

COUNTY OF MILWAUKEE
Inter-Office Communication

DATE: June 6, 2016

TO: Sup. Theodore Lipscomb, Sr., Chairman – Milwaukee County Board of Supervisors

FROM: Héctor Colón, Director, Department of Health and Human Services
Prepared by: Mark Mertens, Delinquency and Court Services Administrator

SUBJECT: **An informational report from the Director, Department of Health and Human Services, providing an update on the Juvenile Detention Center in the Delinquency and Court Services Division**

Background

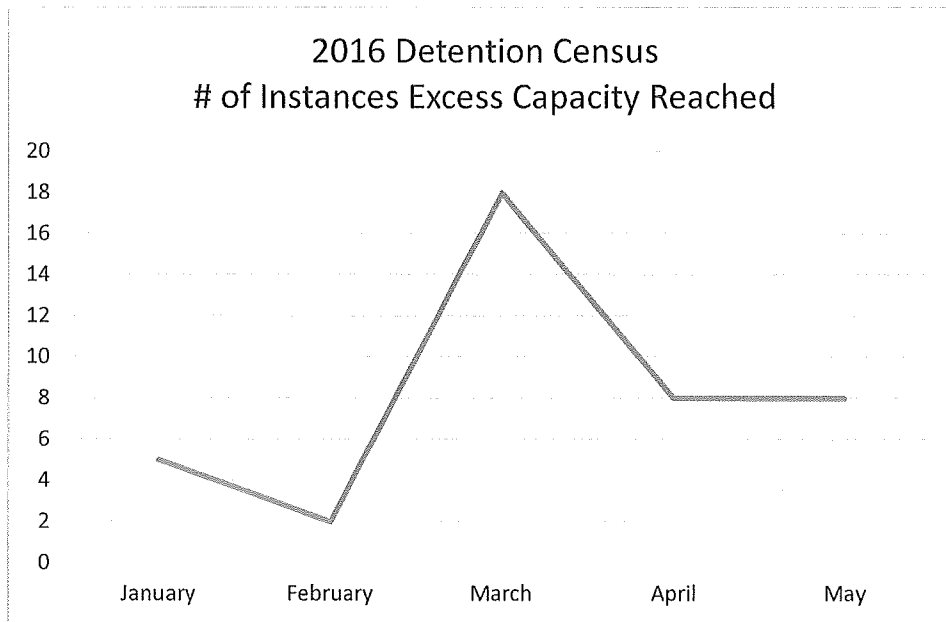
The Delinquency and Court Services Division (DCSD) Juvenile Detention Center has been experiencing a staffing shortage and a youth census above capacity in the facility as discussed in detail in the Inter-Office Communication, DHHS Juvenile Detention Center Update, dated April 18, 2016 and information report to the board dated April 29, 2016. This informational report provides an update to the action items provided in that memo below. In addition, a summary on the status of each measure being undertaken by DCSD is identified in Attachment 1.

Discussion

Overcrowding in the Juvenile Detention Center

The Juvenile Detention Center continues to experience an increased average daily census compared to before the issues at Lincoln Hills surfaced. Although the current census is below the 120-bed capacity at 117 (as of 5/23), it is 24 percent higher compared to the same time last year. Due to the expansion of the Milwaukee County Accountability Program (MCAP) from 12 to 24 beds in 2016, 12 of those additional slots are due to this program expansion.

Although the census has exceeded capacity several times since January, the number of occurrences has begun to level off in April and May as shown in the chart below. At its peak, census reached 135 youth in March but has not been higher than 125 youth in May.



Although the average length of stay for youth in detention remains high compared to the fourth quarter of 2015, April and May admissions to detention are down slightly compared to the average admissions in the first quarter of 2016. Further, the average length of stay for youth on extension petitions for Lincoln Hills has gone down over the last few months. This is significant to note because youth for whom we are contesting Lincoln Hills' extension petitions stay longer in detention while awaiting resolution.

	3rdQ 2015	4thQ 2015	1st Q 2016	April	May
Youth in Detention - Average Length of Stay (days)		15.7	17.1	19.8	16.8
# of Detention Admissions		461	520	160	171
Lincoln Hills' Extension Petitions - Average Length of Stay (days)	5.8	20	21.2	17.1	10.5

In response to this increased volume, DCSD has implemented the following measures:

1. Identifying youth for immediate release

Programming options include, but are not limited to, the Level II with optional Global Positioning System (GPS) Program, Group Care and Shelter Care. The Level II with optional GPS program is for primarily pre-dispositional youth who are pending a delinquency petition as an alternative to secure detention. The youth referred to this program are alleged delinquent and are not an immediate risk to the community but need additional support and supervision.

In May, the County Board approved DCSD's request to increase an existing contract with Southwest Key to provide 10 additional slots for Level II services.

2. Case Processing Committee

In June, 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 case processing operations 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.

3. Possibility of Racine Detention Facility for Overflow Youth

Finally, DCSD is collaborating with Racine County Detention for a Memorandum of Understanding (MOU) for overflow placement of Milwaukee youth. This MOU has been signed and executed and is in effect through 2016. This MOU will allow the placement of Milwaukee youth in Racine Detention only as a last resort placement. DCSD views this option as a temporary measure and is committed to keeping youth in their own communities.

