

**La Crosse County
Juvenile Justice Arrest and
Disproportionate Minority Contact
Task Force:**

Full Report

September 9th, 2014

Submitted by Co-Chairs:

Monica Kruse, Chair, La Crosse County Health & Human Services Board
Pam Foegen, School District of La Crosse

Task Force Participants:

Cecil Adams, CEO/Founder, African American Mutual Assistance Network
Mandy Bisek, Supervisor, La Crosse County Juvenile Justice Unit
Mike Desmond, Executive Director, Boys and Girls Club of Greater La Crosse
Honorable **Ramona Gonzalez**, Presiding Judge, La Crosse County Court
Tim Gruenke, District Attorney, La Crosse County
Thomas Harris, Assistant Director, UW-La Crosse Office of Multicultural Student Services
Shawn Kudron, Captain, City of La Crosse Police Department
Tracy Littlejohn, Co-Executive Director, La Crosse Hmoob Cultural and Community Agency
Dempsey Miller, African American Liaison, School District of La Crosse
Heather Quackenboss, Program Director, La Crosse Community Foundation
Lester Simpson, Citizen
Matt Tepper, Case Manager, Coulee Connections
Bridget Todd, Chief of Operations, ATTIC Correctional Services
Jason Witt, Director, La Crosse County Human Services Department

Technical Assistance Provided By:

Dr. Andrew J. Myer, Director, Research Driven Solutions, LLC
Jane Klekamp, Manager, La Crosse County Justice Support Services

Acknowledgements

This report is the product of the work, dedication, and effort of many individuals. The authors would like to acknowledge the work and dedication of all members of the Task Force. The Wisconsin Department of Justice and the Governor's Juvenile Justice Commission deserve appreciation and acknowledgement for their support and funding for technical assistance. We would also like to thank the La Crosse Police Department, especially Sgt. Drew Gavrilos, for their assistance in securing data for analyses in the report. Special thanks to Mr. Jim Moeser and Mr. Lindsey Draper for providing their time and sharing their expertise to members of the Task Force. Finally, we would like to thank Stephanie Lindsley and Robin Lecoanet from the University of Wisconsin Population Health Institute for their interest and support.

Table of Contents

| | |
|--|----|
| Acknowledgements..... | 1 |
| List of Tables and Figures..... | 3 |
| Executive Summary | 4 |
| Context of the Report..... | 8 |
| Approaching Issues of Racial Disproportionality..... | 13 |
| DMC Definition..... | 14 |
| Hearing from Wisconsin DMC Experts..... | 14 |
| Avoiding Common DMC “Pitfalls” | 16 |
| Clarifying What DMC Initiatives Are About | 17 |
| Protocols for System Evaluation & Intervention | 19 |
| Choosing Appropriate Interventions..... | 20 |
| Elements of an Effective DMC Intervention Plan | 21 |
| Methodology and Statistical Analyses..... | 23 |
| Juvenile Arrests Over Time | 23 |
| School Data..... | 27 |
| Police Data Analyses | 31 |
| Juvenile Justice Referral Data..... | 40 |
| Analytical Summary | 49 |
| Policy Review of Decision Points in the Juvenile System | 50 |
| School/Community Policy | 50 |
| Law Enforcement Policy | 51 |
| County Juvenile Justice | 52 |
| Conclusions..... | 53 |
| Recommendations..... | 65 |
| References..... | 85 |
| Appendix A – Analysis Summary of Juvenile Arrest & Confinement Policies & Practices | 86 |
| Appendix B – Juvenile Arrest Rates from Selected Wisconsin Counties Using KidsCount Data | 93 |
| Appendix C – Juvenile Justice Task Force Recommended Implementation Timeline..... | 94 |

List of Tables and Figures

| | |
|---|----|
| TABLE 1: LIST OF JUVENILE JUSTICE ARREST AND DMC TASK FORCE REPRESENTATIVES BY AGENCY/AFFILIATION | 12 |
| TABLE 2: CLARIFYING WHAT DMC IS AND IS NOT | 18 |
| TABLE 3: OJJDP FRAMEWORK FOR IDENTIFYING DMC CONTRIBUTING FACTORS AND APPROPRIATE INTERVENTIONS..... | 21 |
| TABLE 4: POPULATION ESTIMATES BY YEAR, FOR AGES 0-17 | 24 |
| TABLE 5: PERCENTAGE OF JUVENILES ARRESTED BY COUNTY AND YEAR..... | 26 |
| TABLE 6: SUSPENSIONS BY RACE FOR THE LA CROSSE, ONALASKA, AND HOLMEN SCHOOL DISTRICTS OF LA CROSSE COUNTY | 28 |
| TABLE 7: TOTAL NUMBER OF CHARGES AND JUVENILES ARRESTED BY YEAR | 32 |
| TABLE 8: GENDER AND RACE OF JUVENILES ARRESTED BY YEAR | 33 |
| TABLE 9: POPULATION IN LA CROSSE COUNTY FOR JUVENILES AGE 11-16 BY YEAR AND RACE..... | 33 |
| TABLE 10: ESTIMATE OF LA CROSSE COUNTY JUVENILE ARREST RATES PER 1,000 POPULATION | 34 |
| TABLE 11: COMPARISON OF JUVENILE DISPARITY ARREST RATIOS FOR 2010 | 36 |
| TABLE 12: REASONS FOR JUVENILE CONTACT WITH LAW ENFORCEMENT..... | 37 |
| TABLE 13: CHARGES BY HOUR OF THE DAY..... | 39 |
| TABLE 14: ADDRESS FOR TOP TEN LOCATIONS OF JUVENILE ARRESTS | 40 |
| TABLE 15: RACE OF JUVENILES REFERRED TO JUVENILE JUSTICE BY YEAR | 42 |
| TABLE 16: TOP 10 REFERRING AGENCIES TO JUVENILE JUSTICE BY YEAR | 43 |
| TABLE 17: TOP 10 CHARGES THAT LEAD TO A REFERRAL TO JUVENILE JUSTICE BY YEAR | 44 |
| TABLE 18: TOP 10 DISPOSITIONS BY YEAR | 45 |
| TABLE 19: TOP 10 DISPOSITIONS BY RACE FOR 2008..... | 46 |
| TABLE 20: TOP 10 DISPOSITIONS BY RACE FOR 2009..... | 47 |
| TABLE 21: TOP 10 DISPOSITIONS BY RACE FOR 2010..... | 48 |
| TABLE 22: TOP 10 DISPOSITIONS BY RACE FOR 2011..... | 48 |
| TABLE 23: TOP 10 DISPOSITIONS BY RACE FOR 2012..... | 49 |
| TABLE 24: OJJDP’S PRIMARY ELEMENTS OF AN EFFECTIVE DMC INTERVENTION PLAN | 84 |
| | |
| FIGURE 1: THE MACARTHUR FOUNDATION RECOMMENDED STAKEHOLDERS | 20 |
| FIGURE 2: LA CROSSE CO. JUVENILE ARRESTS 1997-2011 | 25 |
| FIGURE 3: JUVENILE ARRESTS BY COUNTY OVER TIME | 25 |
| FIGURE 4: BLACK TO WHITE ARREST RATE DISPARITY RATIO, 2008-2012..... | 35 |
| FIGURE 5: NUMBER OF JUVENILE CHARGES BY DAY OF THE WEEK..... | 39 |
| FIGURE 6: IMPACT OF 2004 SCHOOL PROTOCOL AGREEMENT IN CLAYTON COUNTY, GEORGIA | 71 |
| FIGURE 7: PERCENT OF NON-WHITE ENROLLMENTS IN THE SCHOOL DISTRICT OF LA CROSSE | 72 |
| FIGURE 8: JUVENILE ARREST RATES FROM SELECTED WISCONSIN COUNTIES USING KIDSCOUNT DATA..... | 93 |

Executive Summary

In 2008, La Crosse County Department of Human Services called upon the Carey Group to examine the continuum of services being offered to juveniles and their families. The resulting report found that the La Crosse County juvenile arrest rate is much higher than both the state juvenile arrest rate and the three like-size counties' arrest rates (i.e., Fond du Lac, Sheboygan, and Walworth counties), and that statewide data suggests that disproportionate minority confinement factors are present in the state and may be similarly prevalent in La Crosse County. Thus, the Carey Report (2008) recommended that La Crosse County create an inter-agency task force to study why La Crosse County arrests a disproportionate number of youth and determine if current practices are in the best interest of the public. As a result, the Juvenile Justice Arrest and Disproportionate Minority Contact (DMC) Inter-Agency Task Force was formed based on these recommendations. The present report is a result of the Task Force's effort to study why La Crosse County arrests a disproportionate number of youth in comparison to other Wisconsin counties and examine whether or not racial disproportionality exists in the La Crosse County juvenile justice system.

The Task Force's efforts were informed via participant discussions, research related to national approaches, meetings with key Wisconsin leaders on Disproportionate Minority Contact (DMC), and data collection and analysis. Data were collected on school discipline, juvenile law enforcement contacts, and juvenile justice referrals. Results of the data analyses continued to demonstrate that La Crosse County juvenile arrests rate remains higher than comparison counties' arrest rates, the state arrest rate, and the national arrest rate. The task force finds that high juvenile arrests are still present in La Crosse County. The analyses conducted by the task force also found that DMC is an issue in La Crosse County. Results show that minority juveniles

are roughly nine times more likely to be arrested than white juveniles. Moreover, results suggest that these arrests are most likely to occur during the weekday, between the hours of 8:00 AM - 4:59 PM, and occur at a school location. A separate qualitative analysis of policies guiding various agencies' decision to involve a juvenile in the justice system revealed minimal policy that allowed for a large amount of discretion in decision making.

Based on the results of the analyses the following **seven conclusions** were drawn:

1. La Crosse County continues to have a higher juvenile arrest rate than both the statewide average and some like-sized counties.
2. Disproportionate minority contact (DMC) factors are present in the La Crosse County juvenile justice system.
3. There are likely overlaps between factors contributing to La Crosse County's high juvenile arrest rate and the factors contributing to juvenile DMC issues.
4. Arrest location data reveals that if La Crosse County were to develop a strategy to both reduce juvenile arrests and positively influence DMC, the greatest impact could be achieved by focusing on arrests that occur at public schools.
5. While La Crosse County's juvenile justice system has many strengths, there are six reasons why coordination and practices in the system around arrest and the use of evidence based practices (EBPs) should be improved:
 - a. There may be a misguided practice of using arrest for the purpose of "helping" youth by providing a gateway to the services that exist in the juvenile justice system (a caseworker, therapeutic programming, etc.).
 - b. There is an absence of a defined and coordinated approach across the juvenile system (i.e., schools, law enforcement, juvenile supervision, courts, district attorney) as to what types of behavior in schools warrants a law enforcement referral and arrest as opposed to another type of intervention.
 - c. There is a prominent featuring of law enforcement as an intervention option in public school disciplinary policy as a response to a wide range of behaviors which leaves too much potential for inconsistent arrest practices.

- d. Some key evidence-based programs that could serve as arrest alternatives are absent from the La Crosse County juvenile justice system.
 - e. There appears to be a misunderstanding of the current role and capacity of County Juvenile Justice Services to assist with youth behavior that does not rise to a moderate or serious anti-social level.
 - f. School Resource Officers (SROs) in La Crosse County public schools are disadvantaged by the lack of a clearly defined role that is understood by the broader juvenile justice system and the benefit of a broader array of intervention options.
6. The aforementioned system weaknesses may be contributing to an overreliance on law enforcement referrals, arrest, and detention that is stigmatizing.
 7. Addressing the identified weakness areas could lead to more effective outcomes in addressing youth misbehavior while improving public safety and saving public dollars.

These conclusions lead the Task Force to make the following **seven recommendations**:

1. Create a La Crosse County DMC and Juvenile Justice Best Practices (JJBP) committee that includes key stakeholders and community members as a vehicle to implement the Task Force's recommendations.
2. Create and implement clear guidelines that are shared and supported across key juvenile justice system partners as to when arrest will be used to deal with youth misbehavior within schools. This can take the form of a Memorandum of Understanding (MOU), and should be implemented by the start of the 2015-2016 school year.
3. Conduct a common, system-wide cultural competency training that focuses on juvenile justice issues and takes place no later than the end of the 2015-2016 school year.
4. Work to increase the use of evidence based practices (EBPs) and programs throughout the juvenile justice system. Specifically, the new JJBP committee will:
 - a. Provide input and system coordination on the following five EBPs which the County Juvenile Justice Unit is currently in process of implementing.
 - i. Risk and needs assessment instrument
 - ii. Sanctions and reward grid
 - iii. Detention risk assessment instrument

- iv. Cognitive behavioral therapies
 - v. Strength-based case planning and motivational interviewing
 - b. By June of 2015, report on the feasibility and planning efforts for EBPs in the following five areas which are currently absent or present at only a minimal level in the local juvenile justice system:
 - i. Alternatives to Arrest (e.g., teen court, community service, mandatory participation in afterschool or weekend group programming)
 - ii. Detention Alternatives (e.g., reporting center, mandatory participation in after school or weekend groups)
 - iii. Family-focused practice approaches that center on support and changes within the youth's family support structure (e.g., family engagement therapy, functional family therapy, greater use of in-home counseling)
 - iv. Targeted programming for "at risk" youth and first-time offenders
 - v. Trauma-informed approaches
- 5. Use resources available to La Crosse County due to its participation in Wisconsin's Juvenile Detention Alternatives Initiative (JDAI) for technical assistance to the new Juvenile Justice Best Practices (JJBP) Committee.
- 6. Examine factors driving the high percentage of arrests at facilities operated by the Family and Children's Center by December 2015.
- 7. Identify specific measures related to project benchmarks, activity, performance and outcomes for partners in the juvenile justice system to share in common. Measures are to be identified by July 2015. A report using these measures would be presented to various oversight committees by January 2016.

Context of the Report

In 2008, La Crosse County Department of Human Services called upon the Carey Group to examine the continuum of services being offered to juveniles and their families. The Carey Group was tasked to determine: (1) whether the continuum of services offered to juveniles and their families were comprehensive and (2) the degree to which services were aligned with evidence-based practices. In addressing these issues, the Carey Group was asked by the Department to analyze the data on La Crosse County juvenile arrest and disposition trends, including comparing La Crosse County with national, state, and communities of similar size, if possible. The Carey Group was also asked to assess the juvenile offender continuum of services to determine gaps in services for juveniles and their families.

The resulting report (Carey, 2008) offered a number of findings, including the following:

- Wisconsin juvenile arrest rates are significantly higher compared to the national juvenile arrest rate, and the La Crosse County juvenile arrest rate is much higher than both the state juvenile arrest rate and the three like-size counties' arrest rates (i.e., Fond du Lac, Sheboygan, and Walworth counties). The Carey Group was not able to provide reasons for this high activity at the conclusion of this study.
- La Crosse County is following a national pattern of decreased juvenile arrests, but the decrease is not as rapid as the national rate or the statewide rate.
- Statewide data suggests that disproportionate minority contact factors are present in the state and may be similarly prevalent in La Crosse County.

Given these particular findings, the Carey Group (Carey, 2008) formulated a number of suggestions. Two pertinent suggestions were that La Crosse County:

1. **Create an inter-agency task force to study why La Crosse County arrests a disproportionate number of youth and determine if this is in the best interest of the public.** The Carey Group (2008) goes on to say, “Arrest policy is a local decision. Different jurisdictions and publics have different views as to what is an appropriate response to anti-social activity by their youth. However, when arrest rates are so dramatically higher than national or statewide figures, it should cause a jurisdiction to reflect on the reasons and question whether this is the most effective means of dealing with troubling behavior. It is possible that the reasons are entirely justified. It is also possible that the local policy is using an expensive and potentially stigmatizing approach that is actually counterproductive (p.8).”
2. **Seek assistance from Annie E. Casey Foundation’s Juvenile Detention Alternative Initiative (JDAI) with disproportionate minority arrest and confinement issues.**

The Juvenile Justice Arrest and Disproportionate Minority Contact (DMC) Inter-Agency Task Force was formed based on these recommendations. The purpose of this group was two-fold: First, the group was tasked to study why La Crosse County arrests a disproportionate number of youth in comparison to other Wisconsin counties. Second, the group was charged with examining whether or not racial disproportionality existed in the La Crosse County juvenile justice system.

Establishing a scope of work was necessary to accomplish the aforementioned tasks. The scope of the Task Force’s responsibilities included:

1. Review relevant data.
2. Review relevant policy.

3. Review information from the Annie E. Casey Foundation in relation to disproportionate minority arrest and confinement issues.
4. Determine “controllable” causes that could be addressed through changes in policies, procedures, or programming.
5. Determine if any changes in policies, procedures, or programming would be in the best interest of the public.
6. Recommend next steps.

The Health and Human Services Board and the Criminal Justice Management Council approved and endorsed the construction of the Juvenile Justice Arrest and DMC Task Force. In the submitted plan, it was recommended that the Task Force be headed by two co-chairs. As a result, Jason Witt, Department of Human Services Director, extended a request to two co-chairs, Monica Kruse, Chair, La Crosse County Health and Human Services Board, and Pam Foegen, School District of La Crosse. This invitation was accepted by both individuals, and they became co-chairs of the Arrest and DMC Task Force.

The two co-chairs were then tasked with the construction of the Arrest and DMC Task Force membership. The co-chairs carefully selected and invited the members within the Arrest and DMC task force. The desire was for the task force to have adequate representation from all decision-making points within the Juvenile Justice System, as well as have ample community representation to discuss arrest and DMC issues. Table 1 lists The Juvenile Justice Arrest and DMC Task Force representatives by their agency/affiliation.

The following report is a product of the work of the Juvenile Justice Arrest and DMC Task Force. The report begins with a description of how the task force was educated on approaching the issue of racial disparity in the justice system. The section outlines a foundation for

understanding how to examine the presence of DMC issues in a community. The information was constructed on evidence-based practices from national agencies and the experiences of Wisconsin leaders who have familiarity in addressing juvenile justice issues of disparity. The next section of the report describes the methodology used to examine the central issues of juvenile arrest and DMC in La Crosse County. Included in this section are the statistical analyses that were conducted to answer questions on juvenile arrest and DMC. In addition to statistical analyses, a separate section containing inspections of policies related to juvenile contact across agencies is provided in the report. This section will provide a brief discussion of the policies relevant to arrest and DMC issues of major agencies in the county. The final two sections of the report provide the reader with conclusions and recommendations, respectively.

