



# Improving Outcomes in Wisconsin's Youth Justice System Post-Pandemic: Fines, Fees, and Community Supervision



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Prepared for: Kids Forward

By: Genevieve Caffrey, Anna Barry,  
Reanna Durbin-Matrone, Manpreet Kaur,  
and Lindsey Starrett



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## Foreword

This report is the result of collaboration between the Robert M. La Follette School of Public Affairs at the University of Wisconsin–Madison and Kids Forward. The objective of this project is to provide La Follette School graduate students the opportunity to improve their policy analysis skills while contributing to the capacity of partner organizations.

The La Follette School provides students with a rigorous two-year graduate program leading to a master’s degree in public affairs. Students learn about policy analysis and public management, and they may choose to pursue concentrated study in a policy area. The authors of this report all are in the final semester of their degree program and are enrolled in the Public Affairs 869 Workshop in Public Affairs. Although studying policy analysis is important, there is no substitute for engaging actively in applied policy analysis as a means of developing students’ skills. The Workshop course gives graduate students that opportunity.

I am grateful to Kids Forward for partnering with the La Follette School on this project. Kids Forward staff members have been generous with their time to support the students’ work. The students have collectively contributed hundreds of hours to the project, and in the process developed critical insights for Kids Forward. The La Follette School is grateful for this collaborative effort and hopes the report proves valuable.

J. Michael Collins  
Professor of Public Affairs  
Madison, Wisconsin

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## Abbreviations

**ACLU** - American Civil Liberties Union  
**DCF** - Department of Children and Families  
**DJS** - Division of Juvenile Services  
**DOC** - Department of Corrections  
**DOJ** - Department of Justice  
**YASI** - Youth Assessment and Screening Instrument

## Executive Summary

Health concerns created by the COVID-19 pandemic prompted a massive push to keep youth out of restrictive, secure facilities. The pandemic's unique constraints fostered creativity and forced leaders to seek new practices within the youth justice system. Further, a report released by Youth Justice Wisconsin found that the number of youth referrals across Wisconsin dropped by half during COVID-19. This reduction in referrals resulted in part from the need to close or severely limit placement of youth in facilities, the administrative capacity of county and state agencies, and school closures. In examining how youth justice practices may have changed during the pandemic, this study contributes to a nationwide conversation on how to divert youth from the youth justice system and shrink the current youth justice population **permanently**.

### This report specifically examines:

- What role do youth justice **finances and fees** practices play in Wisconsin?
- How are youth justice **community supervision** practices used in Wisconsin?
- What variations in fines and fees and community supervision practices exist between counties?
- How has COVID-19 impacted counties' use of fines and fees and community supervision?
- What are the youth well-being and equity implications of counties' fines and fees and community supervision practices?

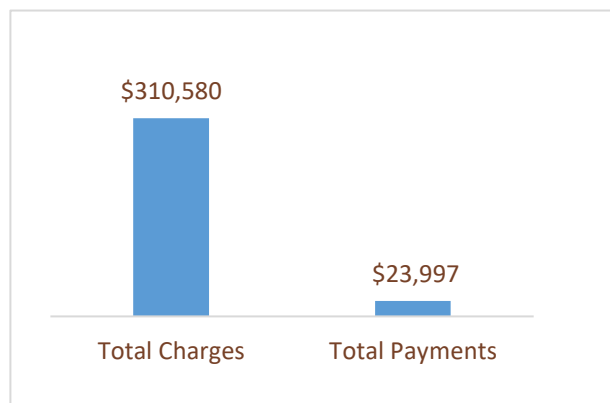
Fines and fees burden families with the impossible choice of paying youth justice costs or paying for the family's necessities. Fines and fees carry more than a short-term, monetary consequence; they can limit families' financial security, strain family relationships, and push youth and their families deeper into justice systems. Unpaid fees can pose barriers to case closure, sealing records, and youth being released from supervision. Further, financial burdens of fines and fees are linked to higher rates of recidivism. Eliminating fines and fees will remove barriers to system exit for youth and their families and reduce the lingering harms of system involvement.

Community supervision intends to serve as an effective intervention to rehabilitate youth while keeping them in their communities, rather than in secure facilities. The pandemic underscored the importance as well as the challenges of providing therapeutic community supervision practices for youth. Community supervision can be punitive in nature. When robust, appropriate services are lacking, supervision expects youth to adapt their behavior without added support. Conditions attached to community supervision can impose restrictions that, when violated, result in punishment for both youth and their families. Nonetheless, when community supervision maintains a continuum of developmentally appropriate, community-based care, it has the potential to reduce the lingering harms of system involvement and should be the default pathway for youth.

## Findings

- COVID-19 has forced the unique opportunity to implement restorative youth justice practices that might have long been goals of county and state agencies alike.
- Practices on fines and fees, including elimination efforts and ability to pay scales, must be streamlined and reduced.
  - Fines and fees cause short- and long-term harm for youth and their families.
  - Fines and fees are not a significant source of revenue for many local budgets (see Figure 1 as an example of the low amount of revenue collected).
  - Many states and localities—nationally and in Wisconsin—have found that using youth justice fines and fees has high enforcement costs with little financial gain and have subsequently eliminated the practice (see Appendices A and B).
- Community supervision is most effective and successful when there is access to programming that addresses the social-emotional needs of the youth and their families.
- Many states and localities have developed successful community supervision programs through community partnerships with stakeholders, which enhances access to such resources (see Appendix C).

**Figure 1: Racine County Youth Justice Fee Returns 2017-2020**



*Source: Racine County administrative data*

## Recommendations

- The Wisconsin Department of Justice should conduct a benefit-cost analysis of state and local use of youth justice fines and fees.
- County governments and court districts should eliminate fines and fees assessed on youth and their families.
- County governments and court districts should vacate outstanding fines and fees.
- County youth justice agencies should establish community supervision as the default in lieu of more restrictive placements for all youth.
- County youth justice agencies should use youth and family-centered community supervision practices that include collaboration between community stakeholders to create a continuum of community-based care.



## I. Introduction

Kids Forward is a nonprofit organization that advocates for policies and practices that promote the well-being of Wisconsin's youth and families. In 2020, Kids Forward, in partnership with Youth Justice Milwaukee, released "The Impact of COVID-19 on Youth Justice in Wisconsin: What Does It Tell Us About the Future of the System?" through its Youth Justice Wisconsin initiative. The report showed a significant decrease in the number of youth referred to Wisconsin's youth justice system during the pandemic and found that many system stakeholders believed there was an opportunity to maintain a lower referral rate.

These findings set the stage for this report, which focuses on two areas of youth justice practice—fines and fees, and community supervision—and examines how counties use these practices in Wisconsin, what changes have occurred during the pandemic, and what opportunities for change exist.

First, this report provides an overview of Wisconsin's youth justice system as well as an introduction to the uses of fines and fees and community supervision in youth justice systems nationwide. Second, the report presents an analysis of fines and fees and community supervision practices in Wisconsin. This section explains the qualitative interview process and introduces the focal counties selected for interviews. Third, the report presents six key findings from the qualitative interview data about the use of fines and fees and four key findings on community supervision practices. Last, the report offers five recommendations to route more youth out of Wisconsin's youth justice system and better meet their needs while they are in the system by reducing the use of fines and fees and improving community supervision practices.

### **The Wisconsin youth justice system**

In 2018, Wisconsin lawmakers passed Act 185, mandating the closure of Wisconsin's two remaining secure youth correctional facilities—Lincoln Hills and Copper Lakes Schools—and launching an overhaul of the state's youth justice system. This overhaul has moved slowly and has faced many delays, signifying the frustratingly slow pace that systems transformation can take. However, the COVID-19 pandemic in many ways has served as a shock to the youth justice system. Compared to 2019, there has been an observed, significant decrease in Wisconsin's youth justice intake referrals during the pandemic, referrals dropping by half and youth confinement dropping by a quarter (McCullough and Nelson 2021). This monumental reduction resulted from pandemic-driven safety concerns rather than state legislation, increased funding, or new facilities, which suggests there are lessons from the pandemic for youth justice policymakers to consider during future system overhaul efforts.

Wisconsin has a bifurcated youth justice system, meaning administrative responsibilities are divided between county governments and several state agencies. Counties carry out much of

the day-to-day youth justice operations. As a result, Wisconsin has 72 youth justice systems (Wisconsin Department of Justice 2018). In January 2016, the state's 2015–17 budget bill transferred administrative and oversight responsibility for the community-based youth justice system from the Department of Corrections (DOC) to the Department of Children and Families (DCF). Through this transfer, DCF became the state agency responsible for fiscal and programmatic oversight of the counties' youth justice systems (Earle 2018).

Wisconsin's youth justice system has two primary entry points—the corrections system, though DOC, and the community-based justice system, through DCF. The primary difference is that the correctional system involves placing youth in secure facilities whereas the community-based system focuses on keeping youth at home (Earle 2018). The Division of Juvenile Corrections within DOC operates two secure facilities for youth—Lincoln Hills School for Boys and Copper Lake School for Girls, and the Grow Academy. Act 185 mandated closure of Lincoln Hills School for Boys and Copper Lake School for Girls; however, this process has stalled. The Grow Academy is a less secure residential facility for boys that offers agriculture science curriculum. The Department of Health Services also operates the Mendota Juvenile Treatment Center, a secure mental health unit for teenage boys who present treatment needs beyond what a corrections facility can provide (Earle 2018). The Department of Justice (DOJ) oversees aspects of the youth justice system as well. This includes legal services, local law enforcement agencies, youth diversion programs, school safety programs, and victim services (DOJ 2020).

In addition to state-run facilities, counties operate locked detention centers, unlocked shelter care facilities, group homes, and other out-of-home placement options. District courts make these youth justice placement decisions.

The Wisconsin Court System oversees the juvenile court system. Wisconsin's juvenile court has jurisdiction over youth 10 to 16 years old who are alleged to have violated state or federal criminal law. Youth older than 10 who commit a delinquent act are alleged to be "juveniles in need of protection or services" (WI Stat § 938.13 (2018)). Although Wisconsin's Juvenile Justice Code defines "juvenile" as a person who is less than 18 years of age, this definition excludes 17 year olds alleged to have violated a state or federal criminal law, civil law, or municipal ordinance. In that case, 17 year olds are treated as adults via the criminal justice system (WI Stat § 938.02(10m) (2018)). This policy makes Wisconsin one of three states in the United States to automatically treat 17 year olds as adults for criminal prosecution (Hess 2021). Youth younger than 17 can be waived into adult court as well. DOC oversees Wisconsin's adult criminal justice system.

Further, Wisconsin's Juvenile Justice Code has not been updated since the 1990s. When the Code was written, there was widespread fear of a wave of adolescent "super predators," which is reflected in the Code (Wisconsin Council on Children and Families 2016). These policies contribute to the stark racial disparities prevalent throughout Wisconsin's justice systems. Overrepresentation of youth of color occurs at every step of Wisconsin's youth justice system;

compared to their White counterparts, youth of color are confined and sentenced for longer periods of time, are less likely to receive alternatives to confinement, and receive harsher sentences for the same actions. This overrepresentation leads to disproportionate harm for youth of color (Earle 2018).

## The use of fines and fees in youth justice

In the U.S. justice systems, fines refer to monetary punishments for infractions, misdemeanors, or felonies. Fees refer to itemized payments for activities related to justice-system involvement (e.g., court activities, supervision, or incarceration) charged to defendants found guilty of infractions, misdemeanors, or felonies. Fines most often intend to deter crime, punish individuals, and compensate victims, whereas fee collections typically support justice system operational costs and may be used to compensate victims (Piquero and Jennings 2017).

Significant philosophical differences exist between the adult criminal justice system and youth justice system in the U.S. The adult criminal justice system is retribution-oriented, with financial penalties functioning as punishments. In contrast, the youth justice system is predicated on rehabilitation, accountability, skill-building, and harm repair (Piquero and Jennings 2017).

