

# Lawmakers pledge reforms in juvenile jail system

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After 16-year-old Maricella Chairez died in a Racine County jail cell in 2017, local officials did little to address her death — and their own failures.

Now, Wisconsin lawmakers, responding to a Milwaukee Journal Sentinel investigation, vow numerous reforms in the juvenile justice system statewide, including more thorough investigations of jail deaths.

“While Maricella’s story is unique, the issues she faced are not,” said Sen. Van Wanggaard, R-Racine. “Maricella’s story shows us that despite the progress we’ve made, and made since her tragic death, more work remains.”

The Journal Sentinel investigation found numerous failures by authorities who downplayed Chairez’s reports of sexual assault, jailed her when she escaped traffickers, held her in an unsafe environment without proper mental health care, and were late to check on her the night she killed herself at the Racine County Juvenile Detention Center.

Gov. Tony Evers’ office did not answer questions about Maricella’s death and the proposed reforms, referring the Journal Sentinel to the Department of Corrections. A spokesman for the department did not allow department officials to be interviewed in recent weeks.

Lawmakers from both parties who serve on committees on corrections and children’s issues said the Legislature could make several changes to reduce youth incarceration and address suicide hazards.

"I'm speechless on the depth of the hurt, pain, frustration, the failure that I feel that existed on her behalf," Sen. Lena Taylor, D-Milwaukee, said. "I don't know how we don't do more, demand more, want more."

Much of Wisconsin's juvenile justice code was last revised in the 1990s, and the statutes are due for major updates, said Rep. Evan Goyke, D-Milwaukee.

"Let's make our laws reflect what we've learned in 30 years," said Goyke, a member of the corrections committee. "And make them what Maricella taught us: which is that we need to listen to young people and get the services they need."

## **Steps to reduce incarceration**

Maricella was first jailed in 2014 at age 13. The incident that led to her jailing began with her refusal to leave a Racine public school's classroom and escalated when school resource officers slammed her against a wall to handcuff her as she fought back and ran. She was charged with disorderly conduct, resisting arrest and battery to a police officer.

Research has found school resource officers do not reduce serious safety threats. Studies show the use of officers leads to more student-police interactions and perpetuates disparities because officers are more likely to arrest students of color and students with disabilities, including those with mental health challenges.

Several lawmakers said it was important to end the policing and prosecuting of school-based offenses that could be handled by school staff. Linda Hall, director of the state Office of Children's Mental Health, agreed.

"The police presence in schools is not helpful," she said. "It increases the risk that youth will be moved into the youth justice system rather than treatment."

A bill Goyke introduced last year addressed this issue and other juvenile justice reforms. The proposal, which Goyke hopes to resurface, would prohibit

school staff from involving law enforcement in certain student behaviors, such as truancy, misdemeanors and ordinance violations.

Rep. David Bowen, D-Milwaukee, who had signed onto the bill, said he planned to explore additional ways to reduce the use of school resource officers and implement rules about the use of force. A 2017 report by the American Civil Liberties Union counted 141 complaints of abusive force by school police covered in news outlets in a two-year span from 2014 to 2016.

Following Maricella's arrest in 2014, she was trafficked across the country. On the night she escaped in 2016, she was jailed for running away from home. Some lawmakers said young people should not be jailed for technical violations and status offenses, such as running away or skipping school.

Some county officials have already ended this practice. Officials in Milwaukee and La Crosse said they have stopped incarcerating youth for such violations by using a tool called the Detention Risk Assessment Instrument. If young people fall below a certain score on the assessment, they aren't jailed.

David Steinberg, superintendent of the juvenile detention facility in La Crosse, has recently expanded use of the assessment. Authorities from surrounding counties send children to his facility, a regional hub, and Steinberg now requires use of the tool for children coming from those other counties as well.

Expanded use of the tool was a way to reduce the facility's population during the pandemic, but Steinberg said he plans to keep it in place.

"If we're doing our job right with these kids, I'm trying to put myself out of business," Steinberg said.

Judges in Racine voted against using the tool in 2017, months before Maricella's death. The judge who worked with Maricella, Wynne Laufenberg, was one of three judges who called for implementing it.

Goyke's 2019 juvenile justice bill would require an assessment tool to be implemented statewide. For many children, this could prevent their first trip to jail, where behavioral challenges tend to worsen and children can end up charged with more serious offenses, as happened with Maricella.

"Once the system turned punitive, the only responses were punitive and they could only be ratcheted up," Goyke said. "We can be inspired by her story and ensure that we give young people the resources, the help that they need."

## **Removing suicide hazards**

Authorities at the Racine Juvenile Detention Center failed to follow basic suicide prevention guidelines. Some lawmakers said these guidelines should be written into law to ensure local officials follow them.

The night Maricella died, she was punished for yelling at a fellow inmate who had called her a prostitute at 6:30 p.m. She was supposed to be confined to her cell for 90 minutes, records show, but she was never let out.

Isolation is a common risk factor for suicides in detention facilities and has been banned as a form of punishment in other states and in Wisconsin's own youth prisons, Lincoln Hills and Copper Lake. Bowen said he planned to push for a statewide ban on using cell confinement as punishment.

Maricella died by tying clothing around her neck and through the holes in an empty extra bunk in her room, above her own bed. She had attempted suicide in this manner before.

Experts say bunk beds are not safe for detention facilities because of the suicide hazard, especially if they have holes.

Lawmakers from both parties said they were willing to pass legislation or approve administrative rules to require the removal of such hazards.

“It seems like total common sense that if they’re unsafe they shouldn’t be there,” Goyke said. “If it takes a law, we’ll write one.”

Rep. Patrick Snyder, R-Schofield, agreed with removing bunks and said he'd like to see more mental health services for juvenile inmates.

“A lot of these kids are acting out because of some of the things in their past,” Snyder said. “We need to really look at getting more availability of counseling and psychiatric help to these individuals.”

Sen. Kathleen Bernier, R-Chippewa Falls, said there is an urgent need for more psychiatric inpatient treatment options, which was scarce for Maricella. Bernier has been trying to secure state funding to expand local psychiatric units so patients don't have to travel to the state hospital in Oshkosh, as Maricella had to do.

“My heart goes out to Maricella’s family with the loss of a beautiful young lady,” Bernier said. It “does put an exclamation point behind the need for mental health care for our young people.”

Lawmakers also expressed concern about the processes for investigating Maricella's death and the deaths of other inmates. Bowen said he plans to draft legislation to require more thorough investigation of suicides in custody and to consider an investigative process after suicide attempts.

Snyder, a member of the corrections committee, said he's hopeful there will be bipartisan cooperation in reducing incarceration.

“I really don’t want to build another prison in Wisconsin,” he said. “I think we should look at measures to rehabilitate, get folks out of prisons. What I’ve learned about the effect of trauma — we've just got to break that cycle. Before I leave, I hope I can make a bigger impact.”

## **Crisis resources**

If you or someone you know is experiencing a mental health crisis, the following resources are available.

- Milwaukee County 24-hour crisis line: 414-257-7222. When needed, a mobile team can meet adults and adolescents anywhere to talk and connect them to resources.
- Pathfinders 24-hour line for youth in crisis: 414-271-1560
- National Suicide Prevention Lifeline: 800-273-8255
- National Domestic Violence Hotline: 800-799-7233
- HOPELINE: For emotional support, text "Hopeline" to 741-741

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