Table 1: List of Juvenile Justice Arrest and DMC Task Force Representatives by Affiliation¹

| AGENCY/AFFILIATION | REPRESENTATIVE |
|-------------------------------|--|
| Co-Chairs: | |
| Health & Human Services Board | Monica Kruse, Chair |
| School District of La Crosse | Pam Foegen |
| Judicial | Honorable Ramona Gonzalez, Presiding Judge, La Crosse County Court |
| District Attorney's Office | Tim Gruenke, District Attorney |
| Public Defender's Office | Thom Huh, Attorney at Law |
| Law Enforcement: | |
| City of La Crosse Police | Shawn Kudron, Captain |
| City of Onalaska Police | Matt Jahr, School Liaison Officer |
| City of Bangor Police | Scott Alo, Chief |
| Human Services | Jason Witt, Director, La Crosse County Human Services Department |
| Schools: | |
| School District of La Crosse | Dempsey Miller, African American Liaison Wally Gnewiko, Dean of Students |
| School District of Onalaska | Laurie Enos, Pupil Services Director |
| Alternative Schools | Matt Tepper, Case Manager, Coulee Connections |
| Juvenile Justice | Mandy Bisek, Supervisor, La Crosse County Juvenile Justice Unit |
| Local Youth Service Agencies | Mike Desmond, Executive Director, Boys and Girls Club of Greater La Crosse Bridget Todd, Chief of Operations, ATTIC Correctional Services Tracy Littlejohn, Co-Executive Director, La Crosse Hmoob Cultural and Community Agency Cecil Adams, CEO/Founder, African American Mutual Assistance Network (AAMAN) |
| Charitable Foundation | Heather Quackenboss, Program Director, La Crosse Community Foundation |
| La Crosse County Citizens | Thomas Harris, Assistant Director, UW-La Crosse Office of Multicultural Student Services Lester Simpson |

¹ There are some differences in the names on this page and the names shown on the cover of this report. The list on this page includes those who were invited and agreed to serve as representatives. The list on the cover represents those who remained engaged in the Task Force to the extent they could be counted as participants.

Approaching Issues of Racial Disproportionality

The task force educated itself on disproportionate minority contact (DMC) efforts in Wisconsin as well as recommended approaches from respected national organizations in order to be effective in examining local issues related to racial disproportionality in the juvenile justice system. The Carey Report (2008) specifically recommended that La Crosse County look to the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI) for guidance on DMC (for example, see Annie E. Casey Foundation, 2009). Conversations with Wisconsin experts led the task force to study the approaches of three additional national organizations with DMC expertise: (1) the Haywood Burns Institute for Juvenile Justice Fairness & Equity; (2) the Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP); and (3) The MacArthur Foundation Models for Change Systems Reform in Juvenile Justice. Getting the basics from these well respected organizations gave the task force a solid base understanding of DMC and provided a much needed structure for our effort.

The more the task force dove into DMC, the more it appreciated the importance of having expert guidance on such a complicated issue. For one, it became immediately apparent that there is a good deal of evidence-based practices and effective interventions regarding DMC from which a La Crosse County DMC effort could benefit. Secondly, and perhaps more importantly, there are proscribed approaches that national organizations recommend local jurisdictions follow when evaluating local systems for DMC issues. As often stated, why "re-invent the wheel" as opposed to following methods and practices that have led to success elsewhere.

The task force was encouraged to learn that there are numerous commonly used interventions that have shown to significantly reduce DMC while strengthening local juvenile justice systems. The task force felt that this knowledge also brought the heightened responsibility for La Crosse County system leaders to follow through and take action to address La Crosse County's DMC issues. In short, not knowing what to do is no longer a comfortable excuse for doing nothing.

The remaining portion of this section draws from what the task force learned from reviewing Wisconsin and national DMC efforts. The task force believes it gives our community a good introduction to DMC as it begins to address this very important issue.

DMC Definition

Disproportionate Minority Contact refers to the overrepresentation of minority youth within the juvenile justice system (Piquero, 2008). Overrepresentation is present if the percentage of youth of a particular race in the juvenile justice system is greater than the percentage of that youth's race in the general population. It is possible for DMC to be present at one or more "points of contact" with the juvenile justice system (i.e., initial contact with a law enforcement officer, arrest, referral to the district attorney, court-ordered supervision, placement in secure detention, sentencing to state juvenile corrections, etc.). For example, if Hispanic youth account for 50 percent of arrests within a county, but only account for 5 percent of the county's overall youth population, there would be a DMC issue regarding arrests of Hispanic youth.

Hearing from Wisconsin DMC Experts

In addition to looking nationally, the task force did not want to miss the opportunity to also hear from DMC experts more close to home. As part of its activities, the task force

discussed the issue of DMC with Lindsey Draper, who is the DMC Coordinator for the Wisconsin Department of Justice. Jim Moeser is another Wisconsin DMC expert who addressed the task force. Mr. Moeser is currently the chair of the Governor's Juvenile Justice Commission. He also holds the position of Deputy Director of the Wisconsin Council on Children and Families.

Mr. Moeser addressed the task force during a special meeting on October 22, 2013. During the discussion, Mr. Moeser emphasized the importance of using data to help direct where to prioritize local DMC reduction efforts. In relation to arrest, he emphasized the importance of doing data analyses that showed arrests over a period of time identifying "time of day, place, and location." He shared that the Governor's commission is focusing on strategic system changes, particularly around arrest. Mr. Moeser went on to describe some interventions, such as teen courts, that Dane County has put into play in public schools.

Mr. Draper joined task force members during a special meeting held on November 18, 2013. As part of his presentation, Mr. Draper talked about the history of the State's efforts to address DMC in several Wisconsin counties. He emphasized that one important takeaway from these efforts has been that DMC cannot be effectively addressed by launching stand-alone programs. Rather, effective DMC efforts must include true "systems change" (meaning changing the procedures, policies and practices that define how a juvenile justice system operates across several partner agencies). Mr. Draper informed the group that, based on what the State of Wisconsin learned from its fourteen-year attempt at DMC reduction, it has refined its approach to focus on two core areas: (1) systems change and (2) delinquency prevention.

Avoiding Common DMC “Pitfalls”

One of the main advantages of following a nationally-recognized model of DMC evaluation is avoiding the many potential pitfalls inherent in examining local DMC issues. One such pitfall relates to the emotion that is commonly part of the DMC discussion. For example, the presence of significant DMC issues can coincide with frustration or mistrust minority citizens may have towards the justice system. Vocalization of this frustration can be difficult for justice system partners to hear. The risk is that some important system partners may “tune out” or become reluctant to participate in the conversation. National organizations stress that while being direct and getting perspectives out on the table is imperative, it is also important for participants to know the “rules of the game” and where the conversation fits in a structured and solutions-focused approach.

Another potential pitfall is becoming sidetracked in conversation and problem solving that is beyond the control or authority of those sitting around the table. Conversations about race may lead to participants sharing perspectives on poverty, the breakdown of the family unit, or the impact of unemployment. While all these may indeed be societal factors that ultimately lead to DMC, they are also issues which a task force comprised of local juvenile justice system stakeholders lack the ability to solve in the short term. Too much time spent “spinning” on these issues is time wasted as far as taking realistic and effective action. National organizations emphasize staying focused on what participants around the table actually control and could realistically change in the short to medium term.

In addition, community members whose voices are critical to the DMC conversation may be jaded by past studies and recommendations that, for a myriad of reasons, never “went anywhere.” The halls of local government are rife with stories of promising efforts that stalled

due to “paralysis by analysis” or which produced reports that are still on the shelf collecting dust. Holding the interest and participation of community members means gaining their confidence that time contributed will lead to meaningful and effective action. National organizations provide the road map that disciplined local DMC initiatives can use to reach the destination of action.

Finally, there are the inherent fears and suspicions system partners may have relating to race and justice. “Is someone going to point a finger at my agency as being racist?” “Will the system be pressured to ignore bad behavior for the sake of improving racial statistics?” It is part of at least one national organization’s protocol to pro-actively and directly address these questions.

Clarifying What DMC Initiatives Are About

It is because there can be so many pitfalls and misunderstandings involving DMC that the MacArthur Foundation suggests new efforts begin by clearly defining the purpose and parameters of DMC initiatives. Following this direction, the La Crosse County task force began its first meeting by bringing some clarity to DMC and addressing “head on” some common misconceptions. Issues we discussed are summarized in Table 2 below, which is based on information from the MacArthur Foundation (DMC Action Network, 2008).

Table 2: Clarifying what DMC is and is Not

| Issue | Common Fear / Misunderstanding | Accurate Understanding |
|-----------------------------------|---|--|
| Playing the “Blame Game” | In coming to the table to participate in DMC discussions, a system partner risks being blamed and potentially publicly humiliated for causing DMC issues. | DMC is not a finger pointing exercise. It is an objective and data-based look at the juvenile justice system as a whole. Discussions are facilitated in a respectful and solution-focused manner. In a system with such a large number and diverse group of partners as juvenile justice, and taking into account societal factors contributing to DMC that are out of the control of the justice system, the “cause” for DMC can hardly be laid entirely at the foot of the justice system, let alone any one agency. |
| Being “Soft” on Minority Youth | DMC seeks to address minority overrepresentation by “backing off” or “being soft” on minority youth. | DMC seeks to clarify what the community standards and desired system responses are for different types of youth misbehaviors, and then to ensure the justice system applies those standards equally to all youth. DMC is not inconsistent with having high standards for behavior. DMC is very much aimed at interventions that are most effective at preventing criminal behavior and reducing recidivism. |
| Playing the Race Card | The presence of DMC issues means the local juvenile justice system is racist. | Racism in the decision making of juvenile justice system actors, while if uncovered would certainly be of interest to DMC efforts, seems to be rarely cited as a significant contributing factor to overrepresentation to which DMC intervention efforts are targeted. |
| Being All About the Data | “Driving down” disproportionality numbers is the all-encompassing focus of DMC efforts. | Ensuring standards for criminal intervention are transparent, well defined and consistently applied are the primary focus of DMC efforts. Promoting the use of evidence-based programs and practices is a close secondary focus. It is targeted interventions in these areas that have been found to lead to improvements in DMC outcomes. As OJJDP states in their DMC definition, DMC is not about “establishing or requiring numerical standards or quotas.” |
| Saving the World | Local DMC efforts must address issues of societal racism, poverty issues and breakdown of the family unit, as surely all of these issues at some level connect to the issue of minority overrepresentation in the juvenile justice system. | DMC efforts are focused on realistic and short-term changes to practices or policies that the partners in the juvenile justice system can make that may address DMC and improve issues of disproportionality. Solving broader societal issues (like poverty, family break-ups, etc.) are beyond the scope of local DMC efforts. |
| Creating Unrealistic Expectations | DMC efforts are research exercises that enhance understanding of disproportionality and involve interesting conversations. It would be unrealistic, however, to believe any significant short-term progress could be made regarding such a complex issue. | DMC efforts are foremost about action that can be taken to address disproportionality. There are many evidence based options from national organizations that jurisdictions committed to reducing DMC can adopt to address the issue. If a local jurisdiction has the desire and will, significant progress can be made regarding juvenile DMC. |

Protocols for System Evaluation & Intervention

A six phase protocol on recommended approaches for addressing DMC from the four national organizations was reviewed by the task force. The task force sought to follow this protocol up to the point of implementing system interventions. As will be described later in the report, it is recommended that an ongoing committee be formed to carry through the task force's recommendations to the implementation phase. The six phase protocol is as follows:

1. ***Create an inclusive stakeholder group*** to oversee local DMC efforts.

The MacArthur Foundation recommends a group consisting of the stakeholders represented in Figure 1 below.

2. ***Use "Decision Points" as a framework*** for analyzing entry and progression of youth in the justice system.

Mr. Draper depicted the decisions points as: (1) arrest, (2) court referral, (3) diversion before adjudication, (4) secure detention, (5) cases petitioned, (6) delinquency finding, (7) placement on supervision, (8) secure correctional placement, and (9) waiver to adult court.

3. ***Collect and analyze data*** regarding racial representation at each decision point.
4. ***Map processes*** at and between each decision point, identifying existing policies, practices, programs and services.
5. ***Develop & implement interventions*** that have broad stakeholder support.
6. ***Regularly measure effectiveness*** of interventions against the intended DMC goal.

Figure 1: The MacArthur Foundation Recommended Stakeholders



Choosing Appropriate Interventions

To address DMC, it is important to identify and understand the unique local factors that may be creating disproportionate outcomes. The task force found the framework developed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP, 2009) to be useful in thinking about possible contributing factors that may be contributing to La Crosse DMC and responding with appropriate interventions. The OJJDP framework specifies what types of targeted interventions are most appropriate based on the type of contributing factor. This information is provided in Table 3 below.

Table 3: OJJDP Framework for Identifying DMC Contributing Factors and Appropriate Interventions

| Factor | Definition | Targeted Intervention | Examples |
|-------------------------------|--|---|---|
| Differential Offending | There is a greater percentage of criminal behavior within one or more racial groups. | <i>Direct services</i> , such as prevention and early intervention programming. Ideally, this is programming tailored to what are identified as the most common behavior types leading to a criminal intervention (i.e., substance abuse, physical violence). | <ul style="list-style-type: none"> • First-time offender programs. • Expanding the alternatives to arrest (i.e., teen courts, community service, behavior modification groups). |
| Differential Handling | Unequal treatment (often unconsciously) of similar behavior based on the race of the offender. | <i>Training</i> in cultural competency to assist system partners in recognizing and negating conscious or unconscious biases in their decision making. | <ul style="list-style-type: none"> • Fair and Impartial Policing training (as provided by the Wisconsin Department of Justice) |
| Policy Factors | Current policies or practices (or lack thereof) that are having the unintended consequence of contributing to racial disproportionality. | <i>Systems change</i> options that modify policies or create practice tools to transparently define community standards, limit discretion and better ensure consistent decision making. | <ul style="list-style-type: none"> • Written agreements between schools, law enforcement and juvenile justice units on when and how to intervene based on specifically defined youth behavior. |

Elements of an Effective DMC Intervention Plan

Once local contributing factors to DMC are identified, OJJDP (2009) recommends four elements to include as part of a comprehensive DMC reduction strategy.

1. **Multi-dimensional:** Because there are likely many contributing factors to local DMC issues, an effective DMC intervention strategy should address more than just one type of contributing factor (i.e., differential offending, differential handling and policy factors).

2. **Multi-modal:** Effective strategies will include a variety of intervention types (i.e., will include a combination of direct services, training and systems change).
3. **Systems Change:** Echoing what the task force heard from Lindsey Draper, OJJDP emphasizes the importance of including systems change interventions as part of an effective DMC intervention strategy.
4. **Prioritize:** Rather than take on DMC at all decision points at once, a DMC reduction plan appropriately prioritizes based on areas of highest identified need and system readiness to collaborate at a particular decision point.

There is, of course, a vast amount of literature and practice guides concerning DMC. While nowhere near exhaustive, the understanding and approaches described in this section proved a useful background and resource for the task force's examination of local DMC issues and informing conclusions and recommendations. The next section discusses the methodology and statistical analyses used to investigate issues of juvenile arrest and DMC in La Crosse County.

Methodology and Statistical Analyses

Juvenile Arrests Over Time

The impetus of the current report is to examine La Crosse County juvenile arrest patterns and determine whether or not disproportionate minority contact is an issue for La Crosse County. Recall that the Carey Report stated that La Crosse County had a higher juvenile arrest rate compared to similar counties. Therefore, the first step of the current report was to pick up where the Carey Report left off in order to determine whether or not a high arrest rate still existed for the county.

Data were gathered on arrests from the Office of Justice Assistance *Arrests in Wisconsin* reports for the years 2007-2011 (Wisconsin Department of Justice, 2012).² Data on juvenile population size were gathered from the online Missouri Census Data Center (2012) which keeps annual Census records for county populations by age. Both of these data sources were selected as they were the same data sources used in the Carey Report. Recall that the Carey Report provided data from 1997-2006; therefore, the current data are used to expand upon previous data to determine whether or not La Crosse County continues to exhibit higher arrest rates.

Table 4 provides information on the number of juveniles in La Crosse County and the Comparison Counties. The counties compared to La Crosse County are Fond du Lac County, Sheboygan County, and Walworth County. These counties were selected because they were the same comparison counties in the original Carey Report.

² At the time of analysis, 2011 was the last year available on arrests.

Table 4: Population Estimates by Year, for ages 0-17

| Year | State Population | La Crosse Co. | Fond du Lac Co. | Sheboygan Co. | Walworth Co. |
|------|------------------|---------------|-----------------|---------------|--------------|
| 1997 | 1,359,712 | 25,244 | 24,835 | 28,786 | 21,485 |
| 1998 | 1,362,907 | 25,319 | 24,723 | 28,803 | 21,947 |
| 1999 | 1,367,019 | 25,248 | 24,606 | 28,758 | 22,355 |
| 2000 | 1,370,440 | 25,290 | 24,488 | 28,789 | 22,717 |
| 2001 | 1,367,593 | 25,069 | 24,333 | 28,510 | 22,959 |
| 2002 | 1,365,315 | 24,920 | 24,174 | 28,460 | 23,288 |
| 2003 | 1,358,505 | 24,764 | 23,838 | 28,155 | 23,610 |
| 2004 | 1,354,643 | 24,521 | 23,762 | 28,013 | 23,574 |
| 2005 | 1,349,866 | 24,351 | 23,643 | 27,934 | 23,939 |
| 2006 | 1,348,785 | 24,261 | 23,588 | 28,027 | 24,204 |
| 2007 | 1,348,901 | 24,226 | 23,488 | 28,012 | 24,153 |
| 2008 | 1,345,573 | 24,272 | 23,350 | 28,002 | 24,269 |
| 2009 | 1,342,411 | 24,347 | 23,126 | 27,676 | 24,136 |
| 2010 | 1,336,617 | 24,351 | 22,989 | 27,533 | 23,870 |
| 2011 | 1,326,208 | 24,218 | 22,939 | 27,113 | 23,587 |

Figure 2 provides a line graph of La Crosse County Juvenile Arrest numbers over time. The reader should note the data from 2007-2011 are data that have been incorporated since the Carey Report. Figure 2 demonstrates that La Crosse County juvenile arrests have decreased in numbers since 2007. In order to put this pattern into context, Figure 3 compares the same La Crosse numbers compared to similar counties. As the reader can see from Figure 3, La Crosse County, despite seeing an overall decrease in arrests, maintains higher arrest numbers to comparison counties.