### *Harms caused by fines and fees*

Considering the underlying philosophy of the youth justice system, it would follow that any fines and fees should promote the system's goal of rehabilitation. However, a review of the recent literature indicates that fines and fees have severely harmful effects on youth and their families with little to no benefit to governments and society. Fines and fees exacerbate racial and economic disparities in the youth justice system by disproportionately burdening youth and families of color, expanding wealth disparities, increasing recidivism, and realizing minimal to negligible financial gain for state and local governments. In sum, research suggests that the use of fines and fees in the youth justice system runs counter to the system's aims.

Research on the use of youth justice fines and fees on youth offers compelling evidence on the harms that fines and fees impose on youth and their families. Youth justice fines and fees add financial and mental stress to families, who sometimes must choose between paying fines and fees or paying for basic necessities. Other consequences include seizing families' tax refunds, sending bills to collections, garnishing parents' wages, making youth unable to expunge or seal records, and suspending youth's driver's licenses. Sibling and other family relationships often experience increased tension as well (Paik and Packard 2019, Feierman 2016). Notably, many of these consequences were demonstrated in a study conducted in Dane County, Wisconsin (Paik and Parkard 2019).

Fines and fees also can push youth and their parents deeper into the justice systems. Owed fines can create new court involvement for parents. Some fines and fees require youth to

remain under supervision until costs are paid in full. This extended period of supervision increases the likelihood that a youth will be penalized for another violation, leading to additional court proceedings, which in turn can incur more fines and fees (Feierman et al 2018). The financial burden of fees also increases the likelihood of recidivism among youth involved with the system (Piquero and Jennings 2017). These youth justice costs create consequences that can follow youth into adulthood—such as making it more likely that youth become involved in the adult criminal justice system, rather than rehabilitating and routing youth out of the justice systems. Further, these burdens disproportionately harm poor youth and families of color (Piquero and Jennings 2017, Feierman 2016).

### *Examples of fines and fees best practices*

As evidence has grown in support of eliminating youth justice fines and fees, state and local governments have taken legislative and judicial action to eliminate these financial penalties for youth and families. At present, several states and localities throughout the U.S. provide models for eliminating youth justice system fines and fees. Notably, each of these state and local examples reflect two key takeaways from the literature: these fines and fees create long-lasting harms for youth and their families and offer little to no financial benefit for state and local governments.

A review of other states' efforts to eliminate and reform youth justice fines and fees practices shows that comprehensive state legislation is the most efficient way to eliminate fines and fees within a state. Since 2015, at least 11 states have begun to take steps to reduce and eliminate their use of youth justice fines and fees: Washington (2015), Texas (2015), California (2017), Ohio (2018), Nevada (2019), Oregon (2019), New Jersey (2020), New Hampshire (2020), Louisiana (2020), Maryland (2020), and Virginia (2021). Appendix A provides descriptions of these state efforts.

### **Spotlight: California's SB 190**

In 2017, the California state legislature eliminated almost all juvenile court fines and fees through SB 190. California's efforts to pass and implement SB 190 offers key lessons for other states:

*Benefit-cost analyses inspire change:* A study in Alameda County, CA, highlighted the harms that fines and fees pose to youth and families with no financial gain for the youth justice system, prompting internal benefit-cost analyses that helped find local action and SB 190 fiscally viable.

*State and local efforts reinforce each other:* When SB 190 passed, there were growing local efforts to eliminate youth justice fines and fees. After enactment, some counties implemented additional reforms.

*Offering refunds:* As part of SB 190 implementation, Contra Costa County conducted an internal audit of its youth justice fines and fees use. The audit found that the county wrongfully charged some families for detention costs. In response, the county reached out to all families who paid detention fees between 2010 and 2017 to notify them that they may be eligible for a refund.

*State and county agencies play key implementation roles:* In the years after SB 190's passing, a study called for state agencies to better ensure county agency compliance with SB 190. Further, county agencies play a key role in translating the policy change into financial relief for youth and families, by alerting youth and families to the policy change and by updating internal and external fines and fees materials.

**Sources:** S.B. 190, 2017-18 Reg. Sess. (Ca. 2017)), Selbin et al 2016, Weisburd and Lavalais 2016, Feierman et al 2018, Selbin and Campos-Bui 2019

Key takeaways from these efforts include:

- State and local action need not be mutually exclusive.
- Benefit-cost analyses can drive local- and state-level efforts to eliminate youth justice fines and fees.
- States with politically split state governments have successfully eliminated fines and fees.
- State-level action has prompted additional fines and fees reforms at the local level.
- State legislation eliminating fines and fees were found to have minimal to negligible fiscal impact.
- State legislation can most comprehensively eliminate fines and fees administered across multiple systems (i.e., courts, county agencies, and state agencies) in one measure, compared to local or judicial actions.
- State legislation is a more common state-level fines and fees elimination approach than state supreme court judicial guidance or resolutions.

The spotlight on California’s SB 190 provides a closer look at one state’s efforts to comprehensively repeal youth justice fines and fees. It also offers lessons learned regarding the passage and implementation of SB 190 and notes the roles counties have in changing day-to-day fines and fees practices and building on this state reform.

Because of Wisconsin’s bifurcated system of youth justice, which lends significant autonomy and decision-making power to counties, this report also highlights local-level examples of fines and fees’ best practices and elimination efforts. Such examples are found in Wisconsin and throughout the country, including: Alameda County, CA (2016); Philadelphia, PA (2017); Orleans Parish, LA (2018); Shelby County, TN (2019); Dane County, WI (2019); and Seattle, WA (2020).<sup>1</sup>

Key takeaways from these examples include:

- *Geography*: Although they are from very different states—in terms of size, political make up, and geography—these cities and counties are some of their states’ largest. As a result, they are more racially diverse and may have larger budgets that can better absorb the impact of eliminating fines and fees compared to more rural parts of their state.
- *Change mechanisms*: Local efforts feature a more even mix of judicial and administrative action, as compared to state-level efforts.
- *Motivation for change*: Many of these cities and counties responded to research findings, advocacy campaigns, and increased publicity on the harms that fines and fees impose on youth and families, including equity and financial implications.

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<sup>1</sup> Appendices A and B offer detailed summaries of state and local efforts to eliminate fines and fees, provide insights into the change levers and barriers that impacted these efforts, and lessons learned that Wisconsin youth justice policymakers can apply.

- *Minimal fiscal impact:* In each example, fiscal and benefit-cost analyses found minimal to negligible fiscal impact of eliminating fines and fees. In most cases, the cost of collecting fees was barely recouped by fee revenue.
- *Relationship with state level policy:* Local-level actions cannot undo costs codified into state law. However, some local efforts built momentum for state legislation that could address these costs.

## The use of community supervision in youth justice

In the U.S. justice systems, community supervision is most often framed as an alternative to incarceration in a secure facility (Klinge 2013). It can transition youth from placement at secure facilities into intensive services and monitoring in the youth's community. Or it can serve as an alternative to secure confinement altogether. Typically, youth are placed with their parent(s), a guardian, another family member, or another suitable adult (DJS 2017).

Youth community supervision programs typically last from six to 12 months. As a part of supervision, youth may initially be placed on GPS monitoring and must follow a strict schedule seven days a week. Community supervision also includes services based on the youth's assessed risk and needs. These services are designed to be developmentally appropriate, employing a consistent approach to rewards for positive behavior and sanctions for supervision violations. This service delivery approach allows youth to benefit from high-quality interactions and ongoing skill-building opportunities (DJS 2017).

### *Opportunities for diversion in community supervision*

A review of literature indicates that community supervision presents more opportunities for promoting the justice system's goal of rehabilitation and diversion compared to confinement. For most youth, secure facilities prove to be ineffective, unsafe, and over-criminalizing; youth incarceration leads to poor education outcomes, increased risk for mental health issues, and increased recidivism (Holman and Ziedenberg 2006, Earle 2018, Livsey, Sickmund, and Sladky 2009). If youth must engage with the justice system, research indicates that community supervision outperforms secure confinement in three key areas: cost-effectiveness, deterring recidivism, and increased individual and family engagement in services.

Community supervision can save taxpayers money. One study found that programs designed to keep youth in their homes cost an average of \$59 per day per youth—far less than the average cost of \$274 per day to keep a youth in a secure facility (National Juvenile Justice Network 2021). That study also concluded that in 2011, states could have safely rerouted over 50 percent of youth in secure facilities to their communities. This diversion would have resulted in over \$300 million in annual savings for states' youth justice systems (National Juvenile Justice Network 2021).

Community supervision can curb a youth's cycle of involvement within the greater incarceration system. By reducing recidivism, community supervision provides additional savings for taxpayers. In Texas, a study found that youth released from a state-run facility were more than two times more likely to be reincarcerated after five years than youth with similar behaviors and demographic characteristics who had been put on community supervision (Fabelo et al 2015, Pew Charitable Trusts 2015). A similar study on an Ohio state initiative found that keeping youth in their communities, rather than placing them in institutions, lowered the recidivism rate by at least half (Pew Charitable Trusts 2015, Lowenkamp and Latessa 2005). Moreover, when youth justice agencies develop and invest in a therapeutic component for their community supervision programs, agencies can experience up to 50 percent reduction in recidivism rates (Latessa et al 2013).

Finally, community supervision increases individual and family engagement in rehabilitation services. Involving family in programming can better solve behavioral problems and generate conversations about why a youth was referred to the system. In turn, supervision with a strong family focus can decrease likelihood of future felony offenses, days spent in incarceration, and violent crime arrests (McCarthy, Schiraldi, Shark 2016). For example, a study found that one treatment model, Functional Family Therapy, effectively reduced youth behavior problems, including a 35 percent reduction in felonies, 30 percent reduction in violent crime, and 21 percent reduction in misdemeanor recidivisms (Sexton and Turner 2010). Another study found that a client- and family-centered approach produced significant improvements to family interactions and significant reduction in future court involvement for youth and their siblings. In that study, only 20 percent of families in the client- and family-centered "treatment" group had subsequent court contacts for siblings, compared to a 40 percent to 63 percent of families in the control and alternative treatment groups (Klein, Alexander, and Parsons 1997).

### *Cautions and potential drawbacks to community supervision*

Community supervision is not inherently a positive or harmful option for youth. Rather, the short- and long-term effects of supervision depend on how the programs are implemented. Community supervision staff have the unique role of incorporating surveillance-oriented and human service-oriented approaches, including brokerage of services and holding youth accountable while reintegrating them into society. (Klinge 2013). As they balance these role demands, youth justice staff wield significant discretion over the requirements, sanctions, and degree of care youth receive (Harvell et al 2019).

Discretion of youth justice workers, court officials, and other adults who interact with youth on community supervision can lead to significant racial disparities in the way youth are treated. Notably, youth of color are offered fewer opportunities to participate in community supervision and other diversion practices compared to White youth (McCarthy, Schiraldi, Shark 2016). White youth are far more likely to be offered community supervision in lieu of secure confinement—the most diversion-oriented use of community supervision. In contrast, research shows that Black youth are five times more likely than White youth to be detained for the same behavior (Harvell

et al 2019, Sentencing Project 2017). Furthermore, youth of color are disproportionately placed in detention facilities for community supervision technical violations. For example, youth of color made up more than two-thirds of youth in confinement due to technical violations in 2015 (Annie E. Casey Foundation 2018). This means that White youth experience far more diversion opportunities than youth of color, who are most likely to experience the punitive conditions of supervision.

