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(ITEM) A resolution by Supervisors Lipscomb, Sr., Moore Omokunde, and Dimitrijevic, declaring a state of emergency relating to Milwaukee County youth committed to secure juvenile detention facilities operated by the Wisconsin Department of Corrections, and authorizing the use of \$500,000 from the contingency fund for the creation of an alternative facility upon approval by the Milwaukee County Board of Supervisors, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, the Wisconsin Department of Corrections (DOC) operates the only State secure juvenile detention facilities in Wisconsin, namely Lincoln Hills School for Boys (Lincoln Hills) and Copper Lake School for Girls (Copper Lake); and

WHEREAS, of the youth at the facilities, the majority are Milwaukee County (the County) youth, recently including 140 boys and 18 girls; and

WHEREAS, the allegations of physical abuse of a child, second-degree sexual assault, victim and witness intimidation, and suicide attempts at Lincoln Hills and Copper Lake have resulted in a John Doe investigation, a raid of Lincoln Hills by law enforcement, a reduction in staff due to the investigation, and questions of civil rights violations; and

WHEREAS, Wisconsin Attorney General Brad Schimel is quoted as stating that the year-long probe could go on for another year due to the complexity of the allegations and reluctance of witnesses to testify; and

WHEREAS, on January 27, 2016, the Milwaukee County Chief Judge testified before the Committee on Health and Human Needs, calling the treatment of the youth in these facilities “inhumane;” and

WHEREAS, in order to respond to the immediate threat faced by County youth at the DOC facilities, the Milwaukee County Code of General Ordinances (the Code) provides several emergency powers; and

WHEREAS, if the Milwaukee County Board of Supervisors (County Board) passes a resolution determining that an emergency exists that threatens the public health or welfare of the County, then any contract for public works to address the emergency situation need not go through the low-bid/qualified-bidder process in Section 44.01 of the Code; and

WHEREAS, in the case of an emergency under Section 44.14 of the Code, the Director of the Department of Transportation, and/or the Director of the Department of Administrative Services can proceed with emergency public works worth up to \$20,000 without bids as long as there is a report to the County Executive and County Board

47 within 72 hours; and

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49 WHEREAS, also under Section 56.30(5)(a) of the Code, a department is not
50 required to use a Request for Proposals for a Professional Services Contract as long as
51 there is a report to the County Executive and the County Board within 72 hours; and

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53 WHEREAS, in addition to exploring an alternative secure juvenile detention
54 facility, the County should develop alternative options, as requested by the Chief Judge,
55 for courts to consider, including expanding the Milwaukee County Accountability
56 Program (MCAP), which allows juveniles to stay in the County and includes a secure
57 detention component, as well as an option that takes advantage of the 2013 State
58 statute change, which allows counties to keep youth in local secure detention up to 365
59 days; and

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61 WHEREAS, THE 2016 Recommended Budget included an initiative developed
62 by the Department of Health and Human Services (DHHS) that moved MCAP out of the
63 Juvenile Detention Center and abolished 4.5 Juvenile Correction Officers; and

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65 WHEREAS, after adoption of the 2016 Budget it was determined that MCAP
66 would need to remain at the Juvenile Detention Center, making it necessary to restore
67 the four Juvenile Correction Officers that were abolished in the budget and to add
68 another four, for a total of eight Juvenile Correction Officers, to provide the correct level
69 of staffing for the expansion of MCAP to 22 beds; and

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71 WHEREAS, the Chief Judge and the Judiciary at Children's Court are requesting
72 that MCAP further expand to 68 beds to increase the options the Judiciary has when
73 adjudicating youth; and

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75 WHEREAS, the Chief Judge is requesting that the Delinquency and Court
76 Services Division (DCSD), DHHS, immediately send human service workers and
77 wraparound trained professionals with clinical oversight to provide assessments of each
78 youth confined at Lincoln Hills and Copper Lake; and

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80 WHEREAS, it is necessary to create four Human Service Worker positions in
81 order to allow current human service workers to immediately provide oversight of DOC
82 services, advocacy for the Milwaukee County youth confined in Lincoln Hills and
83 Copper Lake, and to create comprehensive transition plans prior to and after youth are
84 released; and

