

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: February 22, 2022

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Shakita LaGrant-McClain, Director, Department of Health and Human Services

Subject: Report from the Director, Department of Health and Human Services (DHHS), informing policymakers of the increased detention center census at the Vel R. Phillips Youth and Justice Center

File Type: Information

REQUEST

Ch. 938 of the Wisconsin State Statutes governs the operation of county detention facilities. The State Department of Corrections has statutory authority, in accordance with Wis. Stats. §301.37, for the regulation and oversight of local detention facilities including secure juvenile detention centers.

POLICY

Wisconsin State Statutes:	Chapters 301, 938
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BACKGROUND

The DHHS Children, Youth and Family Services (CYFS) operates a 127-bed detention center at the Vel R. Phillips Youth and Justice Center. Since September 2021, the census in the detention center has been gradually rising. As of February 21, the census reached an unprecedented peak of 141 compared to an average census of 89 over the last 10 years. Due to the high census, youth have been sleeping on bed 'boats'. These beds are thick mattress holders that include a mattress and space for extra clothing, hygiene items, books, etc.

There are several factors contributing to the high census of youth in detention. This includes the seriousness of charges that youth are being referred on, a wait list for youth pending placement in out of home placements, an increase in the number of youth pending adult charges, and an increase in the average length of stay.

The average length of stay (ALOS) of youth in detention continues to increase. The ALOS was 22.5 days in 2019, 34.6 days in 2020 and 36.4 days in 2021. The ALOS of youth in detention in January 2022 was 60.3 days which has an impact on the census of youth in detention.

Efforts to Alleviate Increased Detention Center Census

The unusually high census is a serious concern and DHHS is taking steps to address this situation to ensure the health and safety of the youth in its care as well as the county staff who work in the detention center. Below is a summary of ongoing efforts CYFS has been undertaking to safely reduce the number of youth in detention:

- Discussions are occurring with court partners around the release of youth in the general population in detention as well as youth in the Milwaukee County Accountability Program (MCAP) who are close to secure program completion. A list of youth in detention has been provided to stakeholders for review to assess whether there is any consensus on youth who can safely be released back to the community. This review is currently in process.

The transition of youth in MCAP would allow other youth who are currently waitlisted for MCAP to begin receiving services. CYFS is working with its provider network to identify costs associated with these services. A major issue involves the hiring and training of staff in a timely manner to make an impact as well as identifying a funding source. A meeting with one of the providers for youth in MCAP is scheduled for February 23 to discuss the feasibility of moving forward.

- The youth in Shelter and Level II programming are reviewed daily with the goal of identifying any youth who are not appropriate for the program. If a youth is deemed not appropriate or is in missing status, the youth is removed from the program(s).

- Youth in detention are reviewed daily to identify any barriers to release and any placement issues that need follow up by CYFS leadership.

- All requests for youth to serve time in detention for sanctions and/or 72-hour holds are reviewed closely by the Section Manager and Administrator for approval.

- The St. Charles Level II Program is an alternative-to-detention program and includes face to face, phone and virtual monitoring with youth as well as group participation and optional electronic monitoring. Level II has the capacity to serve 135 youth, with an overflow of 10 additional youth. This program increased its Level II capacity for an additional 10 Limited Level II slots in October 2021 (limited slots are GPS monitoring and phone calls only, no face to face and no groups). There is a total of 145 Level II slots and 10 Level II modified slots that are being utilized. Although there are some Level II slots still available and CYFS is looking to potentially expand this program, youth are still not being released to the program.

- CYFS is assessing up to five youth to be placed at the Racine Detention facility. This would be a last resort option for CYFS.

- In fall and winter of 2021, CYFS reviewed all youth in detention and brought safety plans to Assistant District Attorneys (ADAs), Public Defenders (PDs) and judiciary for stipulation of release of appropriate youth and this resulted in only two youth being released due to a lack of consensus across all stakeholders.

- CYFS will continue to work with the ADAs, PDs and the judiciary to ensure cases are processed efficiently without unnecessary delays and address any outliers in case processing.

ALIGNMENT TO STRATEGIC PLAN

CYFS has been leveraging its resources toward the ongoing development of community-based programming for justice-involved youth and their families. Unfortunately, the high number of youth placed in the detention center is in direct contradiction with the strategic direction for which DHHS and CYFS have committed themselves.

FISCAL EFFECT

This report is informational and there is no fiscal effect.

TERMS

N/A

VIRTUAL MEETING INVITES

Shakita LaGrant-McClain, DHHS Director
Kelly Pethke, CYFS Interim Administrator

PREPARED BY:

Clare O'Brien, DHHS Budget & Policy Director

APPROVED BY:

Shakita LaGrant-McClain
Shakita LaGrant-McClain, DHHS Director

ATTACHMENTS:

None

cc: County Executive David Crowley
Hon. Mary E. Triggiano, Chief Judge
Sup. Jason Haas, Chairman, Finance Committee
Sup. Felesia Martin, Chairwoman, Health Equity, Human Needs, & Strategic Planning Committee
Mary Jo Meyers, Chief of Staff, County Executive's Office
Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors
Steve Cady, Research & Policy Director, Office of the Comptroller
Pam Matthews, Fiscal & Management Analyst, DAS
Lottie Maxwell-Mitchell, Research & Policy Analyst, Office of the Comptroller