Figure 2: La Crosse Co. Juvenile Arrests 1997-2011



Figure 3: Juvenile Arrests By County Over Time

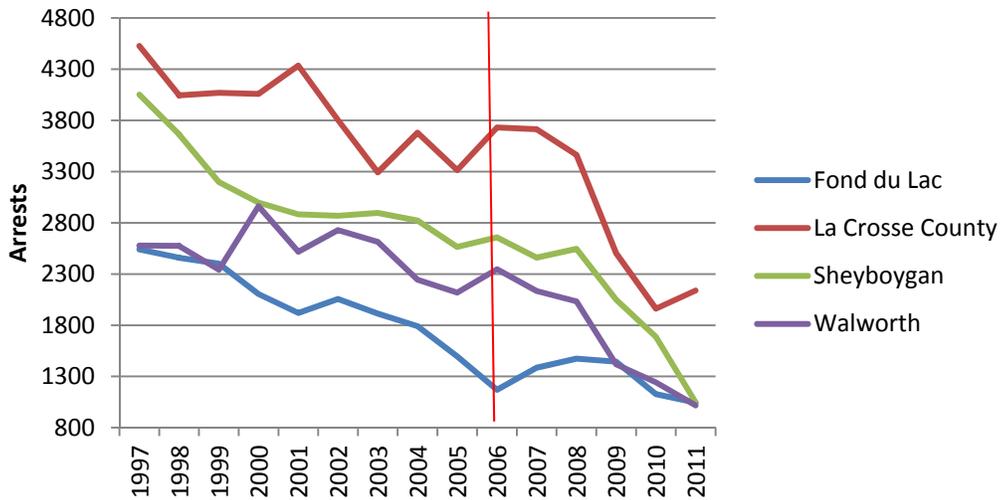


Figure 3 does demonstrate that La Crosse County has more juvenile arrests than its comparison counties. The analyses does not take into account the juvenile population of each county. To account for each county’s juvenile population size, Table 5 provides the percentage

of juveniles that are arrested for each county. That is, the percentages in Table 5 reflect the number of arrests for that county divided by the number of juveniles in the county.

| Year | WI State | La Crosse Co. | Fond du Lac Co. | Sheboygan Co. | Walworth Co. |
|------|----------|---------------|-----------------|---------------|--------------|
| 1997 | 10.66% | 17.93% | 10.23% | 14.08% | 11.99% |
| 1998 | 10.49% | 15.98% | 9.95% | 12.72% | 11.73% |
| 1999 | 10.08% | 16.12% | 9.76% | 11.12% | 10.48% |
| 2000 | 9.42% | 16.05% | 8.60% | 10.41% | 13.04% |
| 2001 | 9.10% | 17.29% | 7.89% | 10.11% | 10.97% |
| 2002 | 8.97% | 15.26% | 8.51% | 10.08% | 11.72% |
| 2003 | 8.63% | 13.30% | 8.03% | 10.29% | 11.07% |
| 2004 | 8.39% | 15.00% | 7.54% | 10.07% | 9.52% |
| 2005 | 8.05% | 13.61% | 6.32% | 9.18% | 8.85% |
| 2006 | 8.14% | 15.37% | 4.96% | 9.48% | 9.70% |
| 2007 | 7.79% | 15.33% | 5.90% | 8.78% | 8.84% |
| 2008 | 7.49% | 14.27% | 6.31% | 9.09% | 8.38% |
| 2009 | 6.56% | 10.28% | 6.25% | 7.41% | 5.88% |
| 2010 | 5.60% | 8.06% | 4.90% | 6.13% | 5.21% |
| 2011 | 5.42% | 8.83% | 4.56% | 3.87% | 4.31% |

The percentages in Table 5 demonstrate that La Crosse County has the highest percentage of juvenile arrests when compared to Fond du Lac, Sheboygan, and Walworth Counties. Moreover, La Crosse’s percentage of juvenile arrests is higher than the State percentages for each year. The reader should note that for the Carey Report years (1996-2006) and the current report’s years (2007-2011), La Crosse County had the highest juvenile arrest percentage across all years compared to each of the other jurisdictions.

The findings presented above confirm the Carey Report’s findings that La Crosse County maintains a higher level of juvenile arrests than the state or comparable counties. This finding reaffirms the need for further investigation into this pattern. To accomplish this, an analytical plan was developed to evaluate different contact points with juveniles. Specifically, data were

gathered on school contacts, police contacts, and juvenile justice contacts. These three areas were chosen because of their involvement with the juvenile populations of La Crosse County. Moreover, these three contact points will allow us to better understand the pattern of arrests observed in La Crosse County, as well as investigate whether or not a pattern of disproportionate minority contact exists. The next section of the report will focus on findings from La Crosse County Schools.

School Data

Schools maintain the largest contact with juveniles. Therefore, the analytical investigation began with a look at school data. Efforts were undertaken to obtain data from the La Crosse School District as well as the Onalaska School District. Both the La Crosse School District and the Onalaska School District kept different records on delinquency/problem behaviors and police contact; moreover, data on the measures kept were not in a format that allowed for proper analytical inspection. It is for these reasons that the investigation into school data proceeded by using secondary data that had previously been submitted to a state reporting system, the Wisconsin Information Network for Successful Schools (2012).

The Wisconsin Information Network for Successful Schools does not report on police contacts. However, there is information available on suspensions. Moreover, data on suspensions is reported by race. As such, data were analyzed for the purposes of looking at suspensions by race as an indirect proxy to the DMC issue at hand. Table 6 provides this information below.

Table 6: Suspensions by Race for the La Crosse, Onalaska, and Holmen School Districts of La Crosse County

| La Crosse School District | | | | | | | | | |
|----------------------------------|---------------|---------|-----|---------------|---------|------|---------------|---------|-----|
| | <i>White</i> | | | <i>Black</i> | | | <i>Asian</i> | | |
| | Total Enroll. | Suspen. | % | Total Enroll. | Suspen. | % | Total Enroll. | Suspen. | % |
| 08-09 | 5610 | - | - | 451 | 60 | 13.3 | 810 | 18 | 2.2 |
| 09-10 | 5556 | 143 | 2.6 | 463 | 50 | 10.8 | 772 | 17 | 2.2 |
| 10-11 | 5352 | 193 | 3.6 | 347 | 47 | 13.5 | 681 | - | - |
| 11-12 | 5276 | - | - | 316 | 46 | 14.6 | 651 | 17 | 2.6 |
| Onalaska School District | | | | | | | | | |
| | <i>White</i> | | | <i>Black</i> | | | <i>Asian</i> | | |
| | Total Enroll. | Suspen. | % | Total Enroll. | Suspen. | % | Total Enroll. | Suspen. | % |
| 08-09 | 2514 | 31 | 1.2 | 90 | - | - | 268 | 2 | 0.8 |
| 09-10 | 2527 | 29 | 1.2 | 98 | - | - | 256 | 3 | 1.2 |
| 10-11 | 2502 | 8 | 0.3 | 89 | 3 | 3.4 | 229 | 0 | 0 |
| 11-12 | 2490 | 31 | 1.2 | 69 | 7 | 10.1 | 251 | 2 | 0.8 |
| Holmen School District | | | | | | | | | |
| | <i>White</i> | | | <i>Black</i> | | | <i>Asian</i> | | |
| | Total Enroll. | Suspen. | % | Total Enroll. | Suspen. | % | Total Enroll. | Suspen. | % |
| 08-09 | 3201 | - | - | 61 | 1 | 1.6 | 325 | - | - |
| 09-10 | 3196 | - | - | 72 | 0 | 0 | 339 | - | - |
| 10-11 | 3265 | - | - | 64 | 1 | 1.6 | 293 | 1 | 0.3 |
| 11-12 | 3296 | 11 | 0.3 | 69 | 0 | 0 | 295 | 0 | 0 |

Table 6 provides information for the three largest school districts in La Crosse County, La Crosse School District, Onalaska School District, and Holmen School District. The total enrollment, the number of suspensions, and the percentage of suspensions is given for four school years beginning in 2008 and ending in 2012. Finally, each of these figures is broken out by three racial categories, White, Black and Asian. Finally, the reader should note that some of the data were missing from the Wisconsin Information Network for Successful Schools. Data that were not reported to the Wisconsin Information Network for Successful Schools is represented as a dash (-) in Table 6.

Beginning with the La Crosse School District data, the reader will notice that suspensions for White students were not reported in school years 2008-2009 and 2011-2012. For the school year of 2009-2010 there were 5,556 White students enrolled in the La Crosse School District, of which there were 143 suspensions. This results in a suspension percentage of 2.6 percent (i.e., $143/5,556$). For the following year, the suspension percentage for White students in the La Crosse School District increased to 3.6 percent. The suspension percentage for White students was comparable to the suspension percentage for Asian students. For example, in the 2009-2010 school year, Asian students had a suspension rate of 2.2 percent. While data were not available for Asian student suspensions in the 2010-2011 school year, the suspension percentage for Asian students was the same in 2008-2009 (2.2%) and slightly higher in 2011-2012 (2.6%). The pattern differs for Black students in the La Crosse School District.

Data on Black student suspensions for La Crosse School District demonstrate a higher percentage of suspension compared to White and Asian students. For the 2008-2009 school year, there were 451 Black students registered in the district, and there were 60 suspensions involving Black students. This resulted in a suspension percentage of 13.3 percent. For 2009-2010, the suspension percentage decreased to 10.8 percent. However, this percentage is 8 percentage points higher than the White student suspension rate (10.8% vs. 2.6%) and the Asian student suspension rate (10.8% vs. 2.2%). The Black suspension rate increase for 2010-2011 to 13.5 percent and increased further in 2011-2012 to 14.6 percent.

Table 6 also provides information on the Onalaska School District. Data were available on suspension for all four years for the White students and the Asian students for this school district; however, two years of data were not reported for Black suspension for 2008-2009 and 2009-2010. The White suspension percentage for the Onalaska School District in 2008-2009 was

1.23, and in the following year was 1.15. This percentage decreased to less than one percent (0.3%) in 2010-2011, and then returned to previous levels in 2011-2012 (1.2%). Additionally, the White percentage was comparable to the Asian suspension percentage, which was similar to the La Crosse School District. The Asian student suspension percentage for the Onalaska School District was less than one percent (0.8%) in 2008-2009. This increased slightly to 1.2 percent in 2009-2010, and was followed by a decrease to zero percent (0.0%) in 2010-2011. The Asian student suspension rate returned to 0.8 percent in 2011-2012.

The Black student suspension percentage in the Onalaska School District was 3.4 percent in 2010-2011. For the same year this percentage was larger than the White student percentage (0.3%) and the Asian percentage (0.0%). In 2011-2012 there were 69 registered Black students in the Onalaska School District and 7 suspensions occurred with Black students. This put the Onalaska School Districts 2011-2012 suspension percentage at 10.1 percent, which was higher than the White students (1.2%) and Asian students (0.8%) suspension rates.

Finally, Table 6 provides information on suspension by race for the Holmen School District. Data were missing for three of the four years for White students, and two of the four years for Asian students. The White student suspension percentage was 0.3 percent in 2011-2012. This percentage was comparable to the Asian student suspension percentage and the Black student suspension percentage in the same year, both of which were 0 percent (0.0%).

Table 6 suggests two pertinent findings. First, White students and Asian students experience roughly equal percentages of suspensions. Second, data from La Crosse School District and Onalaska School District suggest that Black students have a higher suspension percentage compared to White and Asian students. Again, it is important to reiterate that these data were collected by the schools and provided to a state-wide reporting system, not the authors of the

current report. Moreover, data here are only on suspensions and not police contacts. While one of the foci of the current report is to determine if disproportionate minority contact does exist, these data would not be able to definitely answer the question. Nevertheless, as one of the main pathways into the juvenile justice system is police contact initiated by the school, these data do, at the minimum, suggest that La Crosse County Schools should be involved in efforts to address any DMC issues the county faces.

Police Data Analyses

The next step in the process involved getting data from law enforcement agencies in La Crosse County. Efforts were made by the committee to secure information on juvenile arrests in La Crosse County from the La Crosse County Police Department and the Onalaska Police Department. Onalaska Police Department was willing but unable to provide the requested information to the committee due to a change in their data management system. The majority of requested information would need to be pulled from non-automated police reports. While Onalaska offered the reports to the committee, it was determined that resources were insufficient to automate these data in a timely manner. As such, a decision was made to use only the data provided by the La Crosse Police Department in the current analyses. As La Crosse Police Department is the largest law enforcement agency in the County, it was determined that analyses of these data would provide a satisfactory picture of juvenile arrests data and inspection of DMC problems.

Data were provided to the committee researcher as an excel file that contained the following information: a random identifying number, the date of the arrest, time of the arrest, the address where the arrest occurred, the case number, statute pertaining to the charge, charge description, the age of the arrestee, and the race of the arrestee. These data were provided for the years 2008-

2012. Table 7 demonstrates the number of charges that occurred each year and is followed by the number of juveniles arrested each year. To be clear, a juvenile can receive one arrest, but have numerous charges. For example, in 2008 there were 282 juveniles arrested that resulted in 1,114 charges. The reader should note the pattern for both the number of charges and the number of juveniles. Specifically, each one of these decreased from 2008 to 2012.

| Year | Total Charges | | Total Juveniles | |
|-------|---------------|-------|-----------------|-------|
| | N | % | N | % |
| 2008 | 1114 | 28.4 | 282 | 24.6 |
| 2009 | 868 | 22.1 | 265 | 23.1 |
| 2010 | 656 | 16.7 | 228 | 19.9 |
| 2011 | 621 | 15.8 | 186 | 16.2 |
| 2012 | 666 | 17.0 | 186 | 16.2 |
| Total | 3925 | 100.0 | 1147 | 100.0 |

Table 8 presents information on the gender and race of the juveniles arrested from 2008 to 2012. As the reader can see, roughly the same proportion of males and females were arrested each year. Further, the same pattern holds for the race of juveniles arrested. Consistently, White youth are the most arrested race, followed by Black, Asian, and Native American youth. Table 8 demonstrates that in regards to the raw number and percentages of genders and race, there is little change year-to-year in juvenile arrest patterns.

| | 2008 | | 2009 | | 2010 | | 2011 | | 2012 | |
|--------------|------|------|------|------|------|------|------|------|------|------|
| | n | % | n | % | n | % | n | % | n | % |
| Gender | | | | | | | | | | |
| Male | 197 | 70.1 | 190 | 72.0 | 166 | 73.1 | 137 | 74.1 | 126 | 68.1 |
| Female | 84 | 29.8 | 74 | 28.0 | 61 | 26.9 | 48 | 25.9 | 59 | 31.9 |
| Race | | | | | | | | | | |
| White | 192 | 68.3 | 179 | 67.8 | 154 | 67.8 | 129 | 69.7 | 124 | 67.0 |
| Black | 60 | 21.4 | 62 | 23.5 | 50 | 22.0 | 43 | 23.2 | 38 | 20.5 |
| Asian | 23 | 8.2 | 20 | 7.6 | 17 | 7.5 | 10 | 5.4 | 21 | 11.4 |
| Native Amer. | 6 | 2.1 | 3 | 1.1 | 5 | 2.2 | 1 | 0.5 | 1 | 0.5 |
| Unknown | 0 | 0.0 | 0 | 0 | 1 | 0.4 | 2 | 1.1 | 1 | 0.5 |

While Table 8 demonstrates consistency in the percentage of those arrested, it does not tell us whether one racial group is disproportionately arrested. That is, to better understand the issue of DMC, we must compare the number of arrests in Table 5 to the number of juveniles that live in the population by race. Table 9 provides the reader with the number of juveniles aged 11-17 that reside in La Crosse County by their racial group for the years 2008-2012.

| | 2008 | | 2009 | | 2010 | | 2011 | | 2012 | |
|--------|------|-------|------|-------|------|-------|------|-------|------|-------|
| | n | % | n | % | n | % | n | % | n | % |
| White | 7420 | 88.8 | 7451 | 88.9 | 7387 | 88.9 | 7248 | 88.8 | 7224 | 88.7 |
| Black | 257 | 3.1 | 277 | 3.3 | 268 | 3.2 | 264 | 3.2 | 289 | 3.5 |
| Indian | 59 | 0.7 | 54 | 0.6 | 62 | 0.7 | 59 | 0.7 | 54 | 0.7 |
| Asian | 616 | 7.4 | 599 | 7.1 | 596 | 7.2 | 592 | 7.3 | 575 | 7.1 |
| Total | 8352 | 100.0 | 8381 | 100.0 | 8313 | 100.0 | 8163 | 100.0 | 8142 | 100.0 |

Table 10 displays the arrests rates for each racial group for 2008 to 2012. Table 10 provides information on the juvenile arrest rates per 1,000 population.³ The data to build this table comes from information in Table 9 and information on the number of arrests by race in Table 8. For example, in 2008, the White juvenile arrest ratio is 25.9 per 1,000. This was calculated by taking

³ Rates are calculated as follows: For each Racial Group [(# of Arrests in Year X / Total Population in Year X) *1,000]

the number of arrests for White juveniles in 2008 (192) dividing this by the total number of White juveniles residing in La Crosse County in 2008 (7,420) and standardizing this by multiplying the outcome by 1,000. This value can be interpreted as for every 1,000 White juveniles in La Crosse County, 25.9 are arrested. Each of the other racial groups had a higher arrest ratio. For the same year, the ratio for Asians was 37.3, for Native Americans⁴ it was 101.7, and for Blacks it was 233.5. Thus, for every 1,000 Black juveniles, 233.5 are arrested. Two patterns are worth mentioning. First, Black juveniles have the highest arrest rate in every year. Second, the arrest rates consistently decrease from 2008 to 2012. This arrest rate pattern is contrary to the rising number of arrests in La Crosse County (beginning in 2010) that was presented using data on the number of arrests recorded by the Wisconsin Department of Justice, as well as the KidsCount data (presented later in the report). The likely reason for the difference in pattern is that the rate data not only takes into account the number of arrests, but also the estimated juvenile population of the county. Accordingly, changes in the population can also affect the rate pattern (as opposed to just looking at the raw count of arrests).

Table 10: La Crosse County Arrest Rate Computation from Preceding Data

| | 2008 | 2009 | 2010 | 2011 | 2012 |
|--------------|-------|-------|-------|-------|-------|
| White | 25.9 | 24.0 | 20.8 | 17.8 | 17.2 |
| Black | 233.5 | 223.8 | 186.6 | 162.9 | 131.5 |
| Asian | 37.3 | 33.4 | 28.5 | 16.9 | 36.5 |
| Native Amer. | 101.7 | 55.6 | 80.6 | 16.9 | 18.5 |

Information in Table 10 shows that DMC is an issue for La Crosse County. To get a better idea on how this is evidenced, Figure 4 provides a calculation of the Black to White Arrest Rate Disparity Ratio. The disparity ratio is calculated by taking the Black arrest rate for a given year

⁴ Results from the Native American category should be interpreted with caution due to their extremely low arrests numbers (see Table 5). Extremely low numbers can lead to instability in calculations.

and dividing it by the White arrest rate for the same year. If the number is equal to 1, there is no disparity between the groups—they have the same arrest rate. If the number is positive, it means that Blacks see disparity in arrest rates (i.e., they have a higher rate of arrests compared to Whites after standardizing for each of their respective populations). If the number is negative, it means that Whites see disparity in arrest rates. Figure 4 demonstrates that for each year, Blacks had larger disparity in arrests rates. For example, Black juveniles were 9 times more likely to be arrested in 2008 compared to Whites. To provide some context to the arrest rates and the disparity rate, Table 11 provides the arrests rate for Whites and Blacks in 2010 for La Crosse, WI, Madison, WI, the State of Wisconsin, and the United States.

Figure 4: Black to White Arrest Rate Disparity Ratio, 2008-2012

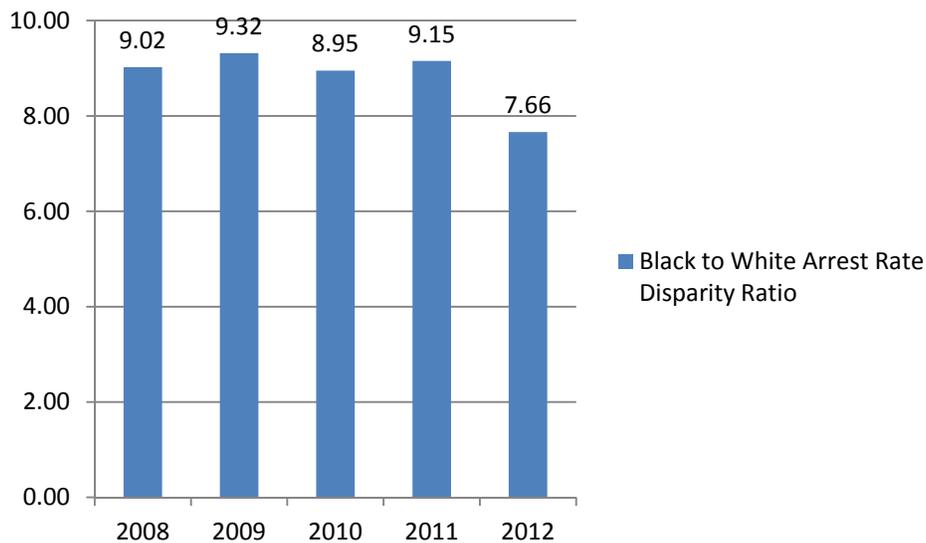


Table 11 demonstrates that La Crosse’s 2010 Black arrest rate is much smaller than the Madison and state of Wisconsin rate (186.6 vs. 469.0 and 329.0, respectively). However, the disparity rate of La Crosse is higher than Madison’s (9 vs. 6.1) and the state of Wisconsin (9 vs. 3.4). This is because the arrest rate for Blacks is much higher relative to the arrest rate for White juveniles.

| | La Crosse | Madison | WI | US |
|-----------------|-----------|---------|-------|------|
| White | 20.8 | 77.0 | 98.0 | 33.0 |
| Black | 186.6 | 469.0 | 329.0 | 71.0 |
| Disparity Ratio | 9 | 6.1 | 3.4 | 2.2 |

The above information demonstrates that DMC is an issue. What the above information does not tell us is what is causing the increased DMC numbers. To try and better understand the DMC issue, further analyses were undertaken to determine: What were the most common charges for juvenile arrests; what time of day were most of the arrests occurring; where in La Crosse did most of the arrests take place.