In addition, community supervision's strict conditions and use of sanctions can mimic the punitive conditions found in secure facilities (Earle 2018, Holman and Ziedenberg 2006, Pew Charitable Trusts 2015). These conditions, including curfews, location monitoring, and various scheduling demands (e.g., for mandatory services, caseworker check ins, court hearings), often require youth and their families to adapt their lives (Annie E. Casey Foundation 2018). In addition to mandatory conditions, courts have the authority to impose additional, discretionary conditions of supervision. Further, because all conditions are court-imposed as a condition of release, even the slightest infraction gives the state legal authority to sanction, imprison, or delay release from community supervision for youth (Sawyer 2019). In this way, behavior that is otherwise lawful is treated as a threat to public safety in the name of promoting rehabilitation.

Youth and their families often bear the costs of community supervision. Fiscal costs include electronic monitoring fines and fees for supervision violations (National Juvenile Defender Center 2017). Families also often lack normalcy, because youth monitoring causes increased surveillance for a whole family. Supervision violations can extend the length of a youth's supervisory period beyond the original sentence. In turn, this creates greater risk of future infractions, creating a cycle of punishment and extended supervision within a program meant to route youth out of the justice system more easily (Annie E. Casey Foundation 2018).

Although community supervision is most often framed as a more developmentally appropriate alternative to secure facilities, supervision can cause harm if conducted without necessary fiscal resources and without prioritizing youth's successful transition out of the youth justice system.

### *Examples of community supervision best practices*

As evidence has grown in support of keeping youth in their communities, state and local governments have taken legislative and judicial action to curb the number of youth entering secure facilities. Other government entities provide models for introducing a community-based continuum of care for youth in the justice system.

These efforts reflect key takeaways from the literature: 1) youth- and family-centered programs are possible and exhibit social-emotional benefits and 2) community supervision can become the default through state legislation. Wisconsin youth justice policymakers can look to other states' community supervision best practices.



Appendix C outlines various noteworthy community supervision initiatives. These state and local initiatives use various approaches (e.g., legislation, program development, service provision) and offer key takeaways:

- Approaches must be evidence-informed, strengths-based, developmentally appropriate, and youth and family centered.
- Programs should be accountable to and work in collaboration with the court system.
- Service arrays must include services that target youth with the most need and offer follow-up services so that youth can access resources for long-term support (National Juvenile Justice Network 2021).

The spotlight on Kansas' SB 367 offers a closer look into a statewide effort to comprehensively reform the youth justice system in Kansas by reallocating funds for community supervision practices.

### **Spotlight: Kansas**

In 2016 the Kansas legislature passed SB 367, which prohibited low-risk youth from being placed in out-of-home facilities and reinvested resources in evidence-based alternatives. Since enactment, the Kansas Juvenile Justice Oversight Committee has found significant positive impacts on their youth justice system:

*Diversion opportunity:* The state experienced a 34 percent decrease in the total juvenile out-of-home population over one year. The Department of Corrections closed one of its two state-run juvenile correctional facilities.

*Fiscal impact:* The drop in incarceration and the facility closure freed up nearly \$30 million for reinvestment in evidence-based supervision and services and for local and regional innovation grants.

*Whole-family programming:* SB 367 incorporated Functional Family Therapy, a program that centers family engagement for systems-involved youth. The program produced positive outcomes for its first youth cohort: 78 percent of youth remained at home with their families, 95 percent continued school or working, and 80 percent had no new arrests.

**Sources:** *Pew Research Center 2017, Horowitz 2018, SB 367 (Kansas 2016)*

This bill and the other efforts detailed in Appendix C provide models for community-based supervision and services that Wisconsin youth justice stakeholders can draw from.

### **Impact of COVID-19 on community supervision**

Since the COVID-19 pandemic began, many states have attempted to keep more youth in their communities and out of detention placements to ensure the youth's health safety. Some states have reduced use of secure custody facilities by decreasing the in-facility length of stay and limiting the number of youth who enter facilities (McCullough and Nelson 2021). In turn, many jurisdictions have increased the use of community supervision to keep youth safe at home. New York reported a drop from 57 percent to 25 percent share in facility admissions due to supervision violations (Shoenberg 2020, Council of Juvenile Justice Administrators 2020).

Mississippi released half of its youth in secure placement in mid-March 2020 and has not accepted any more youth (Shoenberg 2020, Council of Juvenile Justice Administrators 2020). Pandemic-driven cost and health concerns also contributed to the closure of nearly a dozen state-run youth correctional facilities across the country this past year (Rovner 2020).

Preliminary research indicates that youth justice stakeholders support the pandemic-driven diversion efforts. A report by Kids Forward found that Wisconsin stakeholders view the drop in youth confinement as a “silver lining” to the pandemic, with many saying they hope the reduction in the youth justice population continues post-pandemic (McCullough and Nelson 2021).

Overall, the pandemic has provided insight into the overuse of secure custody for youth. As post-pandemic research continues to be released, policymakers may have access to further evidence on the feasibility and benefits of dramatically decreasing the use of secure detention. (Annie E. Casey Foundation 2020, Rovner 2020).

## II. Analyzing fines, fees, and community supervision in Wisconsin

Insights and lessons learned from other state and local efforts to reduce the use of fines and fees and improve community supervision practices guides this report’s Wisconsin-specific analysis. This section details how fines and fees and community supervision function within Wisconsin’s youth justice system and describes the report’s qualitative analysis process.

### Fines and fees

Because of Wisconsin’s bifurcated youth justice system, counties have significant autonomy for assessing and collecting fines and fees for youth involvement in the justice systems. As a result, 72 fines and fees practices exist in the state.

Youth and their parents face youth justice costs in the form of fees, fines, and restitution. These costs apply to youth 14 and older for juvenile court; youth face the same fees as adults in criminal and civil court (excluding witness fees) (WI Stat § 938.137 (3) (2006)). Youth justice system costs are primarily charged by three entities: the state, the courts, and the county. At the local level, fines and fees fall into two main categories, court fees and county agency administrative fees. See Table 1 for a breakdown of youth justice fines and fees in three Wisconsin counties.

**Table 1: Sample Wisconsin Youth Justice Administered Fees**

Type of Fee	Amount	Incident	Billing Entity
Victim-Witness Fee	\$20	Case	Court
Restitution	\$1,000	Case	Court
Petition Fee	\$25	Case	Court
State Public Defender: Misdemeanor	\$240	Case	Court
State Public Defender: Felony	\$480	Case	Court
Guardian Ad Litem/Parent Representative	\$300	Each	Court
Court ordered Not Guilty by reason of Insanity/Competency Evaluation	\$400	Order	Court
Delinquency Supervision	\$25	Month	County
Court ordered placement	Child support standard	Varies	County
Electronic Supervision	\$80	Month	County
Intake	\$80	Intake	County
Detention Fee	\$35	Day	County

**Source:** Administrative data from Racine, Dane, and Brown counties

Certain fines and fees may be waived or reduced on a sliding scale depending on the person's ability to pay. This consideration is allowed only in specific cases and is known as "judicial determination" (Feierman 2016). Costs exempt from judicial determination are mandatory, either by state statute or local policy. Appendix D outlines a county-specific breakdown of youth justice costs that allow judicial determination and of the entities that bill for specific fees.

Wisconsin statutes mandate youth pay two court-administered costs: a uniform \$20 victim witness fee and up to \$1,000 in restitution. Judges typically give youth several months to pay the victim witness fee. Youth 14 and older are responsible for paying restitution as recompensation for economic loss to the crime victim. Judges consider a youth's ability to pay and ability to find work when determining the restitution amount (WI Stat § 938.137 (1) (2006)). In addition to an ability-to-pay scale, judges have other tools to make restitution more feasible to pay. These methods vary by county and include allowing at-home chores to contribute to restitution payments, assigning youth to work programs as an alternative to payment, or waiving restitution entirely. To waive restitution from their case, youth must separately petition the court.

## Community supervision

Like most components of Wisconsin's youth justice system, community supervision practices vary by county. The state uses a community-based supervision model rather than a probation model, which is still used in other states. Community-based supervision and probation are forms of community-based monitoring under the same premise of surveillance. Probation consists of assigning an individual to a probation officer who operates within a supervision and surveillance structure, whereas community-based supervision utilizes social workers and

various services and check-in measures intended to center youth rehabilitation within their communities.

Youth in Wisconsin are assigned supervision through two primary avenues: 1) upon being released from detention or 2) circuit court judge-ordered supervision in lieu of placement in facilities. Counties primarily administer community supervision services; however, counties may choose to use DOC's community supervision services for youth released from state correctional facilities (Earle 2018).

DCF, the state agency responsible for oversight of county-run supervision, categorizes system-involved youth into three types: at-risk youth, referred youth, and delinquent youth. At-risk youth are referred for various prevention services without supervision. For referred youth, community supervision and other services provide a prevention pathway via a deferred prosecution agreement (DCF 2021). Essentially, this agreement pauses formal court proceedings and allows a youth to demonstrate good behavior while staying in their community. This pathway helps avoid unnecessarily placing low-risk youth in secure detention. Last, for delinquent youth, a court may place a youth in a correctional facility or assign them to community supervision. When youth leave a correctional facility, they almost always are placed on "aftercare" supervision (DJS 2017). DOC-run supervision is administered through the Division of Juvenile Services (DJS), which, in its mission statement, expresses dual community supervision goals of reducing delinquent behavior, and restoring a sense of safety to victims and the community (DJS 2017).

Community supervision may include electronic monitoring, alcohol or drug outpatient treatment and testing, mental health treatment and services, community service, restitution payment, transitional services for education and employment, and any alternative programs as prescribed by DOC, court systems, or county agencies. When youth enter community supervision, they adhere to a strict schedule seven days a week, and a caseworker, usually a social worker, coordinates the supervision. The caseworker meets regularly with the youth on supervision and their guardian to build a relationship and meet their goals. In this relationship, the caseworker discusses and helps enforce the youth's conditions of supervision (DJS 2017).

## **Focal counties**

We conducted an exploratory qualitative study that involved 12 semi-structured interviews with 15 interviewees. The interviews fell in one of two categories, 1) background interviews and 2) focal counties interviews. The background interviews were open-ended conversations with DOC staff and with stakeholders working nationally on fines and fees reform from the National Center for Youth Law and the Wisconsin chapter of the American Civil Liberties Union (ACLU). We also interviewed stakeholders from seven focal counties—Brown, Dane, Eau Claire, La Crosse, Polk, Racine, and Waukesha—to delve deeper into their use of fines and fees and community supervision practices.

The seven counties vary in geographic location, size, population demographics, youth justice population size, and county wealth. They also had stakeholders who had participated in previous Kids Forward initiatives, suggesting they might be willing to participate in this qualitative research. See Table 2 for an overview of key characteristics of our seven focal counties.

Our stakeholder interviews typically lasted one hour and included five main interview questions, see Appendix E for the semi-structured interview guide. Although formal job titles and agency names varied, the interviewees generally worked in the following roles: county agency director, county division manager, youth justice supervisor, youth justice caseworker, juvenile probate, and juvenile court administrator. We selected the interviewees through convenience and snowball sampling methods.

For three of the counties (Brown, Dane, and Racine), we also analyzed responses to public records requests generously shared by stakeholders at the National Center for Youth Law. The requests asked counties for data, documentation, and explanations of each counties' practices for youth justice fines and fees. In response, the counties provided information about assessment, collection and revenue from the fines and fees in the counties' youth justice systems.

**Table 2: Focal Counties' Characteristics**

	<b>Location</b>	<b>Population</b>	<b>Youth Population</b>	<b>% Poverty</b>
<b>Brown</b>	Northeast	261,368	62,218	9.8
<b>Dane</b>	South Central	536,078	110,268	10.8
<b>Eau Claire</b>	Northwest	103,514	21,086	13.8
<b>La Crosse</b>	West	117,894	23,134	12.9
<b>Polk</b>	Northwest	43,438	9,012	9.2
<b>Racine</b>	Southwest	195,602	44,900	12.4
<b>Waukesha</b>	East	400,475	86,052	4.8

**Sources:** U.S. Census Bureau 2019, Wisconsin DCF 2021

### III. Lessons learned

Key themes and takeaways emerged across the interviews with stakeholders from the seven focal counties. In this section, we present the key findings from the qualitative interview data, including six takeaways on the use of fines and fees and four takeaways on community supervision practices. These findings inform our five recommendations in the following section,

which aim to route more youth out of Wisconsin's youth justice system and better meet youth's needs while youth are in the system.

