

COUNTY OF MILWAUKEE
Inter-Office Communication

DATE: October 21, 2020

TO: Supervisor Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

FROM: Shakita LaGrant, Director, Department of Health and Human Services
Prepared by: Mark Mertens, Division of Youth & Family Services Administrator

SUBJECT: An informational report from the Director, Department of Health and Human Services, providing an update to Wisconsin Act 185

Background

Over the past few years, the County Executive and Milwaukee County Board have been working with key stakeholders to address the crisis at Lincoln Hills and Copper Lake and have embraced policies surrounding the creation of a local alternative option for Milwaukee County youth to be placed in a safe environment, closer to home.

In March 2018, the Wisconsin State Legislature adopted Act 185 paving the way for the development of local alternatives to Lincoln Hills and Copper Lake. Act 185 directs the closure of Lincoln Hills and Copper Lake for use as youth correctional facilities by July 1, 2021 and authorizes County-operated Secured Residential Care Centers for Children and Youth (SRCCCYs). Under Act 185, the Wisconsin Department of Corrections (DOC) maintains supervision over youth with adult court sentences and youth in the Serious Juvenile Offender Program (SJOP), but the supervision of youth under other correctional placements is now transferred to the counties. As part of Act 185, the State is required to build Type 1 facilities for the SJOP placements.

In late June 2019, the Legislature passed AB188/SB168 which amended Act 185 and extended the deadline for the closure of Lincoln Hills and Copper Lake from January 1, 2021 to July 1, 2021. The amendments also pushed out the deadline to October 1 as the date by which the Juvenile Corrections Grant Committee must make recommendations and establish a Wisconsin Model of Youth Justice Statewide Plan.

The original Act 185 legislation included \$40 million to counties for the planning and construction of SRCCCYs. The 2019-2021 Adopted State Budget increased this allocation by \$40 million for a total of \$80 million in State bonding. Per Act 185, the State is to fund 95 percent of the design and construction of SRCCCYs with counties contributing the remaining 5 percent. Grants are to cover 100 percent of the design and construction of facilities for girls.

Eligible construction costs under Act 185 include new construction as well as the renovation of an existing structure. To qualify for the funds, counties were required to submit a grant application to the Grant Committee by July 1, 2019. The original deadline in Act 185 of March 31, 2019 was amended by the Legislature as part of AB188/SB168.

In order to meet the original March 31 deadline, DHHS submitted an application, approved by the County Board (File No. 19-236), which reflected the construction of a new facility at an estimated cost of \$41 million. It wasn't until mid-June that the DOC released the application for the July 1 submittal.

DHHS then revised its application for submittal by the July 1 deadline. As discussed in its September 2019 report (File No. 19-23), based on a request from the Grant Committee that counties identify cost-saving proposals due to a significant gap in available funding, DHHS revised its original proposal and submitted two options on September 9. Option A involved the renovation of Vel Phillips and leased beds in the community and Option B reflected the renovation of Vel Phillips only. Both options were anticipated to cost the same at \$24,858,203 – the State portion of which was expected to be \$23,615,293 based on the 95 percent cost share. This overall cost is dramatically lower than the previous estimate of \$41 million.

On October 1, 2019, the Grant Committee recommended Milwaukee County's proposal along with the proposals from Dane, Brown and Racine Counties to the State Legislature's Joint Committee on Finance (JCF) as part of the Wisconsin Model of Youth Justice. Per Act 185, the Grant Committee is required to submit this plan for approval to JCF. The amount approved by the Grant Committee of nearly \$111 million is about \$31 million more than the State's appropriation of \$80 million for the construction of the SRCCCYs.

JCF Grant Award Approval

On Feb. 12, 2020, JCF met to approve the grant proposals and address the funding gap. In order to close this gap, JCF redirected \$22.6 million in funding for the State Type 1 facilities to SRCCCYs. This left a gap of about \$8.4 million which was taken from Milwaukee County's proposal. Of the four participating counties (including Racine, Brown, Dane), only Milwaukee received a reduction to its grant amount. On Feb. 27, 2020, the State Building Commission approved the release of the funding recommended by JCF.

Revised Scope & Cost Estimate

Based on the reduction to Milwaukee County's grant award by JCF, the Milwaukee County SRCCCY facility design team has developed a new conceptual plan, program and cost estimate for the Vel Phillips renovation and expansion. The revised scope holds the same planned 32-bed capacity for the SRCCCY as the previous design. The revised estimated total project cost is \$17.9 million. After applying the State grant amount of \$15.2 million which covers 85 percent of the cost, the county's obligation is about \$2.7 million or 15 percent of the cost.

Grant Deferral

In July 2020, DHHS received a communication from the DOC requesting that Milwaukee County accept the \$15.2 million grant award. In response, County Executive David Crowley and I submitted a letter to the DOC requesting deferral of the grant award. The reasons for the deferral included the uncertainty around the State's plans for its Type 1 facilities and additional operating support for the SRCCCY. This decision is also consistent with the recommendation by the SRCCCY Steering Committee which convened shortly before receipt of DOC's request.

The remaining three counties that applied for SRCCCY funding made the following decisions on the grant award: Racine accepted the grant award, Dane declined but expressed interest in "future collaborations with the state" and Brown deferred acceptance until certain conditions are met.

Project Update

On October 16, the Wisconsin Counties Association (WCA) hosted a meeting of Dane, Racine, Brown and Milwaukee Counties to discuss next steps around Act 185. WCA briefed counties on the following:

- If counties do not sign their grant award contracts, the State could repurpose this funding and use it for one, Type 1 facility and improvements to the Mendota Juvenile Treatment Center.
- Upcoming plans to meet with State Rep. Evan Goyke to discuss funding for expanded community-based alternatives and serving all 17 year-olds in the youth justice system

As the next biennial budget is developed, it will be important to monitor the progress of these issues and to determine how Milwaukee County can advocate for greater investment in community-based alternatives, and yet assure that the youth who are in need of restrictive care can receive it in the most effective and fiscally responsible manner necessary.

Next Steps

The workgroups and Steering Committee will continue to explore alternatives with the aim of serving all youth in need of secure care locally by the July 1, 2021 closing date of Lincoln Hills (LHS) and Copper Lake Schools (CLS). With the current low census of youth in detention as well as at LHS and CLS, there may be new opportunities to serve our youth within the Detention Center at the Vel R. Phillips Youth Justice Center without creating overcrowding. However, it will be necessary to explore options in regard to capacity for programming and education space and to assure proper and effective programming and a supportive living environment.

In the meantime, DYFS is continuing to work diligently to reduce the population of youth placed at LHS and CLS with the aim of meeting our capacity needs locally by July 2021. In addition, new programming is being developed to more effectively and comprehensively meet the needs of youth as they transition to our local resources.

Recommendation

This report is informational and no action is required.

Respectfully Submitted:

Shakita LaGrant-McClain

Shakita LaGrant, Director

Department of Health and Human Services

cc: County Executive David Crowley

Hon. Mary E. Triggiano, Chief Judge
Mary Jo Meyers, County Executive's Office
County Supervisor Supreme Moore-Omokunde
Steve Cady, Research Director, Comptroller's Office
Pam Matthews, Fiscal & Management Analyst, DAS
Lottie Maxwell-Mitchell, Research & Policy Analyst, Comptroller's Office