Table 12 provides information on the most common reasons for juvenile contact with law enforcement. Recall that there were a total of 3,925 charges between 2008 and 2012. Table 12 combines all five years of juvenile charge data to determine what the most common reasons for contact with law enforcement are. The first two columns report the total number (N) of charges and the percentage for each listed reasons. The table also lists the number of charges for each category by whether or not the charged juvenile was a minority (in this case, Black, Asian, or Native American) or White. The percentages for the Minority and White columns reflect the percentage of the number of charges for the specific category.

Table 12: Reasons for Juvenile Contact with Law Enforcement

| Charge | Total | | Minority | | White | |
|--|-------|------|----------|------|-------|------|
| | N | % | N | % | N | % |
| Disorderly Conduct | 1057 | 26.9 | 397 | 37.6 | 656 | 62.1 |
| Pick up Order | 576 | 14.7 | 263 | 45.7 | 313 | 54.3 |
| Juvenile Custody | 394 | 10 | 126 | 32.0 | 268 | 68.0 |
| Battery | 350 | 8.9 | 138 | 39.4 | 210 | 60.0 |
| Criminal Damage to Property | 254 | 6.5 | 92 | 36.2 | 161 | 63.4 |
| Theft | 190 | 4.8 | 71 | 37.4 | 119 | 62.6 |
| Resisting or Obstructing an Officer | 129 | 3.3 | 51 | 39.5 | 78 | 60.5 |
| Possess Drug Paraphernalia | 109 | 2.8 | 20 | 18.3 | 89 | 81.7 |
| Possession of THC | 103 | 2.6 | 26 | 25.2 | 77 | 74.8 |
| Burglary | 48 | 1.2 | 11 | 22.9 | 37 | 77.1 |
| Retail Theft-Intentionally Take <= \$2,500 | 43 | 1.1 | 15 | 34.9 | 28 | 65.1 |
| Other | 673 | 17.2 | - | - | - | - |
| Total | 3925 | 100 | | | | |

The most common charge for a juvenile arrest was disorderly conduct. Nearly 27 percent of all juvenile arrest charges between 2008 and 2012 were for a disorderly conduct. This is 12 percent higher than the next highest charge. The next highest reason for contact was a Pick-up Order, with 14.7 percent of contact data being labeled as a Pick-up Order. A pick-up order can result in one of two situations: (1) a county social worker requests that a juvenile be brought in, or (2) the juvenile is a runaway. The third most common reason for police contact was Juvenile Custody. A juvenile would receive this contact when there is a court order to bring the juvenile into custody. Recall that one of the intents of this report is to determine why La Crosse County experiences high juvenile arrest rates and what if anything can be done about reducing the high amount of arrests. Table 12 suggests that a targeted approach at reducing the number of Disorderly Conducts would be most beneficial. Moreover, reductions in Pick-up Orders and Juvenile Custody orders would also have an impact. This issue will be further discussed in the recommendations section of this report.

The remaining columns in Table 12 report on the number of charges for each category by whether the charge was given to a Minority juvenile or a White juvenile. The percentages under Minority and White represent the percentage of that specific charge. For example, Minority juveniles had 397 of the 1,057 disorderly conduct charges. Therefore, Minority juveniles received 37.6 of all disorderly conduct charges. White juveniles received 656 of the 1,057 disorderly conduct charges, which represents 62.1 percent of all disorderly conducts. Given that Minority juveniles make up nearly 40 percent of the disorderly conduct charges, it stands to reason that addressing this issue—especially given that it is the most common charge—will not only have an impact on high arrest rates, it will have an impact on DMC. The same can be said for the pick-up orders, as minority juveniles account for 45.7 percent of all pick-up orders between 2008 and 2012.

The above information informs the committee as to what the most common charges for juveniles are. A second series of analyses were conducted to determine when arrests are occurring. Figure 5 illustrates the day when the charges took place. As the reader can see, juveniles were charged most often on weekdays and less often on weekends.

Figure 5: Number of Juvenile Charges by Day of the Week

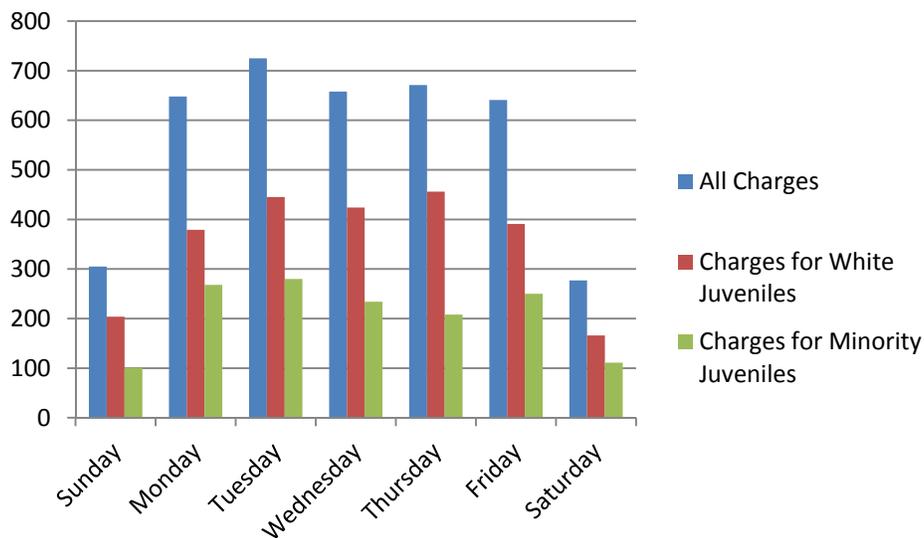


Table 13 further investigates when charges are occurring by looking at the time of day that juveniles are charged. Table 13 suggests that the most common time frame is between 8:00 AM and before 5:00 PM, as 62.4 percent of all charges occur during this time frame. This is followed by 5:00 PM to 11:59 PM with just over a quarter of all charges (28.6%).

Table 13: Charges by Hour of the Day

| | n | % |
|------------|------|------|
| 12:00-7:59 | 352 | 9 |
| 8:00-4:59 | 2450 | 62.4 |
| 5:00-11:59 | 1123 | 28.6 |

The final series of analyses on juvenile arrests and charges were conducted to determine the most common locations where juveniles were charged. Table 14 provides the top ten locations where charges occurred. The most common location was Family and Children’s Center’s alternative school. The next four highest locations where arrests occurred were traditional

schools—Central High School, Lincoln Middle School, Logan High School, and Logan Middle School. In all total, six of the ten most common locations were schools.

Table 14: Address for Top Ten Locations of Juvenile Arrests

| Address | Institution | n | % |
|---------------------|----------------------------|-----|-----|
| 1707 Main St. | Family & Children's Center | 337 | 8.6 |
| 1801 Losey Blvd. S. | Central HS | 295 | 7.5 |
| 510 9th St. S. | Lincoln MS | 218 | 5.6 |
| 1500 Ranger Dr. | Logan HS | 201 | 5.1 |
| 1450 Avon St. | Logan MS | 185 | 4.7 |
| 2505 Weston St. | Family & Children's Center | 137 | 3.5 |
| 2507 Weston St. | Family & Children's Center | 132 | 3.4 |
| 1900 Denton St | Longfellow MS | 88 | 2.2 |
| 922 Cass St. | Tenneson House (Closed) | 72 | 1.8 |
| 300 4th St. N | Health and Human Services | 60 | 1.5 |

The results of Figure 5—juvenile charges by day of the week—and Table 13—that most charges occur between 8:00 AM and 4:59 PM suggest time periods that would be most beneficial for targeting interventions in arrests and DMC. These time periods coincide with school days and school hours. The results presented in Table 14 verify that schools play a pivotal role in juvenile contact with law enforcement. As such, these results, along with the results on school suspensions, suggest that schools play a substantial role in future efforts to address issues of arrest and DMC.

Juvenile Justice Referral Data

The next series of analyses focused on referrals to juvenile justice. To be clear, once an arrest has occurred, the juvenile meets with a juvenile justice social worker who will determine the outcome of the arrest. The juvenile justice worker can decide that no further action is needed

and recommend that the case be closed. The worker could also recommend that a deferred prosecution agreement is entered. A deferred prosecution agreement allows for an intake worker to enter into an informal agreement with the juvenile and his/her parent/guardian. Conditions of a deferred prosecution can include but are not limited to: counseling, compliance with particular obligations (e.g., supervision, curfew, and school attendance), drug assessment and/or treatment, restitution, and community service. This agreement can be canceled at any time by any party in the agreement, and a petition can be filed by the District Attorney's office for the original charges. Another option could be that the juvenile enters a consent decree. A consent decree is an agreement that may require some supervision while the court proceedings are suspended. If the juvenile were to violate the terms of the consent decree, a petition could be filed to reinstate the case and proceed with adjudication. Another option is to petition the court for adjudication and recommend that the juvenile be placed on formal supervision.

Table 15 displays the number of juveniles referred to La Crosse County Juvenile Justice by race for the years 2008 through 2012. In 2008 there were 506 individual juveniles referred to juvenile justice. However, there were a total of 1,244 total referrals during 2008. This is because a juvenile could have multiple referrals. The most common race of the juvenile was White, followed by Black and then Asian. The same patterns presented found in the arrest data presented above are demonstrated in the referral data for juvenile justice. Moreover, the reader should note that from 2008 to 2012 the number of juveniles referred to juvenile justice consistently decreased.

| Race | 2008 | | 2009 | | 2010 | | 2011 | | 2012 | |
|--------------------------------------|-------------|--------------|------------|--------------|------------|--------------|------------|--------------|------------|--------------|
| | n | % | n | % | n | % | n | % | n | % |
| White | 374 | 73.9 | 333 | 74.8 | 274 | 71.4 | 228 | 69.9 | 239 | 76.4 |
| Black | 78 | 15.4 | 70 | 15.7 | 59 | 15.4 | 62 | 19.0 | 44 | 14.1 |
| Asian | 35 | 6.9 | 27 | 6.1 | 26 | 6.8 | 24 | 7.4 | 24 | 7.7 |
| Native Amer. | 6 | 1.2 | 1 | 0.2 | 9 | 2.3 | 4 | 1.2 | 2 | 0.6 |
| Hispanic | 7 | 1.4 | 6 | 1.3 | 9 | 2.3 | 5 | 1.5 | 2 | 0.6 |
| Native Hawaiian/ Pacific Islander | 1 | 0.2 | 1 | 0.2 | 1 | 0.3 | -- | -- | -- | -- |
| Unknown | 2 | 0.4 | 4 | 0.9 | 3 | 0.8 | 2 | 0.6 | 1 | 0.3 |
| Mixed Race | -- | -- | 1 | 0.2 | 1 | 0.3 | -- | -- | -- | -- |
| Latino | -- | -- | -- | -- | -- | -- | -- | -- | 1 | 0.3 |
| Missing | 3 | 0.6 | 2 | 0.4 | 2 | 0.5 | 1 | 0.3 | -- | -- |
| Total | 506 | 100.0 | 445 | 100.0 | 384 | 100.0 | 326 | 100.0 | 313 | 100.0 |
| Total Referrals | 1244 | -- | 917 | -- | 718 | -- | 680 | -- | 719 | -- |

To better understand the referral data, it is helpful to examine who is making the referrals to juvenile justice and what are the charges of the referrals. Table 16 provides data on the top ten referring agencies to juvenile justice for each year between 2008 and 2012. Data demonstrate that the La Crosse Police Department is the most common referral agency. In fact, the top five referral agencies are law enforcement agencies in the county. This is not particularly surprising, as law enforcement agencies are most often the agency called to deal with and make decisions about delinquents.

Table 16: Top 10 Referring Agencies to Juvenile Justice by Year

| Agency | 2008 | | 2009 | | 2010 | | 2011 | | 2012 | |
|------------------------|------|------|------|------|------|------|------|------|------|------|
| | n | % | n | % | n | % | n | % | n | % |
| La Crosse PD | 809 | 65.0 | 580 | 63.2 | 463 | 64.5 | 443 | 65.1 | 494 | 68.7 |
| Onalaska PD | 107 | 8.6 | 54 | 5.9 | 57 | 7.9 | 41 | 6.0 | 41 | 5.7 |
| Holmen PD | 102 | 8.2 | 55 | 6.0 | 39 | 5.4 | 22 | 3.2 | 35 | 4.9 |
| La Crosse Co. Sherriff | 75 | 6.0 | 67 | 7.3 | 48 | 6.7 | 39 | 5.7 | 24 | 3.3 |
| West Salem PD | 28 | 2.3 | 32 | 3.5 | 36 | 5.0 | 42 | 6.2 | 28 | 3.9 |
| Other Jurisdiction | 27 | 2.2 | 32 | 3.5 | 9 | 1.3 | -- | -- | 6 | 0.8 |
| Logan High | 15 | 1.2 | 11 | 1.2 | 8 | 1.1 | 10 | 1.5 | 11 | 1.5 |
| Campbell PD | 13 | 1.0 | 14 | 1.5 | 7 | 1.0 | -- | -- | 9 | 1.3 |
| Bangor PD | 12 | 1.0 | 27 | 2.9 | -- | -- | -- | -- | -- | -- |
| Holmen High | 10 | 0.8 | -- | -- | -- | -- | -- | -- | 8 | 1.1 |
| Shelby PD | -- | -- | 9 | 1 | -- | -- | 17 | 2.5 | -- | -- |
| Central High | -- | -- | -- | -- | 11 | 1.5 | 11 | 1.6 | 13 | 1.8 |
| Out of Co. HSD | -- | -- | -- | -- | 5 | 0.7 | -- | -- | -- | -- |
| Holmen MS | -- | -- | -- | -- | -- | -- | 8 | 1.2 | -- | -- |
| West Salem HS | -- | -- | -- | -- | -- | -- | 7 | 1.0 | -- | -- |

Table 17 presents data on the top charges that trigger a referral to juvenile justice. Consistent with the data from the La Crosse Police Department, disorderly conduct was the most common referring charge to juvenile justice for all five years. Runaways (labeled as pick-up orders in the law enforcement data) were consistently the second or third most common referring charge across the five years of data. Moreover, apprehension requests (labeled as Juvenile Custody in the law enforcement data) were consistently in the top five referring charges.

Table 17: Top 10 Charges That Lead to a Referral to Juvenile Justice by Year

| Referral Charge | 2008 | | 2009 | | 2010 | | 2011 | | 2012 | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|
| | n | % | n | % | n | % | n | % | n | % |
| Disorderly Conduct | 464 | 24.6 | 321 | 21.9 | 247 | 22.5 | 272 | 27.3 | 219 | 21.5 |
| Runaway | 160 | 8.5 | 71 | 4.8 | 38 | 3.5 | 62 | 6.2 | 91 | 8.9 |
| Battery | 152 | 8.1 | 98 | 6.7 | 90 | 8.2 | 102 | 10.2 | 85 | 8.3 |
| Apprehension Request | 139 | 7.4 | 78 | 5.3 | 107 | 9.8 | 97 | 9.7 | 125 | 12.3 |
| Criminal Damage < \$2500 | 125 | 6.6 | 140 | 9.5 | 84 | 7.7 | 60 | 6.0 | 61 | 6.0 |
| Theft < \$2500 | 123 | 6.5 | 139 | 9.5 | 101 | 9.2 | 46 | 4.6 | 66 | 6.5 |
| Resisting/Obstructing | 67 | 3.6 | -- | -- | 24 | 2.2 | 32 | 3.2 | 20 | 2.0 |
| Truant | 60 | 3.2 | 43 | 2.9 | 30 | 2.7 | 51 | 5.1 | 56 | 5.5 |
| Other | 57 | 3.0 | -- | -- | -- | -- | -- | -- | -- | -- |
| Poss. Of Drug Paraph. | 52 | 2.8 | 44 | 3.0 | 52 | 4.7 | 33 | 3.3 | 21 | 2.1 |
| Poss. Of Marijuana | -- | -- | 54 | 3.7 | 43 | 3.9 | 29 | 2.9 | -- | -- |
| Burglary | -- | -- | 40 | 2.7 | -- | -- | -- | -- | 26 | 2.5 |

The next series of analyses focused on evaluating the dispositions of the juvenile justice referrals. Table 18 presents the top 10 distributions by year. As the reader can see, the most common disposition for a referral across all five years is to counsel and close. The next most common dispositions are formal supervision, lacks jurisdiction (i.e., an intake worker has determined via an intake inquiry that the available facts in the referral do not establish prima facie jurisdiction for the court's involvement), referral to another county, and a deferred prosecution agreement.

Table 18: Top 10 Dispositions by Year

| Referral Outcome | 2008 | | 2009 | | 2010 | | 2011 | | 2012 | |
|--------------------------------|-------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|
| | n | % | n | % | n | % | n | % | n | % |
| Counseled and Closed | 364 | 29.2 | 275 | 30.0 | 218 | 30.4 | 230 | 33.8 | 269 | 37.4 |
| Formal Supervision | 222 | 17.8 | 169 | 18.4 | 109 | 15.2 | 117 | 17.2 | 104 | 14.5 |
| Lacks Jurisdiction | 161 | 12.9 | 89 | 9.7 | 99 | 13.8 | 109 | 16.0 | 129 | 17.9 |
| Ref. other Co./State/Agency | 144 | 11.5 | 86 | 9.4 | 73 | 10.2 | 52 | 7.6 | 47 | 6.5 |
| Deferred Prosecution Agreement | 125 | 10.0 | 130 | 14.2 | 95 | 13.2 | 68 | 10.0 | 66 | 9.2 |
| Declined by DA/Courts | 80 | 6.4 | 45 | 4.9 | 49 | 6.8 | 34 | 5.0 | 27 | 3.8 |
| Case Closed - Other | 77 | 6.2 | 60 | 6.5 | 18 | 2.5 | 14 | 2.1 | -- | -- |
| Read in/with Formal | 31 | 2.5 | 16 | 1.7 | 17 | 2.4 | 27 | 4.0 | 17 | 2.4 |
| Other | 10 | 0.8 | -- | -- | -- | -- | -- | -- | -- | -- |
| Consent Decree | 9 | 0.7 | 12 | 1.3 | 17 | 2.4 | 6 | 0.9 | 12 | 1.7 |
| Waived to Adult Court | -- | -- | 12 | 1.3 | -- | -- | -- | -- | -- | -- |
| Courtesy Supervision | -- | -- | -- | -- | 6 | 0.8 | -- | -- | -- | -- |
| Referred to State Corrections | -- | -- | -- | -- | -- | -- | 6 | 0.9 | -- | -- |
| Formal JIPS Supervision | -- | -- | -- | -- | -- | -- | -- | -- | 16 | 2.2 |
| Dismissed | -- | -- | -- | -- | -- | -- | -- | -- | 12 | 1.7 |
| Total | 1247 | 98.1 | 917 | 97.5 | 718 | 97.6 | 680 | 97.5 | 719 | 97.2 |

Information in Table 18 was separated by year and disaggregated by race to build Tables 19 through 23. The construction of these five tables allows for the reader to see the top 10 juvenile justice dispositions by race for each of the five years. Racial categories were collapsed into White, Black, Asian, or Other for ease of interpretation.

