

**Juvenile Detention Center  
Weathered its 2016 Overcrowding  
and Understaffing Emergency, but  
Underlying Risks Remain**

**October 2017**

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# Milwaukee County

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October 1, 2017

To the Honorable Chairman  
of the Board of Supervisors  
of the County of Milwaukee

We have completed an audit, *Juvenile Detention Center Weathered its 2016 Overcrowding and Understaffing Emergency, but Underlying Risks Remain*.

A response from the County Department of Health and Human Services (DHHS) is attached as **Exhibit 5**. We appreciate the cooperation extended by management and staff of the Milwaukee County Juvenile Detention Center and Delinquency and Court Services Division during the course of this audit.

Our report describes how overall DHHS responded well in identifying issues and quickly implementing solutions to lower its census and increase staffing once alerted to the dual emergency in 2016. However, we found some long-term and systematic issues that need to be corrected so that these issues do not re-emerge in the future. For example, Milwaukee County's post-dispositional alternative to State Corrections, the Milwaukee County Accountability Program, was expanded in the detention center and is currently housed in both of the pods traditionally used to accommodate periods of overcrowding. On the staffing end, long-standing issues with understaffing and staff's use of Family Medical Leave Act time off continue to be problematic. In cases of understaffing, the JDC has resorted to use of overtime, which greatly exceeded budgeted allocations in each year of our review. We made 18 recommendations that we believe will help the JDC achieve long-term solutions.

Please refer this report to the Committee on Finance and Audit.

Jerome J. Heer  
Director of Audits

JJH/cah

Attachment

cc: Scott B. Manske, CPA, Milwaukee County Comptroller  
Milwaukee County Board of Supervisors  
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Janelle Jensen, Legislative Services Division Manager, Office of the Milwaukee County Clerk

# ASD HIGHLIGHTS

## Why We Did This Audit

The County Board passed a resolution requesting the Audit Services Division (ASD) complete its own independent evaluation of DHHS's plan to respond to the JDC's overcrowding and understaffing emergency, to examine the facility's staffing, and the length of juvenile detentions.

## What We Recommended

ASD made 18 recommendations that will improve the overcrowding and understaffing at the Juvenile Detention Center. Management agreed to address all of the concerns listed in our recommendations. Key recommendations include:

- *Develop alternative programming in facilities outside of the detention center and return use of at least one JDC pod for overcrowding overflow.*
- *Create an overcrowding and emergency overcrowding policy and procedure.*
- *Place the JCO position on the continuous recruitment list.*
- *Explore the establishment of a County Correctional Officer employment pool.*
- *Develop and implement tools to better manage overtime and FMLA.*
- *Work on improving data system controls.*
- *Training on inappropriate disclosure of confidential information.*
- *Create performance measures for youth released from the MCAP program.*

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# Audit of Milwaukee County Juvenile Detention Center's Overcrowding and Understaffing

## BACKGROUND

The Milwaukee County Juvenile Detention Center (JDC) is used for the temporary holding of youth between the ages of 12 and 17 with probable cause, as well as youth placed in the Milwaukee County Accountability Program (MCAP), a post-dispositional alternative to State Corrections. In early 2016, Department of Health and Human Services (DHHS) leadership became aware that youth census at the JDC was above the 120-bed rated capacity coupled with a staffing shortage. Overcrowding required youth sleeping on the floor in boats, housing of youth at the Racine County Juvenile Detention Center, and additional staff resources, which the JDC was unable to meet without significant mandatory overtime due to the staffing shortage. The DHHS Director responded to the conditions at the JDC with a series of memos outlining a plan to remediate the issues of overcrowding and staffing shortages.



## OBJECTIVES

The objectives of the audit were to determine:

- The factors that led to the increase in overall length of stay, census, and the understaffing emergency at the JDC in 2016.
- If the JDC's staffing plan is appropriate and in compliance with applicable regulations.
- Whether DHHS's plan to resolve the JDC emergency remedied all of the issues that contributed to the problem.

## WHAT WE FOUND

Although other areas of concern emerged in our review of the JDC, overall, we believe DHHS performed well in identifying the issues and quickly identified and implemented solutions to lower its census and increase staffing.

Prior to the overcrowding, Milwaukee County expanded its MCAP program at the JDC. With the expansion of MCAP, there is no longer swing space to accommodate periods of overcrowding.

Understaffing of Juvenile Correctional Officers (JCOs) at the JDC was the result of unfilled positions, Family Medical Leave Act (FMLA), and staff absent without pay. Of these, understaffing and FMLA continue to be problematic.

DHHS's plan addressed the overcrowding and understaffing emergency, but there is still room for improvement in some areas.

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# Juvenile Detention Center Weathered its 2016 Overcrowding and Understaffing Emergency, but Underlying Risks Remain

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## Summary

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Milwaukee County's Juvenile Detention Center (JDC) is a State-regulated secure facility with a rated capacity of 120 beds. The JDC is located in the City of Wauwatosa and is operated 24 hours a day, 7 days a week. The facility is primarily used for the temporary holding of youth with probable cause between the ages of 12 and 17. The JDC also houses the Milwaukee County Accountability Program (MCAP), a post-dispositional alternative to State Corrections placement. The JDC is organizationally located within the Delinquency and Court Services Division (DCSD), which is part of the County Department of Health and Human Services (DHHS).

Juveniles are brought to the detention center for several reasons including: new delinquency charges, *capias* (bench warrants), other warrants (such as apprehension warrants or warrants from the State Department of Corrections), orders to produce, and sanctions. In most instances, youth are brought in by law enforcement, but they can also be brought in by parents/guardians, social workers, or can self-report. Upon admission to the facility, each youth has a medical screening, is informed of his/her rights, and is also screened to determine whether they will be detained, be sent to an alternative placement, or be sent home.

In early 2016, DHHS leadership became aware that youth census at the JDC was above capacity. This was coupled with a staffing shortage at the facility. The circumstances were reported to the County Executive and County Board of Supervisors in an April 2016 memo. The census at the JDC had risen above the facility's 120-bed capacity, and unlike earlier incidents of overcrowding, was not subsiding. At the time, JDC management informed DHHS leadership that the overcrowding required additional staff resources, which the JDC was unable to meet without significant mandatory overtime due to the shortage of staff available to work. The DHHS Director responded to the conditions at the JDC with a series of memos outlining a plan to remediate the issues with both overcrowding and staffing shortages.

The County Board passed a resolution requesting the Audit Services Division to complete an independent evaluation of DHHS's plan to respond to the crisis, to examine the facility's staffing and the length of juvenile detentions.

***DHHS' plan addressed the overcrowding and understaffing emergency, but there is still room for improvement in some areas.***

Auditors from our office reviewed an April 18, 2016 memo from DHHS to the County Executive and County Board of Supervisors, which laid out a plan to respond to the JDC's overcrowding and staffing shortage. Overall, we believe DHHS performed well in identifying the issues and quickly identified and implemented solutions to lower its census and increase staffing.

In looking at the 12 areas identified for corrective action, we found all to have been implemented to some degree. We rated eight as implemented, but in need of more work, and four as successfully implemented. The action items were categorized, as follows:

- Overcrowding
  - Identifying youth for immediate release (*Implemented, but in need of more work*)
  - Use of Racine County Detention Center (*Successfully implemented*)
  - Case Processing Committee (*Implemented, but in need of more work*)
- Staffing
  - Use of Temporary Staffing (*Successfully implemented*)
  - Expedited Hiring Practice/Continuous Recruitment of Juvenile Correctional Officers (JCOs) (*Implemented, but in need of more work*)
  - Use of Overtime (*Implemented, but in need of more work*)
- Education and Programming
  - Decision-making protocol (*Implemented, but in need of more work*)
  - Contingency plans to maintain school programming (*Implemented, but in need of more work*)
  - Increase oversight of MCAP programming in detention (*Implemented, but in need of more work*)
- Communication and Partnership
  - Monthly stakeholder meetings (*Successfully implemented*)
  - Daily program reports (*Successfully implemented*)
  - System for monitoring and reporting staff vacancies (*Implemented, but in need of more work*)

In the remaining sections of the report, we detailed some of the causes behind the “crisis” in 2016, and the lingering concerns we identified regarding both census and staffing issues.

***DCSD does not have full control over JDC census swings, and with the expansion of MCAP there is no longer swing space to accommodate periods of overcrowding.***

The JDC experienced continuous overcrowding from January 26, 2016 through July 20, 2016. On many days, overcrowding was such that youth were required to sleep on the floor in detention “boats” in the common area of the pod. We observed boats in use during our tour, and were also told that reduced personal space for youth, which occurred during the overcrowding, can result in higher tension.



The detention center also houses the Milwaukee County Accountability Program (MCAP). MCAP youth are separated from the general detention population in a dedicated pod. This post-dispositional program is available to male youth between the ages of 13 and 16.5 who are adjudicated delinquent and ordered into the program by a Children's Court judge. If not for MCAP, these youth would likely be sent to State correctional institutions. The first MCAP youth was placed in the MCAP pod in September 2012.

The 2016 Adopted Budget contained plans to move MCAP out of the JDC into a secure residential facility. In January 2016, DCSD staff and the public became aware that there were issues of alleged abuse occurring at the State's juvenile detention facilities. The Division expanded MCAP to a second pod in detention in January 2016, providing dedicated space for 12 additional males. The County Board passed a resolution adopting policy to further expand MCAP to 68 beds, and provided \$500,000 from the Appropriation for Contingencies to be released for the creation of an alternative facility to house the program. The plans to move MCAP off-site were initially delayed and ultimately abandoned due to the amount of work the proposed site would require and due to questions surrounding State licensing.

The expanded 24-bed MCAP remained in detention, filling two pods that were traditionally used to accommodate periods of overcrowding. Had the JDC not opened the second MCAP pod, the periods of overcrowding would have likely been less severe, and if neither MCAP pod had been housed in the detention facility, overcrowding would likely not have occurred.

Judicial decisions and scheduling matters also influence detention population levels. For example, Milwaukee County juveniles sent to State corrections for placement are transported back to the detention center to attend scheduled court hearings. During our review, juveniles were transported ahead of their court date on either the Monday or Friday preceding their court appearance. In the wake of the surfacing of the Department of Corrections (DOC) investigations, system stakeholders reported that DOC youth were asked by judges whether they would rather stay in detention or return to DOC. As a result, DOC youth were staying in detention for longer periods of time pending resolution of court processes. Video conferencing equipment could help alleviate some of the inefficiencies and expense of physically transporting youth back and forth to DOC.

The JDC received three violations from the State jail inspector during his annual visit in 2016. One of the violations was due to the overcrowding and another related to classification, which was a direct result of the overcrowding. State administrative rules require detention centers to classify youth

ensuring that each juvenile is housed in an environment consistent with their individual needs. According to the inspection report, “due to the facility being over capacity, no objective classification is currently in place, with youth being assigned to a housing unit based on available space.”

Finally, during the period of overcrowding Division leadership reported that average length-of-stay for juveniles at the JDC had increased to 21.2 days. Our review of the data shows that while that may be the case, the majority of youth stayed less than 10 days in detention with the most frequently occurring stay being one day. Our review of population data indicated that average length of stay data skews high due to a number of youth with long stays in detention, often as their case is being waived into adult court, and due to the MCAP population being included in the length-of-stay analysis.

***Understaffing at the JDC was the result of unfilled positions, FMLA, and staff absent without pay. Of these, understaffing and FMLA continue to be problematic.***

Between 2012 and June 2017, the JDC has never filled all of its funded juvenile correctional officer (JCO) positions. Department of Health and Human Services leadership reported that they were first informed that there was a 13% vacancy rate in December 2015, prior to the expansion of MCAP in detention. We found that the staffing picture was actually more complicated than calculating a simple position vacancy rate because in practice, just because a position is “filled,” does not mean that the incumbent is available to work.

During the period of understaffing, DHHS reported that multiple staff were out on Federal Family and Medical Leave (FMLA). We found that the number of JCOs using FMLA in 2016 was double that of 2015 and approximately 1/3 higher than that of 2014. The understaffing issues reported by DHHS required the use of mandatory overtime for the remaining available staff in order to maintain the required level of staffing to operate the facility and manage the increased census. We surveyed JCO staff regarding the work environment at the JDC. JCO staff reported that the 2016 overcrowding put a strain on the existing staff which may have resulted in the use of FMLA. An initial review of 2017 FMLA use indicates that a large number of JDC staff continue to utilize the program. We also found five JCOs who remained on the JDC’s active staffing list even though they did not return back to work following approved leaves. Payroll records indicate these employees were consecutively “absent without pay” anywhere from nine months to two years before a resolution to their job status occurred. In making staffing decisions, it’s critical that both line and upper management fully understand not only positions filled, but employees available to work.



In 2016, overtime was used extensively during the peak periods of understaffing, which coincided with overcrowding at the JDC. We found that the JDC has maintained staffing levels with heavy reliance on overtime, significantly exceeding overtime budgets in every full year of our review (2012-2016). By year-end 2016, total overtime spending had exceeded \$1 million. Use of overtime in 2015, prior to when DHHS leadership was made aware of the staffing shortages was also significant, amounting to over \$900,000 annualized. In both 2015 and 2016, overtime expenditures were more than double what had been budgeted. Our JCO survey included questions on overtime. The vast majority of responding JCOs (84%) stated they liked working overtime; however, of those, 48% indicated they liked working 1-2 shifts a month. Sixty percent of those surveyed indicated that during any given month, they were scheduled overtime more than six times. While most of the discussions surrounding overtime use in 2016 focused on the JCOs, we also found that a significant amount of overtime was worked by the JCO Supervisors.

The JDC struggled to maintain JCO staffing levels for the majority of our review period. For the period prior to the understaffing reported in 2016, we found lapses in communication between the JDC and the Department of Human Resources and a slow recruiting/hiring process. Efforts were made by both JDC management and Human Resources to revise and streamline the hiring process, but continued attention to JCO recruitment is needed going forward. During 2016 through July 2017, the JDC hired 35 JCOs. However, during that same time period, 32 JCOs terminated employment, resulting in a retention rate of 8.6 percent.

***Other areas of concern emerged in our review of the JDC.***

**Juvenile Data**

The Delinquency and Court Services Division (DCSD) implemented a new database, the Juvenile Program Management (JPM) system for juvenile justice information in 2016. JPM is currently used to house information on each juvenile who enters the system, including whether an individual is released, and to what program. We requested data from the system throughout the course of our audit, and found both data irregularities and difficulty sorting, grouping, and analyzing some data due to how it was collected and entered. Since DCSD management uses this data to create various reports and to help drive decision-making at both the individual case level and the overarching policy level, we recommend they implement additional front-end user controls (e.g. strict entry protocols, forcing entry in all data fields, and establishing drop-down menus) and enhance user training so more consistent data can be retrieved.

### Disclosure of Sensitive Information

During our review, we became aware of a situation where sensitive County information, including information regarding a juvenile, was shared with an individual outside County government by the former Superintendent of the facility. The individual with whom the information was shared runs a small business consulting firm, and is also listed as a lifetime registered sex offender on the Wisconsin DOC Sex Offender Registry for committing second degree sexual assault of a child in 1994. At the time the breach was discovered, the former Superintendent's employment with the County had already been terminated for reasons unrelated to the emails. Releasing information to an individual who has no work-related business need to know poses safety risks both to the individual whose information is shared and to the facility, and lends itself to potential litigation against Milwaukee County. To address the issue and reduce the likelihood of future instances, we recommended that DCSD create a policy and procedure and require mandatory reoccurring training to clarify and communicate what is confidential and cannot be disclosed to individuals inside and outside of employment with Milwaukee County.

### Background Checks

A 2015 assessment of security of the Juvenile Justice Center yielded a recommendation that the JDC close some gaps in their staff background checks by performing basic background driver's license checks and a 5-year criminal background records check for employees and vendors, as required by the Federal Prison Rape Elimination Act (PREA). Management stated they have conducted the driver's license tests, but have not conducted the background checks. We confirmed with the State jail inspector that since PREA is optional for juvenile detention centers, the JDC is not required to comply with the PREA background check mandate. Still, we believe additional background checks are prudent given that JDC staff work with youth, many of whom have experienced some sort of trauma.

### MCAP Performance Data

The Milwaukee County Accountability Program (MCAP) is a local alternative to State Corrections placement, which has been recommended for further expansion by policymakers. We reviewed a draft policy and procedure for the program, and while it is quite thorough, there are currently no measures in place to determine the overall effectiveness of the programming for the youth once they are discharged from the program. In other words, DCSD does not currently measure and report recidivism rates for MCAP. Our review of MCAP records indicated a number of youth did not complete the program for a variety of reasons. We believe it's important for the Division to review, record, and

document the overall and individual performance of MCAP youth in order to determine any changes that could be made to improve the program's success.

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## Background

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Milwaukee County's Juvenile Detention Center (JDC) is a locked facility with a rated capacity of 120 beds. The JDC is located in the City of Wauwatosa and is operated 24 hours a day, seven days a week. The State-regulated secure facility is used for temporary holding of youth with probable cause between the ages of 12 and 17. In addition to providing a safe and secure environment, the center provides education, sanctions, short-term mental health services, and basic health screens. Juveniles who are sentenced to correctional facilities serve their terms at the Lincoln Hills (LHS) and Copper Lake Schools (CLS), the State's post-dispositional juvenile correction institutions for boys and girls, respectively.

Wisconsin Administrative Code Chapter DOC 346.14(1)(a) requires that each juvenile has a separate bunk or bed in a cell and that a facility may not exceed its rated bed capacity. Milwaukee County's juvenile detention center has its rated bed capacity of 120 beds spread across 7 pods, with six male pods and one female pod. Two of the male pods currently house the Milwaukee County Accountability Program (MCAP), the county's post-dispositional corrections alternative for boys. Images and schematic representations of the JDC are included in Exhibit 2.

The JDC is organizationally located within the Delinquency and Court Services Division (DCSD), which is part of the County Department of Health and Human Services. DCSD's mission is, as follows:

*The mission of DCSD is to partner with the community to promote public safety by reducing juvenile crime, holding youth accountable and improving youth competencies through DHHS values, customer focus, technology, Evidence-Based Practices (EBP), innovation and effective partnerships.*

In addition to operation of the detention center, DCSD provides intake and probation services, and administers community-based alternative programming to divert youth from the court system, detention facilities, and the State Department of Corrections institutions. In recent years, DCSD has expressed a commitment to data-driven decision-making.

Overall, DCSD's budgeted resources, including the total number of Full-time Equivalents (FTEs) for the Division, are summarized in Table 1. The JDC budget, which is part of the Division budget is also displayed.

