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May 26, 2017

TO: Milwaukee County Board Chairman, Theodore Lipscomb, Sr.

FROM: Chief Judge Maxine Aldridge White, First Judicial District, Milwaukee Courts

SUBJECT: Milwaukee County Judiciary Needs for Youth in the Juvenile Justice System

Thank you for seeking the judiciary's input into the development of initiatives and reforms for our Juvenile Justice System in Milwaukee County. Our recommendations and needs are detailed below, we are also available for further discussion.

1. We remain steadfast in our belief that we need to move away from an obsolete model of congregate care for our most at risk youth to one that offers evidence-based programming and trauma-informed care and gives youth the greatest likelihood of success in our community.
2. We need additional placement options for youth who have suffered from mental health issues and trauma.
3. We need more effective gender-responsive interventions for our female youth.

Currently, Wisconsin State statutes designate the legal status of a Type 1 and Type 2 facility. Wisconsin Administrative Code dictates who is able to license or operate (or contract for) these facilities. A "Type 1" facility uses fences, locked doors, sally ports and other control and surveillance mechanisms to restrict the liberty of youth who are committed to these facilities by a Judge. The Department of Corrections (DOC) administers LH/CL. Milwaukee County also operates a Type I facility, the Detention Center. In 2012, the Milwaukee County Board adopted resolution (File No. 12-564) approving the use of 12 Detention Center beds as a post dispositional placement option for males as an alternative to LH; the Milwaukee County Accountability Program (MCAP). In 2016, the County Board expanded MCAP from 12 to 24 beds.

The "Type 2" designation means that a youth is in a legal status that is similar to Type 1 confinement, notwithstanding the fact that the youth is not placed in a Type 1 facility. Type 2 is an "institution without walls", so that a youth living in the community under Type 2 status may be returned to (or placed in) a Type 1 facility without an administrative (revocation) or court (change of placement) proceeding. DOC currently contracts with Carmelite Home for Boys as a Type 2. (See the attached description to further explain the difference between a Type 1 and Type 2 facility).

We also have non-secure residential care centers for both males and females (RTC's or RCCCY's) who have severe emotional disturbances. The "RCCCY" designation means a non-secure residential treatment center that is not locked and focuses on stabilizing youth. Norris Adolescent Center and Milwaukee Academy are two such examples of these facilities. In addition, these facilities are usually Medicaid reimbursable due to a youth's mental health diagnosis. We propose creating legislation that would allow a facility to be licensed as a hybrid between a Type 1 and 2 designations.

Secure Care Centers – We propose creating smaller, secure care centers, including ones that are able to meet the specific mental health needs of youth, as alternatives to placing males at Lincoln Hills and females at Copper Lakes (LH/CL). We have been vocal about this since the first signs of trouble at LH/CL. We propose secure care centers within our community that are focused on our highest risk youth who need mental health treatment and or deep end interventions.

It is our understanding that the county Department of Health and Human Services (DHHS) had been working with the state's Department of Children and Families (DCF) to obtain their approval to license a secure residential care center. Unfortunately, early on, DCF concluded it did not have the authority to license such a center. DHHS then turned to the Department of Corrections (DOC) who indicated that DOC Administrative Code 346 only applied to "secure detention facilities" or a County Jail not a "secure residential care center." As such, no current administrative code exists that allows for such a license. DHHS could not move forward because of this. Discussions about other solutions were ongoing, but did not result in alternative placement options for youth needing secure care.

A year and a half later, DHHS again is proposing a similar plan and thus must focus on how to license and regulate a secure care facility. We remain in support of the plan to operate smaller, secure care facilities but these facilities must be well thought out and based in evidence and address youth who have severe emotional disturbances and those that do not. Mark Mertens from DCSD has been updating us on this plan and remains hopeful that the Department of Children and Families will be able to license these types of facilities.

