

COUNTY OF MILWAUKEE
Department of Health and Human Services
INTER-OFFICE COMMUNICATION

DATE: October 11, 2011

TO: Supervisor Lee Holloway, Chairman, Milwaukee County Board of Supervisors
Supervisor Johnny Thomas, Chairperson, Finance and Audit
Supervisor Peggy West, Chairperson, Health and Human Needs Committee

FROM: Geri Lyday, Interim Director, Department of Health and Human Services
(Prepared by Eric Meaux, Administrator/ Chief Intake Officer – DCSD)

SUBJECT: INFORMATIONAL REPORT FROM INTERIM DIRECTOR, DEPARTMENT OF HEALTH AND HUMAN SERVICES, REGARDING RESOLUTION 11-477 TO INITIATE COLLABORATIVE EFFORTS AMONG SOUTHEASTERN WISCONSIN COUNTIES TO DEVELOP ALTERNATIVE LOCAL SECURE PLACEMENT OPTIONS FOR ADJUDICATED YOUTH IN MILWAUKEE COUNTY TO BE CONSIDERED FOR 2012 BUDGET DELIBERATIONS.

Background

The 2011 – 2013 State Budget (Act 32) contains statutory language changes that would allow a juvenile court the ability to place a youth in a local secure detention facility for a period of up to 180 days if authorized by a county board of supervisors. Prior to Act 32, the juvenile court was limited to a period of up to 30 days if authorized by a county board of supervisors. In addition to county board approval, placement of a youth adjudicated delinquent in a detention facility beyond 30 days “...the county department shall offer the juvenile alcohol or other drug abuse treatment, counseling, and education services...” as required by the newly created statutory language.

State-wide, and consistent with many national trends, the juvenile justice system has experienced a continuous decline in delinquency referrals. Milwaukee County has seen a decrease in police referrals of approximately 50% since 2000. In addition, from 2006 to 2010, the number of repeat offenders, that is, unique juveniles, having 2 or more repeat offenses has decreased by 7% while accounting for the reduction in overall referrals. As a result of these trends, and State-wide efforts to improve systems response through evidence based practices (EBP), a number of other impacts have occurred.

State Juvenile Correctional placements have decreased State-wide to the point that the State officially closed both the female and male State juvenile correctional facilities operated in Southeastern Wisconsin. Final closures of the two facilities occurred by the end of July 2011. All secure correctional placements now result in youth being placed in Irma, WI also known as Lincoln Hills. A separate female facility has been created at Lincoln Hills. Concurrently, locally

operated secure detention facilities have experienced similar trends in their average daily populations as recently highlighted in a recent Public Policy Forum Research Brief.¹ In 2006, the average daily population for the Milwaukee Juvenile Detention facility was 102 compared to an average daily population of 88 in 2010. It is worth noting as well that the reasons for youth being held have shifted. In 2006, sanction and state correctional holds accounted for 6% compared to 11% in 2010. From a state-wide perspective, locally operated secure detention facilities have operated below 40% approved capacity for the past 2 years².

Similar relevant information for Southeastern Counties is contained in the table below.

County	Capacity	ADP*	Excess Capacity	Correctional Placements		
				2007	2008	2009
Kenosha County	NA	4	NA	37	21	19
Milwaukee County	120	92	24%	276	237	212
Racine County	131	30	77%	38	31	14
Rock County	35	10	71%	17	34	21
Waukesha County	18	3	81%	7	5	7
				375	328	273

*Average Daily Population (ADP) is based on past 2009 - 2010

This changing population environment and the recent changes contained in Act 32 have resulted in increasing discussion involving the ability to sustain local detention center operations in light of fiscal challenges and emerging alternatives for “repurposing” such facilities. To this point, Waukesha is considering closure of its female detention operations³ and Sheboygan is considering closure of both male and female detention operations.⁴ In addition, Racine has operated a local secure placement utilizing the Racine juvenile detention center since 2003. It is this program, known as Alternatives to Corrections through Education program (ACE) that created awareness of the desirability for the language change that was eventually adopted in Act 32.

Collaborative Efforts and Best Practices

In 2009, the Division pursued the alternative secure placement option with Racine resulting in a 2009 inter-county agreement. In early 2010 concerns were raised that certain statutory language did not support the use of a detention facility for placement purposes. It should be noted that the Juvenile Justice Code shall be “liberally construed” which may result in varying interpretations and or practices unique to counties. The recent changes contained within Act

¹ Milwaukee County Detainee Populations at Historic Lows; Public Policy Forum, <http://www.publicpolicyforum.org/pdfs/MilwaukeeCountyDetentionBrief>.

² Detention Report – Full Year 2010, Wisconsin Council on Children and Families, http://wccf.org/pdf/justice?QDR_full-year_2010.pdf

³ Vrakas seeks to outsource girls' juvenile detention, <http://www.jsonline.com/news/waukesha/130445688.html>, September 23, 2011

⁴ Decision delayed on Sheboygan County juvenile detention center, <http://www.sheboyganpress.com/article/20110920/SHE0101/109200387/Decision-delayed-Sheboygan-County-juvenile-detention-center>, September 19, 2011

32 were adopted with the intent of removing such concerns. For reference, the June 2009 Informational Report is attached regarding the inter-county agreement executed.

The table below briefly describes the status of other counties at the present time.

