

COUNTY OF MILWAUKEE  
Inter-Office Communication

Date: April 18, 2016  
To: Chris Abele, Milwaukee County Executive  
From: Héctor Colón, Director – Department of Health & Human Services  
Subject: **DHHS Juvenile Detention Center Update**

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As you are aware, the juvenile detention center has been experiencing a staffing shortage and a youth census above capacity in the facility. I have asked my staff to investigate this situation and the impact it has had on our operations. This memo provides an accounting of the circumstances and decisions that contributed to the overcrowding and staffing shortage in the juvenile detention center and the resulting consequences. This letter also details the actions that the Department of Health and Human Services has taken to remedy the situation in short order and put in place safeguards to ensure that this will not occur again in the future. Please know that DHHS leadership acted as soon as we were made aware of the extent of the problem through an email communication on March 29, 2016. Discipline has been applied where appropriate. Ongoing investigation efforts may result in further discipline.

We are cognizant of the magnitude of this situation and accept our responsibility, but we need help from our partners to work together on solutions for this and other related challenges. The burden of the state-administered Lincoln Hills crisis cannot lie solely on the Department of Health and Human Services. We have been trying to move as quickly as possible but have warned from the beginning that moving too fast may hinder our ability to move forward with the best solutions. I ask that all partners, including the judiciary, Public Defender's office, District Attorney's office, Department of Corrections, Department of Children and Families, who have varying perspectives and responsibilities come together to collectively address these challenges.

The following major issues are addressed in this letter: overcrowding, staffing, education, and communication and partnership. Provided for each section is a description of the issues in each area and what led up to them and plans for addressing them on a moving forward basis. I also would like to initiate an investigation that will include key stakeholders to ensure that we are uncovering everything that needs to be addressed.

#### **OVERCROWDING IN THE JUVENILE DETENTION CENTER**

##### Issue and Current Status:

While the census of youth in the juvenile detention center has been decreasing over the past few years due in large part to Milwaukee County's intentional focus on safely reducing reliance on detention through participation in the Juvenile Detention Alternatives Initiative (JDAI), a significant increase in population began to occur in 2016. The census was in excess of the juvenile detention center 120-bed rated capacity 5 times in January 2016, 2 times in February 2016, 18 times in March 2016, and 8 times in April 2016 (as of the writing of this report). At its peak, census reached 135. In January and February 2016 the population flow during the course of the day was such that no youth had to sleep in foam rubber "boats" on the floor (beds that are specially designed for this purpose per state regulations). However, the foam rubber beds were used 11 nights in March for up to 11 youth at a time and 9 nights in April 2016 so far for up to 9 youth at a time.

DCSD Administrator Mark Mertens informed the DOC Jail Inspector Greg Bucholtz on March 24, 2016 of the overcrowding issue resulting in youth sleeping in foam rubber beds. Mr. Bucholtz inspected the situation in detention on that date and did not require any further action other than asking to be kept up to date. The DSCD Administrator has been in contact with Mr. Bucholtz on a weekly basis to keep him apprised of the situation.

#### How We Got Here:

The Milwaukee County Accountability Program (MCAP) was originally budgeted to expand and move into the community in 2016 but due to licensing issues this has not occurred. Currently there are no rules that would allow the Departments of Corrections or Children and Families to license a secure residential care facility. In January 2016, MCAP was expanded in detention to increase capacity for alternatives to DOC placement, especially in light of the urgency to address the Lincoln Hills crisis. The second MCAP pod of 12 youth (West 2) was opened in detention in January 2016, joining the already existing MCAP pod of 12 youth (West 3) for a total of 24 beds in detention for MCAP youth. As of April 14, 2016, there are 22 youth in the detention portion of MCAP.

The average length of stay for youth in detention also increased during the first quarter of 2016. In the last quarter of 2015, the average length of stay was 15.7 days and in the first quarter of 2016, the average length of stay increased to 17.1 days. During this same time frame, the number of admissions in detention also increased, going from 461 admissions in the last quarter of 2015 to 520 admissions in the first quarter of 2016.

The Department of Corrections (DOC) crisis that was brought to Milwaukee County's attention in November had a direct impact on the number of youth placed in detention. Youth for whom we are contesting Lincoln Hills' extension petitions stay longer in detention while awaiting resolution. During the last quarter of 2015, 48 DOC youth were admitted to detention with an average length of stay of 20 days. During the first quarter of 2016, there were 49 DOC youth admitted to detention with an average length of stay of 21.2 days. Both are higher length of stays than the general detention population. In comparison, during the third quarter of 2015, prior to the DOC crisis, the average length of stay for DOC youth was 5.8 days.