Table 19 lists the top ten dispositions by race for juveniles referred to La Crosse County Juvenile Justice for the year 2008. The most common disposition was counsel and closed, as there were 362 referrals that were given this disposition. Of these 362, 65.2 percent (236) were for White juveniles. To give this some context, the bottom row of Table 16 (as well as Tables 20 through 23) gives the number of percentages of referrals for each race. This number can be thought of as the percentage of the juvenile justice population and can be compared to percentages in the same column; in other words, if the total percentage of White juvenile referrals was 80 percent, we would expect racial outcomes to be around 80 percent, all else being

equal. In the case of counsel and closed dispositions for White juveniles in 2008, there was little difference between the percentage of White juveniles receiving this disposition and the total percentage of White juvenile referrals (65.2 vs. 65.8, respectively). Nearly a quarter of the counsel and closed dispositions were given to Black juveniles, which was roughly equal to the percentage of Black juveniles referred to Juvenile Justice that same year (24.6 vs. 24.8, respectively). As such, there is little DMC concern when it comes to this disposition. For Black Juveniles, there were large differences in percentages in some dispositions. For example, there was a 30 percent difference in the percentage of Black juveniles referred to juvenile justice and the number of Black juveniles that were read in/with formal supervision (24.8 vs. 54.8, respectively).

Table 19: Top 10 Dispositions by Race for 2008

| Agency | White | | Black | | Asian | | Other | | Total | |
|--------------------------------|-------|-------|-------|------|-------|------|-------|-----|-------|-------|
| | n | % | n | % | n | % | n | % | n | % |
| Counseled and Closed | 236 | 65.2 | 89 | 24.6 | 26 | 7.2 | 11 | 3.0 | 362 | 100.0 |
| Formal Supervision | 133 | 59.9 | 68 | 30.6 | 18 | 8.1 | 3 | 1.4 | 222 | 100.0 |
| Lacks Jurisdiction | 117 | 72.7 | 20 | 12.4 | 15 | 9.3 | 9 | 5.6 | 161 | 100.0 |
| Ref. other Co./State/Agency | 98 | 70.5 | 39 | 28.1 | 1 | 0.7 | 1 | 0.7 | 139 | 100.0 |
| Deferred Prosecution Agreement | 105 | 84.7 | 14 | 11.3 | 3 | 2.4 | 2 | 1.6 | 124 | 100.0 |
| Declined by DA/Courts | 55 | 68.8 | 20 | 25.0 | 5 | 6.2 | 0 | 0.0 | 80 | 100.0 |
| Case Closed - Other | 37 | 51.4 | 28 | 38.9 | 6 | 8.3 | 1 | 1.4 | 72 | 100.0 |
| Read in/with Formal | 12 | 38.7 | 17 | 54.8 | 0 | 0.0 | 2 | 6.5 | 31 | 100.0 |
| Other | 6 | 60.0 | 3 | 30.0 | 1 | 10.0 | 0 | 0.0 | 10 | 100.0 |
| Consent Decree | 9 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 9 | 100.0 |
| Number of Total Referrals | 819 | 65.8 | 308 | 24.8 | 75 | 6.0 | 29 | 2.3 | -- | -- |

Table 20 provides information on the dispositions by race for 2009. Again the most common disposition was counsel and closed, followed by formal supervision, and deferred prosecution. Again, the reader should compare the percentage of total referrals to the percentages above them in the column. Again, there are minimal differences for White counsel and closed (71.6 vs. 71.2)

and formal supervision (69.8 vs. 71.2) and Black counsel and closed (21.1 vs. 19.5) and formal supervision (20.1 vs. 19.5). Again, however, Black juveniles had a higher percentage of juveniles that were read in/with formal supervision (31.2 vs. 19.5).

Table 20: Top 10 Dispositions by Race for 2009

| Agency | White | | Black | | Asian | | Other | | Total | |
|--------------------------------|-------|------|-------|------|-------|------|-------|-----|-------|-------|
| | n | % | n | % | n | % | n | % | n | % |
| Counseled and Closed | 197 | 71.6 | 58 | 21.1 | 10 | 3.6 | 10 | 3.6 | 275 | 100.0 |
| Formal Supervision | 118 | 69.8 | 34 | 20.1 | 12 | 7.1 | 5 | 3.0 | 169 | 100.0 |
| Deferred Prosecution Agreement | 104 | 80.0 | 18 | 13.8 | 5 | 3.8 | 3 | 2.3 | 130 | 100.0 |
| Lacks Jurisdiction | 64 | 71.9 | 7 | 7.9 | 13 | 14.6 | 5 | 5.6 | 89 | 100.0 |
| Ref. other Co./State/Agency | 57 | 66.3 | 26 | 30.2 | 0 | 0.0 | 3 | 3.5 | 86 | 100.0 |
| Case Closed - Other | 41 | 68.3 | 17 | 28.3 | 2 | 3.3 | 0 | 0.0 | 60 | 100.0 |
| Declined by DA/Courts | 34 | 75.6 | 5 | 11.1 | 4 | 8.9 | 2 | 4.4 | 45 | 100.0 |
| Read in/with Formal | 6 | 37.5 | 5 | 31.2 | 5 | 31.2 | 0 | 0.0 | 16 | 100.0 |
| Waived to Adult Court | 11 | 91.7 | 0 | 0 | 1 | 8.3 | 0 | 0 | 12 | 100.0 |
| Consent Decree | 10 | 83.3 | 1 | 8.3 | 1 | 8.3 | 0 | 0.0 | 12 | 100.0 |
| Number of Total Referrals | 653 | 71.2 | 179 | 19.5 | 56 | 6.1 | 29 | 3.2 | -- | -- |

Tables 18, 19, and 20 demonstrate the same patterns as above. The reader is tasked with comparing the total referral percentage to the percentage of each outcome. Counsel and closed still remains the highest disposition. More importantly, the percentage of counsel and closed—for the years 2010, 2011, and 2012—reflects similarly to the percentage of referrals by race.

Table 21: Top 10 Dispositions by Race for 2010

| Agency | White | | Black | | Asian | | Other | | Total | |
|--------------------------------|-------|------|-------|------|-------|------|-------|------|-------|-------|
| | n | % | n | % | n | % | n | % | n | % |
| Counseled and Closed | 165 | 75.7 | 33 | 15.1 | 12 | 5.5 | 8 | 3.7 | 218 | 100.0 |
| Formal Supervision | 70 | 64.2 | 24 | 22.0 | 5 | 4.6 | 10 | 9.2 | 109 | 100.0 |
| Lacks Jurisdiction | 66 | 66.7 | 17 | 17.2 | 12 | 12.1 | 4 | 4.0 | 99 | 100.0 |
| Deferred Prosecution Agreement | 72 | 75.8 | 12 | 12.6 | 8 | 8.4 | 3 | 3.2 | 95 | 100.0 |
| Ref. other Co./State/Agency | 51 | 69.9 | 18 | 24.7 | 0 | 0.0 | 4 | 5.5 | 73 | 100.0 |
| Declined by DA/Courts | 37 | 75.5 | 11 | 22.4 | 1 | 2.0 | 0 | 0.0 | 49 | 100.0 |
| Case Closed - Other | 16 | 88.9 | 2 | 11.1 | 0 | 0.0 | 0 | 0.0 | 18 | 100.0 |
| Read in/with Formal | 11 | 64.7 | 4 | 23.5 | 1 | 5.7 | 1 | 5.9 | 17 | 100.0 |
| Consent Decree | 11 | 64.7 | 3 | 17.6 | 2 | 11.8 | 1 | 5.9 | 17 | 100.0 |
| Courtesy Supervision | 4 | 66.7 | 1 | 16.7 | 0 | 0.0 | 1 | 16.7 | 6 | 100.0 |
| Number of Total Referrals | 514 | 71.6 | 129 | 18.0 | 41 | 5.7 | 34 | 4.7 | -- | -- |

Table 22: Top 10 Dispositions by Race for 2011

| Agency | White | | Black | | Asian | | Other | | Total | |
|--------------------------------|-------|------|-------|-------|-------|------|-------|-----|-------|-------|
| | n | % | n | % | n | % | n | % | n | % |
| Counseled and Closed | 142 | 61.7 | 61 | 26.5 | 22 | 9.6 | 5 | 2.2 | 230 | 100.0 |
| Formal Supervision | 70 | 59.8 | 34 | 29.1 | 12 | 10.3 | 1 | 0.9 | 117 | 100.0 |
| Lacks Jurisdiction | 64 | 58.7 | 32 | 29.4 | 11 | 10.1 | 2 | 1.8 | 109 | 100.0 |
| Deferred Prosecution Agreement | 49 | 72.1 | 11 | 16.2 | 4 | 5.9 | 4 | 5.9 | 68 | 100.0 |
| Ref. other Co./State/Agency | 37 | 71.2 | 13 | 25.0 | 0 | 0.0 | 2 | 3.8 | 52 | 100.0 |
| Declined by DA/Courts | 20 | 58.8 | 5 | 14.7 | 8 | 23.5 | 1 | 2.9 | 34 | 100.0 |
| Read in/with Formal | 18 | 66.7 | 8 | 29.6 | 1 | 3.7 | 0 | 0.0 | 27 | 100.0 |
| Case Closed - Other | 9 | 64.3 | 3 | 21.4 | 2 | 14.3 | 0 | 0.0 | 14 | 100.0 |
| Consent Decree | 5 | 83.3 | 1 | 16.7 | 0 | 0 | 0 | 0 | 6 | 100.0 |
| Referred to State Corrections | 0 | 0.0 | 6 | 100.0 | 0 | 0.0 | 0 | 0.0 | 6 | 100.0 |
| Number of Total Referrals | 428 | 62.9 | 117 | 26.0 | 60 | 8.8 | 15 | 2.2 | -- | -- |

Table 23: Top 10 Dispositions by Race for 2012

| Agency | White | | Black | | Asian | | Other | | Total | |
|--------------------------------|-------|------|-------|------|-------|------|-------|-----|-------|-------|
| | n | % | n | % | n | % | n | % | n | % |
| Counseled and Closed | 174 | 64.7 | 72 | 26.8 | 21 | 7.8 | 2 | 0.7 | 269 | 100.0 |
| Lacks Jurisdiction | 90 | 69.8 | 24 | 18.6 | 15 | 11.6 | 0 | 0.0 | 129 | 100.0 |
| Formal Supervision | 73 | 70.2 | 18 | 17.3 | 10 | 9.6 | 3 | 2.9 | 104 | 100.0 |
| Deferred Prosecution Agreement | 51 | 77.3 | 9 | 13.6 | 2 | 3.0 | 4 | 6.1 | 66 | 100.0 |
| Ref. other Co./State/Agency | 37 | 78.7 | 8 | 17.0 | 1 | 2.1 | 1 | 2.1 | 47 | 100.0 |
| Declined by DA/Courts | 12 | 44.4 | 10 | 37.0 | 3 | 11.1 | 2 | 7.4 | 27 | 100.0 |
| Read in/with Formal | 8 | 47.1 | 7 | 41.2 | 1 | 5.9 | 1 | 5.9 | 17 | 100.0 |
| Formal JIPS Supervision | 9 | 56.2 | 7 | 43.8 | 0 | 0.0 | 0 | 0.0 | 16 | 100.0 |
| Consent Decree | 10 | 83.3 | 2 | 16.7 | 0 | 0 | 0 | 0 | 12 | 100.0 |
| Dismissed | 11 | 91.7 | 0 | 0.0 | 1 | 8.3 | 0 | 0.0 | 12 | 100.0 |
| Number of Total Referrals | 485 | 67.5 | 164 | 22.8 | 55 | 7.6 | 15 | 2.1 | -- | -- |

Analytical Summary

The Juvenile Justice Arrest and Disproportionate Minority Contact Task Force was asked to address two questions. The first question was whether or not juvenile arrests in La Crosse County remained high, and the second question was to determine whether DMC was an issue in La Crosse County. The analytical section of this paper addressed these two questions.

Juvenile arrests in La Crosse County remain high since the Carey Report (2008) was issued. La Crosse County's juvenile arrest rate remains higher than comparison counties' arrest rates, the state arrest rate, and the national arrest rate. With regards to this question, the task force finds that high juvenile arrests are still present in La Crosse County.

The analyses conducted by the task force also found that DMC is an issue in La Crosse County. Results show that Minority juveniles are roughly nine times more likely to be arrested than White juveniles. Moreover, results suggest that these arrests are most likely to occur during the weekday, between the hours of 8:00 AM - 4:59 PM, and occur at a school location. The implications of these findings will be discussed in the conclusions and recommendations section of the report.

Policy Review of Decision Points in the Juvenile System

This brief section presents information on policies and practices gathered by a subcommittee of members of the Task Force. The purpose of this group was to examine the presence or absence of policies and practices that were related to various points of contact with juveniles. As such, various agencies were asked to submit policy or practices for the point of comparison and examination. Not only was the subcommittee tasked with looking at the existence of policies, there was also a focus on the amount of discretion each policy/practice required. Discretion is a necessary part of a juvenile justice system; however, it is also an avenue for disparities to arise. The more discretion a policy/practice has, the larger the avenue for disparity. Evaluating how discretion can be controlled for consistent application is a necessary part of any DMC discussion. Thus, for each point of contact and policy/practice, the amount of discretion surrounding each policy/practice is noted. Appendix A contains the full policy/practice analysis grid. What follows is a brief summary of the findings by agency.

School/Community Policy

Schools and community agencies were asked to submit policies regarding how decisions are made to refer juveniles to services that address problem behaviors. Schools and community services that participated in the policy analysis indicated that there is no policy in place for referring juveniles to services. Thus, there was a high degree of discretion involved in whether or not juveniles are referred to services to address problematic behaviors before law enforcement is involved. Discussion around lack of policy naturally led to some questions on the consequences of its absence. Some of the questions are as follows: What services do schools have in place? What community services are schools aware of/have available? How are parents

involved when an issue is identified? Are County services (which begin with a law enforcement contact) over relied upon as a source of action?

Schools and community agencies were asked to submit policies on when law enforcement are called upon to deal with juveniles. In this instance, there was policy in place; however, discussion still revealed that there was a high amount of discretion in place. Referring juveniles to law enforcement appeared to be a prominent option for punishing a wide range of behaviors. Because there is a lack of rehabilitative based intervention options, law enforcement can be used for “pushing and shoving,” using laser pointers, teasing, throwing snowballs, in addition to weapons and bomb threats. Having a law enforcement referral as an option to respond to such a wide range of behaviors can lead to disproportionality in punishments and involvement with the juvenile justice system.

Law Enforcement Policy

Law enforcement agencies were asked to submit policies that guide decision-making on whether or not to arrest a juvenile. While one police department had extensive policy in place (the policy was procedural), another agency had no policy in place. The lack of policy and the procedural nature of the existing policy do lead to a high level of discretion. While it is very clear that officers do have a need to use discretion in dealing with the multitude of situations that they deal with in the community, it is also true that police officers in the community may not have a wide range of intervention options. Instead, the response police have is to arrest. When a complaint to deal with a juvenile comes from a school or community organization, there can be pressure for an officer to respond—and with limited response options, this could be a factor in decisions to arrest.

County Juvenile Justice

Juvenile Justice was asked to report on policy regarding placement on supervision, placement in secure detention as both a sanction and as temporary physical custody, and use of 72 hour holds⁵. For all four of these decision points, policy was in place; however, the discretion ranged from high to moderate. Juvenile Justice's decision to place a juvenile on supervision tended to be made based solely on the charges and discretion of the worker, leading to high levels of discretion. However, the discretion has lessened to a moderate level (and should continue to drop), as the county invested in an empirical evidenced-based tool to assess the risk level of the juveniles referred to juvenile justice. This led to the creation of a policy on decision making based on the objective tool.

Similarly, the use of secure detention and 72 hour hold as temporary custody has a high level of discretion surrounding its use. The county is participating in the planned adoption of an objective detention screening instrument as part of a current project with the Wisconsin Department of Justice. This will lower the discretion level significantly, and ensure that decision to use secure detention is based on objective factors. Moreover, the county is also constructing a structured sanction grid that will outline the sanctions available to use based on the behaviors of the juvenile. In short, the sanctions grid will provide guidance to ensure that decisions made are proportionate and based on the behavior and not external factors.

⁵ A 72 Hour hold (WI Statute Section 938.355(6d)1 & 2) allows the juvenile caseworker to take a juvenile into custody and place them in a juvenile detention facility without a hearing when the juvenile is on delinquency orders. The caseworker may also place a juvenile in non-secure custody for not more than 72 hours while the alleged violation and the appropriateness of a sanction are being investigated OR as a consequence of a violation.

Conclusions

The Carey Group challenged the La Crosse juvenile justice system to (1) reflect upon the reasons why La Crosse County arrest rates are higher than national and statewide figures and (2) determine whether practices resulting in high arrest rates are in the best interest of the public. Carey also challenged us to (3) examine our system for factors that may be contributing to DMC.

First, it should be said that in addressing these important issues, the Task Force recognized its limitations. Having the technical assistance from Professor Myer, the Task Force was able to analyze juvenile arrest data with more rigor than any effort to date. Yet the Task Force feels as if the surface has just been scratched. If time had permitted, there is certainly additional data that could have been useful. For instance, data showed that a significant percentage of youth arrests take place at our public schools. It would have been helpful, however, to know how many of these arrests resulted from incidents that took place at the school as opposed to the school merely being the arrest location for an incident that took place elsewhere in the community. Having a broad cross section of juvenile justice system stakeholders at the table, the Task Force was able to respond to data findings and anecdotal issues raised in an informed and holistic way. Nonetheless, the Task Force could have gained a deeper insight had additional stakeholders been at the table. Particularly helpful would have been more insights from system partners on the “front line” of arrest and law enforcement referral decisions (such as School Resource Officers and School Principals). Having parents of juveniles who have been part of the system and even youth as part of the Task Force would also have been beneficial.

Limitations aside, our Task Force made significant progress in understanding issues related to arrest and DMC within our local juvenile justice system. The Task Force was able to

draw important conclusions that the Task Force can stand behind with confidence. What follows are seven key conclusions the Task Force feels are important in understanding and improving our juvenile justice system:

1. La Crosse County continues to have a higher juvenile arrest rate than both the statewide average and some like – sized counties.