It is important to locate these interviews and the subsequent findings within the national and global events of 2020. This study was conducted in a unique time, with interviewees practicing youth justice during a pandemic and a year of increased national discourse on race and equity in justice systems. Each interviewee spoke to the significant ways COVID-19 impacted youth justice practices and everyday life. However, most interviewees did not discuss in depth the role of race and equity in their work when asked.

**"I can't emphasize enough how confusing fines and fees are."**

## Fines and fees findings

### *Confusion over fees*

Youth justice fines and fees are not streamlined—their assessment and collection cause confusion for families and professionals. Further, many county, court, and state entities have roles in assessing and collecting these costs, including law enforcement, the county youth justice agency, the district attorney's office, the public defender's office, the juvenile probate office, circuit court judges, and collections agencies. Within each of these groups, many stakeholders have decision-making roles. Attorneys for all involved parties often make recommendations about the appropriateness of certain fines and fees. Victims can request and make a case for restitution; youth and their families can testify on their ability to pay. Despite this complicated structure, Wisconsin lacks a system for compiling all youth justice system costs for internal government or public uses.

This led our interviewees to interpret and answer questions many ways. Interviewees provided various definitions and understandings of youth justice system costs. Many suggested their county did not assess fines and fees, but when asked further about justice system costs, they acknowledged that certain fines and fees were consistently assessed (e.g., truancy fees, placement fees). One stakeholder emphasized the myriad practices across counties, stating "I can't emphasize enough how confusing fines and fees are."

If professionals find the youth justice fines and fees processes disorienting, it is even more so for youth and families. Many interviewees noted that youth and families can easily misunderstand their financial obligations. Youth and parents often speak with people from law enforcement and county agencies, legal representation, and the court—all of whom have a role in determining the costs youth and parents incur. However, these stakeholders have slightly different understandings of what costs youth and their families might face as well as their own professional role in helping families navigate costs. Collecting entities vary in their methods of notifying youth and families about the costs (e.g., conversations, court hearings, letters). As a

result, families may receive mixed or incomplete information about what they may have to pay; sometimes, families are fully aware of these costs only when they receive the bill.

Interviewees from several counties perceived waiver request requirements as hindrances to families achieving financial relief. Youth and families seeking waivers and cost reductions must go through multiple separate processes (e.g., submitting different forms, sending request letters, attending court hearings) to successfully request waivers. Interviewees said the administrative burden in the waiver process leads many families to not complete requests. These families miss their primary chance for financial relief, as many correctly completed requests are approved. One stakeholder approximated that 75 percent of the waivers that are fully completed and submitted are approved for a cost reduction or full waiver. However, the further into the cost assessment and collections process, the more complicated it can be to receive a fee or fine waiver and the greater the risk of facing consequences for outstanding costs.

### *Conflicting goals*

Interviewees expressed conflicting justifications and underlying philosophies for youth justice costs. This conflict of purpose for fines and fees sheds light on the lack of agreement and cohesion between the various fines and fees decision makers. Further, disagreement among stakeholders about the core purpose of youth justice fines and fees poses political feasibility barriers for efforts to eliminate fines and fees.

**“Why are we doing this to people?”**

Some stakeholders identified the fear of an impending generation of super predators and related deterrence efforts that defined youth justice policy in the 1990s as the impetus for present day use of fines and fees. Almost all interviewees acknowledged the equity implications of fines and fees—that poor families and families of color are disproportionately exposed to and harmed by fines and fees. One outlier opinion came from an interviewee who characterized fines and fees as inherently fair and noted how they help make a victim whole and promote accountability for youth and their families.

### *Fines and fees harm families*

Many interviewees corroborated what researchers have concluded: youth justice fines and fees pose short- and long-term consequences for youth and their families. One person noted that fines and fees can “bury” families financially and that families are often already impoverished. Costs owed by youth can delay youth getting their driver’s license; costs owed by families can lead to intercepts of tax refunds, insurance payments, and adoption payments. Eventually, unpaid fines and fees are sent to collections agencies and can lead to a civil suit.

One interviewee noted that the biggest complaint from families is the financial stress associated with fines and fees. A Racine County interviewee said that in discussions on

eliminating fines and fees, county stakeholders acknowledged that fines and fees could contribute to a family facing homelessness and asked, “Why are we doing this to people?” The stakeholders had been getting calls from families about the financial strain that fines and fees were causing. Knowledge of the financial stress on families served as a major driver of Racine County’s subsequent elimination of several fines and fees.

“We had families call us during COVID-19 saying, ‘You’ve taken all of my money.’”

### *COVID-19 has not changed use of fines and fees*

The COVID-19 pandemic has impacted much of youth justice practice, including reducing youth in secure facilities. However, most interviewees did not report significant changes to fines and fees policy during the pandemic. However, an interviewee from Racine County said the COVID-19 pandemic was a catalyst for their goal to eliminate several fines and fees. Other stakeholders noted smaller changes in practices. In one county, truancy fines reduced significantly due to school closures; another county did not charge for 72-hour holds during the pandemic. Although the pandemic did not significantly impact policy, nearly every stakeholder noted that it caused increased financial strain for youth and families. “We had families call us during COVID-19 saying, ‘You’ve taken all of my money,’” one interviewee said. The pandemic also limited alternative payment options (e.g., community service) because traditional community placements have been inaccessible.

In turn, increased financial strain for families impacted revenue for counties. Stakeholders said their counties collected far less revenue from fines and fees during the pandemic, although some hesitated to draw the link between the pandemic and revenue changes. Others connected the revenue drop to the increase in approved fee waivers.

### *Revenue implications of fines and fees vary by county size*

Revenue from youth justice fines and fees plays varying roles in county and court budgets. The most consistent theme across all interviews was the lack of information about the costs of assessing and collecting fines and fees in contrast to revenue. Several interviewees said their agencies did not keep records that would make such a benefit-cost analysis easy to conduct.

In some counties, fines and fees revenue is minimal to their budget. For example, a Waukesha County stakeholder acknowledged that the county was likely able to offer so many alternative payment methods for youth because it is a resource-dense county that does not consider that revenue critical to its budget. Moreover, interviewees from several counties explained there is often a high cost of collection with minimal financial gain for the county. For example, some county agency staff said their lack of use of fines and fees was because they found that they spent more time and resources tracking down unpaid costs than recouping fines and fees revenue. The staff also noted that their fiscal department did not have the capacity to provide



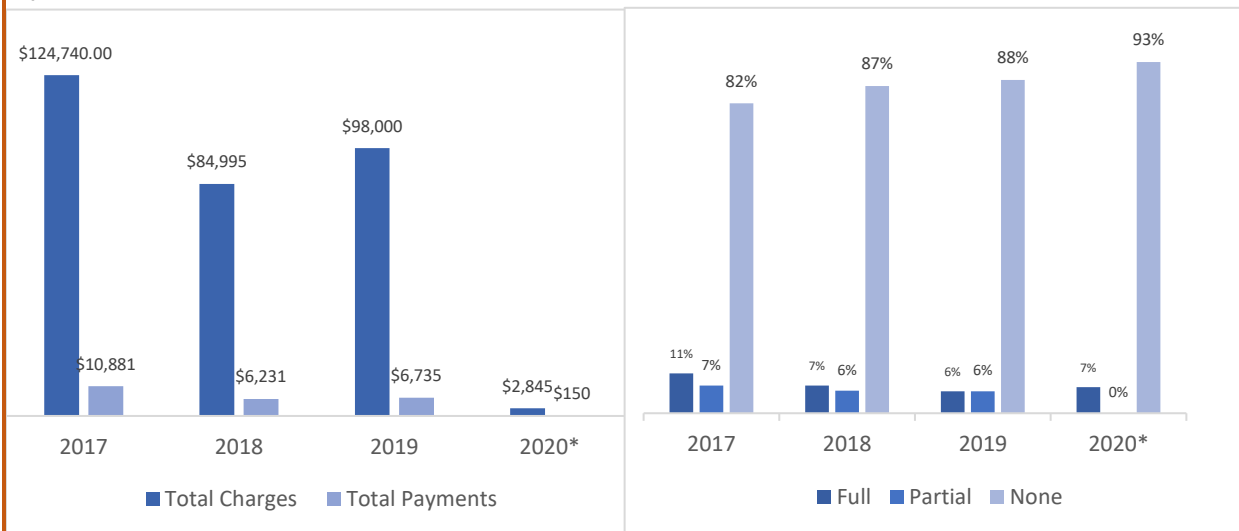
collections services. Several interviewees said their agency or court recoups 20 percent to 25 percent of costs owed within one year of them being charged. A Brown County stakeholder said one-third of all electronic monitoring bills are paid—a consistent trend since 2016. See the Racine County spotlight for an example of fines and fees recoupment.

**Spotlight: Racine County**

This report analyzed data from interviews and public records requests from Racine County. Both sources of data demonstrate how little fee revenue the county collected in contrast to what it assessed. Per the interviews, county stakeholders assessed their fines and fees process and learned the county was not gaining much revenue from the system.

County-provided data verified the low revenue. See Figures 2 and 3 for a breakdown of this trend from January 2017 through August 2020. These figures include costs for juvenile detention (\$35/day), juvenile justice intake (\$80/intake), and juvenile justice supervision (\$25/month). Figure 2 illustrates the differences between total charges and total payments for youth in Racine from 2017 to 2020. An average of 10 percent or less of all fees charged were paid each year. Figure 3 demonstrates that 8 of 10 individuals failed to pay any amount toward their fee(s) across all four years.

**Figure 2: Total Charges and Payments in Racine County by Year** **Figure 3: Number of Individuals by Payment Type and Year in Racine County**



\*2020 fines and fees are from 1/1/2020 to 8/28/20.  
**Source:** Racine County administrative records, 2017–2020

In smaller and less affluent counties, fines and fees revenue can be more important to budgets. Stakeholders from a more rural county did not consider their county to use many fines and fees until asked about charging parents for placement costs based on a child support scale. Then, the stakeholders noted that placement costs make up a large portion of their budget. As a result, supervisors often follow up with case workers to ensure they are helping collect these costs. Another stakeholder suggested that fines and fees revenue was more important to the municipal court’s budget than the county agency’s budget.

However, not all revenue goes to county and court budgets. The state statute-protected \$20 victim witness fees fund DOJ's Victim Witness program. Restitution goes to the victim. Some legal fees go to the public defender's offices to cover attorney costs.

### *Eliminating fines and fees at the local level is possible*

Some of the counties studied have taken steps toward eliminating youth justice fines and fees. Most of these efforts began before the COVID-19 pandemic (see the spotlight on Dane County); however, Racine County cited the pandemic as a catalyst. One Racine County interviewee said county stakeholders had shown interest in eliminating youth justice fines and fees for some time, and the pandemic provided momentum to eliminate some youth justice fines and fees.

**“Racial inequity was a big reason the County Board pushed for fee elimination. ... The nature of eliminating fees has a big impact on youth of color.”**

Interviewees in counties where fees were eliminated often said the cost of collecting fines and fees exceeded the revenue from payments. Some counties determined that collecting youth justice fees was not an efficient use of time and resources, and some elimination efforts have included vacating outstanding costs.

#### **Spotlight: Dane County's early efforts to eliminate youth justice fines and fees**

*Background:* In 2018, Dane County passed a budget amendment for 2019 to stop billing families for juvenile detention, including shelter and home detention fees. The 2021 county budget eliminated home supervision fees and vacated unpaid supervision fees.