Staffing

1. Expediting Hiring Process

DCSD has been working very closely with Human Resources to expedite the hiring of vacant Juvenile Correctional Officer (JCO) positions. Significant strides have been made in filling these vacancies since last reported to the County Board. As of May 31, there were 69.5 total JCO positions, with 60.5 filled JCO positions and nine JCO vacancies. This compares to 50 filled JCO positions and 19.5 JCO vacancies reported in the April 29 report to the County Board.

Although DCSD has greatly improved coverage of the Detention Center by accelerating the hiring process as well as implementing temporary emergency measures, the consistent availability and retention of its permanent JCO workforce remain a challenge. Of the 60.5 filled positions, 10 are not currently available to work – one is suspended and pending termination in June, eight are not working due to worker's compensation claims or Family Medical Leave Act (FMLA) and one is on county leave pending termination. Another seven employees are under intermittent FMLA but are working when able.

As part of the latest recruitment effort, 119 of 250 applicants took the civil service exam. Candidates will be selected for an interview during the first week of June and will undergo a background check. DCSD anticipates making offers starting June 17 with orientation likely to begin July 5 or July 18.

2. Fill open shifts with temporary volunteer workers

A short-term measure being undertaken to address the staffing issue, is to fill open shifts with volunteer employees within DCSD. Since the last report, 17 DCSD employees were trained and have volunteered to cover several shifts in Detention. In May, the County Board approved DCSD's request to allow for a temporary exception to Milwaukee County Ordinance Chapter 17 concerning overtime compensation for these employees. This exception allows the non-exempt DCSD employee volunteers to receive overtime at time and one-half for all volunteer extra shifts worked as JCOs even if the employee didn't work more than 40 hours in a given week due to vacation and/or other factors. In addition, the program would allow exempt DCSD employees to be compensated for extra shifts as JCOs at time and one-half as opposed to straight time or compensatory time.

HR made the decision not to hire part time JCO's from local educational institutes with criminal justice programs, such as Marquette, University Wisconsin-Milwaukee and MATC, due to budget constraints. If a part time position was to be filled, this would take the place of a full time position, therefore not allowing DCSD to fill all of their full time positions.

3. System for monitoring and reporting vacancies

DHHS is collaborating with HR to develop a communication system that incorporates alerts when staffing drops below certain pre-defined levels. For example, HR and management would be notified if vacancies are at 10 percent; courts, management and HR would be notified if vacancies are at 15 percent and finally, the notification system would be at an "all hands on deck" status and kick off an action plan when vacancies are over 20 percent. 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. This is expected to be finalized by the end of June 2016.

Lapses in Educational Programming

DCSD experienced a reduction in school programming for non-MCAP youth from April 4 to April 21, 2016 due to mandatory re-certification training of JCOs. This training reduced the number of JCOs that were available to cover the morning shift for a full day of school programming. School was held on the living unit for each pod, teaching half of the youth on the pod in the morning and the other half in the afternoon. Full-time school programming resumed on April 22, 2016 and there is not expected to be any additional disruptions in education or programming.

1. Contingency plans to maintain school and programming

The DCSD Administrator and the Interim Superintendent of the juvenile detention center have been collaborating with the Wauwatosa Schools Principal and together are working on creating 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.

2. 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 staffings to once per week and are working on a revising a policy and procedure document clarifying roles and responsibilities of staff.

Communication and Partnership

1. Daily program reports

A daily email, sent to over 20 system stakeholders, provides an update on detention census, mandated shifts, and volunteers. In addition, a weekly email is sent with information on staffing vacancies and recruitment status.

DCSD is also preparing a new report entitled, "Population Report-Juvenile Detention Alternative Initiatives (JDAI)." This report will be discussed with the Children's Court judges by DCSD prior to its distribution. This Population Report-JDAI report includes information on the number of youth and average length of stay in detention for each branch. The report also includes the Youth's Name, Race/Ethnicity, Gender, Admission Date, HSW Name, Special Detention Information, Next Court Date, last Court Date, Length of Stay, DRAI Score, Reason for Detention from DRAI and Most Serious Offense from DRAI.

2. Monthly stakeholder meetings

In addition, the DCSD Administrator has contacted the Chief Judge to discuss the monthly stakeholder meetings and the initial meeting is scheduled for June 7, 2016 with all stakeholders including judiciary, members of the Public Defender's and District Attorney's offices. The DCSD Daily Program Report continues to be shared with the judiciary, District Attorney and Public Defender's offices on a daily basis. Among the topics to be discussed include case processing, communication among stakeholders, alternatives to corrections placements, information sharing, cross training, and program reviews and updates.

3. Juvenile Justice Reform

Moving forward as expeditiously as possible to address the Lincoln Hills crisis and the impact on the Juvenile Detention Center is a shared concern among all stakeholders. As a result, we believe laying out a path and vision that achieves consensus with our partners is a necessary first step. The ultimate goal would be to create a model juvenile justice system that provides the best possible outcomes for youth and the community.

As part of a May 25 letter to stakeholders, DHHS identified short-term as well as long-term strategies in the areas of residential programming, community-based alternatives, redefining out-of-home placements as well as the pursuit of legislative interventions. These potential options are identified in Attachment 2 for your review.

We are in the process of scheduling a meeting to further discuss these strategies with members of the Judiciary, Public Defender's Office and District Attorney's Office. All stakeholders would be involved in discussions on these strategies before any decisions are made.

Recommendation

This report is informational and no action is required.



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