Seven years have passed since the Carey report first raised the issue of La Crosse County's high arrest rate. The Task Force felt it was important to confirm whether the issue still exists based on more recent data, or if Carey's findings were an anomaly based on a point in time. Analyses found that while overall juvenile arrests statewide and locally have continued to decline since 2008, both the Task Force's analysis and data from the national KidsCount database (see Appendix B) confirm that La Crosse County's juvenile arrest rate remains relatively high.

2. Disproportionate minority contact (DMC) factors are present in the La Crosse County juvenile justice system.

The Carey report, lacking certain data, speculated but could not confirm whether DMC factors were present in the La Crosse County juvenile justice system. Based on the current report's data analyses, it can now be definitively concluded that DMC factors are indeed present in the La Crosse juvenile system and present to a significant and concerning degree.

3. There are likely overlaps between factors contributing to La Crosse County's high juvenile arrest rate and the factors contributing to juvenile DMC issues.

La Crosse County has a relatively high juvenile arrest rate and, among those arrested, minority youth (and African American Youth, in particular) are significantly overrepresented. The Task Force believes that system practices that are resulting in high

arrest rates for La Crosse County are also disproportionately impacting minority youth. If effective interventions could be developed to reduce DMC at the stage of arrest, the overall arrest rate would be positively impacted. In short, the Task Force believes these two issues (high juvenile arrests and DMC) are intertwined.

4. Arrest location data reveals that if La Crosse County were to develop a strategy to both reduce juvenile arrests and positively influence DMC, the greatest impact could be achieved by focusing on arrests that occur at public schools.

Approaches from national organizations suggest using arrest data to inform a discussion on where to focus DMC efforts. Simply put, you get more “bang for your buck” focusing on the locations or offense types that play more of a role in driving the arrest numbers. Analyses from the current report revealed that approximately 1 out of every 4 juvenile arrests in the City of La Crosse takes place at a public school. While the analysis did not examine what offenses these arrests are for, the Task Force believes it is safe to assume that lower level offenses such as disorderly conduct make up a significant percentage of school arrests. The data, confirmed by our anecdotal discussions, leads the Task Force to conclude that the initial focus of DMC and arrest reduction efforts should be on the connection between juvenile arrests and public schools. This puts La Crosse County in alignment with other DMC initiatives across the country, which have focused on arrest in schools.

5. Coordination and practices in the juvenile justice system around arrest and the use of evidence based practices (EBPs) should be strengthened.

Of the seven conclusions, the Task Force believes this conclusion regarding system collaboration and the use of evidence based practices (EBPs) to be the most significant. Optimum system effectiveness, including improvements in areas such as DMC, cannot be

realized unless the broader juvenile system comes together in an intentional way to capitalize on areas of strength and address areas of weakness. While our juvenile system is strong in many regards, the Task Force believes there is needed improvement in the areas of coordination between system partners (i.e., Schools, Law Enforcement, County Juvenile Services, Courts, etc.) and systematically using EBPs.

From our discussions and analysis, it was inspiring to see the many strengths of the La Crosse County juvenile justice system on display. For example, all of the system partners seek to maintain strong relationships and show a true passion for doing what is best for youth and families who are “at risk” or who find themselves in contact with the justice system. Some juvenile justice systems struggle with contrasting philosophies among system actors. For instance, it is difficult for juvenile systems to operate at peak effectiveness when actors differ on things like: the value of punitive versus rehabilitative approaches; dedication to developing evidence-based practices; and using data to evaluate system effectiveness. Fortunately, such philosophical differences do not appear to be present in the La Crosse County juvenile justice system.

It was also clear that there are many programs and supports that youth can benefit from in the juvenile justice system. County juvenile justice workers are increasingly using objective and comprehensive analytical tools to help match youth to the program interventions most likely to capitalize on their strengths while changing their negative behavior. Programs like cognitive behavioral therapy, treatment for substance abuse and mental health issues and parental coaching are among the many supports available to youth and their families. School Resource Officers (SROs), who are law enforcement officers located within certain schools,

also provide certain relational and safety supports. City of La Crosse SROs have won awards for their exemplarily dedication to youth and their families.

Yet, despite the philosophical unity and many strengths, it was eye opening and troubling what little overall coordination and common frameworks exist among system actors on particular system fundamentals. For example, it was clear that the system has not come together and formally defined when it is appropriate to use the criminal system to respond to certain youth behaviors versus employing other interventions. This coordination is particularly important in schools, where there can be a fine line between behavior that is dealt with by school personnel and behavior that becomes a law enforcement matter.

With law enforcement embedded in schools by the way of SROs, having clear standards and consistent practices around arrest is imperative. It is also important that the broader juvenile justice system show strong support to schools and SROs in their efforts to address challenging youth behavior. It is here where the programmatic strengths of the juvenile justice system, coupled with particular gaps in the local prevention network, risk contributing to the system's overuse. For instance, the Task Force's anecdotal conversations and policy review support the notion that a number of youth with less serious behaviors may be referred to the juvenile justice system for the purpose of getting them "help." This is a result of a noble desire to do something for a struggling youth and a frustration at the lack of other alternatives and preventive supports from the local human services system.

The Wisconsin experts who presented to the Task Force were stern in their response to the notion that it can ever be in the best interest of a youth to reduce the threshold for criminal justice system involvement for the purpose of "helping" them. They relayed the serious consequences and risks that are part of an arrest contact, criminal record, and coming

onto formal juvenile supervision. For low risk youth who otherwise would not warrant law enforcement intervention, the risks far outweigh the benefits. They stressed that there are alternatives and more effective ways for local systems to help struggling and at-risk youth. Some of those “better ways” are alternatives to arrest and other evidence based practices that, seven years after the Carey report, are unfortunately all too absent in the La Crosse County juvenile justice system.

Through discussions and analysis, the task force arrived at six overall reasons it believes that policies and practices around arrest need to be strengthened. While the Task Force felt it important to provide some additional explanation in way of this introduction, what follows is a succinct summary of all six reasons:

- a. **There may be a practice of using arrest for the purpose of “helping” youth by providing a gateway to the services that exist in the juvenile justice system (a caseworker, therapeutic programming, etc.).**

Anecdotal discussions and our policy review indicated that this practice may be occurring. The Task Force agrees with Mr. Draper and Mr. Moeser that such a practice, to the extent it actually exists, is misguided and is not in the best interest of kids.

- b. **There is an absence of a defined and coordinated approach across the juvenile system (i.e., schools, law enforcement, juvenile supervision, courts, District Attorney) as to what types of behavior in schools warrant a law enforcement referral and arrest as opposed to another type of intervention.**

When system partners are not “on the same page” as to when a criminal intervention should be used, this can lead to frustration and misunderstanding. This often happens when a frontline worker is in the heat of addressing a challenging situation and

reaching out for help from a partner agency. Anecdotal discussions revealed that school personnel can at times be frustrated that County Juvenile Justice Services will not assist with an at-risk youth. Law Enforcement expressed that they have become enmeshed in public school disciplinary procedures in a way that is at times confusing. County Juvenile Justice relayed that it at times feels pressured to detain youth that do not seem to meet detention thresholds. While all of these agencies are clearly trying to do their best to help youth, not having commonly defined standards and practices seems to be holding the system back from collaborating as effectively as it could.

- c. **There is a prominent featuring of law enforcement as an intervention option in public school disciplinary policy as a response to a wide range of behaviors which leaves too much discretion.**

The issue is not that school discipline policies reference law enforcement as an intervention option. The issue is lack of guidance and specificity as to when law enforcement, as opposed to another intervention, is to be used. In short, based on the Task Force's policy analysis, there is too much discretion from school-to-school and from staff person to staff person as to when to invoke a law enforcement referral and expect an arrest outcome. This risks blurring the line between school misbehavior and criminal behavior and over-relying on arrest as an intervention. The Task Force is not suggesting a change to school disciplinary policy (which is in the purview and prerogative of the school), but rather suggesting that the circumstances under which youth misbehavior at school warrants a criminal system intervention should be clearly articulated in a broader system agreement.

What raises concerns about DMC is the difference between arrest practices at public versus private schools. In the policy review, the Task Force noted that law enforcement was less prominently featured in the policy of private schools. There would seem to be an equity issue if indeed there were a lower standard for what behavior constitutes arrest at a public school (which has a higher minority population) than a private school (which is more proportionately “white”).

d. Some key evidence-based programs that could serve as arrest alternatives are absent from the La Crosse County juvenile justice system.

There simply is a lack of programming in the La Crosse County juvenile justice system that provides arrest alternatives. No doubt, youth must be held accountable for misbehavior. Other jurisdictions, however, have non-criminal accountability options (such as mandatory completion of Aggression Replacement Training, community service, teen courts and after hours reporting centers) that are lacking in La Crosse. Arrest is likely being used as an intervention option more often than would be the case if there were local access to such alternatives.

e. There appears to be a misunderstanding of the current role and capacity of County Juvenile Justice Services to assist with youth behavior that does not rise to a moderate or serious anti-social level.

School personnel report reaching out to County Juvenile Services in an attempt to get help for particularly challenging youth who they may suspect are “at risk” of future criminal activity. County Juvenile Services, however, which is essentially part of the criminal justice system, deals exclusively with youth who have committed crimes or status offenses (status offenses are offenses that juveniles can be charged with that adults

cannot, such as: truancy, runaway, and underage drinking). School personnel have been confused as to why County justice services cannot assist and become frustrated that the “system won’t do anything.” This frustration, again, seems to stem from a lack of a defined community and system-wide approach for dealing with at-risk youth.

- f. School Resource Officers (SROs) in La Crosse County public schools are disadvantaged by the lack of a clearly defined role that is understood by the broader juvenile justice system and the benefit of a broader array of intervention options.**

While embedding law enforcement in schools can serve the interests of youth, not having a clearly defined role that all system partners understand or a full “toolbox” of interventions can have a significant impact on the number of arrests. It was clear during our roundtable discussions that there was not a common understanding among system partners as to what was the role and purpose of SROs in public schools. Mr. Moeser stressed that such a common understanding is vital. Law Enforcement representatives shared that they desire and would welcome more options and alternatives to address youth misbehavior and, in fact, had requested these in the past. Like other issues, the system partners seemed to share a common philosophy around SROs but have not coordinated as effectively as they could to maximize their potential benefit.

- 6. System weaknesses identified in #5 may be contributing to an overreliance on law enforcement referrals, arrest and detention that is stigmatizing.**

The current report’s data analyses shows that minority youth are disproportionately represented in the La Crosse County’s juvenile justice system. Anecdotal discussions were troubling in that minority members of the task force relayed that many minority community members have some degree of mistrust of the criminal justice system. The Task Force

suspects that this mistrust comes from the negative individual experiences which were shared, but also from the very fact that minorities are so overrepresented in the system. The Task Force believes it is not good for the community that this mistrust exists to the degree it appears based on our discussions.

Some of the factors resulting in DMC may be out of the system's control. But to the extent system weaknesses identified in #5 are factors contributing to DMC, there should be a strong community imperative to address them. The Task Force believes doing so would be a step in strengthening the trust between the criminal justice system and the minority community.

7. Addressing the areas identified in #5 could lead to more effective outcomes in addressing youth misbehavior while improving public safety and saving public dollars.

There is much at stake in ensuring our community has the most effective system it can to deal with at-risk and criminally acting out juveniles. There is a much better chance of modifying behavior in the juvenile years versus the adult years. Curbing misbehavior in juveniles saves countless resources needed to deal with behavior as juveniles carry antisocial behavior into adulthood. The Task Force believes a juvenile system that is more coordinated around interventions to address youth misbehavior in schools, has an expanded set of alternative interventions and more consistently uses EBPs would be more effective and less costly.

In articulating our seven conclusions in the above manner, the Task Force does not mean to be evasive to the clear directives of the Carey Report. In considering the three primary

challenges posed by Carey and examined by the Task Force, what follows are direct responses based on the conclusions and explanations provided above.

(1) Reflect upon the reasons why La Crosse County arrest rates are higher than national and statewide figures:

While the Task Force cannot say for certain, it strongly suspects that arrest practices connected with schools are a significant contributing factor. There appears to be, as reflected in policy and practice, an appropriate focus within public schools of dealing aggressively with youth misbehavior. What is lacking, however, is both specific policy guidance and a well-defined and coordinated system approach that articulates when the arrest should be used in response to youth misbehavior versus other intervention options. There is also a lack of programmatic options that could serve as arrest alternatives. The Task Force believes addressing system weaknesses in these areas would lead to a lower arrest rate.

(2) Determine whether practices resulting in high arrest rates are in the best interest of the public:

To the extent youth are entering the criminal system for relatively low level behaviors due to the lack of clear system standards, consistent practices, or better alternatives, this is not in the best interest of the public. Again, while the Task Force cannot be certain to what extent this is happening, there are clear system weaknesses in these areas that need addressing.

(3) Examine the juvenile justice system for factors that may be contributing to DMC.

Using the OJJDP framework for classifying DMC contributing factors, the Task Force did not focus on what role greater offending among minority youth played in their

overrepresentation in the juvenile justice system. Considering the significant levels of overrepresentation, however, the Task Force suspects this plays some role. Likewise, the Task Force did not examine data or information related to unequal treatment. The Task Force is, however, concerned about the potential unequal way misbehavior is handled in public schools with high minority populations versus their private school counterparts. In addition, the minority members of our Task Force seriously questioned whether a “cultural divide” between the overwhelmingly White school personnel and their increasingly diverse students may be a factor in DMC (which pertains also to the mostly White make-up throughout the personnel in La Crosse County’s juvenile justice system).

The primary factors the Task Force believes may be present and contributing to DMC fall under the OJJDP classification of policy factors. While national organizations knowledgeable about DMC stress the importance of transparently defined standards, proscriptive policies and the consistent use of evidence-based practices, the Task Force found these to be lacking in La Crosse County’s Juvenile Justice System. Again, the Task Force believes targeted interventions addressing these system weaknesses would both reduce arrests and positively impact DMC.

Taken as a whole, the Task Force believes our conclusions lead to a better understanding of factors that may be contributing to both high arrest rates and a high rate of DMC at the arrest decision point. The recommendations that follow in the next section are based on these conclusions.

Recommendations

The Burns Institute lays down a particular and poignant challenge to communities seeking to address Disproportionate Minority Contact (DMC) issues within their juvenile justice systems: If you have the data, know where your disparities are and know what could be done to address them, then *what are you going to do about it?* The rhetorical point is that there is substantial research and numerous best practices that jurisdictions can draw upon to address DMC. It is no longer a question of whether a jurisdiction can make significant progress in addressing racial disparities. Rather, it is whether doing so becomes a local priority and there is the collective will to take action. The Task Force believes that, for the sake of our young people, continuous improvement of the La Crosse County juvenile justice system should indeed be a priority.

The following recommendations are aimed at addressing weaknesses in our local juvenile justice system that we believe are likely factors in La Crosse's disproportionately high rates for both juvenile arrest and DMC. As stated in the conclusion section, the Task Force believes some of the most significant factors are policy factors. Thus, following the federal Office of Juvenile Justice and Delinquency Prevention's (OJJDP, 2009) framework for interventions, this report is recommending interventions that include systems change. This would also follow the recommended approach of the State of Wisconsin Department of Justice, which, as stated earlier in this report, has focused its efforts around systems change.

As noted previously in the report, La Crosse County has a local juvenile justice system with a seemingly shared philosophy and strong relationships. This system cohesiveness will provide a solid foundation for tackling systems change. It will certainly be needed, because *systems change is difficult*. It requires changes in behavior and traditional practices that can be

met with skepticism and resistance. It also takes a sustained and concentrated effort by system partners who may be already overwhelmed handling day to day responsibilities. The difficulty of systems change can explain why some of the main recommendations of the 2008 Carey Report pertaining to adopting evidence based practices, widely accepted when the report came out, remain unfulfilled.

What follows are recommendations the Task Force believes would substantially improve our local juvenile justice system. They directly link to and continue the county along the path of system improvement begun with the 2008 Carey evaluation. Along with the recommendations are specific objectives and due dates to keep this important work on track, transparent, and accountable.

- 1. Create a La Crosse DMC and Juvenile Justice Best Practices (JJBP) committee that includes key stakeholders and community members to implement the Task Force's recommendations.**

With so much at stake for vulnerable youth, the Task Force believes it is critical that the juvenile system does not again lose the momentum for reform and let the opportunity for positive change pass, as happened in the months following the 2008 Carey report. The Task Force also believes that the standards and practices within the juvenile system should be informed by public input. Therefore, it is recommended that a La Crosse County DMC and Juvenile Justice Best Practices (JJBP) Committee be created to provide the input, accountability, and collaborative vehicle through which positive juvenile system changes and improvements can be legitimately realized.

The Task Force feels it is important that this new committee have strong representation from communities of color and from those directly involved and affected

by day-to-day decisions within the juvenile justice system. This would include having members that represent specific minority organizations. Membership should also include School Principals (or Vice Principals), parents, youth, police personnel, court personnel, and juvenile justice workers. Efforts should be made to ensure all members are orientated and comfortable participating in committee discussions.

Having well balanced representation and full participation could go a long way toward building confidence in the justice system that appears to be lacking from an important segment of our community. It will also help ensure the changes being implemented are responsive to and informed by the “realities on the ground.” The Task Force believes the MacArthur Foundation’s model framework for a DMC stakeholder committee structure is a good place to start (See Figure 1).

The Task Force recommends that, beyond regular committee meetings, efforts are made to engage a broader segment of the community in the committee’s activities through avenues such as focus groups and community gatherings. Arranging these by school or neighborhood should be explored, along with a potential role for faith-based organizations. Other recommendations the Task Force has regarding the committee are as follows:

Convener: The Task Force recommends that the committee be convened and resourced through a mechanism developed by the La Crosse County Health and Human Services (HHS) Board. This seems a good fit as the Chair of the HHS Board co-chaired the juvenile Task Force and that the Human Services Department is the administrative agency for funding related to the Juvenile

Detention Alternatives Initiative (JDAI). The HHS Board was also the facilitating agency for the original Carey report on the juvenile justice system. Program responsibility for any new alternative programming would also likely be administered by the Human Services Department.

Committee Leadership: In regards to the previously described recommendations for membership, the Task Force believes this should be a “nuts and bolts” committee that hammers out and implements interventions to improve the juvenile justice system, beginning with the recommendations of the Task Force. Thus, the Task Force believes leadership should be provided by individuals who are very knowledgeable about the front-line work and decisions. With the obvious overlap of so many juvenile issues and schools, the Task Force believes it would be important that schools continue to be in a leadership role. Thus, the Task Force recommends the committee be co-chaired by the Supervisor of the La Crosse County Juvenile Justice Unit and a designee of the School District of La Crosse. It is recommended that the school co-chair be rotated after a two-year period to a designee from another La Crosse County School District.

Community Coordination: There would continue to be a need for coordination of policy and maintaining accountability for the committee to follow through on its charge. Some of that can happen through the HHS Board, but it is important that this policy coordination happen between the leadership of agencies and elected policy makers who comprise the juvenile justice system. To achieve this, the

Task Force recommends regular feedback and discussion of the Committee's status take place in the following forums: Criminal Justice Management Council, Family Policy Board Executive Committee, and Rebuilding for Learning Steering Committee. This would include keeping the participants in these meetings up to date on feedback received through community meetings and focus groups.

