



FEB 14 2012

CIRCUIT COURT BRANCH NO. 10
RICHARD J. KREUL
JUDGE

730 Wisconsin Avenue
RACINE, WISCONSIN
53403-1274

Racine County Courthouse
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DEBBIE THOMSON
COURT REPORTER

*Alex I
Policy*

February 10, 2011

The Honorable Scott Walker
Governor of the State of Wisconsin
115 East Capitol
Madison, WI 53702

Dear Governor Walker:

I'm sure reading the attached memo will shock you as much as it shocked me.

Almost 50 years in the legal system and I've seen and heard a lot, so I've not naive as to what "prison" is all about. But the indifference in this sordid tale is absolutely inexcusable.

I'll be thinking long and hard before sending another youth to that place!

Respectfully,

Richard J. Kreul
Circuit Court Judge

pc: Mr. Paul Westerhaus, Superintendent
Lincoln Hills School

Racine County Human Services Department

MEMORANDUM

TO: The Honorable Richard Kreul
Juvenile Court, Branch X

FROM: Dan Dragic
Racine County Human Services Department

DATE: February 8, 2012

RE: [REDACTED]
DOB: [REDACTED]
Case No: [REDACTED]

On 11/21/2011, the Honorable Richard Kreul found [REDACTED] delinquent for Take and Drive Vehicle without Consent, Theft – Movable Property, and Credit Card Fraudulent Use. The court placed [REDACTED] at Lincoln Hills School (LHS) for a period of one year. The current dispositional order is set to expire 11/21/12. Prior to his placement at LHS, all parties stipulated for [REDACTED] to be placed into the ACE Program. [REDACTED] failed the ACE Program, and as a result was placed at LHS.

On 1/17/12, this worker received a notification of institution conduct rule hearing and notification of institution conduct rule violation from LHS. The conduct rule violation indicated that [REDACTED] was transferred to security on 1/14/12 for "disruptive behavior and property damage or alteration." The conduct rule hearing indicated that [REDACTED] was found guilty of these offenses, placed in security, and would be returned to his parent cottage on 1/20/12.

On 1/17/12, this worker contacted LHS social worker Doug Ponzer asking for specific information pertaining to this violation. Ponzer indicated that he would look into this and get back to this worker.

On 1/19/12, the Department had not received any written information pertaining to this incident. Worker again contacted Doug Ponzer, who indicated that he would bring this matter to his supervisor's attention, Renee Krueger. Subsequently, Ponzer called this worker and indicated that the Department would receive written documentation regarding this matter from LHS by the end of the business day.

On 1/25/12, ACE staff, Annette Disjardin received a letter from [REDACTED]. It should be noted that [REDACTED] and [REDACTED] were both placed in the ACE Program at the same time and currently at LHS. The letter from [REDACTED] indicated that a former ACE participant was sexually assaulted at LHS. This worker and Disjardin were able to determine that the individual that [REDACTED] was alleging to have been sexually assaulted was [REDACTED]

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RE: [REDACTED]

On 1/25/12, this worker contacted Doug Ponzer once again requesting information pertaining to the violations and if LHS was aware of any Racine youth being a victim of sexual assault. Ponzer indicated that he would forward this worker's request to his supervisor, Renee Krueger.

On 2/1/12, the Department had not received any written or verbal communication pertaining to either incident at LHS. On 2/1/12, worker contacted LHS Deputy Superintendent John Ourada. Deputy Superintendent Ourada indicated he would fax this worker documentation that the Department had requested. Deputy Superintendent Ourada indicated he was aware that [REDACTED] had been sexually assaulted and was very surprised that the Department was not notified of this matter.

On 2/1/12, worker received a fax from LHS regarding the alleged sexual assault. The allegation is that [REDACTED] roommate had obtained [REDACTED] home address and was blackmailing [REDACTED]. The youth requested that [REDACTED] perform oral sex on him, and if that [REDACTED] refused the youth indicated that he would send his friends to harm [REDACTED]'s family. The report indicates that [REDACTED] did perform oral sex on the youth and that the other youth hit [REDACTED] with a closed fist in the rib area and the back of the head. The report further states that [REDACTED] stated he was dizzy and semi-conscious as a result of the assault. The LHS report also stated that [REDACTED] reported being unconscious for about an hour. The report indicates that this incident took place on 1/13/12 at 4 pm. The report further indicates that LHS took [REDACTED] to the emergency room for a SANE exam. According to the report, the Lincoln County Sheriff's Department was notified by the emergency room at 10:30 pm.