#### Action Plan:

##### **1. Identifying youth for immediate release**

DCSD has been working to identify which youth in detention can be considered for possible release to alternative programming. On April 1, 2016, DCSD Administrator Mark Mertens reached out to members of the judiciary, District Attorney's office, and Public Defender's office to provide a briefing on the overcrowding and staff shortage situation and DCSD's efforts to ameliorate the situation, as well as requests for assistance from these partners to resolve cases more quickly and utilize alternatives to detention. Specifically, DCSD has requested the judiciary refrain from sanctioning of youth to detention during periods of overcrowding in detention. DCSD will continue to work with staff and stakeholders to cancel any detention sanctions during this time and will work to ensure that alternative programming, such as the Saturday Alternative Sanctions and Evening Report Center programs, are being utilized in lieu of serving sanction days in detention. In addition, DCSD is working with DOC to expedite the placement of youth awaiting a Residential Treatment Center or other placement. We have asked for reviews on some youth who could be moved to group homes or other alternatives.

## **2. Possibility of Racine Detention Facility for overflow youth**

DCSD is working on a Memorandum of Understanding (MOU) between Racine and Milwaukee counties, allowing Milwaukee to place a limited number of youth in Racine's detention facility. Milwaukee County representatives visited Racine County Detention facility on April 11, 2016 to tour the facility and to learn about programming and staffing patterns. This alternative is a last resort option as DCSD is committed to keeping youth in their own community, but Racine Detention can be utilized as overflow for certain youth on a temporary basis if needed to ensure the safety and well-being of youth in the general population. MCAP youth would not be considered for placement in Racine.

## **3. Case Processing Committee**

DCSD intends to create a case processing committee to include DCSD staff and various stakeholders, such as members of the judiciary, District Attorney's and Public Defenders office. The purpose of this workgroup would be to evaluate and shorten case processing operations of all partners with the goal of decreasing the amount of time between referral and intake to DCSD and disposition and ensure that youth are not staying in detention longer than necessary.

## **STAFFING**

### Issue and Current Status:

The operating vacancy level for Juvenile Correctional Officer (JCO) positions need to staff the juvenile detention center reached a significant staffing shortage in the first quarter of 2016.

The juvenile detention center has historically managed staffing tightly with consistent use of overtime. This practice has put us in a position of having to rely on the hiring process (which without close attention can take 3-4 months) when we needed to uptick staff quickly. A sudden increase in staffing needs in January 2016 necessitated mandatory overtime that exceeded typical overtime. The JCO's that are currently working may be mandated to work double shifts, especially when there is a last minute call in. Shifts have been temporarily changed to two 12 hour shifts per day, rather than three 8 hour shifts, avoiding 16 hour shifts. Because of this situation, time off for many JCO's has been cancelled contributing to the stress level. Combined with overcrowding conditions, this environment can create a heightened risk of incidents.

### How We Got Here:

The detention center operated most of 2015 with a JCO vacancy of around 13% vacant positions. In addition, there was a monthly average of 5 additional staff out of work on Family Medical Leave (FML) or Workers Compensation (WC), contributing to a higher overall operating vacancy rate.

Between August and October, we lost 5 JCOs, but in October hired 4 JCOs. In anticipation of our 2016 budget, which abolished 4.5 JCO positions, and to avoid layoffs we did not rush to fill positions until very late in 2015. Based on our early December staffing, we anticipated our January 1, 2016 staffing level would be 5 vacancies and 6 staff on leave, very similar numbers to where we were most of 2015. However, 3 JCOs retired during December 2015.

In early January 2016, detention was asked to open all the pods because of addition of the second MCAP unit. This meant not only leaving open the pod that was slated to close but also open another pod. With this change, vacancies were now higher. The plan was to go heavy on overtime and expedite the staffing process. Between January and April, 4 JCO's left the organization, and the regular vacancy rate increased from 13% to 27%. In addition, 4 additional staff went on FML/WC during this time,

contributing to an operating vacancy (vacant positions plus employees not available to work) of 41% in April 2016.

In addition, mandatory JCO training has been provided over the course of April 2016 at the House of Correction. This has placed additional burdens on staffing. The DCSD Administrator and Interim Superintendent are monitoring this on a daily basis. Training will be completed on April 21, 2016.

