



Corrections and the Justice System

2017-2018 Legislative Summary

Wisconsin state lawmakers have wrapped up the 2017-18 legislative session after making major changes to the state's juvenile justice system and passing other bills that affect corrections and criminal justice.

The legislature is scheduled to be out of session for the rest of the year. Unless lawmakers call for a special session of the legislature that is not on the regular schedule, they will not meet again until January 2019. Bills that did not pass during this session can be brought up again at that time, but will have to start the process over.

Restructuring the Juvenile Justice System

Lawmakers approved closing the state's youth prison, which is the subject of investigation by federal prosecutors. Widespread problems have been reported at Lincoln Hills and its sister facility, Copper Lake School for Girls, including use of excessive force by facility staff, failure to address safety issues, and falsifying records. Lincoln Hills is located in rural northwest Wisconsin, making it difficult for families from population centers in southeast Wisconsin to visit family members held there. The number of youth held in Wisconsin's most secure juvenile corrections facilities has dropped by more than half over the last decade, due in part to a decline in juvenile arrest rates and changes in policing and corrections-related practices.

The state will close Lincoln Hills and Copper Lake by July 2021 and build smaller, regional facilities for youth who have committed the most serious offenses. When deciding where to location the new facilities, the state will be required to take into account proximity to the populations of youth the facilities would serve, among other factors. The legislation authorizes \$25 million to build the new state-run correctional facilities. The new law ([2017 Act 185](#)) allows the Department of Corrections to establish an adult prison at the former Lincoln Hills site but does not provide any resources to do so.

The legislation authorizes \$15 million in new borrowing to double the size of the secure juvenile treatment facility located at the Mendota Mental Health Institute in Madison, adding space for an additional 29 youth.

Youth who have committed less serious offenses, and those without serious mental health treatment needs, will stay closer to home in county- or regionally-run secure residential care centers. Counties may apply to the state for grants to cover 95% of the costs of building these facilities, and the legislation authorizes \$40 million in state borrowing for this purpose. The legislation does not provide

any additional resources for counties to run these centers beyond the aid the state already pays to counties for juvenile delinquency-based services.

Other Changes to Corrections

In this session, the legislature made other changes to the corrections and criminal justice systems, including:

- Adding juvenile corrections officers to the list of professionals who are required to report suspected child abuse to a law enforcement agency ([2017 Act 47](#)).
- Removing the three-year time limit on the duration of the period that certain juveniles can be confined in correctional facilities ([2017 Act 308](#)). Opponents of the legislation noted that there is little reason to believe that youth confined for longer than three years will reenter the community and make the community safer than if the current three-year limit were maintained. The time limit did not apply to youth who committed the most serious offenses, who can be held until they turn 25, nor to youth tried in adult court.

Proposals That Did Not Pass

Lawmakers did not approve several proposals related to corrections and criminal justice, including:

- Changing the way the state handles revocations. The change would reduce the number of people allowed to serve their sentence or part of their sentence on probation or under supervision in the community, and increase the number of people in prison. The legislation would have allocated an additional \$57 million annually to cover the costs of imprisoning additional people, and \$350 million in borrowing to build a new prison ([Senate Bill 54](#)).
- Limiting public access to footage from police body cameras ([Assembly Bill 351](#)).
- Significantly expanding the number of offenses for which a youth can be confined in correctional facilities ([AB 90/SB 59](#)).
- Returning first-time, non-violent 17-year olds to the juvenile correctional system. Wisconsin is one of only five states that treats all 17-year-olds as adults in the criminal justice system. ([AB 660/SB 550](#))
- Making it easier for youth who have committed offenses to ask that their record be cleared ([SB 53](#)).

Proposals Affecting Corrections in 2017-2018 Legislative Session

Passed	Close Lincoln Hills by 2021. Spend \$25 million to construct new juvenile corrections facilities for those who commit the most serious offenses. Spend \$15 million to double the capacity of the secure juvenile mental health treatment center. Spend \$40 million to build secure residential care facilities for juveniles that commit less serious offenses.
Passed	Add juvenile corrections officers to the list of mandated reporters for child maltreatment.
Passed	Remove time limits on the duration of the period that certain youth can be held in correctional facilities.
Did Not Pass	Increase the number of revocations, allocate \$57 million a year to imprison additional people, and build a new adult prison at a cost of \$350 million.
Did Not Pass	Limit public access to footage from police body cameras.
Did Not Pass	Significantly expand the number of offenses for which a youth can be confined in correctional facilities