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86 WHEREAS, the severity of the allegations and the extensiveness of the
87 investigation of the DOC-operated secure juvenile detention facilities indicate that
88 County youth placed in the facilities are currently in an unsafe environment that is a
89 threat to the public health and welfare of the youth; and

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WHEREAS, the Committee on Finance, Personnel, and Audit, at its special meeting of February 4, 2016, recommended adoption of this resolution as amended (vote 5-0); now, therefore,

BE IT RESOLVED, upon adoption of this resolution the Milwaukee County Board of Supervisors (County Board) declares a state of emergency for Milwaukee County (the County) youth placed in the State of Wisconsin's secure juvenile detention facilities, Lincoln Hill School for Boys (Lincoln Hills) and Copper Lake School for Girls (Copper Lake); and

BE IT FURTHER RESOLVED, the Department of Health and Human Services (DHHS), in consultation with the judiciary, is authorized to create a plan that will allow County youth to be moved from Lincoln Hills and Copper Lake to a new local facility and/or program that satisfies the concerns raised by the judiciary at the January 27, 2016, meeting of the Committee on Health and Human Needs; and

BE IT FURTHER RESOLVED, the Delinquency and Court Services Division (DCSD), DHHS, is authorized to create a program, approved by the County Board, pursuant to Section 938.34(3)(f), Wisconsin State Statutes, which presents the courts with a full 365 day secure detention option for the County as an alternative to youths being sent to Lincoln Hills or Copper Lake, whether it is an extension of the Milwaukee County Accountability Program or an entirely new program; and

BE IT FURTHER RESOLVED, that DCSD is authorized to create a plan for County Board approval that will expand the Milwaukee County Accountability Program (MCAP) from 22 beds to 68 beds as requested by Milwaukee County's Chief Judge, including adding a female specific MCAP program; and

BE IT FURTHER RESOLVED, the plans DHHS and DCSD develops to address the emergency at Lincoln Hills and Copper Lake shall be presented for approval to the County Board in the March 2016 cycle; and

BE IT FURTHER RESOLVED, the County Board will waive the requirements in Sections 44.01, 44.14, and 56.30(5)(a) of the Milwaukee County Code of General Ordinances that may delay immediate planning and development of a new facility and services for County adjudicated youth; and

BE IT FURTHER RESOLVED, the County Board urges the Wisconsin Department of Corrections (DOC) to create secure and non-secure Residential Care Centers for Children and Youth in the County as an alternative to Lincoln Hills and Copper Lake; and

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BE IT FURTHER RESOLVED, the County Board urges the judiciary, the District Attorney, and the DCSD to consider modifying dispositional orders to allow County youth at Lincoln Hills and Copper Lake to be placed in a new facility approved by the County Board or other alternative placements appropriate for the adjudicated youth; and

BE IT FURTHER RESOLVED, that the Superintendent of the House of Correction (HOC) is authorized to study the feasibility and cost associated with using the HOC as a dispositional placement for serious juvenile offenders; and

BE IT FURTHER RESOLVED, the County Board hereby authorizes the creation of the twelve positions for Org. Unit 8000 – Department of Health and Human Services, effective upon passage:

Org. Unit 8000 – Department of Health and Human Services

Create:

<u>Title</u>	<u># of Positions</u>
Juvenile Correction Officer (title code [TC] 00058620)	8
Human Service Worker – Juvenile Justice (TC 00056395)	3
Section Manager (TC 00076130)	1

; and

BE IT FURTHER RESOLVED, the creation of the three Human Service Worker positions is to allow the current employees in these positions to immediately begin the assessments of the youth at Lincoln Hills and Copper Lake; and

BE IT FURTHER RESOLVED, the Office of the District Attorney is requested to use its investigatory resources, working with the DOC and Office of the Attorney General, to monitor the safety of adjudicated youth from the County at Lincoln Hills and Copper Lake during the ongoing investigation; and

BE IT FURTHER RESOLVED, upon County Board approval of a plan for an alternative facility to Lincoln Hills and Copper Lake, the Director of the Department of Administrative Services, working in conjunction with the Comptroller, is authorized to process an appropriation transfer of \$500,000 from Org. Unit 1800-1945 Appropriation for Contingencies to immediately implement the plan.

jmj
02/04/16
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