Detention leaders began to communicate the need to focus on hiring with the opening of the additional MCAP unit. Unfortunately, DCSD leaders failed to effectively communicate the magnitude of the staffing problem and this was not communicated to DHHS leadership until March 29, 2016 via email. I was on vacation on March 29, but Chief Operation Officer Jeanne Dorff took immediate action and began to work with HR and DCSD on a strategy to fill positions as expeditiously as possible. There have been weekly conference calls with detention, DCSD, DHHS, and the HR team, including the HR Director Kerry Mitchell to strategize creative solutions to resolve the immediate staffing shortage and put in place a longer-term strategy.

#### Action Plan:

##### **1. Expedite the hiring process for JCO's**

Between February and April 2016, HR sent us 71 JCO applicants, 34 of whom came in for interviews, and we selected 10 of these to send to House of Correction (HOC) Internal Affairs for in depth background checks, but only 2 passed the background check. Detention leaders were holding offers waiting for a class of four. Once the seriousness of the situation was absorbed, they agreed on an emergency basis to change the training timetable and class size guidelines. We now plan to start the 2 new hires in training on April 23, 2016 and will have them scheduled in the pods the week of April 25, 2016.

DHHS/DCSD is working with the county Human Resources Department to streamline the screening, testing, and background check process to more quickly identify qualified candidates and eliminate unqualified candidates. An expedited process has been implemented with the current recruitment. The following provides a timeline for activities:

- HR opened the position on March 29, 2016 and accepted applications through April 5, 2016. HR conducted outreach to the remaining 100 applicants from the previous recruitment to invite them to reapply. This recruitment resulted in applications from 275 candidates, with 250 of those invited to test on April 15, 2016.
- HR will run Department of Justice and Caregiver background checks on candidates that fall within the top 10 scores during the week of April 18, 2016.
- The Employment and Staffing Team will rank candidates and forward the top candidates to the DCSD hiring manager by April 25, 2016. In an effort to maximize the number of candidates that are available in a timely fashion, we will request the Civil Services Commission waive requirements around "10 best scores", so that management can receive all candidates who pass minimum requirements. We will also request that this be approved as a public safety-related emergency to be implemented as soon as feasible.
- DCSD with expanded interview teams will schedule and conduct interviews from April 25-May 6, 2016 with those passing the initial background check. If the hiring manager is interested in extending an offer, he will provide the candidate a questionnaire to complete within a week for the Internal Affairs in-depth background investigation.
- We are considering making job offers to final candidates contingent upon the Internal Affairs background investigation process. This would mean that employees will start on May 9 or May

23, 2016, depending on whether notice to their current employer is required. These checks will be reviewed by HR and if necessary, employment may be rescinded based upon findings from that process.

- Upon an accepted offer, candidates will be scheduled for Phase One training. Staff are required to complete 40 hours of training within 30 days of employment prior to working alone. Three full weeks of classroom instruction and on-the-job training have been scheduled starting on May 10, 2016.

This process represents an improvement over the past procedure which relied on the hiring manager reviewing all candidates who met the minimum qualifications and interviewing potential candidates. The new process incorporates a test and a caregiver background check for those who pass the test and a subsequent ranking of top candidates, which provides the hiring manager with a more qualified candidate pool.

We anticipate our expedited hiring process should be able to bring in a small number of candidates by May 9, 2016 accepting shifts by May 23, 2016. Our next, hopefully larger new hire batch should be available by May 23, 2016 accepting shifts by June 6, 2016. Also, the week of April 25, 3 JCOs are scheduled to return from FML. Our hope is to be under 10% operating vacancy by June 20, 2016.

## **2. Fill open shifts with temporary volunteer workers**

In order to alleviate the need for overtime for current JCO's, DHHS/DCSD is working on several strategies to fill shifts with other individuals. As an initial course of action we explored the possibility of Correctional Officers from the HOC to pick up overtime shifts; however, HOC is short-staffed with staff currently working overtime. In addition, we pursued approval from our state licensing agent/state Jail Inspector to use Human Services Workers (HSW) and HSW Supervisors within DCSD as temporary part-time JCOs as long as they have had background checks, physical, TB test and policy training. Currently, 15 staff have volunteered to take shifts. All HSW background checks were updated in the summer of 2015 and the physical and TB test will be completed the week of April 18, 2016. These staff will participate in the April 23, 2016 eight-hour training class and should be available for shifts the week of April 25, 2016. If each of these 15 volunteers can take one shift per week, it will fill in for 3 JCO positions.