Timing: The Task Force recommends preparations begin immediately so the first meeting of this committee can be scheduled for some time in *January of 2015*.

2. Create and implement clear guidelines that are shared and supported across key juvenile justice system partners as to when arrest will be used to deal with youth misbehavior within schools.

The report concluded that school-based arrests played heavily into the arrest rate, and that it would be productive to focus DMC interventions toward arrests in public schools. The lack of overall system coordination and consistency around when misbehavior at school triggers an intervention from the juvenile justice system is something the Task Force found troubling. Fortunately, this is an area where we can turn to national best practice models for guidance.

A common and much recommended practice is to create a formalized agreement between schools, law enforcement, and county juvenile justice. The agreement provides guidelines as to when arrest, as opposed to another intervention, is used to respond to certain youth misbehaviors. The agreement also sets forth the purpose and role of school resource officers within the schools. Developing an agreement is often a catalyst for

exploring appropriate arrest diversions and alternatives. In short, the agreement addresses many of the system weaknesses the report found exists within the La Crosse County juvenile justice system. What bodes well for the feasibility of developing a local agreement is the number of good examples from around the country that could be used as a starting point (note: these agreements typically take the form of a Memorandum of Understanding, “MOU”). Also, through Judge Ramona Gonzalez, La Crosse County has a connection with Judge Steven Teske from Clayton County, Georgia, who is considered one of the top national experts in these type of agreements.

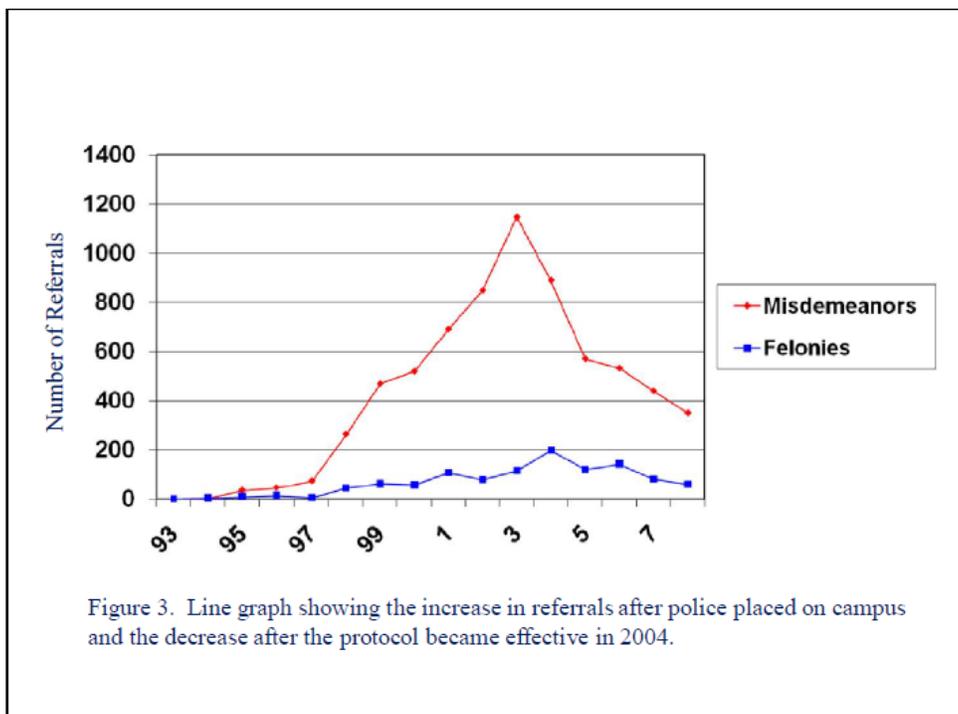
As described in the Approaching Issues of Racial Disparity section of the report, the Task Force had an opportunity to learn about agreements that have been developed in Hartford and Bridgeport Connecticut and in Clayton County, Georgia. Jurisdictions which have put such agreements into place have experienced significant reductions in overall arrests, as demonstrated in Figure 6. Mr. Jim Moeser, Chair of Wisconsin’s Governor’s Juvenile Justice Commission, also talked with the Task Force about the benefit of such agreements.

The agreements directly address the concern raised by the policy analysis discussed previously in the report. Specifically, the high degree of discretion currently around law enforcement referral and arrest decisions within the schools. The agreements are vital tools that bring consistency and quality control to the decisions. Beyond the potential impact on arrest and DMC (the Task Force believes a local agreement would have a positive impact on both), it is clear that a local agreement would significantly improve coordination, transparency, and consistent decision making around school-based law enforcement referrals and arrests.

The Task Force recommends that development and implementation of a MOU be the first priority of the new JJBP Committee. The Committee should explore the availability of Clayton County Judge Teske to provide some consultation for the project. The Task Force suggests the Committee be charged with the objective of implementing the agreement *by the start of the 2015–2016 school year*.

It should be noted that while the MOU would relate to arrest thresholds in schools, it would inevitably have an impact on system thresholds for arrest in other locations which serve youth. For example, there are many community agencies which serve youth during after school hours and during the summer (e.g., the Boys and Girls Club, YMCA, Hmoob Cultural and Community Agency). These agencies may, in fact, become parties to the initial or subsequent agreements. Regardless, it is important that the JJBP committee includes representation from these agencies and their input is part of the development discussions.

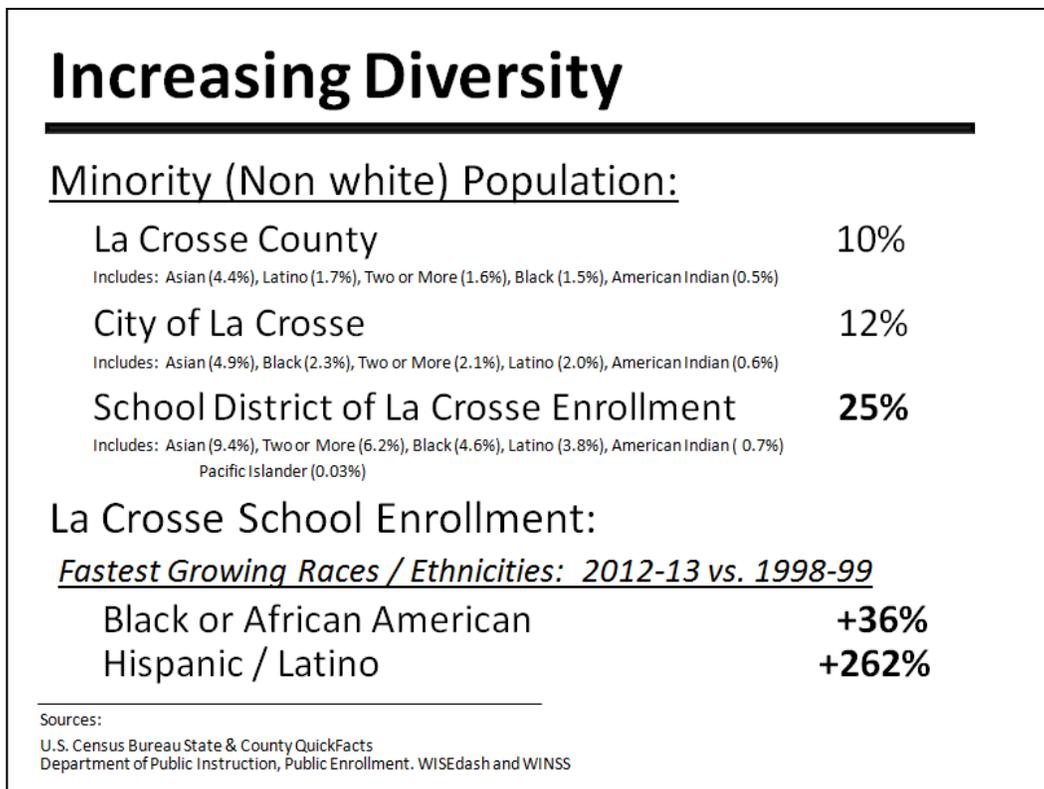
Figure 6: Impact of 2004 School Protocol Agreement in Clayton County, Georgia



3. Conduct a shared system-wide cultural competency training.

The faces of the students who sit in our local classrooms have changed significantly. While many of our fellow La Crosse County citizens may see our community as predominately “white,” one only needs to walk through their neighborhood elementary and middle schools to glimpse our community’s more diverse future. Data from the Wisconsin Department of Public Instruction (shown below in Figure 7) demonstrates the extent of this growing diversity within our public schools

Figure 7: Increasing Diversity Within La Crosse Public School



The pace of increasing racial diversity among our children and youth has not been matched with diversity among authority figures and staff in the formal systems which serve them (i.e., schools, human services, law enforcement and courts). Research indicates that racial differences can, in a way that is unanticipated or unintentional, influence how the juvenile justice system perceives and responds to youth (for example, see Engen, Steen, and Bridges, 2002). There was much anecdotal discussion in our Task Force meetings with regards to what extent a local gap in racial diversity between our youth and authority figures may be a factor with regards to referrals to law enforcement, arrest and the overall high DMC rate. The representatives of color on the Task Force (which included those who had a family member or other direct connections and experiences with youth in schools and the juvenile justice system) spoke about this topic most passionately and eloquently. They, along with many other members of the Task Force, believe this “diversity gap” is indeed a contributing DMC factor.

There are efforts underway throughout agencies comprising the juvenile justice system to achieve more racial diversity in staffing. This is an important goal that should continue to be a high priority. A complimentary avenue to increasing the system’s ability to effectively serve a diverse youth population is to identify and administer appropriate cultural competency training. As stated in the OJJDP DMC Technical Guide (OJJDP, 2009, p. 4-13), “Cultural competency training can engender a deeper awareness of culture factors (e.g., differences in communication styles, body language and demeanor, language use, beliefs about the family, attitudes toward authority figures) that typically influences decision making about youth.” Our discussions revealed that there may be pockets of cultural competency training that have occurred already in various partner agencies of the juvenile justice system. We believe, however, the system could

benefit from training that involves all of the primary system partners and is focused on juvenile justice issues.

Cultural competency training is a natural compliment to enforcing high standards of acceptable behavior. In alignment with the research supporting such training, it can enhance our juvenile system's effectiveness—both in responding to youth misbehavior and preventing criminal behavior. By demonstrating a commitment to understanding and valuing the diversity in our community, it would also play an important role in building trust and relationships. Developing this trust should be an important system goal. Having families engaged as partners with the juvenile system in promoting good behaviors and developing strong values cannot be understated. While certainly not a “silver bullet” or a solution that can alone effectively address DMC (which explains the emphasis of the Wisconsin Department of Justice and others on “systems change”), the Task Force believes cultural competency training is a vital component in improving engagement in and the overall effectiveness of La Crosse County's juvenile justice system.

Training tailored around juvenile justice issues would nicely build upon the La Crosse community's historical work and openness to becoming more culturally aware and competent. Two examples would be La Crosse's hosting of the White Privilege Conference in 2010 and Fair and Impartial Policing training provided that same year. It is clear that area leaders are committed to La Crosse being a community that is welcoming and which values all cultures (recognizing that “culture” is not limited to race, but may include gender, age, religion, sexual orientation and other social group categorizations). Being a community undergoing some cultural transitions, it also seems to be understood that achieving competency and ensuring local

systems respond respectfully and effectively to people of all cultures, will require a concentrated effort.

For the reasons stated above, the Task Force recommends that the new JJB Committee (in consultation with the provider of the technical assistance described below in Recommendation #5) identify appropriate cultural competency training that can be delivered in common with partner agencies within the juvenile justice system. The Task Force suggests that this training be part of the groundwork for and supplement the development of the system agreement that is the core of Recommendation #2

To begin moving forward on this recommendation, we suggest that the County Juvenile Justice Supervisor, in consultation with appropriate technical assistance, work during the fall of 2014 to identify options for culture training to present to the new JJB Committee. The aim would be for the training to take place prior to the end of the 2015-16 School Year. As cultural competency cannot be achieved through any “one shot” training, the Task Force recommends the Committee thereafter develop a structured approach for continued system-wide and individual trainings in this area. The trainings would change over time and respond to evolving system and community dynamics.

4. Work to increase the use of evidence based practices (EBPs) and programs throughout the juvenile justice system.

Since the 2008 Carey Report, moving forward to bring our local juvenile justice system in line with the latest research and evidence has excelled in some areas and been delayed in other areas. There has been recent rapid progress within the County Juvenile Supervision Unit in bringing practices in line with an evidence-based framework. However, in filling programmatic

gaps and fostering a coordinated evidence-based approach across the system as a whole, much work remains. The Task Force strongly believes that bringing the system in line with evidence-based practice will have a direct and positive impact on rates of both arrest and DMC. Therefore, the Task Force recommends that the new JJBP work on coordination and implementation of EBPs in the following areas:

- a. Coordinate and assure integration, system, and community acceptance of the following EBPs which are already in progress within the County Juvenile Justice Unit.
 - i. Tying decisions related to referring a case to the District Attorney's Office, disposition, nature of services and frequency of contact from Juvenile Supervision to a research-based and needs assessment instrument. The specific assessment instrument the County Juvenile Justice Unit recently implemented to inform these decisions is the Youth Assessment and Screening Instrument (YASI).
 - ii. Using a "Sanctions and Reward Grid" to provide consistency and guide responses to violations of supervision, as well reinforce youths' progress in meeting supervision goals.
 - iii. Implementing a Detention Risk Assessment Instrument (DRAI) to provide consistency in decision making relating to placing a youth in secure confinement.
 - iv. Increasing the availability of cognitive behavioral therapies, such as Aggression Replacement Therapy (ART).

- v. Using approaches that harness a youth's own motivation and desire for making lifestyle and behavioral changes such as strength-based case planning and Motivational Interviewing (MI) techniques.
- b. Explore the feasibility and, where determined feasible, begin resource development and program planning for EBPs in the following areas which are currently absent or present at only a minimal level in the local juvenile justice system:
 - i. Alternatives to Arrest (e.g., teen court, community service, mandatory participation in afterschool or weekend groups were among the options discussed at some level by the task force). Note that these can be integrated into the system agreement described in Recommendation #2.
 - ii. Detention Alternatives (e.g., reporting center, mandatory participation in after school or weekend groups). The Task Force received some basic information regarding a reporting center model that had been implemented in Berks County, Pennsylvania, and expressed a desire to explore the concept further.
 - iii. Family-focused practice approaches that centers on support and changes within the youth's family support structure (e.g., family engagement therapy, Functional Family Therapy, greater use of in-home counseling). There was much interest in discussion among Task Force members in increasing the use and capacity for family-focused

approaches. The Task Force was impressed by approaches that have been implemented in this area in Outagamie County, Wisconsin.

- iv. A unique and specialized set of interventions that can be used for youth that either (1) have not crossed the threshold into the criminal justice system, but are youth “at risk” of doing so; or (2) youth who are first-time offenders. There was particular interest in exploring the potential local benefit of the new Federal initiative, “My Brother’s Keeper.”
- v. Integration of trauma-informed approaches across the spectrum of the juvenile justice system, including in the agreement to be developed under Recommendation #1.

The Task Force recommends that the JJBP report on their progress in these areas to both the Family Policy Board Executive Committee and Criminal Justice Management Council in June of 2015 in order to monitor the work on exploration of these EBPs. This date would allow for any potential planning necessary within the context of the calendar year 2016 County Budget.

5. Use resources available to La Crosse County due to its participation in Wisconsin’s Juvenile Detention Alternatives Initiative (JDAI) for technical assistance to the new Juvenile Justice Best Practices (JJBP) Committee.

La Crosse County is fortunate to have been identified as a site for implementation of Wisconsin’s JDAI initiative. JDAI focuses on improving local juvenile justice systems through collaboration, a full continuum of services (including detention alternatives), and the use of EBPs. It directly correlates to the work of the task force on arrest and DMC issues. By

connecting to JDAI, we are implementing the 2008 Carey report's recommendation that La Crosse County seek assistance from JDAI in seeking to address DMC.

The task force benefited greatly from the assistance of Professor Myer, whose participation was funded by JDAI preparation dollars provided to the county by the Wisconsin Department of Justice. It is anticipated that further resources and technical assistance will be available as La Crosse County continues its juvenile reform work.

The Task Force believes it is important that the work ahead be guided by best practices in the juvenile justice field and an objective analysis of data. We also believe that this technical assistance can be useful in keeping the next stage of implementation well structured, planned, and moving forward. Therefore, we recommend that resources available to La Crosse County under JDAI be used to provide technical support to the new JJBP Committee that would be created under Recommendation #1.

6. Examine factors driving the high percentage of arrests at facilities operated by the Family and Children's Center.

As a category, public schools represent the top location for juvenile arrests in the City of La Crosse (accounting for 25 percent of those arrests). The single address where the largest percentage of City of La Crosse arrests occurred, however, was a facility operated by Family and Children's Center (accounting for 8.6 percent of juvenile arrests). In total, addresses that are locations for FCC programming appeared on the top ten arrest list three times (together accounting for 16 percent of all juvenile arrests in the City of La Crosse and making FCC programs the second highest category of arrest locations behind public schools.)

One of the programs operated by FCC located at the top juvenile arrest address is an alternative school for children with behavioral and emotional challenges. Thus, there is a

parallel to the arrests at this address and the issues the new JJBP Committee will be focusing on in relation to school-based law enforcement referrals and arrests. Regarding the use of alternative schools, Task Force members felt it would be useful to have a better system understanding of the student referral process. Overall, the Task Force believes the factors and decisions contributing to arrests at FCC facilities should be examined.

The Task Force recommends the new JJBP examine this issue and report its findings to the Criminal Justice Management Council and Family Policy Board Executive Committee by December of 2015.

7. Identify specific data points related to activity, performance and outcomes for partners in the juvenile justice system to share in common.

It was clear from our Task Force discussions that there is not a set of data which is used in common among partners in the juvenile system to regularly monitor and assess system performance. The work of the Task Force exposed some limitations and potential consistency issues with regards to current data sources. Lacking a common dataset presents a barrier to fully actualizing the vision members of the Task Force expressed of improved coordination within the juvenile justice system. Beginning to develop the ability for the juvenile system to more effectively use data is essential if the work on DMC is to proceed in alignment with national best practice models. (Using data effectively plays a key role in the six phase protocol for DMC reduction described on page 19.) Overall, using data more effectively will provide many opportunities for continuous system improvement, such as: identifying and addressing troubling trends, assessing what programs or interventions are working better than others, and making more informed policy decisions.

As an integral piece of the next phase of the work on juvenile DMC and arrest issues, as well as to improve the capabilities of the juvenile system overall, we recommend the following with regards to improving system competencies in the use of data:

- a. In consultation with the technical assistance recommended as part of Recommendation #5, develop a dataset that juvenile system partners can use to regularly assess the impact and effectiveness of *changes implemented in accordance with recommendations #2, #3, and #4*. This would include regularly assessing data related to the volume and nature of arrests taking place at public schools.
- b. Develop a set of data indicators related to activity, performance, and outcomes in the *overall juvenile justice system* that can be shared. One of the primary goals of our juvenile system is to prevent future criminal activity by changing youth behavior. Therefore, it is essential that recidivism be included as an outcome indicator. As it is not unusual in criminal systems that a large amount of activity is driven by a relatively small number of chronic offenders, we recommend that the dataset include an appropriate way to identify the impact of repeat offenders on system activity.
- c. Examine how the manner in which La Crosse County juvenile system partners report data to State or Federal agencies align with similar jurisdictions and can fairly be used for comparison purposes.

