboration between youth justice and CPS staff to ensure a more family-focused response for those youth crossing over into the delinquency system; and
 - c. Utilize existing staff and/or seek additional support to utilize predictive analytic tools to identify the referred children/families that present the highest risk of subsequent involvement in the youth justice system.

Comments/Discussion: Many of the youth involved in the delinquency process have had prior referrals for abuse/neglect that have resulted in being “screened in” for further assessment and to a lesser extent have resulted in cases in which that abuse/neglect was “substantiated”. This means that for many youth, and particularly for youth of color, their first system contact may be through this type of referral rather than as the result of them allegedly committing a delinquent act. Given this, that contact presents perhaps the first and best opportunity to provide effective services and supports that will positively alter the life course for that child/youth and prevent further system involvement.

Additionally, predictive analytic strategies are evolving that may enable the Department to better identify those children//families referred to the CPS system that are most at risk of involvement in the youth justice system if the underlying family issues are not successfully addressed. With that

knowledge, the Department may better be able to link families with formal and/or informal supports and resources that can prevent deeper penetration into the youth justice system. It is important to note that these analytic tools are not immune from reinforcing the bias that has affected past practices and results that may form the basis of underlying data, so such analytics should be done carefully.

2. The workgroup supports the development/increase of intensive, research based mentoring services that can be provided to youth, with a particular focus on supporting culturally specific services that can more effectively engage with youth of color.

Comments/Discussion: While there are currently many services delivered to youth involved in the youth justice system, the truth is that youth often identify a “person” rather than a “program” that has influenced them. Greater emphasis needs to be placed on finding credible adults (e.g. “credible messengers”) that can use their personal experience and voice to engage with youth and families and help them walk through the steps needed to avoid further delinquency trouble; including serving as a role model for youth, helping the youth learn skills that will lead to success in school or employment, and otherwise serve as a mentor for youth as they navigate through the teen years. The form of how these services can best be provided merits further study and research, and the Department may establish priorities for the types of cases and particular family and youth risk/needs patterns that can best benefit from use of a mentors/credible messengers.

3. The workgroup supports further planning that would lead to the development of parent supports that are accessible to families and can be initiated very early in the CPS and youth justice process, including finding ways to better engage with families/parents during the intake assessment stage. The use of parent peer support specialists, increased capacity and role for Department program leaders, or developing similar “credible messengers” that can link with families/youth will lead to more effective interventions for the youth/family.

Comments/Discussion: As is true with youth, the workgroup takes note of a “gap” in effectively engaging with families in a timely way, particularly families of color. Ideally these supports could be made available to families prior to and/or without formal court intervention, but they could also be included in a dispositional case plan.

4. The Department should increase the use of Program Leaders, including at the Intake Assessment stage, to provide greater and more targeted support to both youth and families, using varying strategies based on the needs of the youth/family to help them better understand the system and utilize resources and to more fully engage them in taking an active role in reaching case plan goals.

Comments/Discussion: The Department currently has a relatively small number of Program Leaders that serve varied functions depending on the unit to which they are assigned. In some cases that work is limited to a small number of families or youth and for limited purposes. With increased capacity there is a potential to utilize Program Leaders to develop a much more supportive role with families/youth, serve to assist the family in linking with additional resources and/or opportunities, and provide direct services that complement the role of the assigned Social Worker in ensuring that key aspects of a court order are successfully implemented.

5. The group supports continued discussion among the judges and other key stakeholders in the court process to identify best practices for the development of more limited court orders that focus on a smaller number of the most critical elements the youth/family should work on while a youth is under supervision.

Comments/Discussion: There is on-going work to assess the current format and content of court orders. Emerging research supports the practice of ensuring that a court order more closely matches the dynamic risk, needs, and responsivity factors identified for a particular youth than the more common practice of “boilerplate” orders with perhaps unnecessary conditions. As the Department fully implements the assessment process utilizing the [Youth Assessment and Screening Instrument \(YASI\)](#), it should become easier to focus on the most important issues that can guide successful implementation of a case plan for the youth/family.