We also have the possibility of opening the voluntary opportunity to all DHHS/BHD staff. We anticipate opening the voluntary part-time temporary JCO positions to all other DHHS and BHD staff the week of April 18, 2016. We will accept volunteers based on qualifications and background. If possible we will include all accepted volunteers in the April 23, 2016 training class. If that turnaround time is not met we will schedule a second class on April 30, 2016. We hope to get another 10 to 15 volunteers from the department that at one shift per week, it will fill in for another 2 or 3 JCO positions.

Another option that we are vetting is reaching out to the staff of our current network of community-based youth serving agencies to consider taking on shifts at the juvenile detention center. DHHS could hire properly screened and qualified staff through a temporary services agency.

Additional sourcing options being explored through HR are retirees from correctional facilities in Milwaukee and neighboring counties, as well as retired veterans.

### 3. Continuous and proactive recruitment of JCO's

We recognize the JCO position is an entry level position, but with high caregiver standards. The combination of this has historically made these positions difficult to fill. DCSD has asked HR to maintain the JCO position open on continuous recruitment, until further notice. We anticipate within six to eight weeks we will make significant strides in staffing, but to fill all vacant positions may take six months. **In our last recruiting round, we hired 2 JCOs out of 200 applicants. If this ratio proves predictable, we would need 2,100 applicants to fill 21 vacancies.** When HR opened the position for a week, we received 250 applicants, which if kept open would take at least 10 to 12 weeks to produce enough new hires to fill current vacancies.

HR already expanded the reach of its recruitment efforts, including through technical colleges and other avenues.

As part of our lessons learned, we will develop a consistent and routine measure of staffing levels. We also need to maintain a history of turnover ratios. The combination of those two measures will allow us more accurate predictability relative to the need for maintaining continuous recruitment.

### 4. Reconsider strategy of relying on overtime

The detention center has a long standing practice of operating with a staffing model that includes overtime. The rationale for this practice is connected directly to census. Detention opens and closes pods routinely as census rises and falls. Thus, to staff for the highest census would create temporary over staffing. Detention funds positions in the budget close to the maximum adding budgeted overtime to back fill to maximum expected census.

## LAPSES IN EDUCATIONAL PROGRAMMING

### Issue and Current Status:

During four high census days (March 22, March 23, March 24, April 4), youth in the West 2 pod did not receive their educational programming. This included MCAP youth and non-MCAP youth placed in the West 2 pod (a 12-bed housing unit).

Date	MCAP youth	Non-MCAP youth	Total
March 22, 2016	6	11	17
March 23, 2016	6	12	18
March 24, 2016	6	16	22
April 4, 2016	4	14	18

There was one subsequent date (April 7, 2016) during which MCAP youth in West 2 participated in school in groups of three in interview rooms in the visiting area at Wauwatosa School's request. In the afternoon the population dropped sufficiently to allow for school to return to the pod. The building census on this date was 135 youth and 21 in West 2 pod.

The schedule for educational programming for some non-MCAP youth has been staggered in April 2016 as a result of mandatory JCO training. The Detention Superintendent, DCSD Administrator, and School Principal are working closely to resume the regular schedule and hours of instruction as soon as training is completed on April 21, 2016.

In addition, Juvenile Cognitive Intervention Program (JCIP) group was not provided on West 2 during the identified March dates because the Running Rebels JCIP Facilitator was on vacation. An action plan with Running Rebels is being developed to ensure that there is no interruption in programming for MCAP youth and that accurate documentation is maintained. This includes the addition of a JCIP facilitator to provide coverage for JCIP programming. An individual was hired for this position and is in the process of being trained.

#### How We Got Here:

Milwaukee County juvenile detention center protocol is for the Detention Center Supervisor (Head of Shift) to assume responsibility for the day-to-day operation of the Center. They are responsible for having adequate staffing and making decisions on safety and security of facility.

On the dates of March 22-24, 2016, the Wauwatosa School approached the Detention Center Supervisors with concerns that they would not be able to adequately provide educational services on West 2, due to limited space because of the number of juveniles sleeping on the dayroom floor. Based on the safety and security issues posed by trying to run a program in the limited space available with that many unsecured youth and the concerns from the educational department, the Detention Supervisors decided that educational services would be cancelled on a daily basis until there was a reduction in population on West 2. This was not communicated to DCSD or DHHS leadership.