We believe that at a minimum these local secure care centers must provide the following to the most vulnerable and high-risk youth:

- The centers must be delivered in a humane, trauma informed and culturally relevant manner, including explicitly prohibiting the use of pepper spray or other chemical agents or segregated confinement for disciplinary or controlling purposes;
- The staff at these centers must be culturally competent and have a workforce that reflects the racial and ethnic demographics of the youth being served in the facility;
- The staff to youth ratio must be robust in order to provide a high level of care for the youth and protection for the community at large;
- A rigorous treatment model based on Dialectical Behavioral Therapy (DBT) and Multi-systemic Therapy (MST) should be implemented;
- There should be significant attention to client engagement, positive reinforcement, and use of evidence-based best practices for high-risk, vulnerable youth;
- There should be access to youth within their treatment milieu by properly vetted community based service providers, roles models, and individuals serving youth within the County;
- There should be robust educational programming that provides DPI educational standards, partnerships with the Public School District, Milwaukee Area Technical College, the University of

Wisconsin-Milwaukee, and other institutions providing further educational opportunities for youth transitions out of the institution.

- Family access and engagement with the youth must be a priority.

Non-secure residential treatment centers - There also is a need for smaller, non-secure residential care centers for youth (RCCCY's). Currently these facilities are licensed under DCF Administrative Code 52. Administrative code 52.21 allows the agency to evaluate the needs of the prospective resident and determine whether the center is able to meet the identified needs. Unfortunately, most residential care centers reject Milwaukee County's youth as they feel our youth have much greater needs than they are willing to meet. An example of this is Kim, who is a 14 year old female currently on an order as a child in need of protection and services. She also was charged with battery to a nurse while in out of home care and placed in the Milwaukee County Secure Detention Facility. Ultimately, she was found not competent and not likely to regain competency. Because of this, a petition alleging that she is a Juvenile in Need of Protection and Services (JIPS) has been filed. Secure detention is not a sanctioned placement for a JIPS youth yet she has remained there since January.

Kim has a myriad of mental health disturbances, including a severe trauma history. She is considered high risk/high needs. No residential treatment center in the State will take placement of her for treatment. Sadly there are many more youth like Kim with no placement options. These youth do not need a secure placement but do need to be stabilized in an RCCY because of their mental health needs. The judiciary is extremely frustrated and has been working with DCF, Delinquency Court Services, Wraparound Milwaukee and a myriad of other systems partners to find solutions to these issues in both the juvenile justice and child welfare systems.

Unfortunately, RTC's have the authority to reject placement of youth. This has forced Delinquency and Court Services Division to find RTC's out-of-state, which can be costly and ineffective. We need RTC's that use evidence-based programming including; a behavioral management system, cognitive skill building models, group and individual therapy, trauma informed care, education, better discharge planning including connecting families to community resources and do not have the right of refusal.

Female youth - We need gender and culturally responsive, trauma-informed, and developmentally appropriate services for our girls in the juvenile justice system.

See <https://www.ojdp.gov/policyguidance/girls-juvenile-justice-system/>

Girls' pathways into delinquency, their offense patterns, and their behavior and needs differ significantly from boys. Female adolescent offenders have high levels of family dysfunction, trauma and sexual abuse, mental health and substance abuse problems, high risk sexual behaviors and school problems. First, we need alternatives to detention and incarceration for our females who have complex needs but pose little or no risk to public safety. These females should not be detained or incarcerated. A developmental and trauma-informed approach requires a range of community-based services to promote girls and young women's capacities while they remain with their families and communities. One such approach is the Professional Foster Parent Program which Wraparound Milwaukee has used since 2008. It is evidence-based and designed to meet the needs of girls who are at risk. Specially trained foster parents work intensely with girls and supportive services from Wraparound Milwaukee until they can be safely returned to their parent's care. Unfortunately, there are only a handful of foster parents who are part of this program. Efforts to recruit more of these foster parents should be a priority.

Since its inception the juvenile justice system was designed to deal with delinquent boys and has neglected the gender-specific program and treatment needs of girls. Our MCAP program is an example. MCAP is an alternative to corrections and provides a secure placement for our male youth who are high risk/high needs. There are no alternatives for girls who are high risk/high needs and need secure care. We know that the Delinquency and Court Services Division and Wraparound Milwaukee have been working at this for some time. It also needs to be a priority.

Thank you for your consideration and support.

Sincerely,



Maxine Aldridge White

Hon. Maxine Aldridge White
Chief Judge

CC: County Executive Chris Abele
Milwaukee County Board of Supervisors
Hector Colon, Director Department of Health and Human Services
Mark Mertens, Administrator, Delinquency and Court Services Division
Deputy Chief Judges Joe Donald and Mary Triggiano