*Motivation:* Before elimination, Dane County used a sliding scale based on the ability to pay. Many families did not benefit from the financial relief option because parents had trouble completing the paperwork. A Dane County interviewee also cited Dane County-specific research on the harms caused by youth justice fines and fees. The research incorporated the lived experiences of youth and families to demonstrate the long-term effects of fines and fees. Overall, stakeholders pushed for the elimination because it had a disproportionate impact on youth of color. One stakeholder said, “Racial inequity was a big reason the County Board pushed for fee elimination. ... The nature of eliminating fees has a big impact on youth of color.”

*Fiscal Impact:* The county board and stakeholders widely supported the budget amendment. With so many fees unpaid, one interviewee said decision makers were not worried about budgetary impacts, deciding they would “make it work” as a larger county. This amendment also included a provision dismissing unpaid costs associated with juvenile detention.

*Limitations:* Dane County still has some fines and fees imposed on youth and their families, primarily court-imposed fines and fees protected by state statute.

*Sources:* Chappell 2018, Paik and Packard 2019, Hamer 2020

## Community supervision findings

### *Importance of diversion*

To varying degrees, county stakeholders recognized their agencies' limited resources to administer the appropriate care for youth when they first interact with the agency. These stakeholders emphasized a need for diversion practice, particularly for low-risk, first-time offending youth who would benefit more from a warning and pathway out of the system rather than being processed in an official capacity that flags them forever. A diversion pathway would mean youth are having their social-emotional needs met clinically or holistically. Some stakeholders felt youth were over-referred to supervision for very low-risk, non-violent offenses. Some also said they were uncomfortable with referrals for 10-year-olds. In addition, some counties filter out referrals for young children and divert them toward needs-based services that redirect harmful behavior. Although many counties sought more positive alternatives to formal system involvement, few exist. Further, successful diversion requires buy-in and support from community partners.

La Crosse County offers two examples of diversion practices that rely on community partnerships. First, interviewees highlighted the county's recent successes with local law enforcement. As part of efforts to decrease youth justice referrals, law enforcement no longer issues tickets to youth. The La Crosse Sheriff's Office also has a review panel that can analyze incidents before referring youth to the justice systems. Second, a separate diversion partnership exists between the county youth justice agency and La Crosse School District. Schools may refer students to the county agency's system of care instead of the youth justice system. Through this process, law enforcement involvement is limited or eliminated. See the spotlight for more information about the system of care in La Crosse County.

### **Spotlight: La Crosse County's System of Care**

*Background:* In La Crosse County, a school-justice collaboration was born out of the dire need to disrupt the school-to-justice pathway. The county developed a system of care based on a model used in Georgia. The system identifies a range of "focus acts," which are delinquent acts more effectively treated with intervention and a system of graduated sanctions than with court-imposed punishment. All middle schools and high schools in the La Crosse School District can refer students to the system of care.

*Motivation:* A community study conducted in 2008 by the La Crosse County Department of Health and Human Services revealed that the La Crosse region had a higher rate of youth contact with police than the statewide average as well as three similarly sized counties' averages. The region also had significant, disproportionate police contact with youth of color. County stakeholders developed the system of care in response to these findings.

*Purpose:* This program transforms the way school officials, police, youth justice workers, and service providers evaluate and respond to youth misbehavior and misconduct. Students who participate in the

system of care avoid involvement with the youth justice system and instead receive therapeutic interventions that better address their underlying needs. After completing the conditions of their system of care plan, the students graduate from the program while maintaining continued program support to help them stay successful.

**Sources:** “System of Care: School Justice Partnership” n.d., La Crosse County Department of Health and Human Services, 2008.

### *There are significant benefits to setting supervision as the default*

When diversion is not an option for a youth, there are clear benefits for youth and county agencies to designate community supervision as the default pathway. One county stakeholder acknowledged, “Detention does not change behavior, it contains it.” All seven counties have been prioritizing community supervision over placing youth in secure facilities even before the COVID-19 pandemic. The interviewees credit this fundamental shift to implementation of the Youth Assessment and Screening Instrument (YASI), an innovative juvenile risk assessment tool that measures risk, needs, and protective factors in at-risk and youth justice-involved youth. The assessment tool is conducted by juvenile probation officers, caseworkers, youth service managers, social workers, and other professionals who assess at-risk youth and is part of a larger push to ensure that youth who are not a threat to their community—low-risk youth—stay out of secure facilities and remain in their communities.

“Detention does not change behavior, it contains it.”

The YASI has allowed for evidence-based assessments to better meet the needs of the youth. An emphasis on evidence-based prevention and restoration practices rather than punishment drove these practice changes. County stakeholders noted a cultural shift in practices, from detaining youth and complying with old standards to giving youth the tools and education they need to succeed. County staff who work closely with youth expressed a need to pinpoint root causes of harmful youth behavior to better resolve the socio-emotional issues, instead of placing youth in secure facilities that emphasize punitive measures and mimic adult prisons. The use of community supervision has become a priority to the extent that some counties have almost no youth in out-of-home placements.

### *Enrichment services benefit youth, but are difficult to maintain*

Successful youth justice practices require robust service arrays to produce positive outcomes for youth. This is in part because youth referred to the youth justice system often present a need for mental and behavioral health services. Interview responses indicated that not all counties have access to or funding for a robust array of such

“Unless I change a youth’s thinking, give them different skills, and find their development assets and strengths, I can’t expect them to perform the way we want. Our approach can’t be, ‘What’s wrong with you?’”

resources. As a result, youth are funneled further into the justice system rather than diverted out with appropriate services. Several county stakeholders cited lack of funding and resources as primary barriers to better service provision within their agency. Without these services, the youth justice system cannot provide youth with essential skill-building experiences and behavioral interventions. One stakeholder affirmed this, saying “Unless I change a youth’s thinking, give them different skills, and find their development assets and strengths, I can’t expect them to perform the way we want. Our approach can’t be, ‘what’s wrong with you’.” However, counties also should not use a robust service array as an excuse to bring youth into community supervision programs who can safely be completely diverted.

### **Spotlight: Racine Credible Messenger Program**

*Background:* The Credible Messenger Program pairs system-involved youth with “credible messengers” to help youth function within their communities without further involvement in the justice system. The program is the result of a partnership between the Racine YMCA and Racine County Human Services Department that pairs youth at a high risk for repeat offences with community members that have overcome similar experiences.

*Community engagement:* This program is founded on the premise that communities possess the transformative tools to help youth. The program’s “credible messengers” are individuals who have previously been impacted by Wisconsin’s youth justice or incarceration system, who work in the private and nonprofit sectors, and who are respected residents of the community. The community-based messengers are crucial to program’s success; their credibility stems from having lived through similar experiences as youth, such as growing up in the same communities and having a shared cultural understanding of life. These commonalities help messengers develop trusting relationships with youth. In contrast, youth justice workers often do not share similar backgrounds and have difficulty building relationships with youth.

*How it works:* The messengers support youth’s well-being, help change or break generational cycles, and address challenging life circumstances. Through this program, Racine County aims to reduce the number of youths engaging in high-risk behavior and connect youth and families with resources to build life skills. One innovative, evidence-based practice used in the program is interactive journaling. Journaling helps youth assess their readiness to change, begin successful behavior change, and maintain prosocial behavior. Youth outcomes include reduced recidivism rates and increased ability to seek help in a crisis, get along with others, show up on time, and behave in ways that prepare youth for future education, employment, and civic participation.

**Source:** Racine County Human Services Department 2018, YMCA Racine 2021

Most stakeholders recognized that successful community supervision functions as a part of larger, comprehensive service plans. These services promote healthy youth development and skill building—effects that hopefully follow youth beyond their justice system involvement. Noteworthy programs include Racine County’s Credible Messenger Program (see spotlight), which helps build positive relationships for youth, and Brown County’s counseling services, which are available to youth who may not have access to or cannot afford such services otherwise. The Brown County program also uses home visits to connect with youth and their families, creating greater accessibility by removing transportation barriers for families.

County agency staff also expressed that community partnerships strengthen enrichment services. These partnerships include schools, nonprofit organizations, and healthcare providers. County agencies want and need to continue to grow these partnerships so youth can receive the specialized care in and out of the youth justice system. Partnerships also allow youth justice practices to adapt to community needs, goals, and input.


### *COVID-19 has impacted supervision*

Most counties observed decreases in youth justice referrals before the pandemic. However, the pandemic has led to further decreases in all counties. Stakeholders posited various reasons for this drop, including youth attending schools virtually, county agencies meticulously filtering out youth referrals based on severity, and the efforts to reduce risk of COVID-19 spread in youth facilities.

Every youth justice entity—county, court, and state—had to modify their programs and communication strategies for remote work. Youth justice workers began contacting youth and their families virtually. Some counties switched to platforms like Zoom for virtual appointments and court. This shift led to increased accessibility for many families, who no longer faced transportation, parking, time off, and childcare barriers to participation in key meetings and hearings. This unexpected benefit has motivated some counties to continue offering virtual, along with in-person, appointments after the pandemic. Conversely, one interviewee said virtual proceedings were not taken as seriously by youth and their parents, and often resulted in absence.

The youth justice workers found transitioning to virtual service provision easier when working with families they held existing relationships compared to establishing relationships with youth new to their caseload. A potential counterbalance to these challenges, workers also expressed that pandemic-driven communication methods (e.g., texting, FaceTime) caused an increase in communication with the youth in supervision. Some county workers now connect virtually with all youth on their caseloads weekly; whereas contact previously was monthly and primarily focused on youth with higher risk. As a result, many counties plan to make this practice permanent, especially because more frequent, higher-quality interactions can better redirect youth away from poor decision-making.

Pandemic-related health concerns also increased use of diversion policies to avoid placing youth in crowded facilities where social distancing can be impossible or, conversely, isolating. In this way, COVID-19 made permanent policies that counties had been piloting as methods to reduce referrals and out-of-home placements. These practices led to drops in detention and 72-hour holds, often because agencies found that



**“All it took was a deadly pandemic to get kids out of detention.”**

supervision and electronic monitoring served as better defaults. As one county stakeholder said, “All it took was a deadly pandemic to get kids out of detention.”

These pandemic-related diversion efforts resulted from practice changes beyond the youth justice agencies. In some counties, law enforcement agencies applied COVID-19 restrictions and filtered out referrals before approaching county agencies to avoid keeping youth in secure facilities. Further, almost every county noted that virtual school played a huge role in the decline in referrals. This is likely because virtual schooling reduced many school districts’ use of law enforcement when addressing truancy issues. This observation highlights the lack of alternatives many schools have when addressing truancy and other behaviors. An over-reliance on law enforcement is part of the foundation of the school-to-justice system pathway.

## VI. Recommendations

Informed by academic literature, other state and local lessons learned, and Wisconsin-based qualitative analysis, this section offers five recommendations for state and local youth justice government entities in Wisconsin. The recommendations seek to reduce the use of fines and fees and improve community supervision practices to route more youth out of the youth justice system and better meet youth’s needs while they are in the system. Moreover, each recommendation is designed to support the long-term goal of shrinking Wisconsin’s youth justice population permanently.

### *1. The Wisconsin Department of Justice should conduct a benefit-cost analysis of state and local use of youth justice fines and fees and a racial impact analysis.*

At the state level, the DOJ secretary should initiate and conduct a statewide benefit-cost analysis of using fines and fees in the youth justice system. This analysis should include use of fines and fees at the state and local level and in the courts over the past five years, as well as a racial impact analysis where the data allows it. The analysis should consider the amount of youth justice costs billed to youth and families, the amount of fines and fees collected, and the cost of assessing and collecting these costs over the five-year span. It also should seek to capture financial stress and prolonged system-involvement caused by these fines and fees for youth and their families. Such analysis can lay the groundwork for future state-level efforts to eliminate fines and fees for Wisconsin youth and their families and to launch other much-needed youth justice reforms.