**Table 1**  
**Division and Section Budget versus Actual**  
**2014-2017**

<b>DCSD Budget Summary (Budget and Actual) 2014-2017</b>						
<b>Category</b>	<b>2014 Budget</b>	<b>2014 Actual</b>	<b>2015 Budget</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Budget</b>
<b>Expenditures</b>	\$ 40,290,779	\$ 38,953,516	\$ 38,786,302	\$ 36,084,419	\$ 40,454,026	\$ 56,454,406
<b>Revenues</b>	\$ 25,848,320	\$ 28,253,754	\$ 27,656,951	\$ 28,412,569	\$ 29,866,312	\$ 47,784,618
<b>Tax Levy</b>	\$ 14,442,459	\$ 10,699,762	\$ 11,129,351	\$ 7,635,850	\$ 10,587,714	\$ 8,669,788
<b>FTE Positions</b>	171.6	171.8	176.8	176.8	171.6	188

<b>JDC Budget Summary (Budget and Actual) 2014-2017</b>						
<b>Category</b>	<b>2014 Budget</b>	<b>2014 Actual</b>	<b>2015 Budget</b>	<b>2015 Actual</b>	<b>2016 Budget</b>	<b>2017 Budget</b>
<b>Expenditures</b>	\$ 10,970,501	\$ 11,335,670	\$ 11,398,825	\$ 11,312,091	\$ 10,801,423	\$ 8,813,719
<b>Revenues</b>	\$ 280,160	\$ 279,573	\$ 280,160	\$ 308,502	\$ 263,924	\$ 257,924
<b>Tax Levy</b>	\$ 10,690,341	\$ 11,056,097	\$ 11,118,665	\$ 11,003,589	\$ 10,537,499	\$ 8,555,795
<b>FTE Positions</b>	92.57	92.57	94.53	94.53	88.73	93.43

Source: 2016 Adopted Budget and Brass (County Budget System).

Detailed budgeted information for the Juvenile Detention Center, is summarized in Table 2. As shown in Table 1 (above) the majority of the Division's tax levy allotment is allocated to the JDC. Other programs within DCSD receive a greater share of State revenue sources, including Youth Aids and Basic Community Aids.

**Table 2**  
**Juvenile Detention Center 2017 Adopted Budget Summary**

<b>Category</b>	<b>2017 Budget</b>
<b>Expenditures</b>	
Personnel Costs	\$5,964,780
Commodities/Services	\$1,138,103
Capital Outlays	\$70,000
Crosscharges	\$1,640,836
<b>Total Expenditures</b>	<b>\$8,813,719</b>
<b>Revenues</b>	
State Grants & Reimbursement	\$45,000
Rental Revenue	\$50,000
Other Revenue (school breakfast and school lunch programs)	\$162,924
<b>Total Revenues</b>	<b>\$257,924</b>
<b>Tax Levy</b>	
	<b>\$8,555,795</b>

Source: Brass (County Budget System).

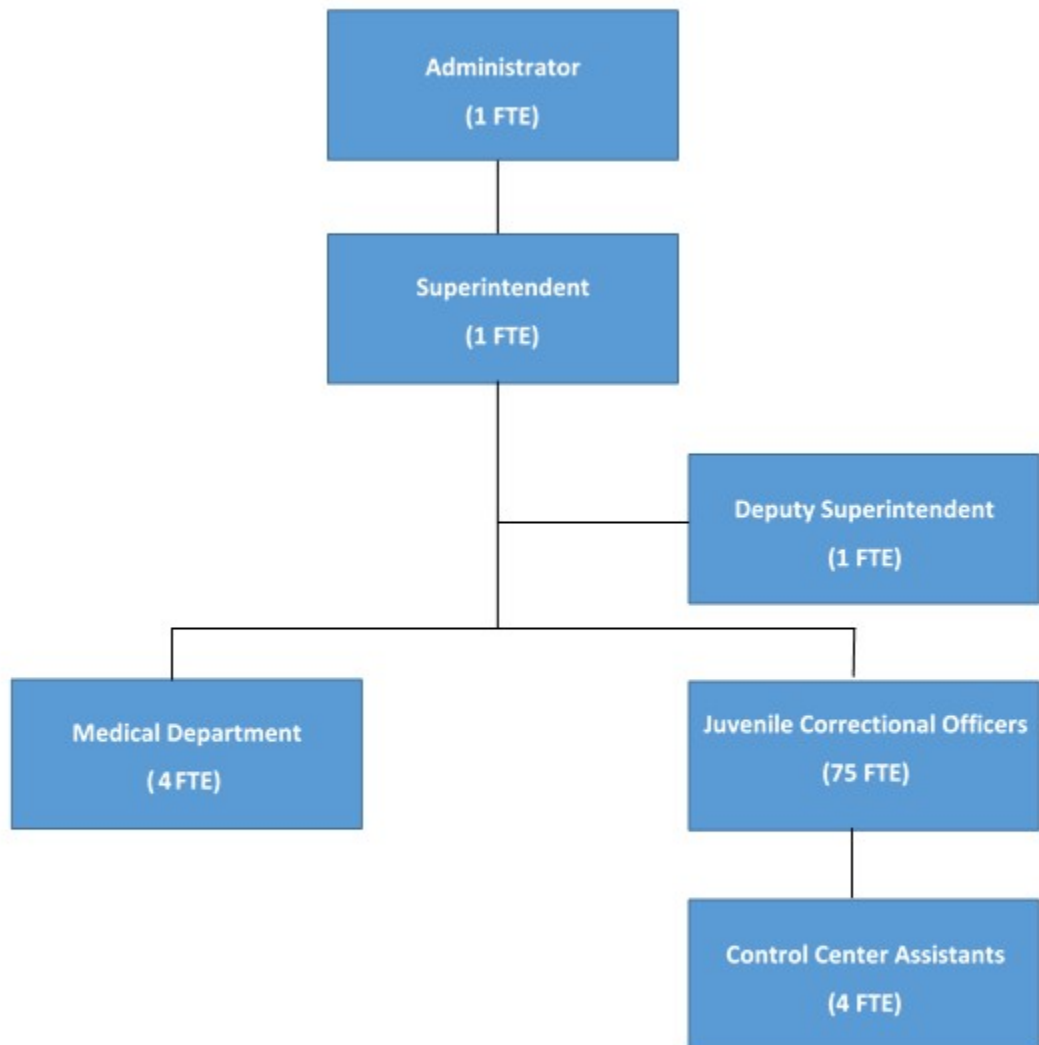
Table 2 also shows that nearly 70% of the JDC's budgeted resources are devoted to staff costs. The JDC management team has three layers: Superintendent, Deputy Superintendent, and Detention Center Supervisors. Juvenile Correctional Officers (JCOs) make up the majority of staff in the Detention Center. The Wauwatosa School District runs the Detention Center School. The JDC's organizational chart is depicted in Figure 1.

The JDC has endured turnover in key leadership positions, including the Superintendent (four individuals served as Superintendent on either a permanent or interim basis during the period of our review period), Deputy Superintendent, and overall Division Administration. The Director of the Department of Health and Human Services, whom the DCSD Administrator reports to, also left his position in mid-2017.



Figure 1

**Juvenile Detention Center Organizational Chart**



Source: Auditor recreated based on information provided by JDC management.

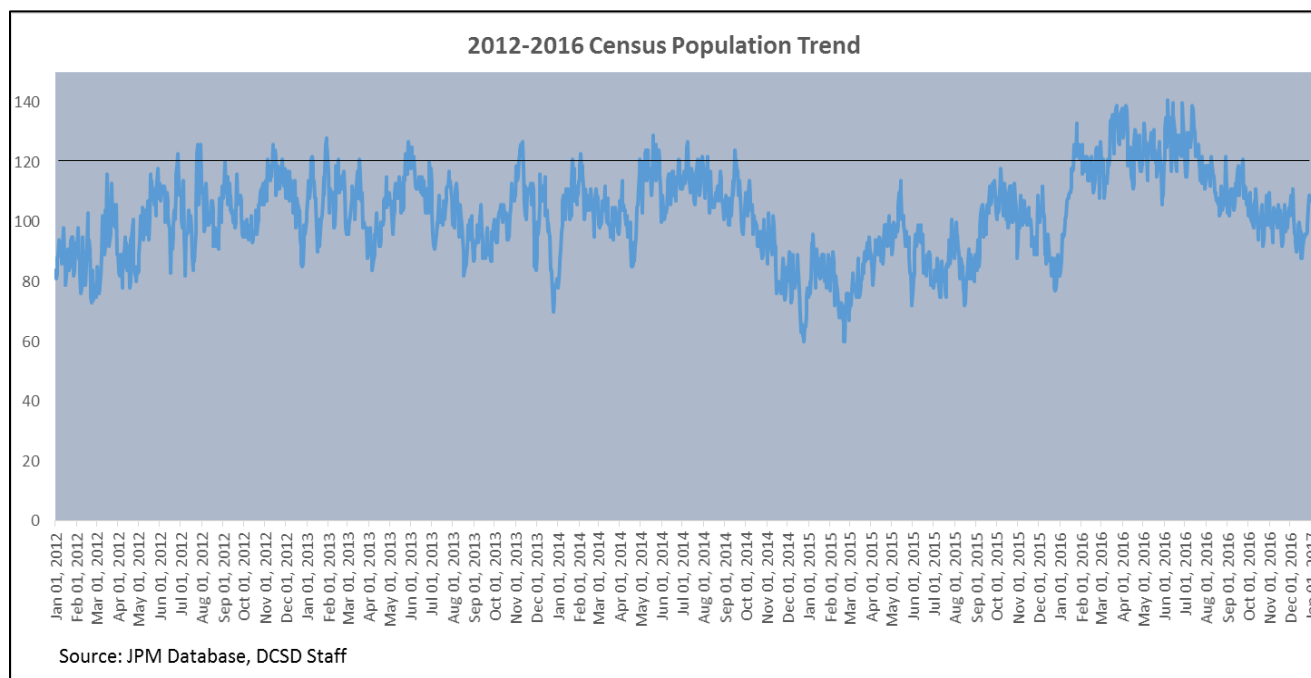
Juveniles are brought to the detention center for several reasons including: new delinquency charges, capias (bench warrants), other warrants (such as apprehension warrants or warrants from the State Department of Corrections), orders to produce, and sanctions. In most instances, youth are brought in by law enforcement, but they can also be brought in by parents/guardians, social workers, or can self-report.

In general, DCSD leadership does not believe the detention center should be used as a first resort. In 2012, DCSD became a Juvenile Detention Alternative Initiative (JDAI) site. One of the goals of JDAI is to decrease the number of youth who are unnecessarily or inappropriately detained with the use of detention alternative community programs. That said, there are circumstances where a temporary placement of a youth in detention is warranted to maintain the safety of the youth and of the community. Wisconsin State Statutes require that the Chief Judge in Milwaukee County establish a written judicial policy and intake procedures for juvenile matters under Chapter 938. It is up to the presiding judge at Children's Court to ensure compliance with the policies.

Upon admission to the facility, each youth has a medical screening, is informed of his/her rights, and is also screened for placement using the Detention Risk Assessment Instrument (DRAI) scoring tool. The DRAI was implemented at the JDC in January 2015, and is recognized by stakeholders as the standardized instrument for determining initial custody placements for juveniles in Milwaukee County. The score received on the DRAI, which is administered by the JCO Supervisors, determines whether a youth will be detained, an alternative placement will be sought, or the youth will be sent home. In some cases a youth is detained despite receiving a score on the DRAI, which indicates that a youth need not be detained. A common example of this is when the JCO Supervisors are unable to make contact with a parent or guardian to pick up a youth, and the youth is too young to be released without a parent pick-up.

The average daily population or census of the detention center can vary significantly. Figure 2 illustrates the variance in JDC census for the years 2012-2016. According to both the State Jail Inspector and JDC management, at times the facility detains more youth than its 120-bed capacity allows. Historically, these instances of "overcrowding" were temporary and infrequent.

Figure 2



The JDC also currently houses the Milwaukee County Accountability Program (MCAP). MCAP is a post-dispositional placement alternative for male youth being considered for State corrections by the Milwaukee County Circuit Courts. It is designed to be a local short-term placement in secure detention (up to 365 days, but more typically 180 days) with extended after-care programming in the community. MCAP began accepting youth in the JDC on September 13, 2012, occupying a pod with 12 individual cells. The 2016 Adopted Budget planned on expanding and moving MCAP out of the JDC and into a community-based secure residential facility. Plans for the move were discontinued after the planned site, the vacant County-owned Child and Adolescent Treatment Center (CATC) adjacent to the Behavioral Health Division Complex, was deemed inappropriate for use for the program due to excess space and retrofit costs. MCAP was still expanded to a second 12-bed pod at the detention center in January 2016. MCAP youth are included in the facility's census count.

In early 2016, Department of Health and Human Services (DHHS) leadership became aware that youth census at the JDC was above capacity. This was coupled with a staffing shortage at the facility. The circumstances were reported to the County Executive and the County Board of Supervisors in an April 2016 memo. The census at the JDC had risen above the facility's 120-bed capacity, and unlike earlier incidents of overcrowding, was not subsiding. At the same time, JDC management informed DHHS leadership that the overcrowding required additional staff resources, which the JDC

was unable to meet without significant mandatory overtime due to a shortage of staff available to work.

The driving factor in the overcrowding was believed to be related to the crisis at the Lincoln Hills (LHS) and Copper Lake Schools (CLS), the State's post-dispositional juvenile correction facilities for boys and girls, respectively. In January 2015, the Wisconsin Department of Justice began investigations into allegations of abuse ranging from sexual assault and incident cover-ups, to misconduct in public office at LHS and CLS. Both facilities are located in Irma, Wisconsin, more than 200 miles north of Milwaukee and are the only State-run secure detention facilities. In December 2015, the Federal Bureau of Investigation joined the investigation to determine whether there had been any civil rights violations. The investigations, the outcomes of which had not yet been released at the time this report was published, have resulted in administrative resignations and other turnover at the facilities.

The County Board was briefed on the situation at the schools in early 2016. In the wake of the revelations, juvenile court judges grew leery of sending new youth to LHS and CLS, and, in some cases, allowed juveniles already sentenced to the facilities to stay at the juvenile detention center for longer periods of time when they returned to Milwaukee County for court hearings. Until the investigations came to light, about 140 boys and 18 girls from Milwaukee County were at the Department of Corrections (DOC) facilities. Since that time, the number of youth sent to DOC facilities has declined substantially. As of June 2017, the year-to-date average number of Milwaukee County youth in corrections was 63.9.

The DHHS Director responded to the conditions at the JDC with a series of memos outlining a plan to remediate the issues with both overcrowding and staffing shortages. As part of the plan, Human Service Workers from the Delinquency and Court Services Division were brought in to work shifts beside juvenile corrections officers to assist with JDC staffing until additional workers could be hired. Alternative placements were sought for juveniles who could be released, and the County entered into a Memorandum of Understanding with Racine County to house some detained juveniles there. The overcrowding crisis subsided by mid-July 2016, and although the center has gone over census since that time, it has returned to its historic trends where overcrowding incidents have been temporary and infrequent.

The County Board passed a resolution requesting the Audit Services Division to complete its own independent evaluation of DHHS's plan to respond to the crisis, to examine the facility's staffing and the length of juvenile detentions. This report is provided in response to that request.

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## Section 1: DHHS' plan addressed the overcrowding and understaffing emergency, but there is still room for improvement in some areas.

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A memo dated April 18, 2016, was submitted to the County Executive by the Director, Department of Health and Human Services (DHHS), regarding the JDC overcrowding and staffing shortage. The County Board of Supervisors was included on the report distribution list. As stated in the report, the memo:

*...provides an accounting of the circumstances and decisions that contributed to the overcrowding and staffing shortage in the juvenile detention center and the resulting consequences. This letter also details the actions that the Department of Health and Human Services has taken to remedy the situation in short order and put in place safeguards to ensure that this will not occur again in the future.*

Auditors from our office reviewed this memo and subsequent informational updates submitted to the County Board in May-July 2016. In doing so, we sought to assess DHHS' compliance with its plan to rectify both the overcrowding and understaffing issues at the JDC. Further, we took an independent look at JDC operations to determine whether the actions suggested by DHHS were appropriate solutions to the problems that emerged in early 2016.

**Overall, we believe DHHS quickly identified and implemented solutions to lower its census and increase staffing.**

Overall, we believe DHHS performed well in identifying the issues and quickly identified and implemented solutions to lower its census and increase staffing. Table 3 summarizes our findings associated with DHHS' plan implementation.

**Table 3**  
**Status of DHHS Action Plan Items**

**Key**

Successful implementation

Implemented but needs more work

Not implemented

Description	Action Items Taken	Status
<b>Overcrowding in JDC</b>		
Identifying youth for immediate release	<ul style="list-style-type: none"> <li>-Increased slots for the Level II Monitoring program, from 66 to 137 pre-dispositional slots (the Division also has 50 post-dispositional slots).</li> <li>-Increase of 20 slots in the Targeted Monitoring Program.</li> <li>-Provider contract amendment to increase number of staff to monitor GPS 24/7.</li> </ul>	While increases in pre- and post-dispositional community program slots help with relief of overcrowding, problems with providers not renewing contracts, such as Shelter Care in 2017, or waiting lists for slots can leave youth in detention, negatively influencing census.
Use of Racine County Detention Center	<ul style="list-style-type: none"> <li>-An emergency Memorandum of Understanding with Racine Juvenile Detention Center to house overflow youth was implemented on April 6, 2016 and ended on December 31, 2016.</li> <li>-Milwaukee County youth were housed from 6/10/16 to 9/14/16, at a cost of \$115 per youth per day.</li> <li>-No more than 10 youth were housed at the facility at a time.</li> <li>-Use of Racine was a last resort, temporary placement.</li> </ul>	The use of Racine helped alleviate the ongoing overcrowding in the JDC and should be used again in the event of sustained overcrowding at the facility.
Case Processing Committee	<ul style="list-style-type: none"> <li>-DHHS/DCSD created an ad hoc case review committee, which met a few times, and put some practices into place.</li> <li>-Steps have been outlined to review detention numbers and seek release alternatives on a more regular basis.</li> <li>-“Informal expeditors” (the JDC Superintendent, Section Managers, and a Human Service Worker (HSW) Supervisor) communicate about detention numbers and facilitate action when needed.</li> <li>-Receiving technical assistance from the Center for Children’s Law and Policy.</li> </ul>	Stakeholders expressed reservations about the length of time for case processing, and the influence it has on the length of stay for youth in detention. According to the DCSD Administrator, more work is needed in the area of case processing.
<b>Staffing</b>		
Use of Temporary Staffing	<ul style="list-style-type: none"> <li>-Twenty-four DCSD staff (17 of whom were HSWs) volunteered as JCOs from 4/23/16-6/30/16.</li> <li>-An exception to the ordinances regarding overtime was made so HSW Supervisors could get paid overtime to serve.</li> <li>-The volunteers filled vacant shifts and helped to eliminate mandatory overtime for the regular JCO staff. They also helped bridge communication between the detention center and social work staff.</li> </ul>	According to DCSD Administration, the volunteer program was considered a success. Volunteers joined forces with the JDC staff, helped alleviate overtime, and provided HSWs with additional opportunities to interact with the youth whose cases they oversee.
Expedited Hiring Practice/Continuous Recruitment of JCOs	<ul style="list-style-type: none"> <li>-2017 Budget increased the FTEs from 69.5 to 71.</li> <li>-Formal and expedited hiring processes created in July 2016.</li> <li>-As of November 2016, the JDC had hired 20 JCOs, but 13 of those terminated employment.</li> </ul>	The JDC continues to have challenges with filling and maintaining all JCO positions. Efforts to ensure candidates are aware of job demands are being implemented. Continuous recruitment should be considered.
Use of Overtime	<ul style="list-style-type: none"> <li>-Decisions to attempt to fill all JCO openings reduced reliance on mandatory overtime.</li> <li>-2017 Budget increased JCO positions from 69.5 to 71.</li> </ul>	The JDC has been actively hiring, but have still been unable to sustain full staffing. New leadership communicated a need to fill as many vacancies as possible rather than rely on overtime.