6. As the Youth Assessment and Screening Instrument (YASI) is implemented by the Department, the evaluation unit of the Department needs to be engaged in assessing potential ethnic and racial disparities that may result in terms of case plans and/or placement recommendations.

Comments/Discussion: While the YASI has generally been accepted as a valid and reliable tool to use to assess youth risks/needs and develop case plans that target the most important areas for change, the use of any tool that relies too heavily on prior system contacts can lead to unintended racial and ethnic disparities in the nature of recommendations and/or dispositions as youth move through the youth justice system. The YASI is intended to focus on more dynamic factors that help ameliorate that risk, but as the Department begins implementation the Department evaluation staff should set up any data collection protocols that can capture data to help assess the ethnic/racial impact (vs. trying to capture the data retrospectively later in 2020). Periodic reports should be made to the Youth Justice Coordinating Committee and/or DMC sub-group related to the racial/ethnic impact of YASI implementation.

7. An increase in resources and strategies is needed to increase youth becoming successfully engaged in wage-earning jobs and/or increased opportunities to connect with job training/vocational programs.

Comments/Discussion: The Department has conducted a survey of youth involved in the youth justice system, and there is a significant disparity between white youth and youth of color in terms of their prior employment experience; that is, white youth have significantly higher rates of prior employment. There are existing programs that work to provide at-risk youth with job-seeking skills, basic employment skills, and in some cases supported work opportunities. Greater investment in these programs combined with a greater focus on including employment as a useful intervention strategy, particularly for youth of color, can both prevent greater system involvement and reoffending behaviors.

8. The workgroup supports recommendations and initiatives that promote success in school, including addressing issues that arise as early as elementary school and through middle/high school.

Comments/Discussion: The workgroup is aware of some of the recommendations that are being made by the DMC School workgroup as well as other collaborations that include key stakeholders in trying to promote school success. Data continues to support the concern that youth of color start and quickly fall behind their white peers in terms of learning academic skills, and by the time youth transition from middle to high school the likelihood of graduation and advancement to post-secondary programs diminishes greatly. Strategies that focus on improving academic skills, increasing a youth's sense of belonging/connection to their school, and improving our response to situations that place the youth at risk of dropping out, suspension, or expulsion need to be culturally responsive and may engage other forms of community supports to promote school success.

9. The Department and other stakeholders should continue to support work being done through the Opportunity Youth Cross-Sector Coalition to address the rise in auto thefts that has led to significant numbers of youth of color being arrested and confined. This effort may build on existing efforts that are already underway but needs to be more robust and can:
 - a. Research what has worked in other communities to address this issue;
 - b. Identify policy and practice changes that can reduce the number of repeat offenders, including potential changes in the supervision of high risk youth; and
 - c. Assess the implications and/or opportunities that will result from the development of a local Secure Residential Care Center for Children and Youth (SRCCCY).

Comments/Discussion: The rise in auto thefts has been driven largely by youth of color. The thefts often occur in groups and often lead to the arrest of multiple youth both for operating the vehicle and for being a passenger. Almost weekly occurrences of youth stealing a car, driving erratically, and/or eluding law enforcement have led to a substantial increase in the arrest and referral for custody of youth of color. This increase has exacerbated the ethnic and racial disparities at those key decision points. Law enforcement efforts to address this issue have increased, and the Department has struggled with effectively supervising some of these offending youth in the community. Developing a more effective preventive and intervention approach would benefit from learning about what can work to better deal with these and other high-risk youthful offenders.

11. The Court and/or County should seek resources to obtain technical assistance/expertise necessary to conduct a study to determine the extent of ethnic and racial disparities in placement outcomes for some selected offenses and identify some of the underlying factors that contribute to those disparities.

Comments/Discussion: It is clear that youth of color are disproportionately represented in out of home placements, across both the child welfare and youth justice systems. However, fully understanding the extent of those disparities, including what offenses youth are adjudicated for, can be a complex undertaking that can best be done by an outside entity that has experience conducting these kinds of studies. Getting an accurate picture of what contributes to those disparities and controlling for variables so that ethnicity and race can be highlighted will require support from the judicial branch and the Department. The ultimate purpose of this analysis should be to identify opportunities to reduce disparities, not simply to reinforce what is already evident.