#### Action Plan:

##### **1. Decision-Making Protocol**

On April 11, 2016, the Interim Superintendent of the juvenile detention center notified Detention Center Supervisors and the Wauwatosa School Principal that if any classes are being recommended to be cancelled the Interim Superintendent must be notified and will make the final determination. All decisions relating to cancelling of educational programming will be discussed with the DCSD Administrator and DHHS Director.

##### **2. Contingency plans to maintain school and programming**

The DCSD Administrator and the Interim Superintendent of the juvenile detention center will create a written contingency plan for maintaining school and programming for youth during periods of increased census. This plan can include creative solutions, such as holding school at different times or using different sides of the day room to work with different youth simultaneously.

##### **3. Increased oversight of MCAP programming in detention**

DCSD management staff (HSW Supervisor and the Administrative Coordinator) have increased their visibility and oversight of services provided to MCAP youth in the detention center. They have increased the frequency of MCAP staffs to once per week and are working on a revising a policy and procedure document clarifying roles and responsibilities of staff.

#### **COMMUNICATION AND PARTNERSHIP**

DHHS/DCSD has learned many important lessons from this situation; chief among these are lessons around communication and partnership. In each of the areas above, communication lapses occurred,

either between levels of leadership within DHHS/DCSD or with partners. DHHS/DCSD's failure to adequately communicate problems on a timely basis to stakeholders impacted trust, exacerbated the problem, and precluded potential solutions. For example, had the judiciary known about our staffing shortage, they could have made more fully informed decisions about placement of youth in detention and worked with us on solutions.

Please note that Detention Superintendent Wilma Fonseca terminated from employment effective April 12, 2016. The Deputy Superintendent, Terrell Martin, has been named as Interim Superintendent and will serve as the point person for detention working closely with DCSD Administrator Mark Mertens.

On a moving forward basis, DHHS/DCSD will use the following additional vehicles to achieve better communication within DHHS/DCSD and with its partners and stakeholders.

### **1. Monthly stakeholder meetings**

DCSD proposes to host regular monthly meetings with the various stakeholders, including judiciary, members of the Public Defenders and District Attorney's offices to ensure open lines of communication. This is an opportunity to share and address any questions or concerns, acknowledge what is going well and ensure that we as a department are transparent in our operations. The first meeting will be scheduled by DCSD Administrator Mark Mertens by April 22, 2016.

### **2. Daily program reports**

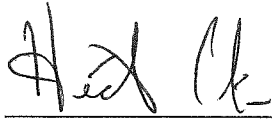
DCSD will also continue to share the Daily Program Reports with the judiciary and Public Defenders, and will also include the District Attorney's office as of April 14, 2016. The Daily Program Reports include the number of youth in detention, as well as the number of youth in DCSD programming and the number of slots available per program and whether there is a wait list or not. DCSD is working with IMSD on creating a daily census detention report in the newly developed data management system, Juvenile Program Management (JPM). The report is a daily census of who is in detention by name, race/ethnicity, birthdate, Detention Risk Assessment Instrument (DRAI) score, charge they are placed on, date they came to detention, date of first court hearing, date of all future court hearings and total days in detention. This report will be distributed to all departments that work with youth within Children's Court Center. This type of report has been used in other Juvenile Detention Alternative (JDAI) sites and has been helpful in case processing and getting youth out of detention and into services quicker. DCSD can add additional reports requested by stakeholders to the extent they are available.

### **3. System for monitoring and reporting vacancies**

DHHS will collaborate with HR to develop a system with staffing data with alert levels: e.g. communication at 10% vacancy staff for HR and management; over 15% for staff, courts, HR and management; and over 20% "all hands on deck" action plan. As a part of this system, we will work with HR to develop an FMLA calendar to help track and anticipate when staff will be able to return to work.

We welcome any additional suggestions on how we might work together as partners in best meeting the needs of the youth, families, and community we serve. We also look forward to pursuing an independent evaluation of this situation and will provide findings when they are available. Please do not hesitate to contact me if you have questions or would like additional clarifying information.





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Héctor Colón, Director  
Department of Health & Human Services

cc: Chief Judge Maxine White  
Deputy Chief Judge Mary Triggiano  
County Board of Supervisors  
Raisa Koltun, Chief of Staff – County Executive’s Office  
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