**Table 3, cont'd**  
**Status of DHHS Action Plan Items**

**Key**

Successful implementation

Implemented but needs more work

Not implemented

Description	Action Items Taken	Status
<b>Education and Programming</b>		
Decision-making Protocol	<ul style="list-style-type: none"> <li>-Effective 4/11/16, prior to cancelling classes or programs, the JDC Superintendent must be notified and the final decision to cancel rests with the Superintendent.</li> <li>-Decisions to cancel classes will be discussed with the DCSD Administrator and DHHS Director.</li> </ul>	A verbal agreement between the DCSD Administrator, Superintendent, and detention school principal is in place. Except in extreme circumstances, school programming will not be interrupted. Formal documentation is still pending, but there have been no closures since those reported in 2016.
Contingency plans to maintain school programming	<ul style="list-style-type: none"> <li>-During the 2016 period of overcrowding and understaffing, there was a reduction in school programming for all of the detention population from April 4-21, 2016.</li> <li>(Note: School programming was not looked at in detail as part of our audit scope.)</li> </ul>	In June 2016, DHHS started working with the Wauwatosa Public Schools to create a written contingency plan for maintaining school and programming for youth during periods of increased census. As of August 2017, the plan is still in draft form.
Increase oversight of MCAP programming in detention	<ul style="list-style-type: none"> <li>-MCAP expanded in January 2016, and currently occupies 2 out of 7 pods (24 out of 120 beds); the expansion of MCAP in detention contributed to the 2016 overcrowding.</li> <li>-The program is viewed as an integral part of DCSD's service array, and is a local alternative to corrections.</li> </ul>	A MCAP policy has been created by DCSD. Though thorough, measurements to determine the effectiveness of the program once a youth is discharged from MCAP are lacking. DCSD reported they are working with the Community Justice Council to measure overall DCSD program effectiveness.
<b>Communication and Partnership</b>		
Monthly stakeholder meetings	<ul style="list-style-type: none"> <li>-Stakeholder meetings with DCSD, Courts, District Attorney and Public Defenders Office were held on 11 different dates (from March 2016-January 2017).</li> <li>-Various additional partners were also present (DOC Inspector, Annie E. Casey Foundation, RFK National Resource Center for Juvenile Justice, etc.) depending on the meeting topic.</li> </ul>	The stakeholders we spoke with agreed enhanced communication is necessary, and that it's beneficial to continue to hold meetings so all stakeholders are well informed.
Daily program reports	<ul style="list-style-type: none"> <li>-A detention center census update is sent via email daily to various stakeholders (DHHS/DCSD employees, County Supervisors, members of the Judiciary, Public Defender, District Attorney, Audit Services, and the DOC Inspector).</li> <li>-A Daily Program Report, with census and program slot availability is sent to a more targeted audience (DCSD, judges, Public Defender, District Attorney).</li> </ul>	These interdepartmental communications provide value and transparency. Use of reports showing use of community program slots can help alleviate backups and overcrowding at the detention center.
System for monitoring and reporting staff vacancies	<ul style="list-style-type: none"> <li>-JDC and Human Resources line staff were unaware of the creation of a staffing alert/FMLA calendar.</li> <li>-We verified that staffing alert/FMLA calendar were created, but is unclear how often they are used and by whom.</li> <li>-Use as planned will help department managers and JCO Supervisors better manage staff time off related to excused time, including: FMLA, Worker's Comp, and approved Civil Service leaves.</li> </ul>	Efforts to definitively outline and implement the staffing alert/FMLA calendar should be made. The tool will help department managers better plan and manage legally mandated off-time, and make it harder for an individual employee to "get lost in the system."

Source: Auditor created based on data collected from County Board Committee testimony, interviews/correspondence with leadership, staff, and stakeholders, and physical observations conducted by the audit team.

While we believe that the plan has largely been effective in providing short-term relief for both overcrowding and understaffing, through our work we identified some areas which need additional focus to ensure similar issues do not reemerge.

In Sections 2 and 3, we will detail some of the causes behind the “crisis” in 2016, and the lingering concerns we identified regarding both census and staffing issues. While DHHS’s plan did put some safeguards in place in an attempt to prevent these issues from emerging again, we believe the long-term and systematic issues we’ll discuss do indeed put the JDC at risk of facing similar problems in the future.

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## **Section 2: DCSD does not have full control over JDC census swings, and with the MCAP expansion there is no longer swing space to accommodate periods of overcrowding.**

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**DHHS kept policymakers and the State jail inspector updated on overcrowding and understaffing.**

The Juvenile Detention Center experienced continuous overcrowding from January 26, 2016 through July 20, 2016, resulting in a number of consequences, including forcing detainees to sleep in “boats” on the floor.

Audit Services was asked to conduct a review of an overcrowding and understaffing emergency at the Juvenile Detention Center (JDC) in 2016. The Department of Health and Human Services (DHHS) had been keeping policymakers and the State jail inspector updated on the overcrowding and understaffing, which came to their attention two months prior.

Figure 3 shows average monthly census during the years of our review compared to the facility’s rated capacity. The 2016 overcrowding was clearly more significant than overcrowding experienced in prior years. As shown in Figure 4, ultimately the continuous period of overcrowding exceeding the 120-bed capacity, lasted through July 20, 2016.

Figure 3

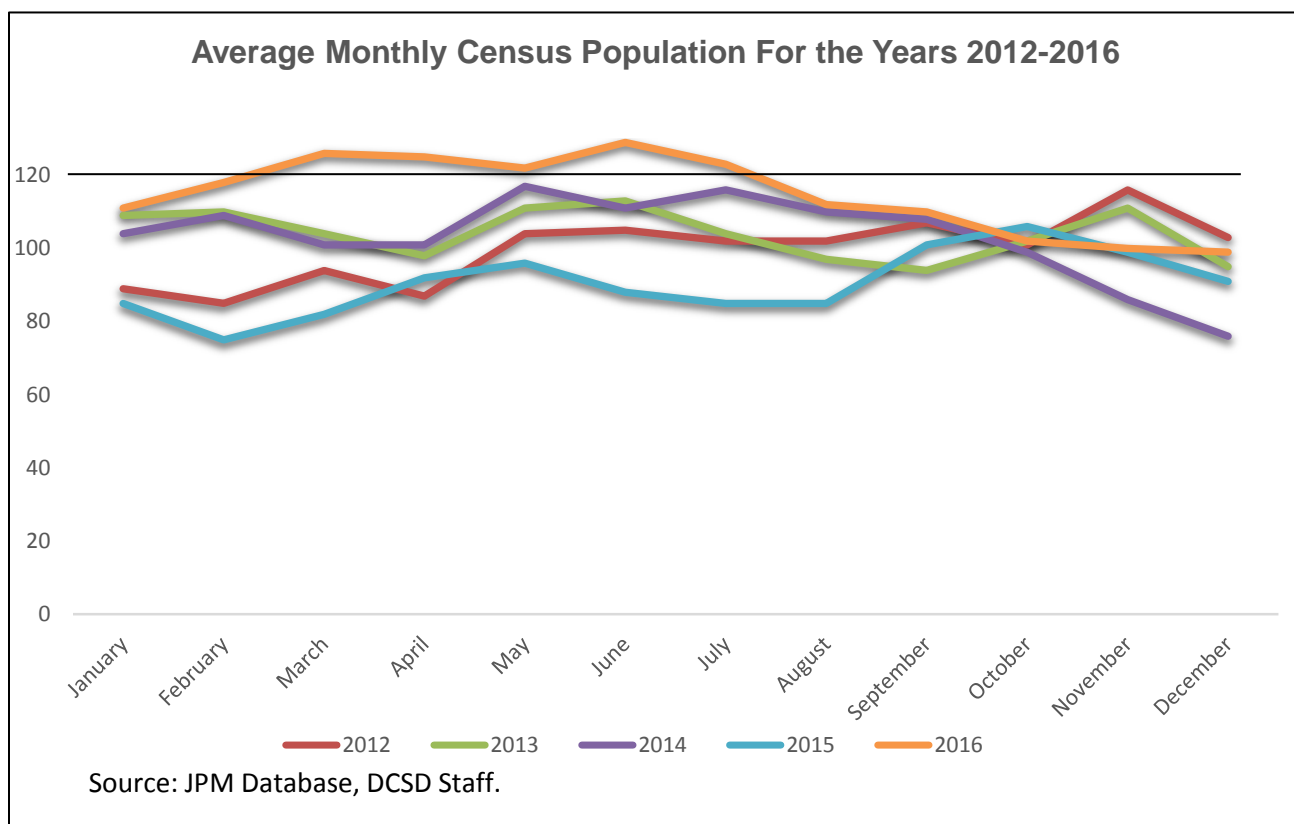
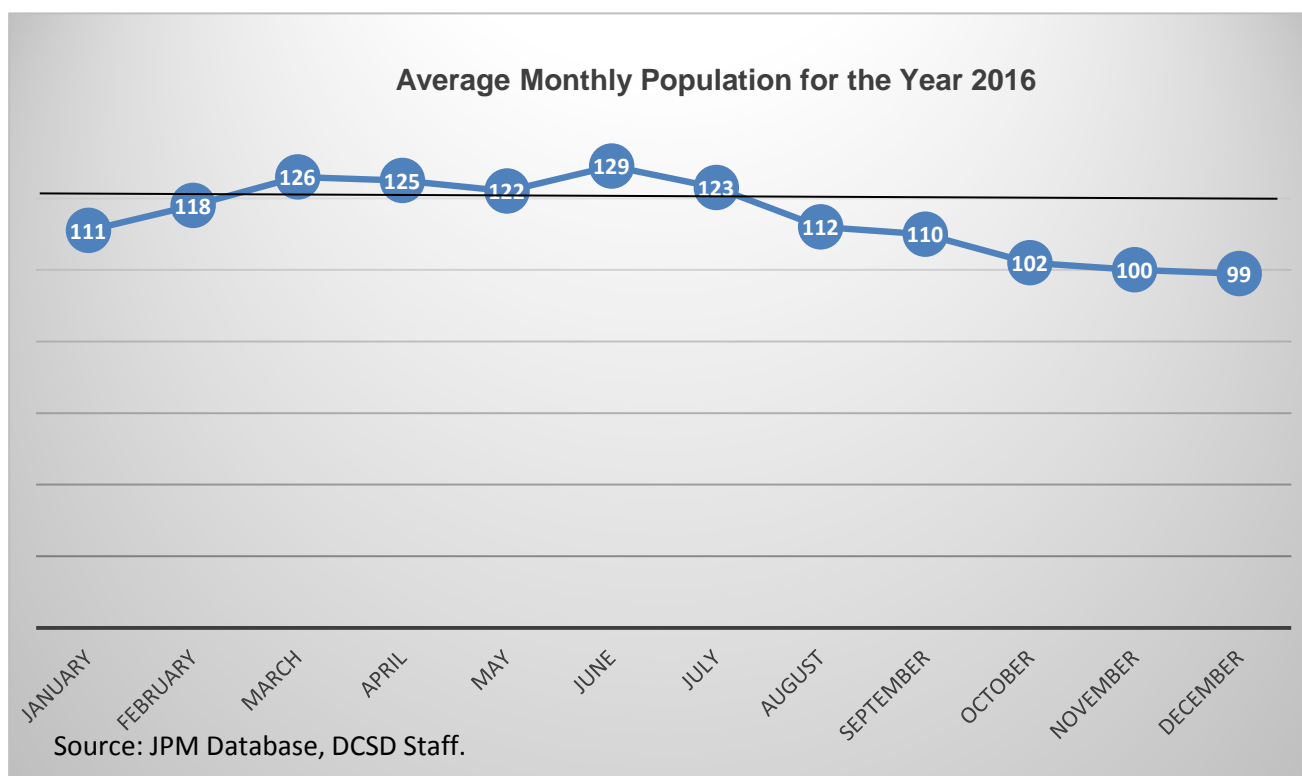


Figure 4



Each of the detention center's seven pods also contain an isolation room. The isolation room is separate from the other cells, and is typically used for individuals who need to calm down following some sort of distress. Although isolation rooms contain a bed and bathroom facilities similar to the other cells on the pod, they are not included in the facility's rated bed capacity.

**During overcrowding, detention center staff received permission to use isolation cells to house youth.**

During the period of overcrowding, detention center staff received permission to use the isolation cells to house a youth. However, despite having access to seven additional cells in which to house juveniles, the overcrowding was such that on many days over the six month period of overcrowding, juveniles were still required to sleep on the floor. In prior years, JDC management had ordered detention boats, pictured as follows, to use in times of overcrowding so that juveniles' mattresses would not be placed directly on the floor. When boats are used, one cell must remain unused/unlocked so that those sleeping in boats have access to a bathroom.



Our audit team toured the facility on a day where there were 131 youth. We observed both the use of isolation rooms as sleeping quarters and boats on the floor in multiple pods. We were informed by the Interim Superintendent who provided the tour that the reduced personal space for youth can result in higher tension, and with the isolation room used as a normal cell, staff options for relieving the stress are minimal.

**The expansion of MCAP to two pods in early 2016 eliminated space that historically would have been used during periods of overcrowding at the JDC.**

The Milwaukee County Accountability Program (MCAP) is a program available to male youth between the ages of 13 and 16.5, who are at risk of being sent to the State correctional institution while they are on court ordered supervision or because they committed a new offense. Youth in the program are adjudicated delinquent and ordered into the program by a Children's Court judge.

The program consists of two phases that cover a one-year span. The first phase begins in detention where a youth will be placed for a minimum of 180 days if program benchmarks are met. A customized intensive aftercare program follows in the community.

**Since MCAP is a post-dispositional program, all 12 beds on the pod (not just the 11-rated beds) can be used for MCAP programming.**

MCAP began with the first youth placed in the MCAP pod on September 13, 2012 (MCAP youth are separated from the general detention population). The original pod dedicated to MCAP contains 11-rated beds, but with the isolation room physically contains 12 beds. Since MCAP is a post-dispositional program, all 12 beds on the pod (not just the 11 rated beds) can be used for MCAP programming.

The 2016 Adopted Budget, passed in November 2015, contained plans to move MCAP out of the JDC into a secure residential facility in the community (this type of facility requires State licensing). It was envisioned that this would allow more youth to

be served. As a result of this move, the budget envisioned closing one 11 bed pod at the detention center and abolishing 4.5 Juvenile Corrections Officer positions.

**By January 2016, DCSD staff and the public became aware of issues of alleged abuse at the State's juvenile correction facilities.**

By January 2016, DCSD staff and the public became aware that there were issues of alleged abuse occurring at the State's juvenile corrections facilities. The Division expanded MCAP, the County's post-dispositional alternative to Corrections placement, to a second pod in detention in January 2016. Like the first MCAP pod, the second pod has the capacity for 12 males.

On February 3, 2016, the Milwaukee County Chief Judge sent a memo to the County Executive and County Board Chairman expressing concern over the Federal and State probes into allegations of abuse, neglect, sexual assault, and excessive use of force at the State-run juvenile correctional institutions, to which approximately 170 Milwaukee County youth had been sent. The Chief Judge urged immediate action, summarized as follows:

- Create teams of human service workers and Wraparound trained professionals to assess each youth located at the State correctional institutions;
- Create eight juvenile corrections officer positions, and expand MCAP by an additional 44 beds for a total of 68 beds and create additional detention facilities outside of the current juvenile detention center to accommodate the expansion;
- Update the County's policy to allow for 365-day placement in secure detention, in line with a change in State law;
- Expand the County's aftercare unit, which will require additional human service worker and section manager positions;
- Work with the State to create secure and non-secure residential treatment centers for Milwaukee County youth so that there are more placement options close to home.

On February 4, 2016, the County Board adopted a resolution declaring a state of emergency relating to the Milwaukee County youth committed to the State's secure detention facilities and provided \$500,000 from the Appropriation for Contingencies to be



**DCSD envisioned creating a locked residential facility in their 2016 budget plans.**

released upon creation of an alternative facility for committed youth. The resolution, largely based on the recommendations made by the Chief Judge, also approved expansion of MCAP from 22 beds to 68 beds, and created 12 positions in DCSD (8 Juvenile Corrections Officers, 3 Human Service Worker-Juvenile Justice, and 1 Section Manager).

The County Department of Health and Human Services submitted a memo to the Chairman of the Board of Supervisors on February 19, 2016, which detailed plans for an alternative facility to expand the capacity of MCAP. As initially laid out in the 2016 Budget, DCSD envisioned creating a locked residential facility. The proposed site was the County's vacant Child and Adolescent Treatment Center (CATC) on the County Grounds in Wauwatosa, east of the current detention center, and adjacent to the County behavioral health facility. It was envisioned that with renovation and approvals by the City of Wauwatosa Planning Commission and Department of Corrections licensing, the facility could expand MCAP's capacity by 44 slots. The JDC could then house one 12-bed MCAP pod for girls.

Plans for the MCAP move to the CATC were initially delayed, and ultimately abandoned. According to the department, this was due to the financial investment required to turn the CATC into a residential treatment center (RTC) and due to the absence of State licensing governing a secure residential facility. In mid-2016, DCSD administration altered their RTC plans, no longer focusing on expanding MCAP at the RTC. Instead, planning efforts shifted to a staff-secure "step-down" RTC targeted for high risk youth likely to recidivate, in jeopardy of placement in Corrections, or youth transitioning out of MCAP or DOC placement. The Division's secondary plan to site the facility in Wauwatosa also fell through, and planning then shifted to a smaller site in the City of Milwaukee. At the time this report was published, DCSD was still working out details on the RTC, now targeted for youth transitioning out of

DOC placement or as alternative to DOC, and hopes to have a gradual transition of youth into a RTC with a capacity of 24 slots filled by November 1, 2018.

Prior to MCAP, the two 11-bed pods were traditionally used to accommodate periods of overcrowding. After the first MCAP-dedicated pod opened in late 2012, only one 11-bed pod remained to accommodate periods where the facility census rose above 98 youth. Once the second MCAP pod was up-and-running in January 2016, there was no overflow space available, and therefore the facility was at higher risk of overcrowding.

