

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: August 12, 2022

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Shakita LaGrant-McClain, Director, Department of Health and Human Services

Subject: Report from the Director, Department of Health and Human Services, requesting authorization to execute a 2022 fee-for-service agreement with Racine County and to transfer \$350,000 from the unallocated contingency to finance this item for Children, Youth and Family Services

File Type: Action Report

REQUEST

The Director, Department of Health and Human Services (DHHS) is requesting authorization to execute a 2022 fee-for-service agreement for the Children, Youth and Family Services (CYFS) and to transfer \$350,000 from the unallocated contingency.

POLICY

Per Wis. Stat. § 59.52(31), the Director of the Department of Health and Human Services (DHHS) is requesting authorization to execute a fee-for-service agreement. Funding to support this contract is being requested from the county's unallocated contingency account. Per Wis. Stat. §59.60(9)(a), transfers from the unallocated contingency require Finance Committee approval and approval by a two-thirds vote of the members-elect of the Milwaukee County Board. Transfers from the unallocated contingency are requested on an emergency basis when a department requires funding for an item that is not budgeted and there is no revenue anticipated to offset the expenditure.

Wisconsin State Statutes:		59.52(31), 59.60(9)(a)
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BACKGROUND

The DHHS Children, Youth and Family Services (CYFS) operates a 127-bed detention center at the Vel R. Phillips Youth and Justice Center. Since September 2021, the census in the detention center has been gradually rising with a record high of 150 youth in May 2022, compared to an average census of 89 over the last 10 years. Due to the high census, youth have been sleeping on bed 'boats'. These beds are thick mattress holders that include a mattress and space for extra clothing, hygiene items, books, etc. Chapter 938 of the Wisconsin

State Statutes governs the operation of county detention facilities. The State Department of Corrections has statutory authority, in accordance with Wis. Stats. §301.37, for the regulation and oversight of local detention facilities including secure juvenile detention centers.

The CYFS leadership team and the Department of Corrections-Office of Detention Facilities Director and Jail Inspector met on June 14, 2022 to discuss the census of youth in the detention center, the concerns for the safety of youth and staff as well as plans to address the high population. At that time, CYFS was strongly encouraged to utilize other existing detention facilities, specifically Racine County, to place up to 10 youth in their facility as soon as possible.

As an outcome of the meeting, CYFS submitted a plan in writing to the Office of Detention Facilities that outlined CYFS efforts and plans to continue to provide a safe and secure facility for the youth served and CYFS staff. This letter was submitted and approved by the Jail Inspector on June 15, 2022, and includes the following:

- Mobilize a team of staff from CYFS, to include detention staff, Wraparound Milwaukee and the Court system, to help identify any youth that may be released from custody of the detention center safely back into the community or to other placement options.
- Begin the process of checking for availability for youth to be transferred and housed at other youth facilities in neighboring counties, i.e. Racine, Dane, Washington counties.
- Utilize existing receiving and holding cells within the facility for youth-sleeping purposes only.
- Convert the indoor gym as a temporary dormitory style housing area where youth can be safely monitored and secure. This area has water and restrooms nearby that is easily accessible to accommodate the needs for the youth.
- Transfer youth from the post dispositional program pods to different housing pods within the facility to create more rooms for general population youth and/or more floorspace, if applicable.
- Transfer a yet-to-be determined number of youth and staff to the Milwaukee County House of Corrections, where they can be temporarily housed safely and securely until the population in the detention center subsides. This would be a last resort option due to the challenges of providing the additional staff, services, education and technology needs for court hearings.

The CYFS received a letter dated July 18, 2022, from the Office of Detention Facilities Jail Inspector documenting the ongoing concerns around the population of youth in the detention center and acknowledging the ongoing efforts of CYFS to address these concerns.

The DHHS and Racine County have a Memorandum of Understanding (MOU) that was signed in November of 2021 that outlined responsibilities of both parties and stated that any costs exceeding \$99,000 would require Milwaukee County Board approval and DHHS is expecting the costs to exceed that amount.

The daily rate per youth in Racine is \$325 for the general population and \$540 for the

Alternatives to Corrections Through Education (ACE) program. As of August 12, there are six youth in the Racine County detention center (five in general population and one in the ACE program). CYFS is in the process of identifying an additional four youth to consider requesting they be moved to Racine general population for a total of 10 youth in the Racine detention center. This will be on a short-term basis and the youth will be moved back to Milwaukee when the census consistently remains below the licensed capacity of 127 youth.

Given the critical nature of relieving the increased census in detention, DHHS is requesting funding from the unallocated contingency to support this request. Because these costs were not anticipated in the 2022 Budget, this fee-for-service contract will increase the department's deficit by \$350,000. DHHS is anticipating a departmental deficit of about \$4.8 million as of period 6. This deficit is being driven by the additional youth who are being ordered to the State Department of Corrections compared to the budget. The Average Daily Population (ADP) at the State institutes is about 35 and the 2022 budgeted ADP is 17.

DHHS contacted the Department of Administrative Services (DAS)-Strategy, Budget and Performance (SBP) to discuss options for moving forward with the requested contract. As a result, with SBP's support, DHHS is requesting \$350,000 from the unallocated contingency.

RECOMMENDATION

It is recommended that the Milwaukee County Board of Supervisors authorize the Director, DHHS, or her designee, to execute a 2022 fee-for-service contract with Racine County in a not-to-exceed amount of \$350,000 as well as authorize an appropriation transfer in an amount of \$350,000 from the unallocated contingency to finance this contract.

ALIGNMENT TO STRATEGIC PLAN

CYFS has been leveraging its resources toward the ongoing development of community-based programming for justice-involved youth and their families. Unfortunately, the high number of youth placed in the detention center is in direct contradiction with the strategic direction for which DHHS and CYFS have committed themselves.

FISCAL EFFECT

The total requested amount is \$350,000 to support the fee-for-service agreement with Racine County. Funding is being requested from the unallocated contingency. A fiscal note form is attached.

TERMS

June 1, 2022 through December 31, 2022.

VIRTUAL MEETING INVITES

Shakita LaGrant-McClain, DHHS Director
Kelly Pethke, CYFS Interim Administrator
Clare O'Brien, DHHS Budget & Policy Director

PREPARED BY:

Kelly Pethke, CYFS Interim Administrator

APPROVED BY:

Shakita LaGrant-McClain
Shakita LaGrant-McClain, DHHS Director

ATTACHMENTS:

Resolution and Fiscal Note

cc: County Executive David Crowley
Sup. Liz Sumner, Chair, Finance Committee
Sup. Shawn Rolland, Chair, Health Equity, Human Needs, and Strategic Planning
Mary Jo Meyers, Chief of Staff, County Executive's Office
Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors
Janelle M. Jensen, Legislative Services Division Manager, Office of the County
Steve Cady, Research Director, Comptroller's Office
Lottie Maxwell-Mitchell, Research & Policy Analyst, Comptroller's Office