The Task Force recommends that representatives from the new JJBP Committee report to the Family Policy Board Executive Committee and Criminal Justice Management Council on at least a basic set of common juvenile system data indicators by *mid-year, 2015*. The Task Force

also recommends that representatives from the new JJBP Committee report on the baseline data and plan for monitoring the impact and effectiveness of changes implemented in accordance with recommendations #2, #3 and #4 *no later than January 2016*.

Recommendation Wrap Up

Taken together, the Task Force believes these seven recommendations include all of OJJDP's primary elements of an effective DMC intervention plan, which are summarized below in Table 24. Equally important, the Task Force believes the recommendations respond in a fashion appropriately tailored to the La Crosse County juvenile justice system's unique local needs, priorities and capabilities (as identified in the data analysis, policy review, and discussions among system partners and stakeholders who participated in the Task Force).

The Task Force recognizes that our seven recommendations speak primarily to arrests in the City of La Crosse and in relation to the La Crosse Public School District. This is in part due to La Crosse's high percentage of the overall County youth population. It also, however, reflects a higher level of participation in the Task Force by the City of La Crosse Police Department and the School District of La Crosse than their suburban and rural counterparts. While the City of Onalaska Police Department and School District of Onalaska were invited to participate and had official representatives on the Task Force, they had a relatively low level of attendance and input. We strongly believe the system weaknesses addressed by our recommendations are not unique to the City of La Crosse and School District of La Crosse jurisdictions. The juvenile justice system is, in essence, a county-wide system and requires the close coordination of all jurisdictions within it to operate most effectively. The rapid population growth of La Crosse's suburban jurisdictions adds to the necessity of collaboration that includes multiple jurisdictions. Agreements made with agencies based in the City of La Crosse will ultimately impact

jurisdictions throughout the County. For all of these reasons, we would strongly encourage the county's suburban and rural jurisdictions to play an active role in the new JJBP Committee and with regards to collaborations in the juvenile system in general.

Beyond the potential impact on the juvenile arrest rate and DMC, the Task Force is excited about the opportunity the above recommendations provide for an increased level of collaboration and overall effectiveness of our local juvenile justice system. The Task Force is optimistic that La Crosse County will positively respond to the challenge put forth by the Burn's Institute: If you have the data, know where your disparities are and know what could be done to address them, what are you going to do about it? That is, the Task Force does believe the partners and stakeholders in our juvenile justice system have the collective will to do the hard work necessary to ensure the juvenile system continues to positively evolve and address its challenges. With the stakes being so high in terms of both dollars and in consequences for the young people the juvenile system serves, the Task Force urges our policy and system leaders to adopt and move forward with implementation of this report's recommendations.

NOTE: Rather late in the Task Force process, some members had the opportunity to consult with Mr. Jim Sporleder, who was the keynote speaker for the August "Rebuilding for Learning" summit which took place at the La Crosse Center. Mr. Sporleder is a retired middle school principal from Walla Walla, Washington, and is considered a national expert in trauma-informed approaches to dealing with youth misbehavior in schools. Mr. Sporleder had some suggestions related to a collaborative selection process for school resource officers that that members who met with him found intriguing. While too late for the Task Force to formally consider as a recommendation, the Task Force Co-Chairs recommend that the new JJBP committee set aside some time for discussion of Mr. Sporleder's suggestions.

Table 24: OJJDP's Primary Elements of an Effective DMC Intervention Plan

| Element | Addressed in Recommendations |
|---|---|
| <p>1. Multi-Dimensional: Plan addresses more than one potential type of contributing factor (i.e., differential offending, differential handling and policy factors).</p> | <p>Taken together the recommendations are multi-dimensional by including interventions designed to address the following potential contributing DMC factors:</p> <p>Differential offending, addressed by a part of Recommendation #4a (<u>cognitive behavioral therapies</u>) and #4b (<u>alternatives to arrest, detention alternatives, family-focused approaches and first-time offender interventions</u>).</p> <p>Differential handling, addressed by Recommendation #3 (<u>cultural competency training</u>) and the <u>systems change-related recommendations</u> identified below in relation to Element #3.</p> <p>Policy factors, addressed by the systems change-related recommendations.</p> |
| <p>2. Multi-Modal: Plan will include a variety of intervention types (i.e., will include a combination of direct services, training and systems change)</p> | <p>Taken together the recommendations are multi-modal by including a combination of:</p> <p>Direct services (such as Family Functional Therapy and Cognitive Behavioral Therapy which are part of Recommendation #4)</p> <p>Training (the cultural competency training per Recommendation #3)</p> <p>Systems Change (items identified below in relation to Element #3).</p> |
| <p>3. Systems Change: Plan includes systems change as part of its multi-modal approach.</p> | <p>The following recommendations include systems change items:</p> <p>Recommendation #2 (<u>system agreement on school-based law enforcement referrals</u>)</p> <p>Recommendation #4a (<u>needs assessment instrument, detention risk assessment instrument, sanctions and rewards grid, strength-based case planning and motivational interviewing</u>)</p> |
| <p>4. Prioritize: Rather than take on DMC at all decision points at once, the plan appropriately prioritizes based on areas of highest identified need and system readiness to collaborate at a particular decision point.</p> | <p>The recommendations primarily relate to the arrest decision point, although they provide mechanisms (through creation of a standing committee and development of data capabilities) through which other decision points can be more specifically addressed in the future. The 2008 Carey Report played a significant factor in identifying the arrest decision point as a priority. Recent collaboration efforts involving the School District of La Crosse (most notably the Rebuilding for Learning collaboration) have nicely laid the groundwork for system readiness for a joint system effort related to this decision point.</p> <p><i>Note that some of the implementation items under Recommendation #4a as described above in relation to systems change will impact other decision points: needs assessment (court referral and diversion before adjudication); detention risk assessment (secure detention placement); sanctions and rewards grid (secure detention placement).</i></p> |

References

- Annie E. Casey Foundation. (2009). *Two Decades of JDAI: From Demonstration Project to National Standard*. Report Published Online. Available at:
<http://www.aecf.org/m/resourcedoc/aecf-TwoDecadesofJDAIfromDemotoNatl-2009.pdf>
- Carey Group. (2008). *Juvenile Justice Report: La Crosse County*. Report Submitted to La Crosse County, November 2008.
- DMC Action Network. (2008). What DMC reduction is—and is not. *DMC eNews*, 2, 1-2.
- Engen, R.L., Steen, S., and Bridges, G.S. (2002). Racial disparities in the punishment of youth: A theoretical and empirical assessment of the literature. *Social Problems*, 49(2), 194-220.
- Missouri Census Data Center. (2012). *Population Estimates by Age*. Available at:
http://mcdc.missouri.edu/websas/estimates_by_age.shtml
- Office of Juvenile Justice and Delinquency Prevention. (2009). *Disproportionate Minority Contact Technical Assistance Manual*. Fourth Edition. U.S. Department of Justice, Office of Justice Programs. Available at: http://www.ojjdp.gov/compliance/dmc_ta_manual.pdf
- Piquero, A.R. (2008). Disproportionate minority contact. *The Future of Children*, 18(2), 59-79.
- Wisconsin Department of Justice. 2012. *Arrests in Wisconsin*. Reports available at:
<https://wilenet.org/html/justice-programs/programs/justice-stats/library.htm>
- Wisconsin Information Network for Successful Schools. (2012). *Wisconsin Information System for Education: Discipline Data*. Available at:
<http://wisedash.dpi.wi.gov/Dashboard/portalHome.jsp>
- W. Haywood Burns Institute. (2008). *Adoration of the Question- Reflections on the Failure to Reduce Racial & Ethnic Disparities in the Juvenile Justice System*. Report available at:
<http://www.burnsinstitute.org/publications/volume-1-adoration-of-the-question/>
- W. Haywood Burns Institute. (2009). *The Keeper and The Kept- Reflections on Local Obstacles to Disparities Reduction in Juvenile Justice Systems and a Path to Change*. Report available at: <http://www.burnsinstitute.org/publications/volume-2-the-keeper-and-the-kept/>

Appendix A

JUVENILE JUSTICE ARREST AND DISPROPORTIONATE MINORITY CONTACT INTER-AGENCY TASK FORCE

Analysis Summary of Juvenile Arrest & Confinement Policies & Practices

| DECISION POINT | AGENCY | DOES POLICY EXIST? | WHAT DEGREE IS DISCRETION RELYED UPON VERSUS OBJECTIVE STDS (i.e., High, Medium, Low) | COMMENTS / OBSERVATIONS |
|--------------------------------------|------------------------|--------------------|--|---|
| 1. REFERRAL TO SERVICES (Bridget) | Schools / Community | N | High | <p>A lack of policy leads to some questions:</p> <p>What do schools have in place for services already?</p> <p>Are all school staff aware of appropriate community supports to which referrals can be made?</p> <p>Are there community options that are relevant to the identified needs?</p> <p>What are criteria for children with behavioral issues to be referred to alternative schools? How is the alternative school chosen?</p> <p>To what degree are parents involved once a child is identified as having an issue? When in the process and how should parents be involved?</p> <p>Is how behavioral issues are dealt with consistent from teacher to</p> |

| | | | | |
|--|--|----------|-------------|---|
| | | | | <p>teacher....school to school? Is there tracking and accountability to follow policy?</p> <p>Is the County over-relied upon as a source of action? Is the county the “go to” agency?</p> <p>When are cultural liaisons contacted for support?</p> <p>Who is at the table when policies are developed? (Are the leaders culturally diverse? Is input gathered from a culturally diverse team? Where/how frequently are school staff getting cultural education?)</p> |
| <p>2. REFERRAL TO LAW ENFORCEMENT (Jane)</p> | <p>Schools / Community Organizations</p> | <p>Y</p> | <p>High</p> | <p>There seems to be a noticeable lack of rehabilitative based intervention options prior to a law enforcement referral (i.e., common intervention options are verbal reprimand, suspension, etc.).</p> <p>Law enforcement is featured prominently in written policy as a potential response for a very wide range of behavior (from “pushing and shoving” or misusing laser pointers to weapon possession and dangerous drugs).</p> <p>One policy includes profanity and behavior (including “teasing” and</p> |

| | | | | |
|--|--|--|--|--|
| | | | | <p>“snowballs”) with same response options as weapons, bomb threats and assault. Referral to law enforcement is listed as the first intervention option.</p> <p>Another policy <u>mandates</u> a law enforcement referral for behaviors such as shoving or threatening gestures. No other intervention options are provided for.</p> <p>Are children in alternative schools more likely to have law enforcement contacts (data seems to show this)?</p> <p>One policy for an alternative school noted that there would be a higher likelihood of involving police for less serious situations if the youth lacked current “county supports.” This seems to support anecdotal feedback that our system may be using arrests to “get kids help.”</p> <p>Seems to be lack of clarity as to the duties and roles of school resource officers (SROs) versus school staff in addressing behavior issues.</p> <p>Seems to be a large discrepancy between public and private schools as to what level of behavior warrants a law enforcement referral. For example, in</p> |
|--|--|--|--|--|

| | | | | |
|--------------------|-----------------|--------------------------------------|------|--|
| | | | | <p>the private school policy we reviewed police intervention is only referred to in one place and is of low prominence among the intervention options. If schools with higher minority populations have lower thresholds for arrest than their private school counterparts who may have fewer minority students, this could be a contributing DMC issue.</p> |
| 3. ARREST (Thomas) | Law Enforcement | Y (One Agency) N (One Agency) | High | <p>It is worth noting that one agency has an extensive policy whereas another has no policy.</p> <p>The policy that was provided is more procedural than a document that provides guidance on levels of intervention.</p> <p>Although a police officer has a wide range of discretion, a police officer <i><u>in the community</u></i> may not have a wide range of intervention options to respond to a situation. This could especially be the case when the situation involves a complaint from a school or community organization and there is an expectation of action (there can be pressure to “do something”).</p> <p>To the contrary, the role of a <i><u>school resource officer</u></i> may be envisioned as being different. However, in La Crosse</p> |

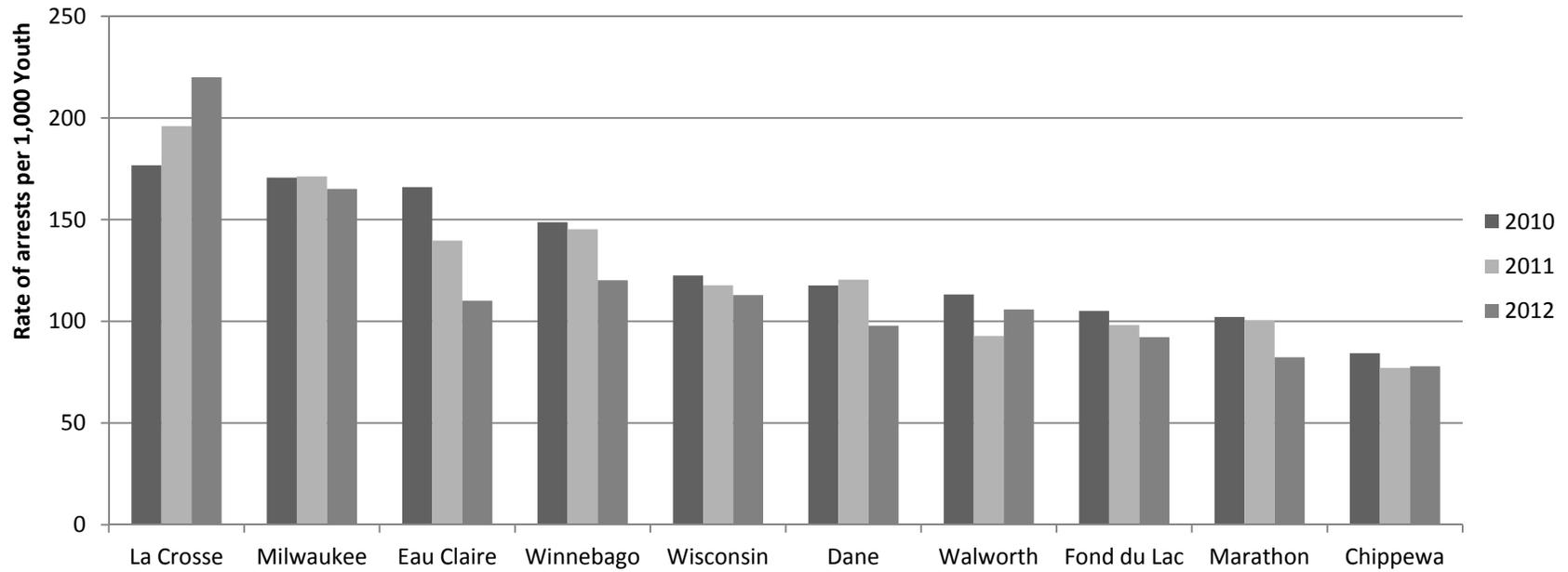
| | | | | |
|------------------------------------|---|---|---|--|
| | | | | County there seems to be a lack of definition or defined role that would make this role more clear. Note, the National Association of School Resource Officers, in describing the role of SROs, indicates that they are teachers first, counselors second and law enforcement third. |
| 4. PLACEMENT ON SUPERVISION(Jason) | County Juvenile Justice | Y | Historically high , but now moderate due to implementation of Youth Assessment Screening Instrument (YASI) pre-screen and specialization of the juvenile justice intake function. This should move to low once policies and practice guidance are finalized. | <p>County Juvenile Justice serves as a “gatekeeper” to the higher levels of the criminal justice system. How wide or narrow the gate is driven by State laws and community standards and expectations.</p> <p>Due to certain pressures, decisions have been influenced by referring agencies or individuals’ expectations as to what should happen.</p> <p>Once on juvenile supervision, relatively minor behaviors can have more serious consequences.</p> <p>Policies and procedures (or a lack thereof) at prior decision points drive the number and nature of cases that reach this step.</p> |
| 5. PLACEMENT IN SECURE DETENTION | TEMPORARY PHYSICAL CUSTODY (County Juvenile | Y | Currently high . State statutes provide for a very high bar for use of detention for TPC. However, practice at local level can vary greatly based on local | |

| | | | | |
|--|---|---|---|---|
| | Justice) | | <p>policies and practice guidance. This should progressively move to moderate and then low over the next two years due to the planned adoption of an objective detention screening instrument as part of a current project with the Wisconsin Department of Justice (DoJ).</p> | |
| | SANCTION (County Juvenile Justice) | Y | <p>Currently high. Statutes provide little guidance into what level of severity warrants secure detention as a sanction. This has the potential for decisions to vary greatly from jurisdiction to jurisdiction and even from worker to worker. However, this should progressively move to moderate and then low over the next year due to the planned development and adoption of an objective sanction and reward grid as part of ongoing juvenile justice system reforms.</p> | <p>It seems the legislative intent is for detention to be used for dangerous and high level behaviors.</p> <p>Locally, how often detention is used as an intervention for violating conditions of supervision can depend greatly on what options exist. For example, some communities utilize “reporting centers” and other interventions that are not available in our community. It seems that there are times where detention is used for relatively minor and non-violent behaviors (such as truancy and low level disorderly conducts such as verbal outbursts) due to lack of other appropriate local options.</p> <p>There are current internal pressures and expectations to utilize detention for minor behaviors.</p> <p>What violations are getting the response of detention?</p> |

| | | | | |
|--|--|---|--|--|
| | 72 HOUR HOLD (County Juvenile Justice) | Y | Similar to above. However, there is a potential for even greater variance due to the lack of judicial review of this decision. | There is currently lack of clarification in policy as to when a 72 hour hold is appropriate versus a sanction. |
|--|--|---|--|--|

Appendix B

Figure 8: Juvenile Arrest Rates from Selected Wisconsin Counties Using KidsCount Data



Appendix C

Juvenile Justice Task Force Recommended Implementation Timeline

| <u>Due Date</u> | <u>Action Item</u> | <u>Related Recommendation</u> |
|---|--|-------------------------------|
| By January 2015 | First meeting of La Crosse County DMC and Juvenile Justice Best Practices (JJBP) Committee. | Recommendation 1 |
| By the start of the 2015-2016 school year | Implementation of a Memorandum of Understanding (MOU) that provides clear guidelines that are shared and supported across key juvenile justice system partners as to when arrest will be used to deal with youth misbehavior within schools. | Recommendation 2 |
| Prior to the end of the 2015-2016 school year | Conduct a common, system-wide cultural competency training. | Recommendation 3 |
| By June 2015 | Report to the Criminal Justice Management Council and Family Policy Board Executive Committee on the progress of increasing the use of evidence based practices (EBPs) and programs throughout the juvenile justice system. | Recommendation 4 |
| By December 2015 | Report to the Criminal Justice Management Council and Family Policy Board Executive Committee on findings from examination of factors driving the high percentage of arrests at facilities operated by the Family and Children's Center. | Recommendation 6 |
| By July 2015 | Report to the Criminal Justice Management Council and Family Policy Board Executive Committee on at least a basic set of common juvenile system data indicators. | Recommendation 7 |
| By January 2016 | Report to the Criminal Justice Management Council and Family Policy Board Executive Committee on the baseline data and plan for monitoring the impact and effectiveness of changes implemented in accordance with Recommendations #2, #3 and #4. | Recommendation 7 |