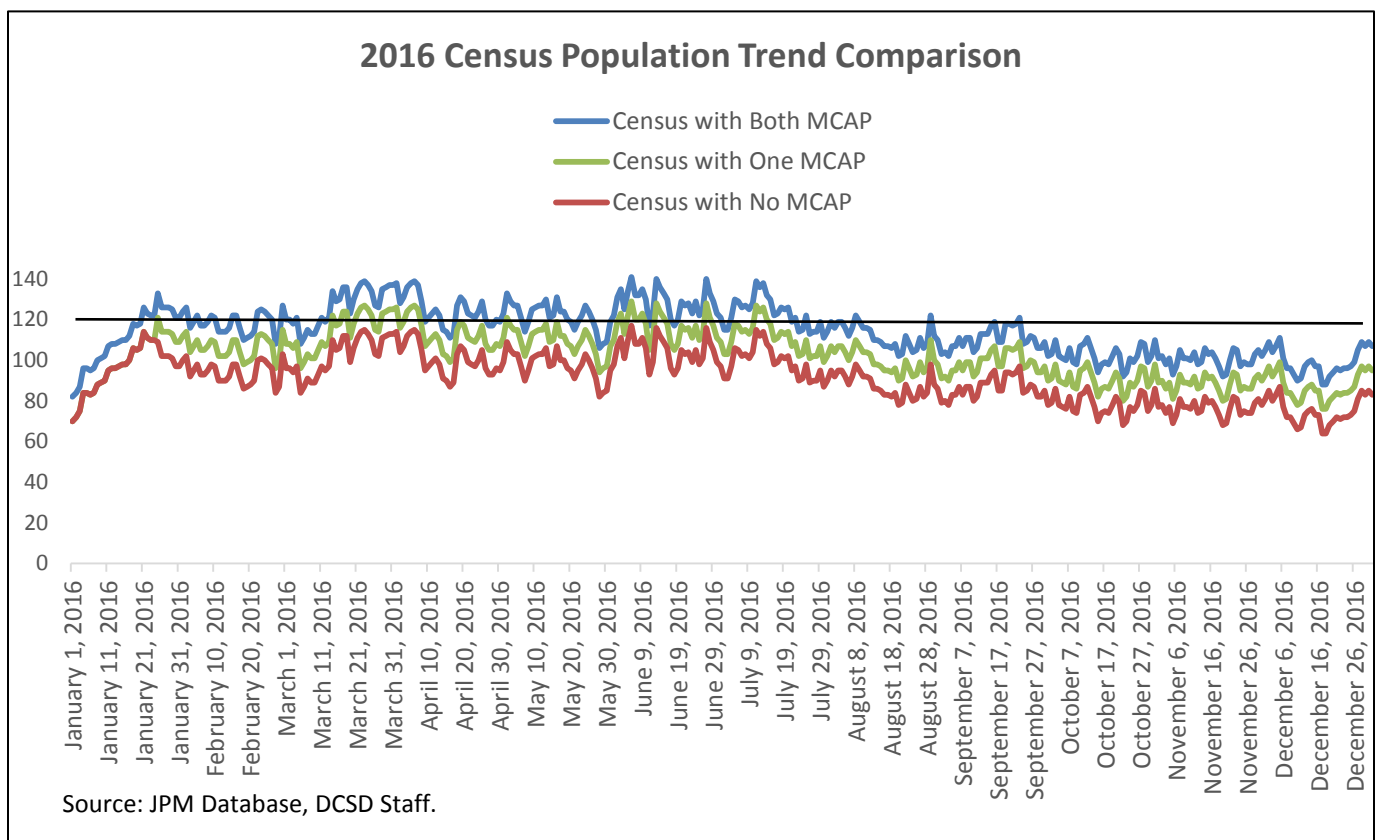
JDC management provided Audit Services with a log showing how many times all seven detention pods were filled going back to 2007. Use of all pods varied by year with use of all seven pods on over 100 days in 2007, 2008, 2014, and 2016. On the low end, seven pods were used for under 20 days in 2009, 2010, and 2015. However, there was not a single year from 2007-present when all seven of the facility's pods were not used on at least a few occasions. Table 4 shows full facility pod use for the years 2007-2016.

<b>Table 4 JDC Full Pod Use 2007–2016</b>	
<b><u>Year</u></b>	<b><u>Number of Days all Seven Pods were Used</u></b>
2007	105
2008	172
2009	13
2010	17
2011	6
2012	69
2013	96
2014	112
2015	12
2016	240
Source: Juvenile Detention Center Administration.	

Use of the seventh pod dropped in 2009-2011, before rising again in 2012, which coincided with the first dedicated MCAP pod opening in September 2012. In 2015, the seventh pod was only used 12 days, which may have led to the belief that detention trends were down so that the facility could sustain opening a second MCAP pod. However, this was a risk given that the low use (and corresponding low census) of 2015 followed two years of relatively high census with heavy reliance on the overflow pod in 2013 and 2014.

Figure 5 shows the 2016 JDC census trend against a hypothetical facility count that may have resulted if the second MCAP pod was not opened, and pod seven remained in use as an overflow pod. The graphic also displays what census could have been had MCAP been moved off-site.

Figure 5



**Overcrowding would have been less severe had MCAP not been expanded in early 2016.**

As shown in the graph, periods of overcrowding would have likely been less severe had MCAP not expanded, and would have likely not occurred at all if none of the detention pods were dedicated to MCAP. In July 2017, the DCSD Administrator reported to the County Board Committee on Health and Human Needs that in hindsight, the Division realized the expansion of MCAP to the second pod took a significant toll on the facility. Going forward, he would not recommend further expansion of MCAP programming in detention until the JDC showed sustained periods of significantly decreased census.

We believe that if MCAP is seen as a viable program that will continue to be utilized at its current level or expanded in the JDC, DCSD should find other pre-and-post-dispositional alternative placements for youth so that the JDC can continue to have swing space available to accommodate youth during periods of overcrowding.

Therefore, we recommend that DCSD:

1. *Evaluate options for accommodating MCAP in the JDC by developing alternative programming in facilities outside of the detention center and return use of at least one pod for overcrowding overflow, as intended.*

**DCSD is part of a broad juvenile justice system, and does not have full control over how many youth are detained at the JDC.**

Wisconsin State Statute 48.067(2) states that no child may be placed in a juvenile detention facility unless the child has been interviewed in person by an intake worker. Juvenile Corrections Supervisors (JCOS) are the designated “intake workers” at the Milwaukee County JDC. JCOSs use the Detention Risk Assessment Instrument (DRAI) to document the results of the intake interview and to guide decision-making surrounding whether the youth will be detained, whether an alternate placement is sought, or whether the individual may be released.

The Wisconsin First Judicial District recognizes the DRAI as the standardized instrument for determining initial custody placement for juveniles. The tool was developed by several counties, including La Crosse, Manitowoc, Milwaukee, Outagamie, Racine, and Waukesha, through Wisconsin's involvement in the Juvenile Detention Alternatives Initiative.

The DRAI tool helps JDC management have some level of population control by administering policies and procedures to seek alternative placements or release for low risk offenders who are brought to the facility. However, there are situations, such as 72 hour holds, warrants, judicial apprehension requests, and sanctions, which require that juveniles are detained regardless of their overall DRAI score.

Judicial decisions and scheduling matters also influence detention population levels. Currently, juveniles sent to State Corrections for placement are transported back to the detention center prior to attending court hearings. The distance between the Milwaukee County Children's Court Center in Wauwatosa and the DOC facilities in Irma is more than a three hour drive, which makes transport logistically challenging. During our review, transportation to and from DOC typically occurred on Mondays and Fridays. Juveniles were scheduled for transport prior to their court hearing date so that a juvenile with a Monday hearing would be brought down on Friday, requiring a weekend stay in detention. Similarly, if a hearing ran late on a transport day, juveniles would remain at the JDC, awaiting the next transport day.

**After the DOC juvenile facility investigations surfaced, DOC youth were allowed to stay longer in detention instead of returning to DOC facilities.**

In the wake of the surfacing of the Lincoln Hills and Copper Lake investigations, upon return to the JDC for court hearings, system stakeholders reported that DOC youth were asked by judges whether they would rather stay in detention or return to DOC. As a result, DOC youth were staying in detention for longer periods of time pending resolution of court processes. According to a representative from the Public Defender's Office, while many DOC youth did decide to stay in detention for a while, most ultimately returned so that they would not have to give up their spots in assigned DOC programming.

Some system stakeholders we spoke with recommended that Children's Court purchase equipment to facilitate DOC youth to utilize video conference for routine court hearings rather than requiring travel to and from DOC. Video conferencing may alleviate some of the inefficiencies and expense of physical transport, and could also help the JDC have more control over facility census. This idea is worth exploring, as long as consideration is given to any positive effects (such as easier parental visits) which may result from even short stays closer to home.

Therefore, we recommend that DCSD administration:

2. *Evaluate the use of video conferencing court appearances for DOC youth.*

**The corrections crisis was a reminder that the JDC does not have full control over their population.**

Ultimately, the corrections crisis was a reminder that despite careful planning and efforts to place youth in alternatives in corrections, the JDC does not have full control over their population. There are several circumstances wherein youth are ordered to stay in detention. In addition to the above crisis, judges assigned to Children's Court also rotate regularly. One judge assigned may see value in non-secure community placement, while another may be more comfortable with secure placement of youth.

In Fall 2016, the Chief Judge and Presiding Judge at Children's Court published an article in the Milwaukee Bar Association publication, *Messenger*, outlining a recommended approach for dealing with the juvenile corrections crisis in Milwaukee County. The article suggested earlier intervention in youth lives to focus professional efforts on the front end of the system resulting in less young people entering the juvenile justice system. The article also suggested enhancing community-based resources, and the creation of smaller, local, secure facilities for high-risk offenders.

**The JDC received 3 violations from the State Jail Inspector during his annual visit in 2016. Two of the violations were directly related to the overcrowding situation.**

**Upon admission to detention, staff must "classify" or place each juvenile in an appropriate pod based on identified criteria.**

Wisconsin Administrative Code requires that upon admission to a juvenile detention facility, intake staff take care to place each juvenile in an appropriate pod, based on identified criteria that takes into consideration the needs and requirements of each juvenile. This process is referred to as "classification."

The JDC has a policy and procedure providing guidance on how classification is administered. The policy includes the following rationale:

*The function of detention is to provide custody; care and programming to juveniles who need secure care on a short-term basis. A classification system is an instrument to assist detention staff in carrying out these responsibilities. Based on the belief that juveniles should be housed in an environment consistent with each juvenile's needs, the purpose of this document is to create a uniform approach to classifications.*

In accordance with the policy, JDC staff take the following factors into consideration when seeking to properly classify juveniles:

- Age
- Behavior
- Gender
- Legal status
- Detention history
- Medical



- Mental health

Other criteria considered includes planning around protection and safety for juveniles, staff, and the community, such as prior record, drug/alcohol use, gang affiliations, and accomplices.

While the JDC has a policy and procedure in place to accommodate classification requirements, during the overcrowding crisis, fewer placement options were available. Therefore, the JDC's ability to implement the procedure was limited.

Each year, the State jail inspector conducts a formal review of the JDC, and issues a report documenting the state of the facility. The 2016 annual site visit occurred on a day when 128 juveniles were housed at the facility. The JDC was cited for the overcrowding, and for violation of Wisconsin Administrative Rule DOC 346.10, pertaining to classification. According to the report, "Due to the facility being over capacity, no objective classification is currently in place, with youth being assigned to a housing unit based on available space."

Audit staff reviewed annual State inspection reports from 2011 through 2017. For the years reviewed, 2016 is the only year in which the JDC received either a capacity or classification violation.

As part of our work, we discussed the JDC capacity and overcrowding concerns with the State jail inspector, who oversees both juvenile and adult facilities for the Southeast Region of the State. He confirmed that JDC staff was in regular communication with him throughout the overcrowding crisis. He also stated that he considers 85-90 percent capacity at the JDC as being overcrowded. The JDC is at 90 percent capacity when 108 of the 120 licensed beds are in use.

**The State jail inspector considers 85-90% capacity at the JDC as being overcrowded.**

The inspector provided us a reference to a report released by the National Institute of Corrections (The Sheriff's Guide to Effective Jail Operations, January 2007). According to this guide, symptoms of overcrowding can occur at 80 percent capacity, resulting in breakdowns in the classification system, which can lead to increased tension and violence. When there are extended periods of overcrowding, a breakdown in the basic functions of the facility such as its security, maintenance, and sanitation can occur, which can increase the facility's liability exposure and jeopardize the safety of both inmates and staff.

Our stakeholder and employee interviews, and a juvenile corrections officer survey indicated that tension increased at the JDC during the overcrowding crisis.

In order to ensure that there is adequate space to safely and comfortably house youth in times of overcrowding, we recommend that DCSD administration:

3. *Create an overcrowding and emergency overcrowding procedure that will outline steps to be taken in periods of facility overcrowding.*

**While DHHS reported that average length-of-stay for juveniles at the JDC increased to 21.2 days, data shows the majority of youth stayed less than 10 days in detention during this time.**

Throughout the overcrowding situation at the JDC, DHHS reported statistics surrounding the average length of stay for youth in detention. Calculations included in the reports indicated that the average length of stay had increased to 21.2 days in detention. This can leave the impression that it's typical for youth to stay in detention continuously for three weeks. However, when we dug into the data, we found that is not really the case.

**Our review of population data indicated that the average length of stay data skews high due to a number of youth with long stays in detention.**

Our review of population data indicated that average length of stay data skews high due to a number of youth with long stays in detention for what are often appropriate reasons. For example, multiple youth spend months in detention on pending charges related to cases that are being waived into adult court. These youth are typically high risk, and are placed at the detention center in lieu of adult jail because of their age. In this case, while the JDC is a restrictive environment, it is arguably less so than the alternative of adult jail.

Average length of stay can also be skewed by including MCAP youth, who are ordered to stay in detention for at least 180 days of post-dispositional programming, in census counts. Like the youth mentioned above, if not detained at the JDC as part of MCAP, many of these youth would be facing State DOC placement.

**Our review of JDC data shows the majority of youth admitted to detention stay 10 days or less for each admission.**

In fact, our review of the data shows that for the years 2014, 2015, and 2016 (through September), the majority of youth (55%-65%) admitted to detention stay 10 days or less for each admission. Further, the single most frequently occurring stay was one day in 2014, 2015, and 2016.

Therefore, while average length of stay data is an important factor to review and monitor, it's important to also dig deeper into the data to provide proper context and report what is really going on.

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### **Section 3: Understaffing at the JDC was the result of unfilled positions, FMLA, and staff absent without pay. Of these, understaffing and FMLA continue to be problematic.**

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Wisconsin Administrative Code 346.22(2) requires that juvenile detention centers adhere to a staff ratio of one juvenile corrections officer per every 15 youth supervised. The JDC's 120 rated beds are dispersed amongst seven pods in three configurations. Three pods hold 22 individual rooms, two pods hold 16 individual rooms, and two pods hold 11 individual rooms. Given the JDC's pod configuration, five of the seven pods require two staff when pod population exceeds 15 juveniles. According to JDC management, the JDC adheres to a 1:12 staffing ratio, which is well within the state requirements.

Typically, only one JCO is needed to supervise pods during 3<sup>rd</sup> shift since juveniles are locked in their rooms overnight. During overcrowding at the JDC, an additional JCO was required to help staff pods on 3<sup>rd</sup> shift where youth were on the floor in boats. This increased to the minimum staff needed.

**Between 2012 and June 2017, the JDC has never filled all of its funded juvenile correctional officer positions.**

The former Director of Health and Human Services testified that prior to the expansion of the MCAP program to a second detention center pod in January 2016, his staff reported that the JDC was operating at a 13% vacancy rate. Table 5 compares the number of JCO FTEs budgeted versus the average number of positions filled, by month, for 2012 through August 2017.

**Table 5**  
**Comparison of Budgeted FTE JCOs and the Average Number of Filled JCO Positions**

	2012		2013		2014		2015		2016		2017	
Month	Budgeted FTEs	Average JCO Positions Filled	Budgeted FTEs	Average JCO Positions Filled	Budgeted FTEs	Average JCO Positions Filled	Budgeted FTEs	Average JCO Positions Filled	Budgeted FTEs	Average JCO Positions Filled	Budgeted FTEs	Average JCO Positions Filled
January	68	55	68	60	66	64	66	60	61.5	55	71	65
February	68	55	68	60	66	64	66	58	61.5	55	71	65
March	68	60	68	60	66	64	66	58	69.5	55	71	63
April	68	60	68	58	66	65	66	58	69.5	55	71	59
May	68	60	68	58	66	65	66	55	69.5	59	71	55
June	68	58	68	58	66	64	66	55	69.5	58	74	57
July	68	58	68	58	66	61	66	54	69.5	58	74	59
August	68	58	68	58	66	61	66	54	69.5	62	75	59
September	68	58	68	58	66	61	66	54	69.5	61		
October	68	55	68	62	66	62	66	58	69.5	64		
November	68	55	68	62	66	62	66	58	69.5	63		
December	68	60	68	62	66	62	66	58	69.5	64		

Source: Juvenile Detention Center Administration.