## *2. County governments and court districts should eliminate fines and fees for youth and their families.*

County governments and respective local courts should eliminate all fines and fees assessed to youth and their families. These local efforts will likely have to occur separately, because county agencies and local courts tend to assess and collect fines and fees independent of each other.

To begin, the county government and local courts should conduct internal impact analyses of fines and fees for the past five years using collections and revenue data. This data is typically kept by the agency, court, or potentially a third-party collections service provider. This analysis should contrast the costs of collecting and enforcing fines and fees with the revenue generated for local government. The studies on Alameda County, California and Dane County, Wisconsin are exemplars (see Appendix B). Such analysis can lay the groundwork for efforts to eliminate fines and fees for youth and their families at the state and local levels.

For county-administered youth justice costs, elimination should be accomplished through a city or county government decree. For court-assessed costs, local court district leadership should pass a resolution. When implementing this decree or resolution, the agency or court should update all internal and external materials on youth justice costs to reflect the change.

## *3. County governments and court districts should dismiss unpaid fines and fees.*

County governments and respective local courts should dismiss unpaid fines and fees assessed to system-involved youth and their families. This retroactive vacation of youth justice costs can be accomplished through a single, comprehensive decree or resolution that also eliminates these fines and fees. Or county governments and district courts can pass this measure in a subsequent decree or resolution. The measure should vacate fines and fees for a specified period (e.g., fines and fees assessed over the past two years). Examples of fines and fees dismissal are found in Dane County, Wisconsin, Shelby County, Tennessee, Alameda County, California, and other locations detailed in Appendix B.

When implementing this decree or resolution, the agency or court should instruct its internal staff, any contracted collections agency, and the local child support agency to stop collecting all eliminated youth justice fines and fees. Further, the agency or court should conduct outreach to youth and their families currently facing youth justice fines and fees to notify them of the cost dismissal.

## *4. County youth justice agencies should establish community supervision as the default in lieu of more restrictive placements.*

After exhausting all diversion tactics, county youth justice agencies should make community supervision the primary youth justice pathway, unless out-of-home placement is necessary for the safety of the youth and the community. Not only does research prove the benefits of community supervision in lieu of placements, but also our interviews demonstrated a commitment among youth justice workers to reduce detention use.



Use of community supervision should match the youth's risk and needs. For example, community supervision must be used within limited timeframes that do not unnecessarily extend a youth's initial service plan or court order. Further, counties should eliminate detention and secure custody placements as punishment for community supervision technical violations.

Increased use of supervision will decrease demand for beds in facilities. This will support state efforts to move forward with the shutdown of Copper Lake and Lincoln Hills Schools and facilitate future facility closure. Savings from the decreased use of facilities should be reallocated to county community supervision programming.

#### *5. County youth justice agencies should use youth- and family-centered community supervision practices that include diverse community stakeholders.*

As observed through research and interviews, community supervision is most effective when all parties are equally invested in the youth exiting the justice system with improved social and emotional skills and cognitive development.

Thus, county youth justice agencies should foster collaboration between community partners, families, and youth. Key community partners include schools, law enforcement, and community-based service providers. Collaboration should create opportunities for feedback, including permanent advisory committees, regular client surveys, and program meetings that seek to connect all families.

Models already used in Wisconsin can be scaled up and brought to other counties. For example, Racine County's Credible Messenger Program relies on community-based people with prior justice system involvement. These messengers are often able to connect and build trust with youth in ways that youth justice workers cannot. Programs such as the Credible Messenger Program can disrupt generational cycles of siblings going through the youth justice system by creating positive relationships and action plans.

## V. Conclusions

In examining how these youth diversion practices may have changed during the pandemic, this timely study contributes to a nationwide conversation on how to divert youth from the youth justice system and shrink the current youth justice population permanently.

The COVID-19 pandemic has created the unique opportunity to implement restorative justice practices that might have long been goals of county and state agencies alike. Youth justice

systems have had to close or severely limit secure facilities, carry out operations with limited administrative capacity, and find new ways of preventing an influx of referrals. Further, the pandemic caused schools to move to virtual learning, which removed one, large stream of referrals to the youth justice system. This report studies how such dramatic changes to work, services provision, and day-to-day life have altered youth justice practice regarding two key areas: fines and fees, and community supervision.

Fines and fees burden families with the impossible choice of paying youth justice costs or paying for the family's necessities. Fines and fees carry more than a monetary value—they can limit and send a youth and family into a cycle of negative consequences, straining relationships that could instead repair a youth's behavior and mitigate long-term harm. Unpaid fines and fees can be barriers to case closure and release from supervision. Financial burdens of fines and fees are linked to high rates of recidivism. Thus, our fines and fees recommendations not only seek to remove barriers to system exit for youth and their families but also reduce the lingering harms that system involvement caused.

Community supervision alternatives have been implemented in some form throughout the seven counties studied. Community supervision alternatives proved to have increased responsiveness from the youth, from at-home video court appearances to check-ins with social workers. A future goal for community supervision must include youth justice system workers who are trained in diversion and holistic interventions that deter youth from being held in secure facilities while seeking the clinical needs of those who commit more severe acts. Advocates, social workers, and legal practitioners share the sentiment that efforts must be made to prevent youth from being in custody.

Despite the innumerable barriers faced by those seeking to overhaul the youth juvenile system, we are encouraged by the efforts of Youth Justice Milwaukee, Kids Forward, and the Youth Justice Wisconsin partnership, as well as all counties and individuals around the state working to creatively, permanently alleviate the burdens of the youth juvenile system on youth and their families.

## VI. Appendices

### Appendix A: State examples of fines and fees elimination

State	Action	Takeaways
Washington	2015 SB 5564, YEAR Act	<p>Eliminated most non-restitution legal financial obligations and created measures that permit youth to petition the court for modifications and relief from these obligations. Directs the court to consider youth's age, ability to pay, and community service alternatives when determining restitution amounts.</p> <ul style="list-style-type: none"> <li>• <i>Political Feasibility</i>: The Democratic-sponsored bill passed with only two nays (from senate Republicans).</li> <li>• <i>Emphasis on equity</i>: Prior to the bill, youth could seal their juvenile records at age 18 and only after paying all owed fines and fees, preventing many poor youths from doing so. This bill sought to remove that source of inequity by eliminating most court fines and fees.</li> <li>• <i>Local Advocacy</i>: The bill was authored by University of Washington law students and local advocates.</li> <li>• <i>Trailblazer</i>: Earliest example of comprehensive, state-level youth justice fines and fees elimination.</li> </ul> <p>Sources: S.B. 5564 (Washington 2015), "House Passes YEAR Act" 2015, Feierman 2016</p>
Texas	2015 HB 2398	<p>Eliminated truancy fines for youth, although parents still may receive fines. Decriminalized "failure to attend"—or truancy. Requires schools to provide solutions for students, including truancy prevention specialists.</p> <ul style="list-style-type: none"> <li>• <i>Political Feasibility</i>: A Democratic-sponsored and Republican-authored bill passed by the majority Republican senate.</li> <li>• <i>Local Advocacy</i>: The bill was supported by local criminal justice reformers and large advocacy groups and think tanks such as Right on Crime and the Texas Public Policy Foundation.</li> <li>• <i>Fiscal Impact</i>: Increased costs for courts but an overall saving through decreased probation costs.</li> <li>• <i>Limitations</i>: Parents still can be fined for truancy under this law. Students still can be sent to court for truancy but cannot be charged fines.</li> </ul> <p>Sources: H.B. 2398 (Texas 2015), S.B. 1114 (Texas 2013), S.B. 393 (Texas 2013), Svitek 2015, Texas Appleseed 2015</p>
California	2017 SB 190	<p>The California state legislature eliminated almost all juvenile court fines and fees through SB 190.</p> <ul style="list-style-type: none"> <li>• <i>Benefit-cost analyses inspire change</i>: A study in Alameda County, California, highlighted the harm that fines and fees cause youth and families with no financial gain for the youth justice system, prompting internal benefit-cost analyses that helped find local action and SB 190 fiscally viable.</li> <li>• <i>State and local efforts reinforce each other</i>: When SB 190 passed, there were growing local efforts to eliminate youth justice fines and fees. After enactment, some counties implemented additional reforms.</li> <li>• <i>Offering refunds</i>: As part of SB 190 implementation, Contra Costa County conducted an internal audit of its youth justice fines and fees use. The audit found that the county wrongfully charged some families for detention costs. In response, the county reached out to families who paid detention fees between 2010 and 2017 and notified them that they may be eligible for a refund.</li> </ul>

		<ul style="list-style-type: none"> <li>• <i>State and county agencies play key implementation roles:</i> In the years after SB 190's passing, a study called for state agencies to better ensure county agency compliance with SB 190. County agencies also play a key role in translating the policy change into financial relief for youth and families, by alerting youth and families to the policy change and by updating internal and external fines and fees materials.</li> </ul> <p>Sources: S.B. 190 (California 2017), Selbin et al 2016, Weisburd and Lavalais 2016, Feierman et al 2018, Selbin and Campos-Bui 2019, Contra Costa County 2018</p>
Ohio	2018 Court bench card	<p>Instructs judges to presume youth are unable to pay fines and fees. Ensures that fees do not unfairly impact youth of every socioeconomic status. In some cases, community service is offered in lieu of payment.</p> <ul style="list-style-type: none"> <li>• The bench card is supported and used by the Supreme Court of Ohio and the entire Ohio Judicial System.</li> </ul> <p>Source: Ohio Judicial System 2018</p>
Nevada	2019 AB 439	<p>Eliminated most youth justice fines and fees, costs, and administrative assessments charged to families. Arranged for medical evaluations and treatment to be paid by available public or private medical insurance.</p> <ul style="list-style-type: none"> <li>• <i>Political Feasibility:</i> This bipartisan bill passed the assembly and senate with no opposition.</li> <li>• <i>Local Advocacy:</i> Several stakeholder groups—including the Nevada Chapter of the U.S. Civil Rights Commission, Nevada's Kenny Guinn Center for Policy Priorities, and Nevada's Children's Advocacy Alliance—all recommended state and local jurisdictions reduce or eliminate youth justice fees.</li> <li>• <i>Fiscal Impact:</i> Led to a \$7,918 decrease in annual revenue for the Division of Child and Family Services within the Department of Health and Human Services.</li> </ul> <p>Sources: A.B. 439 (Nevada 2019), Davis Fiscal Note 2019, Walker 2019</p>
New Jersey	2020 S 48	<p>Eliminated all fines and financial penalties, reduced the juvenile court's discretion in assessing fines, and barred the juvenile court from imposing a fine as a penalty during disposition.</p> <ul style="list-style-type: none"> <li>• <i>Political Feasibility:</i> This bill was introduced with primarily Democratic support. It passed in the Senate 30-9, with the only nays from Republican senators.</li> <li>• <i>Local Advocacy:</i> The Juvenile Law Center issued a call to action for Gov. Murphy to pass this legislation. The ACLU-NJ, New Jersey Institute of Social Justice, and Rutgers Criminal and Youth Justice Clinic supported this reform bill.</li> </ul> <p>Sources: S. 48 (New Jersey 2020), Juvenile Law Center 2020, O'Dea 2020, NCSL 2021</p>
New Hampshire	2020 HB 1162	<p>Eliminated costs of services and child support imposed on families of system-impacted youth. Expanded the Office of the Child Advocate and reimbursement of juvenile court-ordered services.</p> <ul style="list-style-type: none"> <li>• <i>Political Feasibility:</i> Although a bipartisan-sponsored bill, it passed on a largely partisan vote with significant Republican opposition.</li> <li>• <i>COVID-19 Impact:</i> The bill picked up steam with necessary procedural changes that occurred after COVID-19. The pandemic highlighted the need to provide more security for youth in the justice systems.</li> <li>• <i>Local Advocacy:</i> It was supported by ACLU New Hampshire and other legal and disability rights advocacy groups in the state.</li> </ul> <p>Sources: GLBTQ 2020, H.B. 1162 (New Hampshire 2020)</p>