This worker informed Division Manager Kerry Milkie and Supervisor Glenn Larson of this matter on 2/1/12. Worker did contact Deputy Superintendent Ourada expressing the Department's grave concerns as to how LHS handled this matter. At the time, Deputy Superintendent Ourada indicated he had no explanation as to why LHS staff handled the situation in this manner. Worker further questioned why it took LHS staff 3 hours for [REDACTED] to obtain medical treatment. Worker further asked why LHS staff waited until the completion of an LHS basketball game to seek medical treatment for [REDACTED]. Again, Deputy Superintendent Ourada could not provide a viable explanation.

Worker also questioned why [REDACTED] was placed in security on 1/14/12 due to disruptive behavior. Deputy Superintendent Ourada indicated this was most likely for [REDACTED]'s own safety or the safety of LHS staff. Worker indicated that a person who has been a victim of sexual assault typically either withdraws or acts out in an aggressive manner. According to the 2/1/12 fax the Department received from Deputy Superintendent Ourada, [REDACTED] was told by Deputy Superintendent Ourada that if he needed anything, that [REDACTED] should ask to speak to the Deputy Superintendent or the Superintendent. According to the report on 1/14/12, [REDACTED] did request to speak to the Superintendent. His request was denied by LHS staff and was placed into security. Deputy Superintendent Ourada had no response to this information.

On 2/1/12, worker spoke with LHS psychologist Dr. Paul Hesse regarding a psychological evaluation he had completed on [REDACTED] for treatment purposes. Worker questioned Dr. Hesse as to when the evaluation was conducted. Dr. Hesse indicated that it had taken place before [REDACTED] was physically/sexually assaulted. Dr. Hesse stated he had something to tell this worker "off the record." Dr. Hesse informed this worker that he had spoken with a female staff of LHS shortly after [REDACTED] was assaulted. The female staff, according to Dr. Hesse, indicated that [REDACTED] was "a willing participant who became an unwilling participant." Dr. Hesse stated that it was highly unusual for any sexual assault to occur of youth placed at LHS. Worker asked Dr. Hesse why LHS waited 3 hours to obtain medical treatment for [REDACTED]. Dr. Hesse stated that there was a basketball game taking place at LHS. Dr. Hesse stated that

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RE: [REDACTED]

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basketball is a "big deal" at LHS. Dr. Hesse also stated, "Dan, what did you want us to do, stop the game?" At that point worker ended the conversation with Dr. Hess and then left a message for Deputy Superintendent Ourada expressing the Department's grave concerns regarding Dr. Hesse's comments.

On 2/2/12, this worker obtained the Lincoln County Sheriff's Department (LCSD) report case number 12-755. In this report, Deputy Joshua Warren states that the incident was reported to LHS staff at 4 pm on 1/13/12 and that their sheriff's department was not notified until almost 10:30 pm when the hospital called to notify the sheriff's department of the alleged assault. Deputy Warren's reports further states that LHS never directly notified the LCSD.

On 2/2/12, this worker had a conference call with Deputy Superintendent John Ourada and LHS Deputy Paul Westerhaus. Again, this worker expressed the Department's concerns and frustration as to how this incident was handled. The Department further questioned how LHS was going to adequately supervise, provide services, and address safety not only of [REDACTED] but all Racine County youth? Worker indicated to both parties that if an allegation like this arose in a group home or a residential treatment facility, the Racine County Human Services Department would have immediately removed all of the children due to safety reasons. Worker also expressed dismay that according to e-SACWIS, LHS staff never made a report to the Lincoln County CPS Department as mandated by law. Worker further expressed the Department's concerns with Dr. Hesse's comments and his minimizing the seriousness of this incident. Both Ourada and Westerhaus indicated that they would be looking into this matter and get back to this worker.

On 2/2/12, this worker received a phone call from Margaret C. Carpenter State of Wisconsin Department of Corrections Division of Juvenile Corrections Administrator. Ms. Carpenter stated that she was appalled as to how this matter was handled by LHS. Ms. Carpenter stated that she was taking full responsibility and would be conducting an independent investigation regarding this matter. Worker informed Ms. Carpenter of the Department's concerns with LHS and the safety of Racine's youth in placement. This worker also stated had this incident taken place at a group home or CCI, the Department would have removed all Racine youth immediately from that facility. Worker also informed Ms. Carpenter that the Department was never notified of this incident and that LHS never contacted Lincoln County CPS. Worker also expressed the Department's dismay over Dr. Hesse's comments. Ms. Carpenter indicated that her office would look into this matter and keep the Department informed. Kerry Milkie, Manager of the Youth and Family Division also had a conversation with Ms. Carpenter and reiterated the department's concerns.

If you have further questions or concerns please contact me at 638-6490.

Cc: District Attorney's Office
Jonathan Delagrave, Director, RCHSD
Kerry Milkie, Manager, RCHSD
Glenn Larson, Supervisor, RCHSD
Margaret Carpenter, Administrator, DJOC