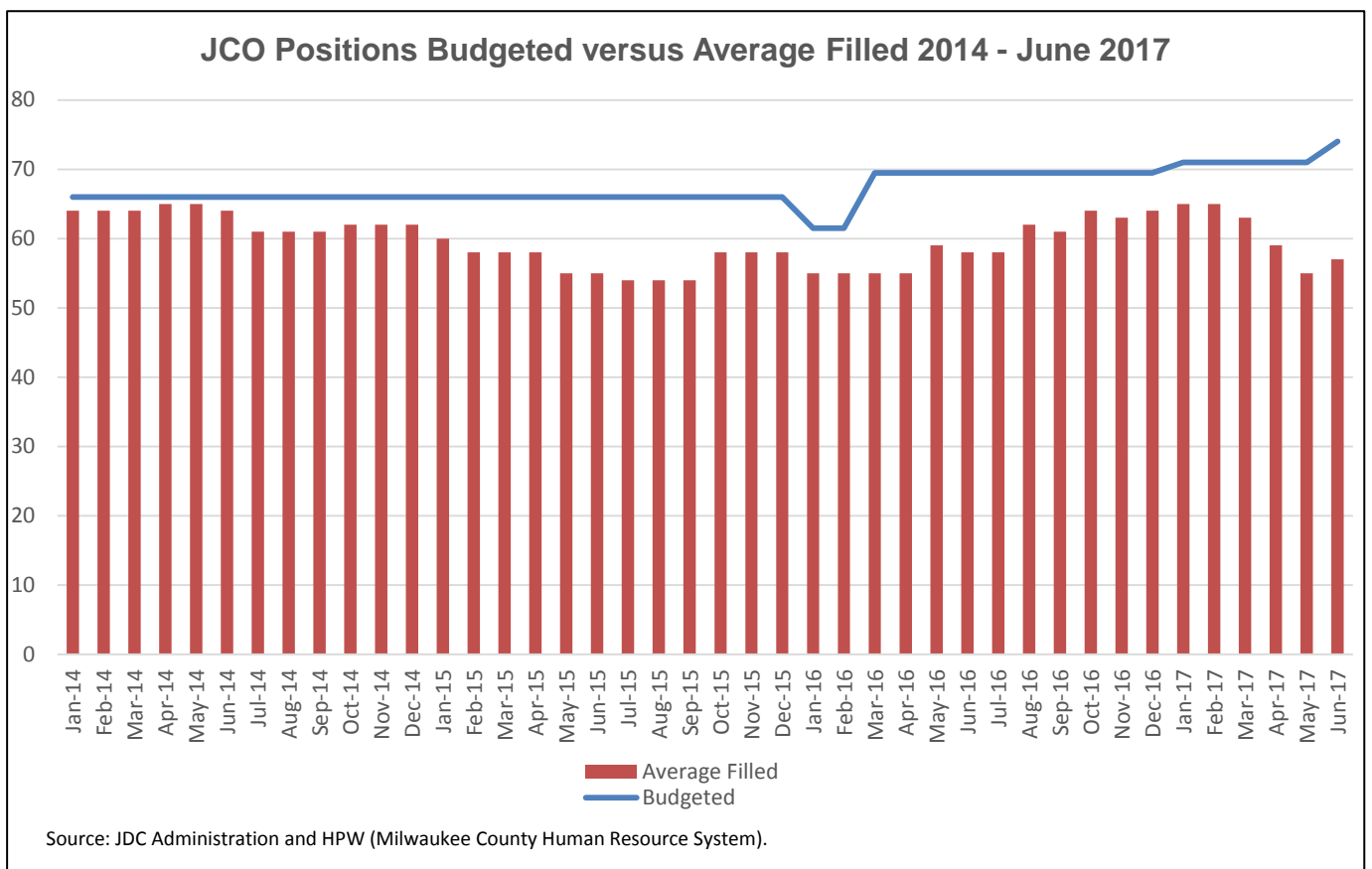
\* Average number of staff calculated by auditor for the months of October 2016 - August 2017.

The budgeted FTEs stayed relatively steady at 68 in 2012-2013, and 66 in 2014-2015, before dropping down to 61.5 in 2016 when it was envisioned that MCAP would be moving off-site. When the MCAP move did not materialize, the budgeted FTEs were increased by eight to 69.5 FTEs in mid-March 2016, and to 71 in 2017.

In December 2015, on average, 58 of the budgeted 66 positions were filled, yielding the approximate 13% vacancy rate referenced by the DHHS Director. That said, over the duration of our review period, at times the vacancy rate rose to 20%.

Figure 6 displays the budgeted versus average filled positions graphically for the years 2014-June 2017. A similar comparison for the entire period of our review (2012-June 2017) is included in Exhibit 3. As shown in the display, the JDC did not achieve full staffing at any point between 2012 and June 2017. The JDC had staffing closest to budgeted allotments in 2014, but higher vacancy levels returned in 2015 and did not subside in 2016 or year-to-date 2017.

Figure 6



As we will detail in the paragraphs that follow, the staffing picture is actually more complicated than what may result from calculating a simple position vacancy rate because in practice, just because a position is “filled,” does not mean that the incumbent is available to work.

**The number of JCOs using FMLA in 2016 was double that of 2015 and approximately 1/3 higher than that of 2014.**

Milwaukee County employees are provided with paid time off in the form of paid holidays, vacation, annual personal days, and sick leave (earned at a rate of 3.7 hours per 80-hour pay period, and generally accruable up to a balance of 960 hours). A defined number of paid holidays and personal days are provided to each employee annually; vacation allotments, which range from two to six weeks of paid leave, are allotted to workers based on length of service.

Rules for use of paid time off are outlined in the Milwaukee County Code of General Ordinances, the Milwaukee County Employee Handbook, and in individual County department work rules. Departments that operate in a “direct care” environment, on a 24/7 basis, like the JDC, often have more detailed work rules governing how employees may request paid leave off to ensure the facility has adequate shift coverage to operate the facility.

**Family medical leave laws provide leave to eligible employees under certain conditions, and protect their jobs and benefits while they are on leave.**

Milwaukee County offers protected leave in the form of Worker’s Compensation insurance for employees who are injured at work, or while performing County work. Protected leave is also provided under the Federal Family and Medical Leave Act (FMLA) and the Wisconsin Family and Medical Leave Act (WFMLA). The purpose of both Family Medical Leave laws is to provide (paid or unpaid) leave to eligible employees under certain conditions, and to protect those employees’ jobs and certain benefits while they are on leave.

Medical leave is paid until employees’ various leave balances are expended. When an employee is eligible for multiple protected leaves at the same time (for example, when a Worker’s Compensation claim becomes an FMLA claim) the leaves run concurrently.

**FMLA administration  
was outsourced to a  
third party  
administrator in  
2016.**

The understaffing problems reported by DHHS required the use of mandatory overtime for the remaining available staff in order to maintain the required level of staffing to operate the facility and manage the increased census.

In the Department's 2016 report to County leaders, DHHS reported that during the period of understaffing at the JDC in 2016, multiple staff were out on FMLA.

We reviewed FMLA use data at the JDC for 2014-2017 in order to determine whether an increase in FMLA correlated with the period of understaffing. Up until 2016, Milwaukee County administered FMLA internally with County employees; FMLA administration was outsourced to a third party administrator, FMLA Source, in 2016 following some concerns about how the function was administered internally, including concerns over record-keeping and determination response times. Data on FMLA used are presented in Tables 6 and 7, and Figure 7.



**Table 6**  
**Total Number of JCOS Who Used FMLA**

<u>Year</u>	<u>Total Number of JCOS Who Used FMLA</u>
2014	25
2015	16
2016	34
2017 (through July)	17

Source: Department of Human Resources Administration, FMLA Source (Milwaukee County's FMLA Third Party Administrator), and Department of Administrative Services-Risk Management Division.

As shown in Table 6, the total number of JCO staff that used FMLA in 2016 (34) is double the number of JCO staff using FMLA in 2015 (16), and is almost a third greater than those who used it in 2014 (25). In sum, the 34 JCOs who used FMLA in 2016 represent approximately half of the JCOs positions available in the unit.

**Table 7**  
**Total Number of JCOs Who Used FMLA per Month in 2016**

**Number of JCOs Who Used Continuous and Intermittent FMLA**

<u>Year</u>	<u>Month</u>	<u>FMLA</u>		<u>Total</u>
		<u>Continuous</u>	<u>Intermittent</u>	
2016	January	6	2	8
	February	11	2	13
	March	12	8	20
	April	11	5	16
	May	10	5	15
	June	7	4	11
	July	8	5	13
	August	8	3	11
	September	4	3	7
	October	2	3	5
	November	6	3	9
	December	6	5	11
<b>Total Number of Incidents</b>		<b>91</b>	<b>48</b>	<b>139</b>

Source: Department of Human Resources Administration and FMLA Source (Milwaukee County's FMLA Third Party Administrator).

Figure 7

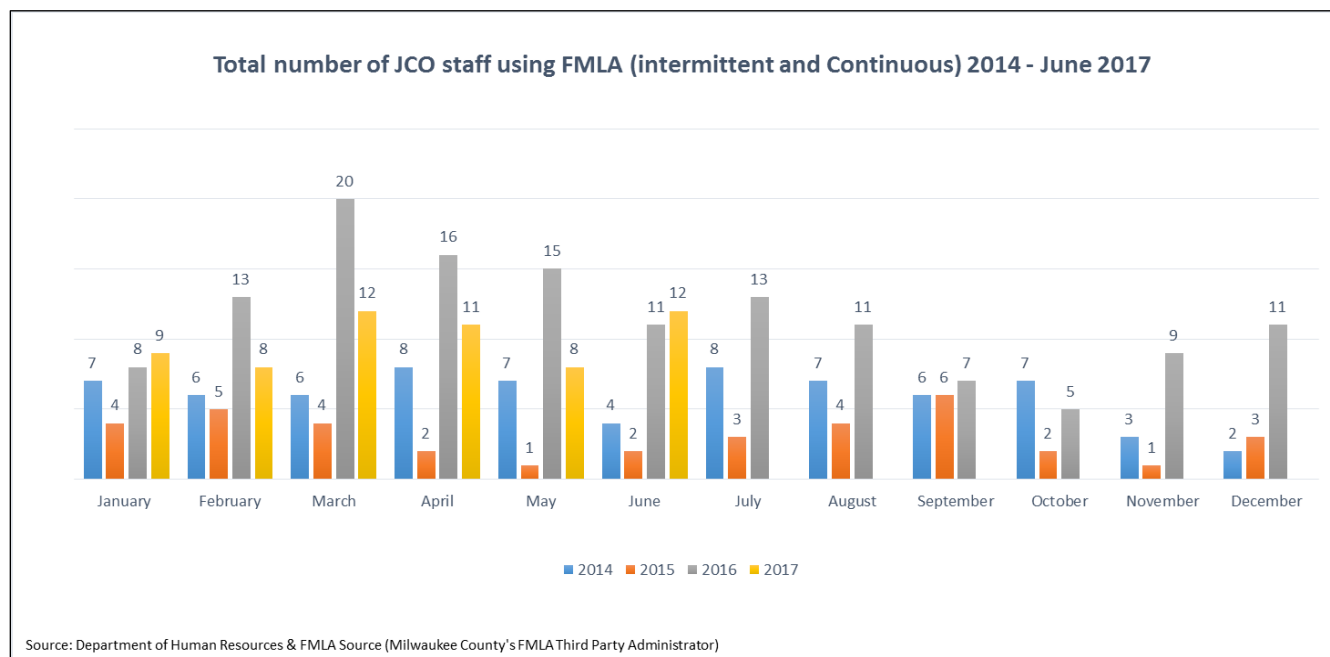


Table and Figure 7 show JCO FMLA use for 2016. As shown, FMLA peaked in March, April, and May 2016, contributing to (and perhaps as a result of) the understaffing and overcrowding emergency at the JDC.

We surveyed JCO staff regarding the work environment at the JDC, including during the “crisis,” and will report their comments later in this section, but in general, JCO staff reported that the 2016 overcrowding at the JDC put a strain on the existing staff which may have resulted in the use of FMLA. They also stated that FMLA appears to be easier to “get” than in previous years. We did not investigate if FMLA is easier to obtain, but note that the perception that FMLA is easier to obtain may be the result of the new vendor’s response to deadlines and online eligibility options. According to County Human Resources officials, in previous years, responses for FMLA approval could take several months.

**An initial review of 2017 FMLA use indicates that large numbers of JDC staff continue to utilize the program.**

An initial review of 2017 FMLA use indicates that large numbers of JDC staff continue to utilize the program. Overtime, which we will also discuss later in this section, is often used to provide shift coverage for staff off-time at the JDC. While this approach may work to cover routine off-time, Workers' Compensation and Family Medical Leave often result in extended periods of protected time off. Protected leaves may need to be granted in multiple years for employees, which is allowable as long as the legal mandates for number of hours worked in the prior year are met.

Therefore, it becomes important for departments, particularly those with 24/7 operations, to track, understand, and plan for managing employees' extended leaves. We found opportunities for improvement in this area at the JDC.

**Five JCOs who did not return back to work following approved leaves remained on the active JCO staffing list.**

Once an employee exhausts FMLA (which runs concurrently with and is generally longer than WFMLA), any time off after that is unprotected leave, unless it is covered by a 30 day Civil Service Leave under the Milwaukee County Civil Service Rule VIII Section 2. This rule states that an employee granted a leave of thirty (30) days or less under this section shall return, upon expiration of the leave, to the previous position held.

For employees who face a temporary or permanent disability while on the job that impacts their ability to do their job, job-related placement assistance is offered by the Department of Human Resources (DHR). DHR coordinates this through its Americans with Disabilities Act-guided Job Accommodation/Job Relocation Program. If appropriate placement is not found within a given time period (generally up to 6 months during our review period), an employee may face termination.

**When workers are on protected leaves their positions are considered filled even if they're not able to provide productive hours.**

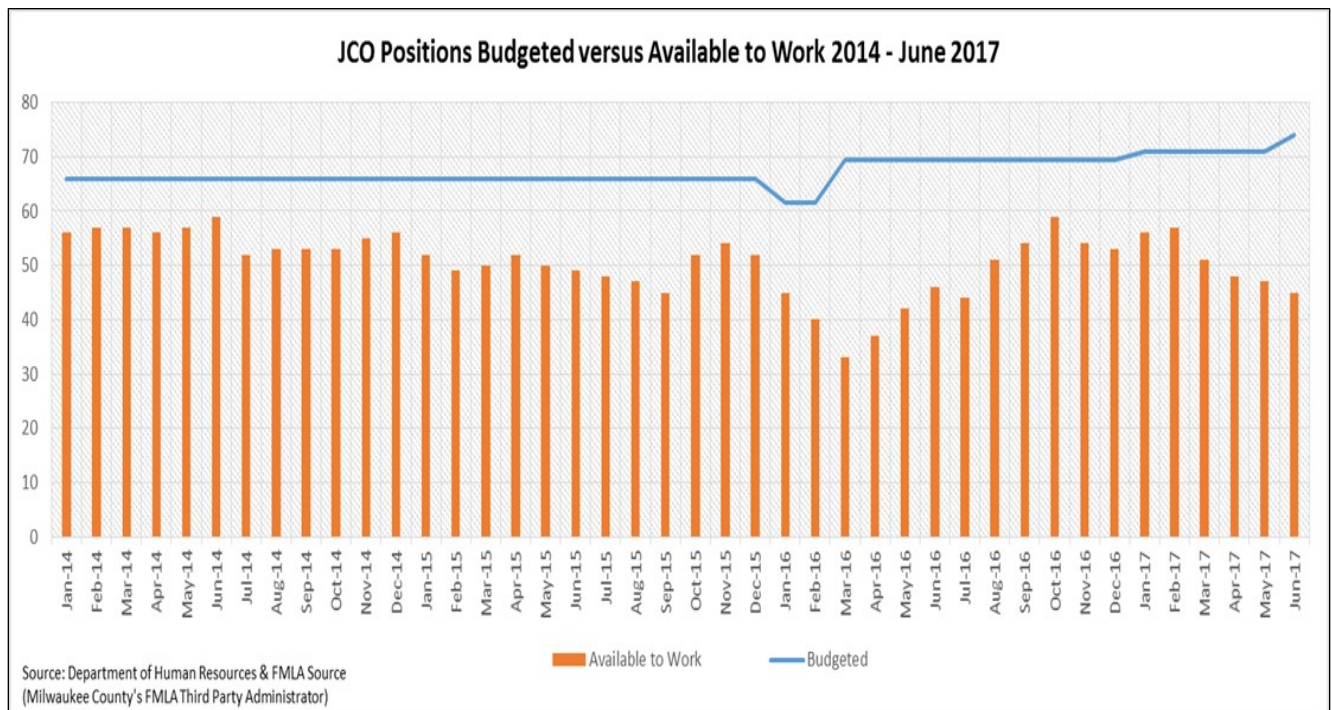
When strung together, worker's compensation, family medical leave, civil service leaves, and job relocation can allow an individual to hold a County position (on both a paid and unpaid basis) for a significant period of time. In such cases, while an individual may be filling an active position, they are not able to work. In other words, while the position may be counted by management as "filled," the individual is not able to be scheduled for productive hours, and therefore shift coverage is needed for the full duration of the leave. Therefore, it's essential for management to work closely with both DHR and employees to monitor when all leave options are exhausted, and determine if and when an employee may be able to return to active employment. We found some lapses in this area.

We reviewed available records for FMLA and Worker's Compensation, against JDC staffing lists and year-end payroll records from 2012-2016. We found that during our review period, five JCOs who had been listed as active in the County's personnel database and on JDC staffing lists were not providing productive hours. Payroll records indicate these employees were consecutively "absent without pay" anywhere from nine months to two years before a resolution to their job status occurred. In all cases, the employees initially used FMLA/Worker's Compensation and/or Civil Service Leave, but then did not return to work. Four of the five were placed in the job relocation program, one was successfully placed in another department while three employees were terminated. The remaining individual not placed in the program terminated employment following an extended civil service leave.

It is unclear why employees were allowed to be absent without pay for such long periods of time, and able to collect benefits, after all protected and unprotected off-time had been exhausted. This practice is not in line with the Detention Center's excessive absence policy and procedure.

In making staffing and hiring decisions, it's critical that both line and upper management fully understand not only positions filled, but employees able to work. Otherwise, a simple position vacancy calculation masks the true extent of the staffing problem. As shown in Figure 8, the vacancy rate increases significantly when the measure takes into account individuals on medical leave and absent without pay. In fact, in the scenario represented below, the 13% vacancy rate would have been 20% had these employees been factored in. At its worst in March 2016, there were only 33 FTE JCOs consistently available to work out of 69.5 FTEs.

Figure 8



As part of the DHHS's plan to resolve understaffing at the JDC, a staffing alert and FMLA calendar system was proposed wherein JDC leadership would notify upper DHHS management when position vacancy and workers available to provide shift coverage hits various levels. We requested a copy of this system, and while we were told one was created in August 2016, we never received

a copy of the system and are not able to confirm that it's currently being used.

Therefore, we recommend that JDC leadership:

4. *Revisit and update all departmental procedures related to time-off to reflect current departmental workflows and current County requirements.*
5. *Continue development and use of a staffing alert/FMLA calendar for better management of staffing levels and knowledge of where staff stand with respect to their time off.*

**The JDC manual has a detailed overtime policy.**

**The JDC has maintained staffing levels with heavy reliance on overtime, significantly exceeding overtime budgets in every year of our review.**

The JDC Manual contains a detailed policy and procedure on overtime. The policy and procedure states that as a condition of employment, all JDC employees will be required to work overtime because the JDC operates around the clock, seven days a week, providing custodial care to young adolescents pending juvenile court proceedings. The policy states overtime will be required “when deemed necessary for the safety, security, and welfare of staff and juveniles.” Volunteers will be sought for overtime, when possible, but emergency situations may require the assignment of mandatory overtime. Both Juvenile Corrections Officers (JCOs) and Juvenile Corrections Officer Supervisors receive time and a half pay for all overtime hours worked beyond their 40-hour work week.