Louisiana	2020 House Bill 417	<p>Allows judges to waive costs and fees in juvenile cases for any reason that the court sees necessary.</p> <ul style="list-style-type: none"> <li>• <i>Political Feasibility</i>: The bill was introduced by a Democratic representative and signed by a Democratic governor. The bill passed with no nay votes.</li> <li>• <i>Fiscal Impact</i>: The Louisiana Office of Juvenile Justice collected 6% of \$2.1 million in fees it separately assessed for youth and their families from 2015 to 2017.</li> </ul> <p>Source: H.B. 417 (Louisiana 2020), Berkeley Law Policy Advocacy Clinic. n.d.</p>
Maryland	2020 HB 36	<p>Eliminated all youth justice fines and fees, dismissed all outstanding fines and fees, and vacated any judgment that imposed such costs.</p> <ul style="list-style-type: none"> <li>• <i>Political feasibility</i>: The bill passed the Democratic-led state legislature with broad support in 2020 despite the legislative session ending early due to COVID-19. Republican Gov. Hogan neither vetoed nor signed the bill, allowing it to go into effect.</li> <li>• <i>Local advocacy</i>: Lobbying by Maryland youth was particularly effective at getting the bill on state legislators' radar.</li> <li>• <i>Fiscal impact</i>: The bill was found to have a minimal impact on the state's budget.</li> <li>• <i>Trailblazer</i>: The most comprehensive juvenile fee and fine repeal passed anywhere in the country.</li> </ul> <p>Sources: Hardy 2020, H.B. 36 (Maryland 2020)</p>
Oregon	2021 SB 422	<p>Eliminated fees and court costs associated with juvenile delinquency matters. Also provided court-appointed counsel at the state's expense in all juvenile matters, and eliminated the requirement that parents must pay expenses for the support of a youth while in state custody.</p> <ul style="list-style-type: none"> <li>• <i>Political Feasibility</i>: Democratic-sponsored bill awaiting the senate committee.</li> <li>• <i>Fiscal impact</i>: In 2019, Oregon circuit courts imposed approximately \$260,000 in juvenile administrative fees and collected less than \$61,000.</li> <li>• <i>Local Advocacy</i>: Youth, Rights &amp; Justice, Oregon's only youth public defense firm, has been collecting data to push this bill forward.</li> </ul> <p>Sources: Cline 2021, FFJC 2021, S.B. 422 (Oregon 2021)</p>
Virginia	2021 HB 1912	<p>Provides that youth in the temporary care of or committed to the Department of Juvenile Justice, the Department of Juvenile Justice is no longer allowed to petition for child support from the Department of Social Services, and the parent of a juvenile is no longer responsible to pay child support to the Department of Social Services.</p> <ul style="list-style-type: none"> <li>• <i>Political Feasibility</i>: The Democratic-sponsored house bill passed 58-40-2 with bipartisan support. It has moved to the senate committee of judiciary.</li> <li>• <i>Local Advocacy</i>: Several community organizations—Rise for Youth, Legal Aid Justice Center, The Commonwealth for Fiscal Analysis, the Juvenile Law Center and Debt Free Justice—partnered to move this bill forward.</li> <li>• <i>Fiscal Impact</i>: There is an estimated annual loss of approximately \$435,278, according to the Department of Juvenile Justice.</li> </ul> <p>Source: H.B. 1912 (Virginia 2021), Reid 2021</p>
Utah	2017 HB 239	<p>Limits fines and court fees to reflect the age at which a youth can legally obtain work, instituting different caps for youth younger and older than 16. Specifies that outstanding financial obligations may not be transferred to the Office of State Debt Collection and requires restitution be waived if the court finds that the juvenile is unable to pay.</p> <ul style="list-style-type: none"> <li>• <i>Change lever</i>: The bill was the result of the Pew Charitable Trusts Juvenile Justice Reinvestment Initiative, which charged a state task force with</li> </ul>

		<p>looking at Utah’s youth justice data and developing recommendations to improve public safety outcomes.</p> <ul style="list-style-type: none"> <li>● <i>Political feasibility</i>: The bill was sponsored by two Republican state legislators and signed by Republican Gov. Herbert. The bill passed with near-unanimous support.</li> <li>● <i>Fiscal Impact</i>: Some state legislators worried eliminating all fees would let youth off the hook for their actions; so, the law limited fines for youth under age 16 to \$180 (for 16 and older, the cap is \$270) instead of a complete elimination.</li> </ul> <p>Sources: Bein and Rosenthal 2019, Wiltz 2018, National Juvenile Justice Network 2017, H.B. 239 (Utah 2017)</p>
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## Appendix B: Local examples of fines and fees elimination

Locality	Year	Takeaways
Alameda County, CA	2016	<p>The County Board of Supervisors placed a moratorium on juvenile probation and public defender fees and subsequently banned the practice. Dismissed outstanding costs of almost 3,000 families.</p> <ul style="list-style-type: none"> <li>● <i>Fiscal impact</i>: Berkeley Law School report found that in FY2014-15, the county spent \$250,938 collecting \$419,830 in fees from parents. Subsequent internal county report called the netted \$168,892 “little financial gain” compared to its \$2.74 billion budget.</li> <li>● <i>Harms of fees</i>: The Berkeley Law School report captured harms done to youth and families by fees; county officials cite how fees impose financial strain, contradict rehabilitative goals of youth justice, and disproportionately impact youth of color.</li> <li>● <i>Local advocacy</i>: public defenders and Berkeley Law School organized a campaign; county officials cited parent advocacy as key in raising awareness.</li> <li>● <i>Future action</i>: the campaign secured another moratorium in neighboring Contra Costa County; built momentum and evidence for eventual state-level fines and fees elimination through SB 190.</li> </ul> <p>Sources: Valle and Carson 2016, Muranishi et al 2016, Selbin et al 2016, Weisburd and Lavalais 2016, Hager 2017</p>
Philadelphia, PA	2017	<p>The City of Philadelphia Department of Human Services ended its practice of billing parents for youth incarceration costs and stopped collecting unpaid costs from parents. The decision went into effect immediately.</p> <ul style="list-style-type: none"> <li>● <i>Fiscal impact</i>: In FY2016, the city netted \$551,261 in placement costs, far less than the \$80 million it spent on all delinquent placements.</li> <li>● <i>Harms of fees</i>: A report by the Marshall Project found that families were billed up to \$1,000 a month for a youth detention placement; some families could afford monthly installments of only \$5.</li> <li>● <i>Local advocacy</i>: The change was announced hours after an investigative report by the Marshall Project highlighted Philadelphia’s use of fees. The report brought local and national attention to the practice.</li> <li>● <i>Political feasibility</i>: There was significant buy-in from the city government, which sought guidance from the state on the legality of fines and fees elimination.</li> </ul> <p>Sources: Hager 2017, City of Philadelphia Department of Human Services 2017</p>
Orleans Parish, LA	2018	<p>The Orleans Parish Juvenile Court passed a resolution to end the practice of charging and collecting all discretionary fines and fees for delinquency cases.</p>

		<ul style="list-style-type: none"> <li>● <i>Impact of research:</i> The resolution cited research demonstrating how fees undermine rehabilitation and public safety and have serious equity implications for low-income youth and families of color.</li> <li>● <i>Local advocacy:</i> There had been successful lawsuits against the Parish’s adult court as part of a movement to reduce court costs for defendants. There was no such lawsuit against the juvenile court.</li> <li>● <i>Fiscal impact:</i> In 2017, the court collected only \$1,954 from these fees out of the court’s total \$4.1 million in revenue. This contrasts with adult criminal justice fees, which generated more than half of that court’s general fund revenue in 2017; adult court judges had far more reluctance to reduce court fees.</li> <li>● <i>Barriers:</i> The resolution did not impact court fees codified in state law. In a presentation, Chief Judge Candice Anderson of the Orleans Parish Juvenile Court cited challenges associated with the change, including lack of alternatives to detention, community resources, public safety response, family accountability, and economic infrastructure.</li> <li>● <i>Future action:</i> The resolution encouraged other Louisiana juvenile courts to end these fees as well. This was the first jurisdiction in the South to eliminate youth fines and fees. In a presentation, Chief Judge Anderson also cited opportunities, including creative alternatives to detention, community resources, public safety and response, family accountability, economic infrastructure building, and changing community values.</li> </ul> <p>Sources: Bates-Anderson 2018a-b, Sledge 2018; Holmes 2018, Berkeley Law Policy Advocacy Clinic n.d.</p>
Dane County, WI	2019	<p>Dane County passed a budget amendment to stop billing families for juvenile detention.</p> <ul style="list-style-type: none"> <li>● <i>Levers for the change:</i> Stakeholders pushed for the elimination because the costs had a large impact on youth of color. Before elimination, the county used a sliding scale based on the ability to pay, although parents often have trouble completing the paperwork.</li> <li>● <i>Fiscal impact:</i> There was concern for budget impact but overall, the county sees about \$1.4 million outstanding costs reported and only about \$17,000 collected in the past two years.</li> <li>● <i>Remaining Fees:</i> Dane County still imposes some fines and fees on youth and their families, including court-imposed fines and fees and those protected by state statute.</li> </ul> <p>Sources: Chappell 2018, Hamer 2020</p>
Shelby County, TN	2019	<p>The juvenile court ended the practice of charging detention fees and all other discretionary fees.</p> <ul style="list-style-type: none"> <li>● <i>Influence of other counties:</i> Davidson and Hamilton counties in Tennessee were already choosing not to collect juvenile costs.</li> <li>● <i>Emphasis on equity:</i> A juvenile court judge justified the resolution by noting that many impacted youth and families fall near or below the poverty line.</li> <li>● <i>Financial feasibility:</i> From January to June 2019, the court charged over \$56,000 in costs and fees, and recouped only 58% of that. At the time of the decision, the court included a \$358,000 budget line item for a “juvenile court financial tracking” system. Court officials claimed the system was meant to reduce administrative costs of assessing and collecting fines and fees (a predicted \$144,000 savings), not to ramp up collection efforts for fees not eliminated through the decision.</li> <li>● <i>Limitations:</i> The resolution could not eliminate state-statute-mandated fees.</li> <li>● <i>Future action:</i> Juvenile court officials expressed openness to subsequent measures to dismiss outstanding costs from the eliminated fines and fees and</li> </ul>

		<p>predicted that Tennessee was on a trajectory for state-level fee elimination efforts.</p> <p>Source: Macaraeg and Burgess 2019</p>
Seattle, WA	2020	<p>Seattle Municipal Judges voted to eliminate local discretionary fines and fees, including those in the adult criminal justice system.</p> <ul style="list-style-type: none"> <li>● <i>Impact of the pandemic:</i> Key decision makers cited economic hardships due to the pandemic as one catalyst for the decision.</li> <li>● <i>Financial feasibility:</i> The Municipal Court, in partnership with other county agencies and stakeholders, received a national Policylink grant to pursue criminal justice and fee reform. This grant financially supported the decision process; before the decision, these fines and fees averaged \$268,000 annually.</li> <li>● <i>Political feasibility:</i> The resolution was driven by a shared philosophy that people should not have to pay for court-imposed supervision. It passed unanimously.</li> <li>● <i>Limitations:</i> The resolution could not eliminate state statute-mandated fees.</li> </ul> <p>Source: "Seattle Municipal Court Eliminates All Discretionary Fees for Criminal Cases" 2020</p>