County	Current Short Term Secure Plans in Brief
Kenosha County	Not currently exploring - minimal youth
Milwaukee County	Past Racine inter-county agreement – current discussions with Racine
Racine County	Continuing ACE program and discussion with other counties
Rock County	Planning to replicate ACE-like concept within existing facility
Waukesha County	To move beyond current 30-day and very select (case by case) - minimal youth

Initial planning efforts have included outreach to the above listed counties and a meeting with Racine County regarding current and future collaborative opportunities, in particular ACE. While there are many components to consider such as facility capacity, current staffing levels, expanded programming and reentry costs, medical costs, and transportation costs, to name a few, it appears that similar continuation of the Milwaukee – Racine inter-county agreement would be the most advantageous in the short term as a means of seizing the opportunity created by the recent language change authored by Chairman Lee Holloway provided agreement terms remain agreeable.

Potential Youth to be Served

In 2010, the Division experienced 138 youth that were placed in State Corrections. This does not include another 13 youth that were deemed Serious Juvenile Offenders (SJO). As originally conceived in 2009, this alternative option would target non-SJO youth that at risk for State Corrections and did not have a reoffense. Put in other terms, those youth that are chronically violating the court expectations. In 2010, this subpopulation represented 28% (n=39) of the placements. This would result in an average of 3 youth per month if all youth we deemed appropriate for this placement option.

Capacity Building

As a result of the statutory changes, and continual recognition by more counties of evidence based practices (EBP), delinquency-related systems and service providers more than in the past are having more mutual discussions regarding collaborative opportunities that will likely foster other additional local secure placement options. Further development of data-driven practices (EBP), ensures to the extent possible, that the system is holding in the detention center only those youth that are necessary for community safety. Continual efforts to reduce and sustain the daily census will create opportunities for future considerations similar to the Racine program within the Milwaukee facility.

The Division, in collaboration with Waukesha County and funding provided by the Office of Justice Assistance, are currently hosting facilitators training in cognitive intervention programming (EBP) for a number of public and private providers including that of Racine County. It is envisioned that by implementing similar cognitive programming, reentry

performance measures would be improved. Implementing commonly used evidence based interventions both within a program such as ACE and post release is key to ensuring that youth not only learn new skills and behaviors but also have the opportunity to practice and reinforce those skills in their natural communities. As EBP interventions become more like among counties, cross training opportunities will become not only desirable but also economical creating a regional environment for further collaboration in the area of local secure placement. These efforts are the beginning and means by which local capacity will build upon.

In addition, and relevant to the discussion of local secure placement options, the Division has collaborated with Rock County to replicate EBP that involve evidence based decision making (EBDM). The Division was able to leverage funding from the MacArthur Foundation, Models for Change – Systems Reform in Juvenile Justice, to bring in a national consultant to provide EBP training for all staff in anticipation of implementing a new actuarial risk and needs assessment tool. In addition to this training, Rock County and two other counties greatly benefited from the experience and expertise to plan and implement their system reform efforts. The Division intends to replicate many of the EBP systems change efforts that have occurred in the tri-county Models for Change consortium. As a member of the Office of Justice Assistance Disproportionate Minority Contact grant sites, the Division has a working relationship with these counties to mutual benefit from their experience.

The Division feels strongly that a new risk tool, that is more discerning in terms of criminogenic needs and identification of protective factors, needs to be implemented to ensure that youth identified for a local secure detention placement such as ACE or other consideration is based upon a valid assessment of risk and individual needs. This focused systems change strategy is similar to efforts currently underway in the adult system and supported by Milwaukee County Community Justice Council. As relevant to the ACE program, a concern with any program involving risk control and risk reduction is that of “net-widening”. The challenge of any alternative program design is ensuring that the proper controls are in place so that youth, under pre-existing circumstances, are not funneled into the alternative program. This for obvious reasons can be not only counterproductive to the intent and design of the program but can also increase the likelihood of recidivism by mixing youth with opposite risk levels (EBP).

Moving Forward in the Short-term

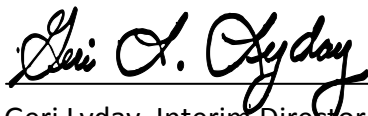
The Division believes it will be able to move forward with efforts involving Racine County and the ACE program as a bridge toward a Milwaukee secure option with emphasis on obtaining the following:

- Replacing recently vacant probation officer positions and supervisor already funded to apply appropriate risk reduction strategies.
- Continue efforts to train both staff and community providers in Cognitive Programming and Intervention practices (EBP).
- Continue efforts to implement new risk and needs assessment instrument (EBDM) to ensure proper assessment/ target population control.
- Consider expansion of Targeted Monitoring Program and or explore electronic

monitoring as needed to ensure proper reentry supervision.

The Division, in part through efforts to forward evidence based practices and decision making, currently has funds contained within the present 2012 Executive Budget to begin implementation of the above items and would continue to seek approval and support for such planning and implementation efforts. In order to fully support these efforts and promote success, the Division would need to explore additional technical assistance and, possibly, professional services funding, resulting in improved systems planning and outcomes. Many juvenile justice systems that have fully embraced EBP and EBDM have enlisted the support of consultants similar to the tri-county consortium mentioned above to assist in their system change efforts. Bringing in experts can help jumpstart and maintain momentum as well as provide lessons learned from other jurisdictions including change action planning, layered staff and provider training, and system quality improvement efforts.

Lastly, the Division will need approval from the county board of supervisors to allow the court to make such a placement as required by State Statute. The Division plans to bring this policy issue back to the County Board by the March 2012 committee cycle.



Geri Lyday, Interim Director
Department of Health and Human Services

cc: County Executive Chris Abele
Tia Torhorst, County Executive's Office
Terry Cooley, County Board
Patrick Farley, Administrator - DAS
CJ Pahl, Interim Assistant Fiscal and Budget Administrator
Antoinette Thomas-Bailey, Fiscal & Management Analyst, DAS
Jennifer Collins, Analyst, County Board Staff
Jodi Mapp, Committee Clerk, County Board Staff
Judge Marshall Murray, Presiding Children's Court