It's not uncommon for detention facilities to require at least some staff overtime to cover holidays and staff absences. Using overtime for this type of coverage can even be more cost effective than hiring extra staff since when managed well paying overtime for existing staff may cost less than adding a new staff member at a “fully loaded rate” with benefits. For this reason, overtime expenditures are budgeted annually for the detention center. However, as shown in Table 8 and graphically in Figure 9, we

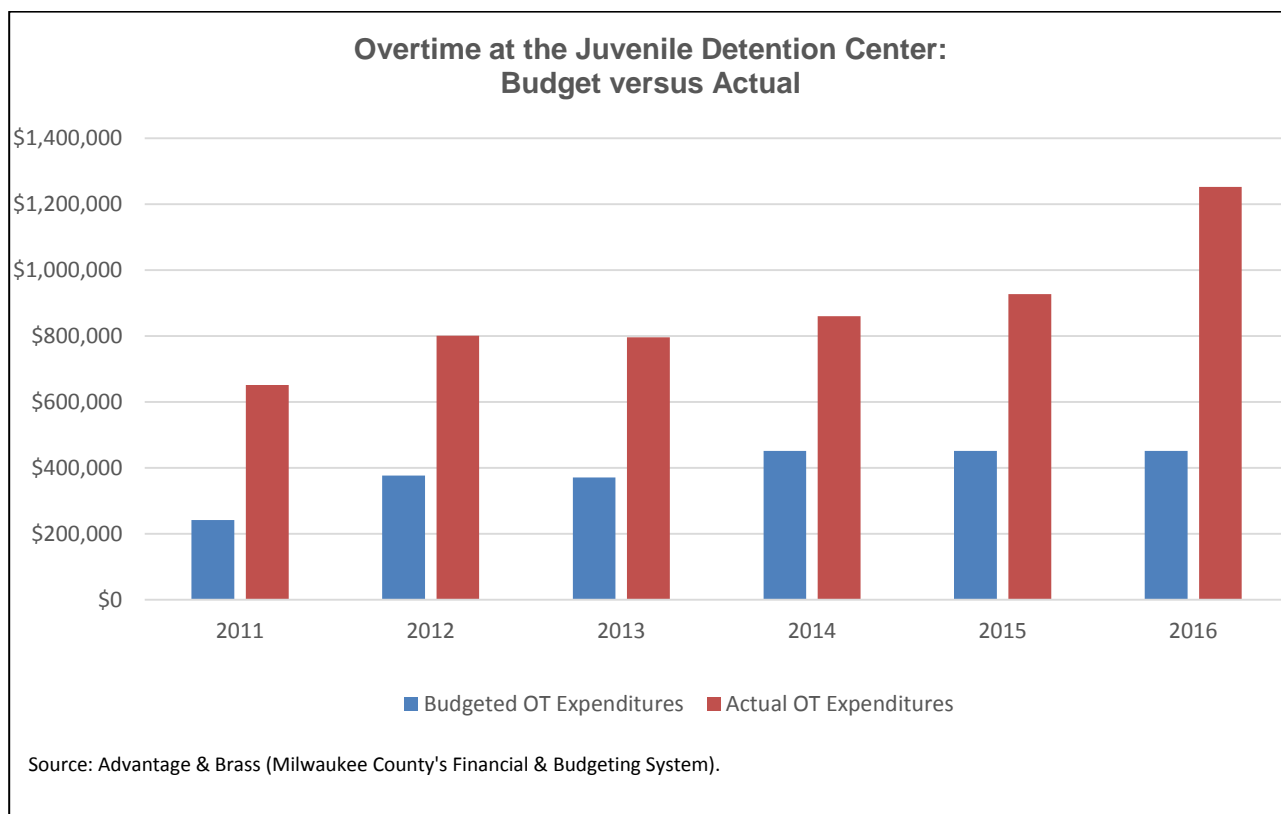
found that the JDC has far exceeded budgeted overtime targets in each of the years we reviewed.

**Table 8**  
**Budgeted Versus Actual Overtime Expenditures at the**  
**Juvenile Detention Center**  
**2011–2016**

<u>Year</u>	<u>Budgeted Overtime Expenditures</u>	<u>Actual Overtime Expenditures</u>
2011	\$241,963	\$651,521
2012	377,412	801,500
2013	371,604	796,045
2014	451,608	860,347
2015	451,572	927,620
2016	451,584	1,252,661

Source: Advantage and Brass (The County's Financial and Budgeting Systems).

Figure 9



**Overtime was used extensively during peak periods of understaffing.**

In 2016, overtime was used extensively during the peak periods of understaffing, which coincided with the overcrowding at the JDC. By year-end 2016, total overtime spending had exceeded \$1.0 million. Use of overtime in 2015, prior to when DHHS leadership was made aware of the staffing shortages, was also significant, amounting to over \$900,000 annualized. In both 2015 and 2016, overtime expenditures were more than double what had been budgeted.

We took a close look at JDC expenditures in 2014-2016 to determine how the overtime overspending affected the overall fiscal picture for the detention center. In situations where overtime is offset by keeping positions open, we would expect to see surpluses in the salaries budget line. We found mixed results. In 2014, there was a very slight surplus in wages, which had almost no effect on offsetting the overtime costs. In 2015, the wage



surplus was very close to offsetting the overtime deficit. In 2016, there were deficits in both the wage and overtime accounts; however, this was not surprising since in addition to the heavy use of overtime in 2016, additional positions were added after the budget was adopted, and management sought to fill all available vacancies.

Overall, we found that while the JDC ran close to an \$11,000 tax levy surplus in 2015, the JDC ended with significant tax levy deficits of about \$500,000 in 2014 and nearly \$1 million in 2016. Both were largely due to overspending in personal services (employee-related salary and benefit costs). The detention center is a section in the Delinquency and Court Services Division within the Department of Health and Human Services. In recent years, DCSD has regularly achieved year-end budget surpluses even in years where the JDC brought in deficits.

**According to management, while most JCOs appreciate the opportunity to work some overtime, morale is affected when staff is forced to work mandatory shifts.**

Overuse of overtime can also affect employee turnover and morale. Through the course of our audit, we interviewed JDC leadership, including the Interim Superintendent who oversaw the facility for most of 2016, and each of the JCO Supervisors. JCO Supervisors are tasked with scheduling, which includes assigning overtime on both a voluntary and mandatory basis, as needed. JDC management consistently told us that while most JCOs appreciated the opportunity to work some overtime, morale was certainly affected when staff shortages were so low that JCOs were regularly forced to work mandatory overtime shifts.

We distributed an anonymous survey to all JCOs with 14 questions pertaining to hiring practices, job expectations, overtime, safety, and morale. At the time we distributed the survey, there were 61 JCO positions filled. We received 25 completed surveys for a response rate of over 40%. The overtime portion of the survey results, summarized in Figures 10-12, largely supported management's comments regarding how employees

regard overtime. A full summary of the JCO survey can be found in Exhibit 4.

Figure 10

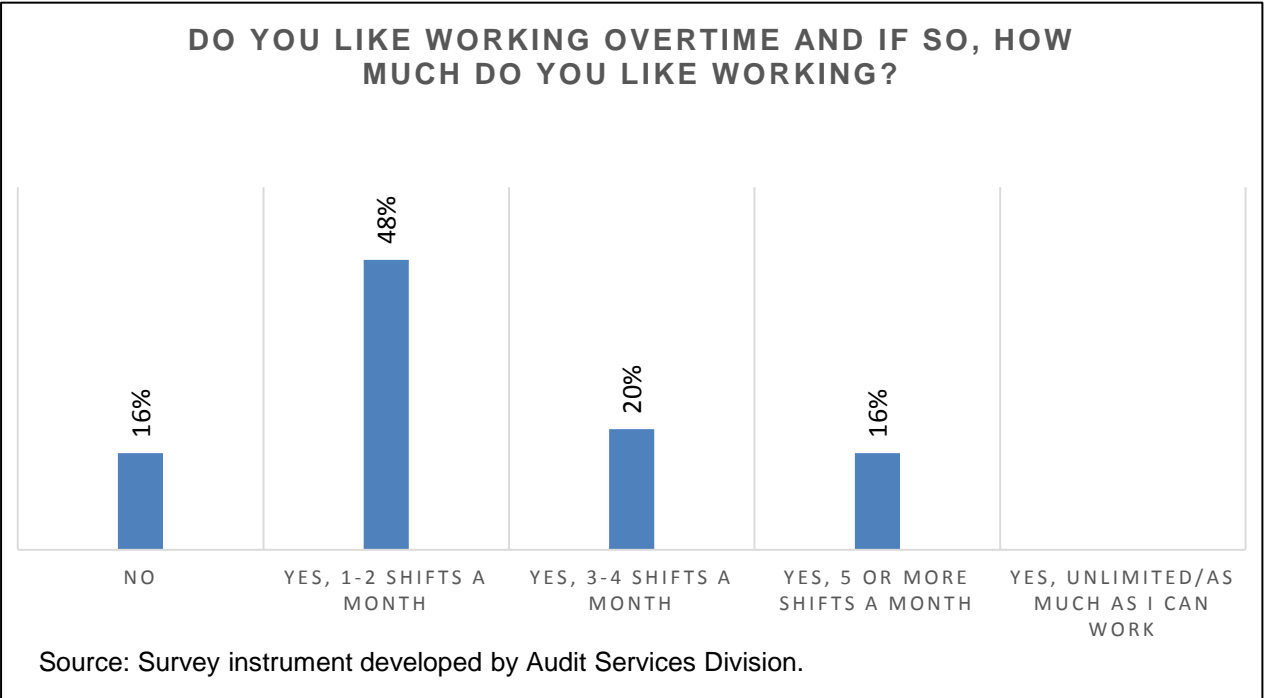


Figure 11

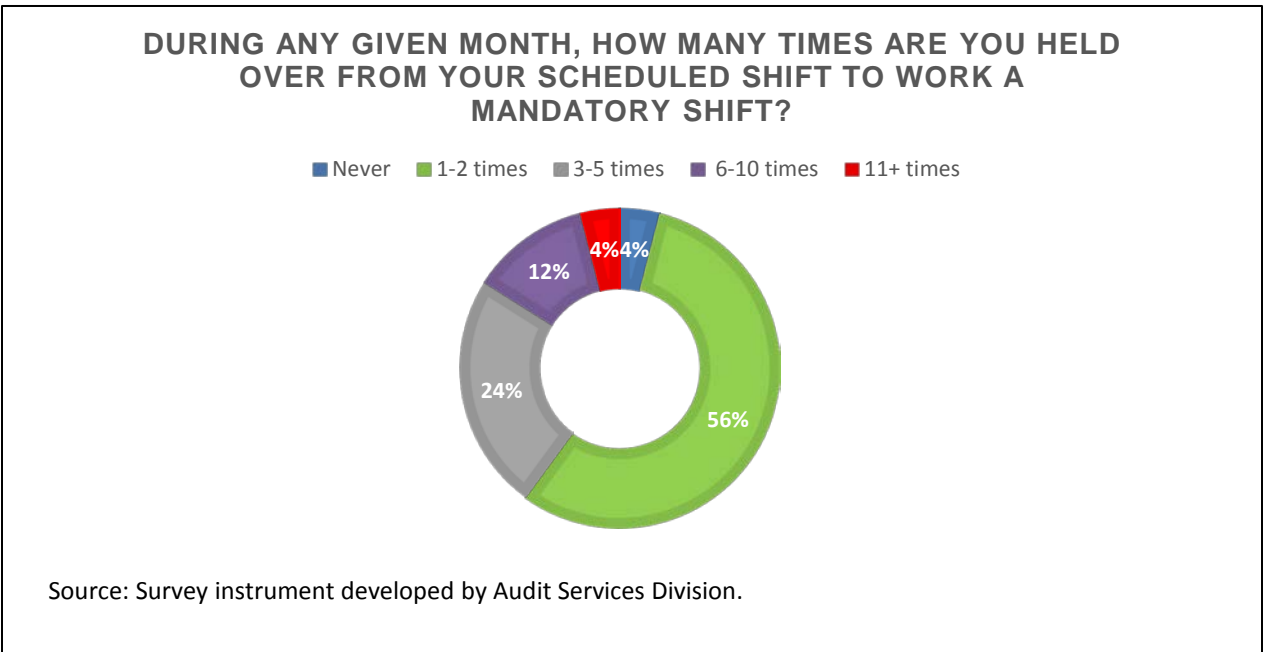
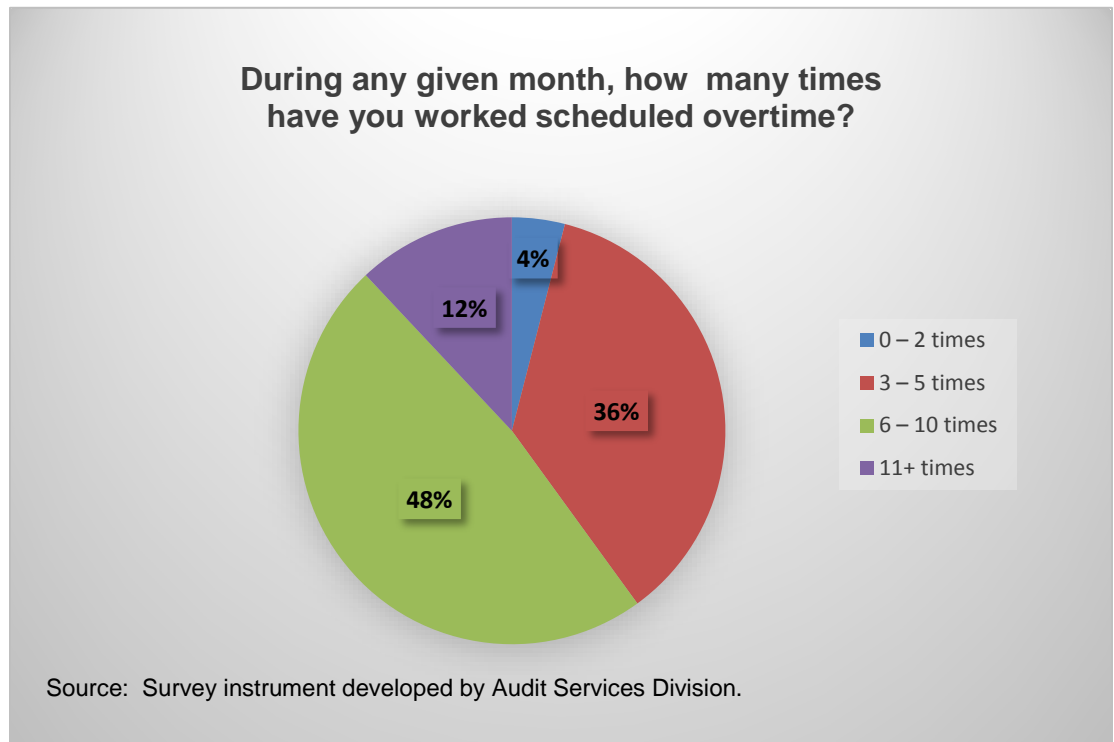


Figure 12



The vast majority of responding JCOs (84%) stated they liked working overtime; however, of those, 48%, indicated they liked working 1-2 shifts a month. Sixty percent of those surveyed indicated that during any given month, they were scheduled overtime more than six times. More than half responded that they had been held over 1-2 times from their scheduled shift to work a mandatory shift, 24% said they'd been held over 3-5 times, and 16% stated they'd been held over more than 6 times.

**Ninety-six percent of the JCO survey respondents said they had been physically and verbally assaulted by juveniles while employed.**

Our survey also showed that the vast majority (92%) stated that they were made aware of the JDC's policies on overtime before they were hired (the remaining 8% were split between not remembering and not being told). Ninety-six percent of those surveyed stated they had been physically and verbally assaulted by juveniles while employed, and 68% strongly agreed that their job became more difficult with the increase in DOC youth held in detention for longer periods of time during 2016. When asked for ideas on how to improve morale, respondents' offered comments

regarding compensation, hiring and firing of staff, better work schedule and communication, treatment of staff and inmates, less overtime, separation of DOC youth and other youth, and security.

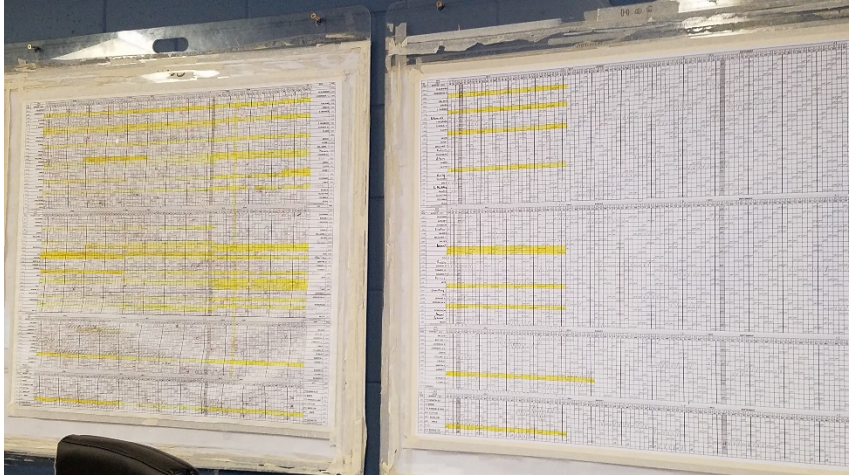
The survey served as a reminder that the job of the JCO can be very stressful. In order to improve the fiscal health of the JDC and employee morale, JDC management should work to achieve staffing levels under which overtime can be better managed. Therefore, we recommend:

6. *To help alleviate the excessive use of overtime at the JDC, we recommend that JDC leadership compile and report overtime use to DCSD administration on a quarterly basis so that ongoing planning for better management of positions and overtime can be discussed until adequate staffing is achieved.*

**JCO Supervisors who also work significant amounts of overtime, expressed a need for at least two additional supervisors to share the work load.**

Amid the understaffing of 2016, the focus on overtime use largely focused on the JCOs. That said, during our review we found that a significant amount of overtime was worked by the JCO Supervisors. JCO Supervisors we interviewed agreed that they worked long hours, putting in as much time as was needed to get their jobs done, and expressed a need for at least two additional Supervisors to share the load.

The JCO Supervisors also mentioned that they do not have software to electronically schedule their employees. As a result, JCO Supervisors are still using a manual method using large sheets of paper with employees' names and days in each month (see image on the following page).



We believe it's worth DCSD's time to explore additional scheduling options that may be more efficient. We reached out to other County 24/7 operations, including the House of Correction, Behavioral Health Division, and Sheriff's office, and were told that in most cases, scheduling software was used (Excel was used in one case).

To help alleviate both issues, we recommend:

7. *JDC complete a thorough review of all assigned tasks and analyze the need to create additional JCO Supervisor positions.*
8. *DCSD administration should work with appropriate stakeholders (including the County's Information Management Systems Division, other County 24/7 departments, and detention center administrators from other jurisdictions) in order to plan and implement a more efficient staff scheduling model than the manual process currently being used.*

**In addition to the JDC's decisions to consistently not fill budgeted positions, lapses in communication, and job turnover contributed to the slow recruiting and hiring process.**

As reported in this section, the JDC has struggled to maintain staffing levels for its largest job group, JCOs. The JCO position is

difficult to recruit for since it is entry level with few job requirements, which often results in a large pool of candidates expressing initial interest in the position. Applicants need to have graduated from high school or possess a GED, be at least 21 years-old, possess a valid Wisconsin driver's license, and acquire/maintain certification by the Law Enforcement Standards Board within probationary period of employment.