“The only way to get a thing done is to start to do it, then keep on doing it, and finally you’ll finish”

Langston Hughes

Next Steps and Implementation Planning

The work and subsequent recommendations included in this report represent the beginning of renewed efforts to reduce ethnic and racial disparities in the youth justice system. Some of the recommendations will require significant fiscal support by one or more units of government (city, county, schools). Some will require considerable practice and/or policy reforms as well as increased collaboration across agencies and programs. But, all of them will require a steadfast dedication to the ultimate goal of promoting equitable opportunities for success for youth of color in Dane County.

Certainly not all recommendations can be implemented at once, and additional opportunities to reduce disparities may develop in the years ahead, but some of the basic next steps will include:

- Sharing these recommendations with key stakeholder groups and decision-making bodies so they will be aware of the ideas, provide additional input or direction, and begin to think about their potential role in implementation.
- Operationally charge the Youth Justice Supervision Coordinating Team as the “keeper” of the plan so that group can play a significant role in reviewing progress and monitoring changes.
- Developing a two-tiered structure for subsequent implementation work, including:
 - An Implementation Leadership Team made up of key decision makers from groups that have been involved in plan development and/or play a potentially significant role in implementation. This group will take the first steps to prioritize the recommendations and develop an action plan for implementation that factors in time frames, objectives, support needed for success, and requirements for data collection.
 - Various subject-specific Implementation Workgroups will be created to do the “nuts and bolts” pieces, with membership drawn from key stakeholder agencies, the community, and to the extent possible including some form of youth input/voice. These groups may “mirror” the focus of the workgroups that produced these recommendations or may be created with a more discrete focus on a particular recommendation, e.g. increase Restorative Justice options in the schools. How these groups are developed and function will be determined by the Leadership Team.
- The Department maintaining an on-going “scorecard” of the status of work on the priority recommendations and reporting that out to key stakeholder oversight bodies.

Resources

More detailed **Dane County Youth Justice Data**, including data related to ERD, is available at https://yi.dcdhs.com/pdf/2019_DMC_Report_Appendix.pdf

The complete 2009 DMC Solutions Workgroup Report is available at https://www.danecountyhumanservices.org/dox/pdf/youth/juvenile_justice/DMC_Workgroup_Report.pdf

The Dane County Youth Justice Satisfaction Survey is available at <https://drive.google.com/file/d/1V61SEk8VEd2McCeg80WfjxUnBVbl1Hn0/view>

Juvenile Court Program reports related to custody and temporary placements is available at https://juvenilecourt.countyofdane.com/annual_juvenile_court_report.aspx

Information about the Justified Anger Coalition initiative of the Nehemiah Center for Urban Leadership Development is available at <https://nehemiah.org/justified-anger/>

Wisconsin Family Ties programs can be found at <https://www.wifamilyties.org/our-programs/>

Information about the Credible Messenger Program model is available at <https://cmjcenter.org/>

Restorative Justice Programs of the YWCA can be found at <https://www.ywcamadison.org/what-were-doing/restorative-justice/>

Information about the Public Health Department of Madison/Dane County Violence Prevention Initiative is available at <https://www.publichealthmdc.com/community-initiatives/reduce-drug-harm-violence#violence>

The Kids Forward Race to Equity Report of 2013 is available at <https://racetoequity.net/baseline-report-state-racial-disparities-dane-county/> and the Racial Equity Impact Report of 2016 is at <https://racetoequity.net/racial-equity-community-impact/>

Information about programs operated by Briarpatch Youth Services is available at <https://youthsos.org/>

Youth employment and mentoring programming provided through Commonwealth Development, Inc. in Madison can be found at <https://www.cwd.org/youth-development/youth-business-mentoring/>

More information about the What Works Wisconsin initiative, including a variety of focused practice briefs, can be found at <https://fyi.extension.wisc.edu/whatworkswisconsin/>

More information about the Center for Children's Law and Policy (CCLP) [Racial and Ethnic Disparity Reduction Manual](#) is available at <https://www.cclp.org/redpracticemanual/>