## Appendix C: State and local examples of community supervision best practices

Program	Location	Details
Center for Community Alternatives (CCA)	New York	<ul style="list-style-type: none"> <li>● A reintegrative justice program that reduces secure facility placement and promotes policy, advocacy, and services rooted in reintegrative justice.</li> <li>● Available for up to 12 months for youth 12 to 16 years old arrested for a felony are eligible for CCA's Youth Advocate Program. The average program length is 6 to 8 months.</li> <li>● YAP is court-mandated as an alternative to secure facility placement for youth who are charged as adults. For youth 15 or younger, CCA provides individualized programming through family court.</li> <li>● CCA is equipped to work with even the most violent behavior as exhibited by court-involved youth.</li> <li>● Services include community-based supervision, trauma-informed therapy, building life skills, monitoring curfew, school attendance and performance monitoring, family visits, random drug tests, and vocational counseling.</li> </ul> <p>Source: Evans 2014</p>



Youth Advocate Program (YAP)	National	<ul style="list-style-type: none"> <li>• A nationally recognized nonprofit organization offering 100+ programming across 18 states (rural, urban, suburban).</li> <li>• Committed to non-residential, community-based alternatives to detention, state incarceration, and residential treatment.</li> <li>• The average length of stay is 6 months.</li> <li>• Wraparound advocacy model to keep youth out of facilities by providing services to youth and their families based on the family's wants, needs, and priorities.</li> <li>• Youth and families have hands-on involvement in programming design.</li> <li>• Adequate intensity in programming coupled with safe alternatives to out-of-home placements.</li> </ul> <p>Source: Fazal 2014</p>
SB 367	Kansas	<ul style="list-style-type: none"> <li>• Kansas legislature passed SB 367 to prohibit low-risk youth from being placed in out-of-home facilities.</li> <li>• Reinvested resources into evidence-based alternatives.</li> <li>• As a result, Kansas Juvenile Oversight Committee found significant positive impacts: system shrinkage, closure of one juvenile correctional facility, reinvested \$30 million to supervision and services.</li> <li>• SB 367 implemented Functional Family Therapy. In the first cohort, 78% of youth remained in-home, 95% in school or working, 80% have no new arrests</li> </ul> <p>Source: SB 367 (Kansas 2016), Horowitz 2018</p>
Azteca Youth Soccer Academy	Santa Cruz County, CA	<ul style="list-style-type: none"> <li>• In 2008, Azteca Soccer Academy was founded for boys 13 to 20 years old who are referred into the youth justice system due to gang affiliations or violent lifestyles and surroundings or who are at risk for exposure to such circumstances and affiliations.</li> <li>• Youth are mentored by older peers and adults as they learn sportsmanship, anger management, healthy lifestyles, and conflict resolution through soccer practices, team meetings, leadership roles, and soccer games.</li> <li>• Youth have access to vocational training, health classes, and college opportunities.</li> <li>• There is a notable decrease in probation violations, because the program strategically has opposing gang members play together during evening and weekend "high crime" opportunities.</li> </ul> <p>Source: Azteca Youth Soccer Academy 2021</p>
Treatment Foster Care Oregon	Oregon	<ul style="list-style-type: none"> <li>• This program is an evidence-based alternative to incarceration or placement for youth considered delinquent.</li> <li>• Families in the community are recruited, trained, and closely supervised as they provide intensive supervision and treatment for youth.</li> <li>• The program has proven youth have fewer arrests, less time in secure facilities, decreased violent referrals, and a decrease in substance use.</li> </ul> <p>Source: Treatment Foster Care Oregon 2021</p>

## Appendix D: Dane County youth justice fines and fees

Type	Billing entity	Responsible party	Amount	Fee Scale	Fee Waivable	Criteria for waiving fee	Authority to waive or reduce
Victim/Witness	Clerk of Courts	Child	\$20	No	No		
State Public Defender services	State Public Defender's Office	Parent	\$240 for a misdemeanor ; \$480 for a felony	No	Yes	If family is victim or parents eligible for public defender services	Judge
Court-ordered Not Guilty by reason of Insanity Competency evaluations	Clerk of Courts	Parent	\$400	Yes	Yes		Judge
Restitution	Courts, through the Restitution Program	Child	Varies, up to \$1,000	No	No		Judge
Delinquency supervision fee	County Human Services	Parent	\$25/month	No	Yes	If family is victim or parents eligible for SSI, SSDI, Veterans Benefits, W-2, below poverty level	
Court ordered placements	County Human Services/Juvenile Court Program	Parent	Child support standards	Yes	Yes	WI Dept of Health Services Uniform Fee Monthly payment schedule	
Guardian ad Litem/parent representative	Clerk of Courts	Parent	\$300 each/\$600 intact	No	Yes		Judge

Source: Dane County administrative records 2021, Paik and Packard 2019, Department of Health Services 2020

## Appendix E: Interview protocol

- To get started, can you tell me a little bit about your current position?
  - What is your role at the agency? (job title, responsibilities)
  - How long have you been in your current position? With the agency?
- How does your county/agency use community supervision?
  - How has COVID-19 changed youth justice practices, re: community supervision, in ways that will continue (diversion emphasis)
- How does your county/agency use fines and fees in the youth justice system?
  - How has COVID-19 changed youth justice practices, re: fines and fees, in ways that will continue (diversion emphasis)
  - Who can we speak to in depth about youth justice fines and fees in your county (especially court fines and fees)?
- There have been a lot of conversations taking place nationally about racial and economic disparities in the justice systems. Have these conversations happened here about the youth justice system? In your workplace? (What do they look like?)
- What were some of the major lessons learned from COVID-19 for youth justice practices?
- What changes do you think could be beneficial moving forward for the county or state youth justice system?
  - In what ways did COVID-19 alter this answer?

## Appendix F: Community supervision qualitative findings

County	Takeaways from Interviews
Brown	<ul style="list-style-type: none"> <li>● In 2015, Brown County shifted its focus from detention to community supervision, including more electronic monitoring. This has shown success for keeping youth in the community.</li> <li>● Decision-making for taking youth into custody has changed greatly. This has led to youth justice stakeholders rethinking high uses of restricted custodial care. Numbers have been cut in half.</li> <li>● Youth currently in secure detention meet correctional findings attached to serious crime.</li> </ul>
Dane	<ul style="list-style-type: none"> <li>● There are no community supervision findings for Dane County, because we interviewed only people knowledgeable about fines and fees.</li> </ul>
Eau Claire	<ul style="list-style-type: none"> <li>● Success comes down to working with collaborators, including schools, law enforcement, families, and caseworkers.</li> <li>● Community supervision workers struggle to close cases. If youth are performing well, often cases close. If the social worker sees an area of improvement to be made, the caseworker often chooses to keep the case open to help the youth.</li> <li>● One of the highest diversion rates in the state, making sure youth are not placed unless it is completely necessary.</li> </ul>
La Crosse	<ul style="list-style-type: none"> <li>● La Crosse is a leader in the state for youth justice reform, incorporating a holistic approach, including parents and community partners.</li> <li>● La Crosse’s community-based interventions include the Functional Family Probation, system of care, and others.</li> <li>● Uses the Detention Risk Assessment Instrument to keep youth in the community if their needs are better addressed through community supervision.</li> <li>● The county agency works with community partners who are willing to keep youth out of the system to solve the root problem of the youth’s action with restorative activities.</li> </ul>
Polk	<ul style="list-style-type: none"> <li>● Ankle monitoring used after multiple violations of supervision or as a substitution for placement; often used after placement as a transition.</li> <li>● The family pays for the cost of electronic monitoring.</li> <li>● Youth with behavioral health issues that do not meet the criteria for Chapter 51 of Wisconsin’s Juvenile Justice Code are placed in detention, often without access to mental health services.</li> </ul>
Racine	<ul style="list-style-type: none"> <li>● Racine County has seen a major cultural shift in youth justice practices: from detaining youth and complying with old standards to giving youth the tools and education they need to succeed. It also has experienced a reckoning related to racial disparities in youth justice.</li> <li>● Exemplar programming: Racine has the Credible Messenger program with the YMCA, and it has been a great success because the messengers are known community members. Racine County also has the Alternatives to Corrections Through Education program, a substitute for detention and a community supervision program involving the family while keeping youth at home. This program is extremely successful.</li> </ul>
Waukesha	<ul style="list-style-type: none"> <li>● Waukesha County has several successful programs to divert youth from the Detention Center—known as Restorative Justice and Diversion programming. They focus on healthy behaviors and new friendships by connecting youth with peers and community service work.</li> <li>● The county primarily uses electronic-monitoring programs to keep youth out of detention centers. The degree of monitoring depends on the severity of the infraction. The family pays for the cost of electronic monitoring.</li> <li>● Youth/Teen Court: Youth can volunteer to appear in a court with their peers as jury members. If they attend youth court for the entirety of their proceedings, they can reduce fines and receive lighter sentences.</li> </ul>

	<ul style="list-style-type: none"> <li>● Community Garden: The community garden is a project that teaches youth to grow fruits and vegetables. Judges assign youth to a certain amount of time in the garden and ask them to write in a journal and with their peers.</li> </ul>
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## Appendix G: Fines and fees qualitative findings

County	Takeaways from Interviews
Brown	<ul style="list-style-type: none"> <li>● Electronic monitoring costs families \$80/month, with only one-third of all bills paid.</li> <li>● COVID-19 has severely impacted shelter care revenue</li> <li>● The only COVID-19-related change was the 72-hour hold cost elimination.</li> <li>● No programs for youth to substitute fees.</li> <li>● Hardship waivers are available only for legal fees.</li> </ul>
Dane	<ul style="list-style-type: none"> <li>● Collection of detention center fees was discontinued in the 2019 budget, and the collection of fees from home detention was eliminated in the 2020 budget. In 2020, the Dane County Board also dismissed all unpaid costs and discontinued collection of shelter home fees and social worker supervision program fees.</li> <li>● The only fees youth must pay in Dane County are court fees. Many of these fees have a sliding scale option or waiver.</li> <li>● Community service options exist as a substitute for youth to pay fees.</li> </ul>
Eau Claire	<ul style="list-style-type: none"> <li>● On average, the county agency receives 20% to 25% of payments within the year they are charged.</li> <li>● Attorney and guardian ad litem fees are rarely paid.</li> <li>● For fee waivers, specific income information and a written request letter to the judge are required, but these are rarely completed. About 75% of waiver applications are accepted.</li> <li>● General concern that families are not made aware of the charges early enough in the process, especially with multiple billing entities.</li> <li>● No fees for juvenile services. And no major changes with COVID-19 for fees.</li> </ul>
La Crosse	<ul style="list-style-type: none"> <li>● Tickets and fines have been major barrier for youth, especially for low-income families.</li> <li>● County and local police are considering an end to ticketing youth and an update to restitution.</li> <li>● Most of the families involved are impoverished and do not have the necessary resources.</li> <li>● Municipal fines are waived if the youth do well on supervision.</li> <li>● Truancy tickets are the youth's responsibility and failure to pay can result in driver license revocation.</li> </ul>
Polk	<ul style="list-style-type: none"> <li>● The county pays the placement costs upfront then bills the family.</li> <li>● Youth are responsible only for restitution and the \$20 per-case fee.</li> <li>● Judges determine the capability to pay restitution fee, and there are caps based on age.</li> <li>● A large amount of their budget goes to pay for placement costs.</li> </ul>
Racine	<ul style="list-style-type: none"> <li>● Several county youth justice fines and fees eliminated in March 2020, with COVID-19 as a catalyst.</li> <li>● Before COVID-19, the county looked at fee payments and realized how little was returned.</li> <li>● Since COVID-19, many parents are jobless and are receiving calls from the collections agency. County leaders realized these fees could make a family homeless.</li> <li>● Since COVID-19, almost all waiver requests have been accepted.</li> </ul>
Waukesha	<ul style="list-style-type: none"> <li>● Waukesha County has avenues for families who cannot pay fines, and it does not heavily rely on revenue generated from fees.</li> <li>● No charge for truancy.</li> <li>● The county offers teen court, which if completed relieves youth of all fines.</li> <li>● The county rarely uses fines and fees and has created programs that allow youth alternatives to paying a fine that are more interactive with the community and court systems.</li> </ul>

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