Initial screening typically involves the administration of both a basic screening test and a Wisconsin Basic Caregiver background check. Those who make it through initial screening are subject to a more extensive background check conducted by the House of Corrections (HOC), and interviews pending positive results of the HOC review. Given the various steps required, the overall JCO hiring process takes considerable time even when it is implemented efficiently, and because each step in the process is generally dependent on completion of the previous step, delays in any of the process steps can result in substantial overall delays. We found that to be the case in late 2015 and early 2016.

**The first class from an October 2015 JCO recruitment was not hired until May 2016.**

In early 2016, when significant understaffing issues were first revealed, DHHS reported that a JCO recruitment initiated in October 2015 was still not finished. Ultimately, the first class from that recruitment was not hired until May 2016, about 6 months after the position was first posted. We reviewed records, including email correspondence, and interviewed representatives from the Department of Human Resources (DHR), JDC, and Department of Health and Human Services leadership in order to assess what caused the hiring delay. We found lapses in communication between the hiring department and DHR between November 2015 and January 2016 involving the list of applicants who met the minimum job requirements and regarding whether and when the JCO candidates should be given the initial basic skills assessment. Once communication resumed in January, space at the Sheriff's Training Academy where testing usually is proctored

was no longer available until February. In March, JDC leadership turned over with the departure of the Superintendent.

We monitored the efforts of subsequent JDC leadership and DHR representatives as they worked to revise and streamline the hiring process. Given the overall attention paid to the situation at the JDC, we observed improved monitoring and communication surrounding JCO recruitment efforts on behalf of both DHR and JDC. However, given that the JDC is again experiencing leadership changes, and because the DHR partner assigned has also changed multiple times, we believe continued attention on JCO hiring is needed.

The JDC also faces challenges with retaining JCOs with frequent turnover. The JDC does not currently implement exit interviews for employees who voluntarily terminate employment, but both JDC leadership and the DHR representative we spoke to believe the following causes underlie JCO turnover: it's seen as a stepping stone to other law enforcement opportunities and individuals realize the position is not a good fit. Hiring officials suggested it might be helpful to be up front about what the job involves, in terms of its physical requirements and the realities of working with kids in a detention environment. A recent JCO recruitment flier contained a detailed job description with additional details on the types of skills needed to succeed such as "...ability to take decisive action in emergency situations; ability to restrain combative inmates; ability to maintain a positive attitude and emotional control..." Physical abilities and demands are also detailed.

**During 2016 through July 2017, the JDC hired 35 JCOs, but 32 JCOs terminated employment during that same time period.**

While efforts are being made to improve upon the JCO hiring process, during 2016 through July 2017, the JDC hired 35 JCOs. However, during that same time period, 32 JCOs terminated employment, resulting in a retention rate of 8.6 percent. Therefore,

we recommend that JDC leadership implement the following recommendations:

9. *Given the position turnover, we recommend that DHHS work with DHR to place the JCO position on the continuous recruitment list.*
10. *DHR and the JDC continue to discuss and develop methods to adequately screen potential candidates ensuring a good fit for the job, and to conduct exit interviews for individuals who voluntarily terminate in order to accurately document and assess turnover causes.*

**During our review period, we identified five employees who ultimately terminated employment after extended leaves.**

The JDC has a history of FMLA and Worker's Compensation claims at the facility. During our review period, we identified five employees who ultimately terminated employment after extended leaves. In the interim, though they were not necessarily working or receiving pay, they held onto their positions for long periods of time. JDC management was not able to fill their positions until they were vacated, leaving long periods of time without productive hours. Given this and the lengthy JCO recruitment process, it would be helpful for JDC management to have additional positions allocated to the department (offset with an increase in vacancy and turnover to keep it cost neutral) to provide flexibility to begin recruitment as soon as an incumbent position is identified as likely to be vacated. Additional positions would provide the JDC with hiring flexibility. Therefore, we recommend:

11. *DCSD and policymakers should consider requesting additional JCO positions as part of the 2018 Budget process, offset with vacancy and turnover, to allow for hiring of positions for staff out on FMLA and to account for turnover that occurs within the hiring process.*

Finally, during the peak of the crisis, Human Service Workers (and their Supervisors) within DCSD volunteered to work JCO shifts to help offset the need for mandatory overtime shifts for the JCOs who remained on staff at the JDC. While this helped, it's not a long-term solution. The volunteer workers do not have the level of training that regular JCOs are given, and per the instructions of



the State Jail Inspector were therefore not allowed to intervene or assist in deescalating any instances of juvenile aggression.

Given the correctional officer shortage across County detention functions, it makes sense for County administrators to explore the possibility of creating a correctional officer pool of employees who could be subject to the same background and training requirements that are applied to regular County JCOs and Correctional Officers. Often, such flexible jobs are appealing to individuals who retired from law enforcement who may still want to work, but on a flexible basis. These individuals could be called upon to take shifts during times of understaffing. Therefore, we recommend that:

12. *DCSD work with the House of Corrections and Jail leadership to explore the possibility of establishing a Correctional Officer employment pool, from which individuals could be pulled to assist with coverage in times of facility understaffing.*

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## Section 4: Other areas of concern emerged in our review of the JDC.

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**Our review of available data identified irregularities, which DCSD attributed to data transfer issues.**

**The JDC's newly implemented juvenile record-keeping system lacks adequate controls to ensure accurate and complete information is entered into the system.**

The Delinquency and Court Services Division (DCSD) implemented a new database for juvenile justice information in 2016. The new Juvenile Program Management System (JPM) was created for DCSD by the County's Information Management Systems Division (IMSD) and contracted information technology personnel. Data contained in older systems was transferred into the JPM system. JPM is currently used to house information on each juvenile who enters the system, including whether an individual is released, and to what program.

During the course of our fieldwork, we requested that several data elements be pulled from the JPM system. We had hoped to be able to thoroughly analyze the data sets on juvenile stays in detention, program referrals, and assessment scores to identify overall detention trends. However, our review of the data identified irregularities, which we reported to DCSD. DCSD agreed with our assessment and attributed the irregularities to data transfer issues. Two additional data sets were sent, but some irregularities still remained. In the end, we felt comfortable enough with the reliability of the data to use it to identify overall, high level trends, and as partial support for conclusions we were able to corroborate with other sources.

The data we reviewed was also difficult to sort, group, and analyze since the system allows users to freely enter information in several fields rather than make a selection from a drop-down menu. This becomes an issue for management when trying to categorize records. For example, when attempting to track where juveniles were released to, freely entered data is more difficult to group

**Data from the JPM database is used by management to help drive decision-making at both the individual case level and the overarching policy level.**

because one individual entering data may enter “home” while another may enter “parent pick-up,” and still another may enter just “picked up.” In such cases, management may be forced to make assumptions about what was meant in attempting to categorize the data. During our review, the system also did not require that all data fields be entered so we encountered quite a few missing data elements, which again leaves gaps in understanding the meaning of data contained and retrieved from the system.

Data from the JPM system is used by DCSD management to create various reports for the State, DHHS management, policymakers, national stakeholders, and system partners such as the Annie E. Casey Foundation for key strategic initiatives, including the Juvenile Detention Alternatives Initiative. The data is intended to be used to help drive decision-making at both the individual case level and the overarching policy level.

Additional front-end system and user controls, such as requiring users to follow strict entry protocols, forcing entry in all data fields, and establishing drop down menus throughout the system can result in more consistent data retrieval for analysis. In addition, assessing and training all individuals tasked with entering data into the system can help limit errors.

Given that the use of this data is at least in part driving decision-making by management, we recommend that:

13. *DCSD administration conduct periodic (at least quarterly) spot checks for data validation and continue to monitor and work through the Division’s running list of items that need to be corrected in the Division’s JPM System.*
14. *DCSD Administration also work on improving system controls, including:*
  - a. *Creating standard edit fields for the JPM system to ensure that data is entered and reported consistently.*

- b. Work on communication and staff training planning regarding changes in the system, data entry, and data use.*
- c. Control access to data entry by reviewing and evaluating all current users authorized to enter data into JPM and ensure all authorized users are properly trained.*

**Training and/or refresher courses on disclosures of sensitive and confidential information is warranted, following our discovery of management information breach.**

During our audit review, we came across an email sent by the former JDC Superintendent to a non-County email address, which contained an attached document. The email was seeking assistance with writing and grammar, and the attached document was a written response to the State of Wisconsin Department of Corrections (DOC) Administrator regarding an investigation into an incident involving youth at the JDC. The shared incident report included the name of the juvenile detained in the detention center along with health and wellness information. Further investigation into the email address revealed that it belonged to an individual, who runs a small business consulting firm, and who is listed as a lifetime registered sex offender on the Wisconsin DOC Sex Offender Registry for committing second degree sexual assault of a child in 1994.

**Sensitive program information was shared with an external party.**

Review of all correspondence between the two parties yielded multiple emails with attached documents, along with correspondence describing in-person meetings between the parties where sensitive County program information was exchanged. We determined that the purpose of the meetings and document exchanges was for the “consultant” to help the former Superintendent craft responses or revise documents prior to submittal to various stakeholders, including State DOC and County DHHS executive management. It is unclear why the help was needed; however, individuals we interviewed stated that there was friction between the former Superintendent and the former

DCSD Administrator so it's possible she did not feel comfortable asking for help.

Additional examples of the documents the former Superintendent shared with the "consultant" are listed below:

- A medical form used at the Milwaukee County JDC
- Responses to the former Superintendent's annual evaluation and a written "final warning"
- An August 2015 report analyzing the physical security of the JDC and follow-up correspondence from executive management

**The information that was released did not constitute a HIPAA violation.**

The Audit Team met with Corporation Counsel to discuss the team's findings since there was a concern that personally identifiable medical information was shared, a potential violation of the Health Insurance Portability and Accountability Act (HIPAA). Corporation Counsel's review indicated that because the JDC's nursing staff is an atypical health care provider, it is not subject to HIPAA, and therefore HIPAA was not violated. A breach of personal information, as defined in Wisconsin State Statute did not occur and notification was not required. However, there was a potential violation of confidentiality of patient health care records (governed under a separate Statute) since consent to release the medical information contained within the incident report was not obtained. Damages for this violation can range up to \$25,000 per incident; penalties can range up to \$25,000 and/or not more than nine months imprisonment per incident.

The former Superintendent also broke County work rules. The County's Employee Handbook contains a Non-disclosure/confidentiality commitment, which states:

*Milwaukee County employees are responsible for ensuring that all customer information is maintained in a highly confidential manner... As such, we must treat all customer information with the highest possible integrity. The County's reputation depends upon our ability to be trusted with sensitive, personal information. Violating customers' trust would result in a serious loss of credibility*

*for our organization. Inappropriate use of customer information is prohibited...*

**Disclosure of confidential information is prohibited and subject to discipline.**

According to the Handbook, violation of the non-disclosure/confidentiality commitment is prohibited and subject to discipline, up to and including termination. At the time Audit Services discovered the emails, the former Superintendent's employment with the County had already been terminated for reasons unrelated to the emails.

Releasing information to an individual who has no work-related business need to know poses safety risks both to the individual whose information is shared and to the facility, and lends itself to potential litigation against Milwaukee County. It is particularly concerning that the individual in a position to administer the facility and oversee all of the staff employed at the JDC used such poor judgement in not safeguarding the release of confidential information. To address this issue and reduce the likelihood of future violations of State regulations and County policies, we recommend DCSD and JDC:

15. *Create a department policy and procedures on information disclosure and implement mandatory, recurring training of DCSD staff to clarify what is confidential/HIPAA information and what can/cannot be disclosed to individuals inside and outside of employment with Milwaukee County.*

**A more formal background check process for existing employees is recommended given staff's close contact with youth.**

In August 2015, following an incident that involved a weapon at the Vel R. Phillips Juvenile Justice Center, JDC management asked the Milwaukee County House of Corrections (HOC) to assess the security of the Juvenile Justice Center. HOC conducted a walkthrough where they identified 10 immediate critical security concerns and provided corrective action recommendations.

One security concern identified the JDC as noncompliant with basic background driver's license checks, and the 5-year criminal background records check for employees and vendors as required by the Federal Prison Rape Elimination Act (PREA). The HOC recommended that JDC conduct driver's license checks on JCOs every 6 months, and staff background checks every five years. The JDC Administration stated that they have conducted driver's license tests recently, but have not conducted the background checks.

The State DOC Inspector, who is also a United States Department of Justice PREA Auditor, informed us that there are no State regulations requiring background checks to be conducted on existing JCO employees. He also stated that since PREA is optional for county jails, municipal lock-ups, and juvenile detention centers, the JDC is not required to comply with the PREA background check mandate.

**The JDC's policy requiring staff to notify management if they are arrested or receive a citation could be strengthened.**

The JDC does have a departmental policy requiring staff to notify management if they are arrested or receive a citation; however, this "honor system" could be strengthened with verification by management. Since JDC staff do work with youth, many of whom have experienced some sort of trauma, we believe an effort to be proactive and validate that existing staff have backgrounds conducive to working with youth, we recommend:

16. *On at least an annual basis, JDC leadership perform a search for current staff employed at the JDC on the Wisconsin Circuit Court Access (CCAP) and update the JDC's policies and procedures manual to inform staff that management may conduct background or driver's license checks on any staff member at any time during their term of employment.*

The State of Wisconsin Department of Justice and other County DHHS Divisions utilize a basic caregiver background check, at a cost of \$10 per person. We recommend:

17. *JDC leadership conduct the pre-employment basic Caregiver Background checks on staff every 5 years.*

**While MCAP provides a local placement opportunity for youth at risk of being sent to State Corrections, DCSD was not able to provide us with any measurements showing the program's outcomes are more effective than Corrections placement.**

**During our review, we identified concerns regarding the lack of program performance measurement for MCAP.**

The Milwaukee County Accountability Program (MCAP) began in late 2012 with 12 slots available in a dedicated unit in detention. In January 2016, the program was expanded to a second detention pod, adding an additional 12 slots. The program is a local alternative to State Corrections placement, and has been recommended for further expansion by policymakers. In this report, we've concluded that the JDC does not have the physical capacity to accommodate further expansion of the program at the facility. During our review, we identified additional concerns regarding the lack of program performance measurement.

We reviewed a policy and procedure for the program, which we found to be very thorough. The document contains procedures intended to monitor MCAP youth while they are in the program, including required check-ins every 60 days with the judge overseeing the MCAP youth's case. However, there are currently no measures in place to determine the overall effectiveness of the programming for the youth once they are discharged from the program. In other words, DCSD does not currently measure and report recidivism rates for MCAP. We did review MCAP participant data pulled from the JPM program. Our review of the records indicated a number of youth did not complete the program for a variety of reasons. In our discussions with management, they informed us that the program does not work for everyone and that youth who do not meet the recommended criteria are sometimes sent to the program anyway.

We believe it's important for the Division to review, record, and document the overall and individual performance of MCAP youth



in order to determine any changes that could be made to improve its success.

MCAP has expanded without having specific data to prove its effectiveness or measure whether individuals who successfully complete the program recidivate. Therefore, we recommend that:

18. *DHHS/DCSD leadership develop and implement performance measures that quantify the effectiveness of MCAP after youth are discharged from the program, and regularly track and report outcomes of the measures.*

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## Audit Scope

The objectives of this audit were to:

- Determine the factors that led to the increase in overall length of stay and census and understaffing emergency at the Juvenile Detention Center (JDC) in 2016;
- Determine whether the JDC's staffing plan is in compliance with applicable regulations and whether it appropriately accommodates regular shifts in facility census; and
- Determine whether the Department of Health and Human Services' (DHHS) plan to resolve the JDC overcrowding and understaffing emergency remedied all of the issues that contributed to the problem, and whether the plan has been implemented.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We limited our review to the areas specified in this Scope Section. During the course of the audit, we:

- Reviewed DHHS's Staffing Plan to determine if it addresses staff retention.
- Interviewed DHHS/Delinquency and Court Services Division (DCSD) staff responsible for administering the program to obtain a better understanding of how the program functions and what factors DCSD staff see as causing the increase in average length of stay and census.
- Toured the Juvenile Detention Center to observe daily operations at the facility (photos taken); job shadowed staff at JDC and at Lincoln Hills/Copper Lake Schools to observe daily work operations with youth and corresponding courtroom processes.
- Interviewed system stakeholders to obtain a better understanding of the judicial process and what they see as attributing factors to the increase in length of stay and census.
- Reviewed community-based programs to determine the amount of slots available prior to and after the overcrowding emergency.
- Interviewed County Human Resources (HR) staff and obtained policies and procedures to obtain an understanding of the hiring/recruiting and training process before and after the DCSD overcrowding emergency and what is the future hiring/recruiting and training process created to elevate the emergency understaffing situation.
- Interviewed Risk Management staff and HR staff to obtain an understanding of the Family Medical Leave Act (FMLA) and Worker Compensation process.

- Interviewed DCSD staff to determine their perspective on the proposed plan and how the FMLA calendar and the staffing alert system works and when they will be implemented, their perspective on the continuous hiring practice and any proposed utilization of overtime.
- Reviewed and analyzed reports from Risk Management and HR as it relates to the duration and frequency of JCO Staff time off at DCSD.
- Reviewed records in the County's financial and payroll systems for DCSD including but not limited to personnel services, salaries-wages, and overtime.
- Reviewed Adopted Budgets and position control information to determine the budget staffing levels and how they correspond with actual staffing levels.
- Researched State Statutes, State and County Ordinances, and Federal Regulations regarding staffing requirements to determine what the rules and regulations are and any exemptions to them.
- Reviewed and analyzed JDC census data and staffing levels from 2010 to present to determine historical census levels and corresponding staffing levels to determine trends.
- Interviewed HSWs and JCOs Staff to determine if the emergency procedures to utilize volunteers were successful.
- Determined what the emergency procedures of future overcrowding/understaffing are.
- Reviewed State Department of Corrections' inspection reports for JDC for any current or past violations or trends pertaining to staffing and or overcrowding issues.
- Interviewed DOC State Inspector to understand the potential impact of overcrowding and understaffing within the operations of JDC and if there were any issues or violations.
- Conducted a survey on the overcrowding and understaffing issues with JCO Staff.
- Checked personnel files from HR and ran background checks through CCAP of JCO Staff.
- Reviewed Racine County Memorandum of Understanding and transfer process.
- Obtained email correspondence and sought out legal advice from Corporation Council regarding inappropriate exchange of emails that contained sensitive information.
- Obtained Juvenile Program Management data and information from DCSD to analyze overcrowding and understaffing of JCOs and the effectiveness of the program.
- Reviewed draft Contingency Plan to maintain detention school programming during periods of overcrowding.

## JDC Images and Schematics



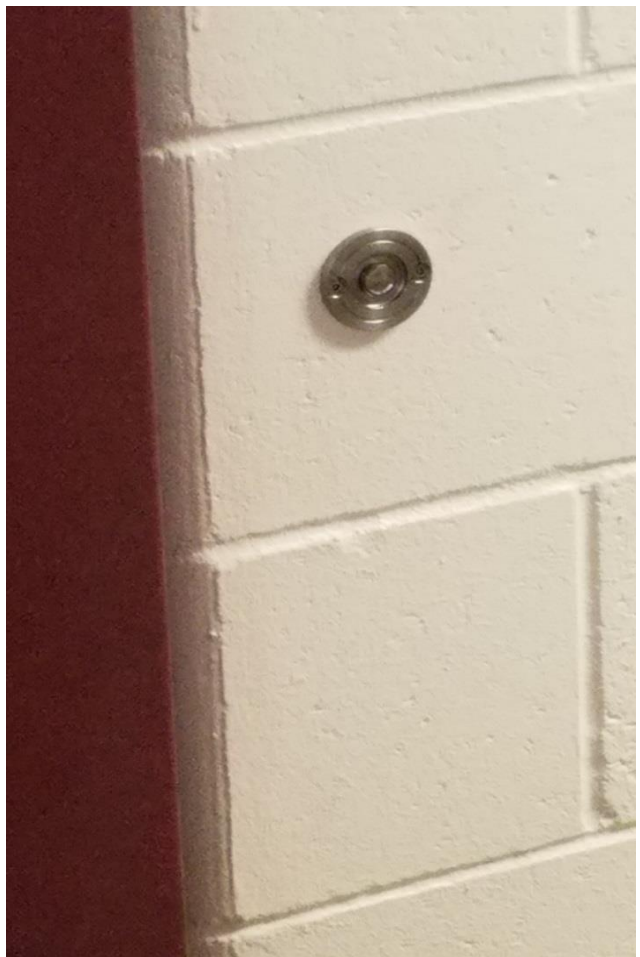
**Schematic East Wing Pods, classroom and courtyard.**



**East Two Pod used for male youth.**

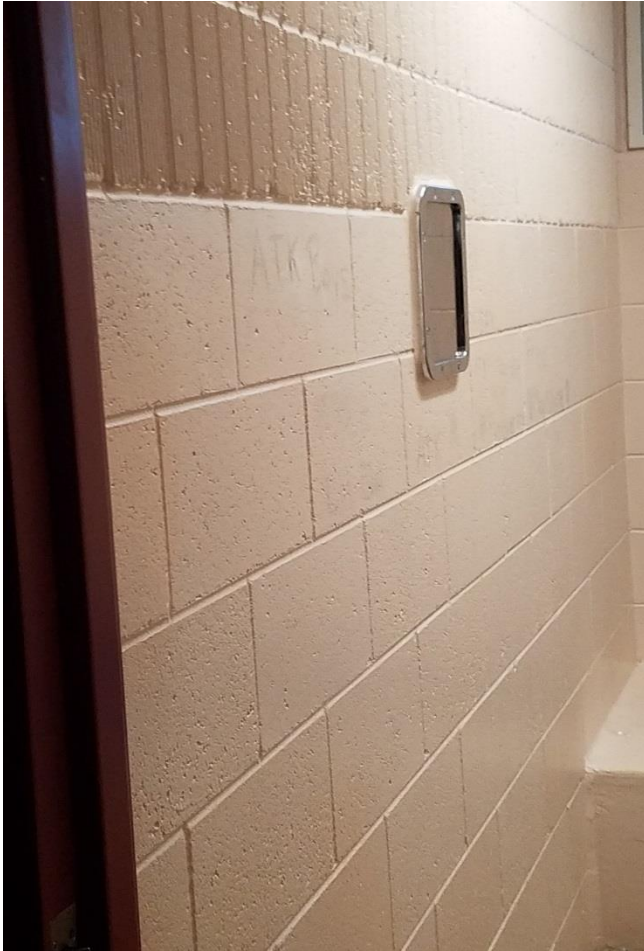


**Control panel located at each JCO station inside each pod used to monitor youth in their cells.**

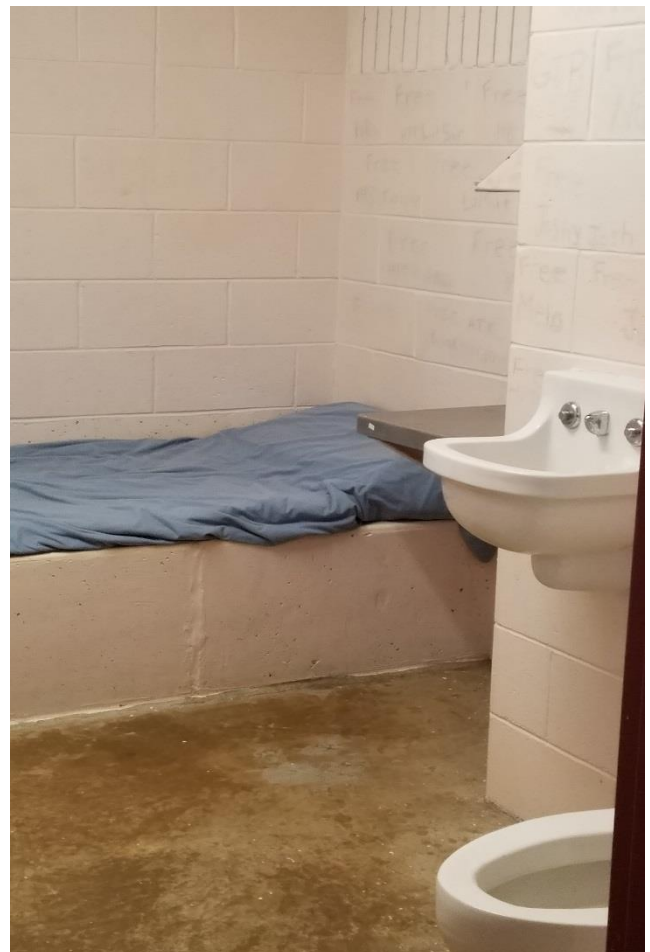


**Photos of the outside of a cell door and activity-recording device used by JCOs.**





**Photos taken inside of a cell which consists of a bed, stand-alone desk, shelf, mirror, toilet and sink.**





**Schematic West Wing Pods, classrooms and courtyard**



**West Two Pod, one of two pods, used for Milwaukee County Accountability Program.**

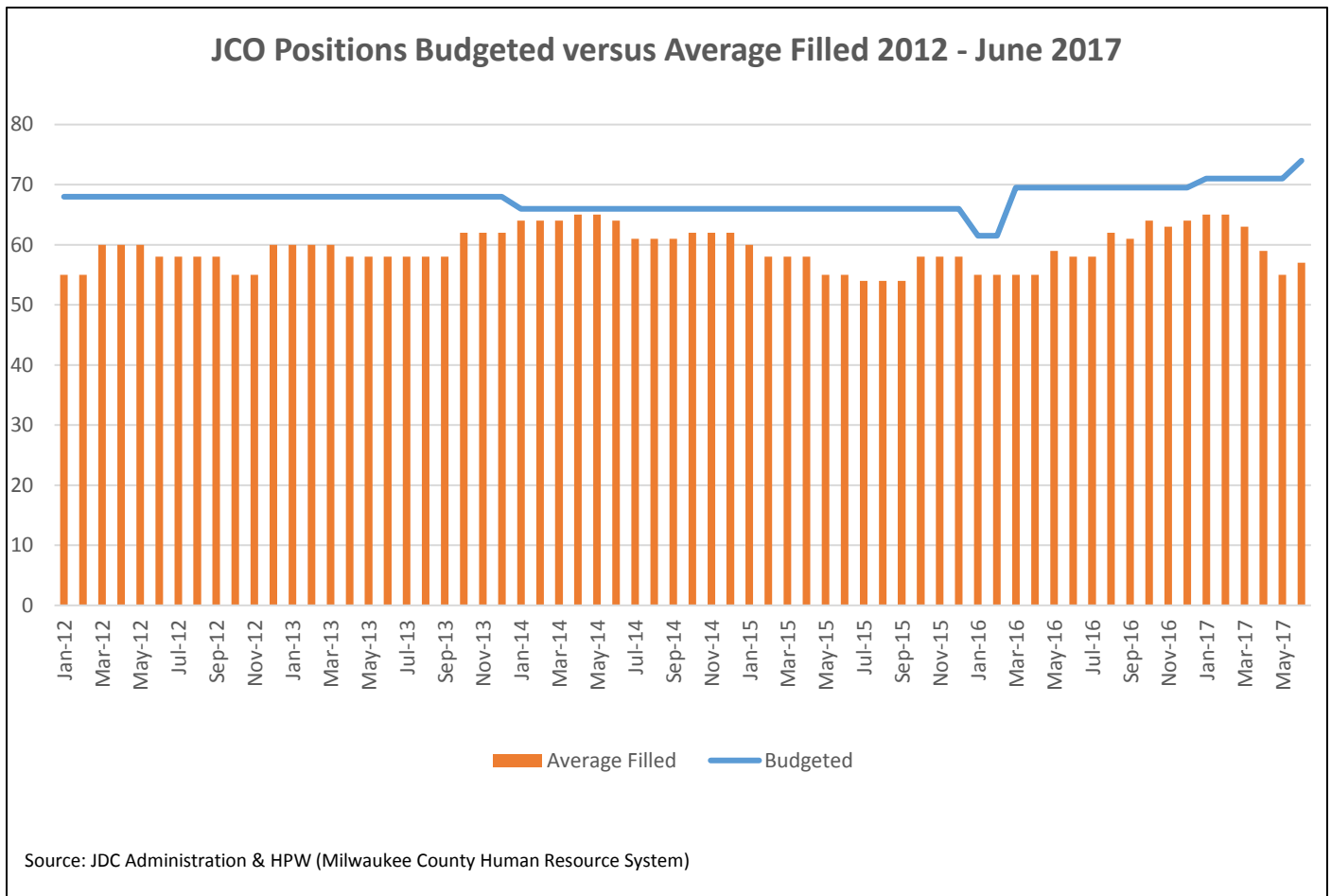




**Schematic South Wing Pods,  
classrooms and courtyard.**



**South Two Pod used for female youth.**



# 2016 Overcrowding and Understaffing at Juvenile Detention Center – Juvenile Correction Officer Survey Results

November 2016

Created by: Audit Services Division Staff

## Overview

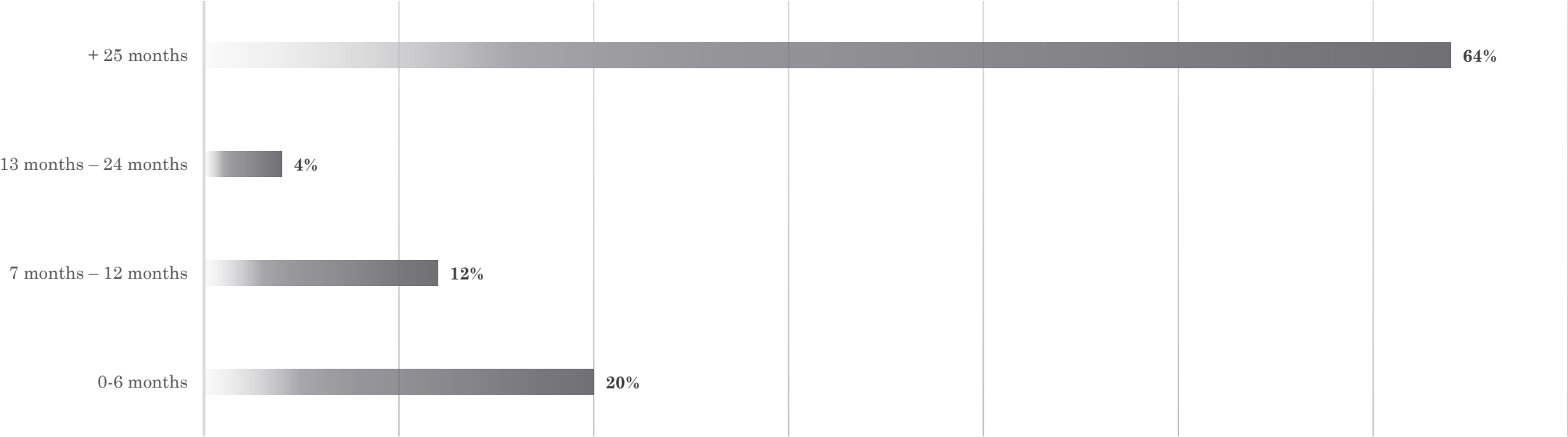
In the fall of 2016, Audit Staff created a 14 question survey pertaining to hiring practices, job expectations, overtime, safety and morale, directed towards Juvenile Correctional Officers as part of the audit regarding the overcrowding and understaffing at the Juvenile Detention Center.

Audit Staff received 25 responses out of 62 Juvenile Correctional Officer listed employees, a 40% response rate. The surveys were conducted and turned in anonymously.

The following slides are from the results of the survey.

Question 1:

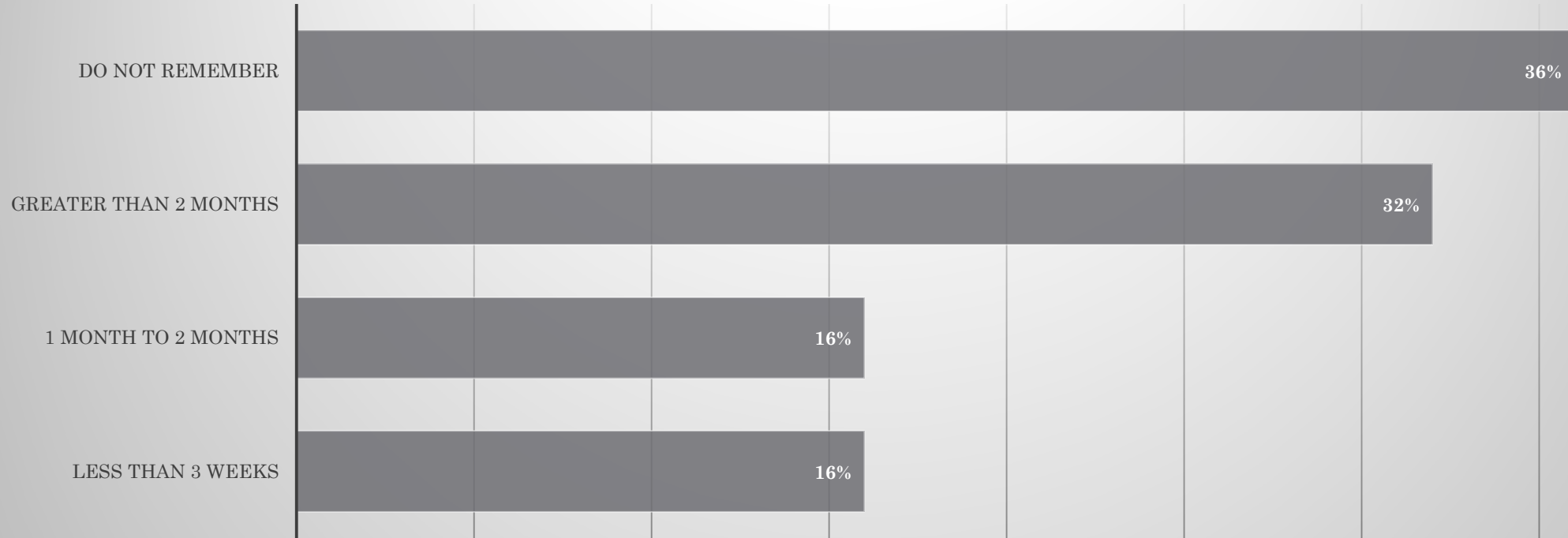
HOW LONG HAVE YOU WORKED AS A  
MILWAUKEE COUNTY JUVENILE CORRECTION  
OFFICER (JCO)?



Question 2:

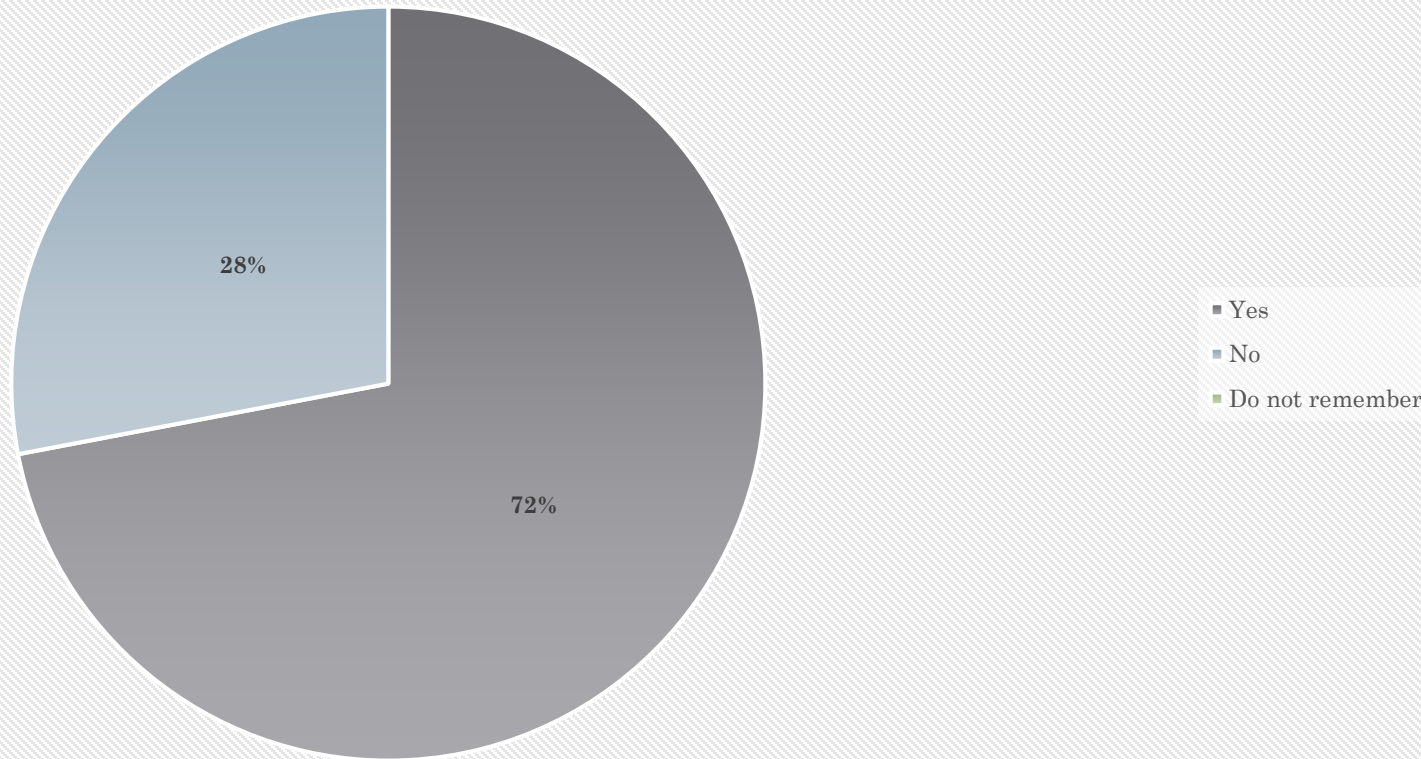
After you applied for the JCO position, how long did it take before you were interviewed?

78



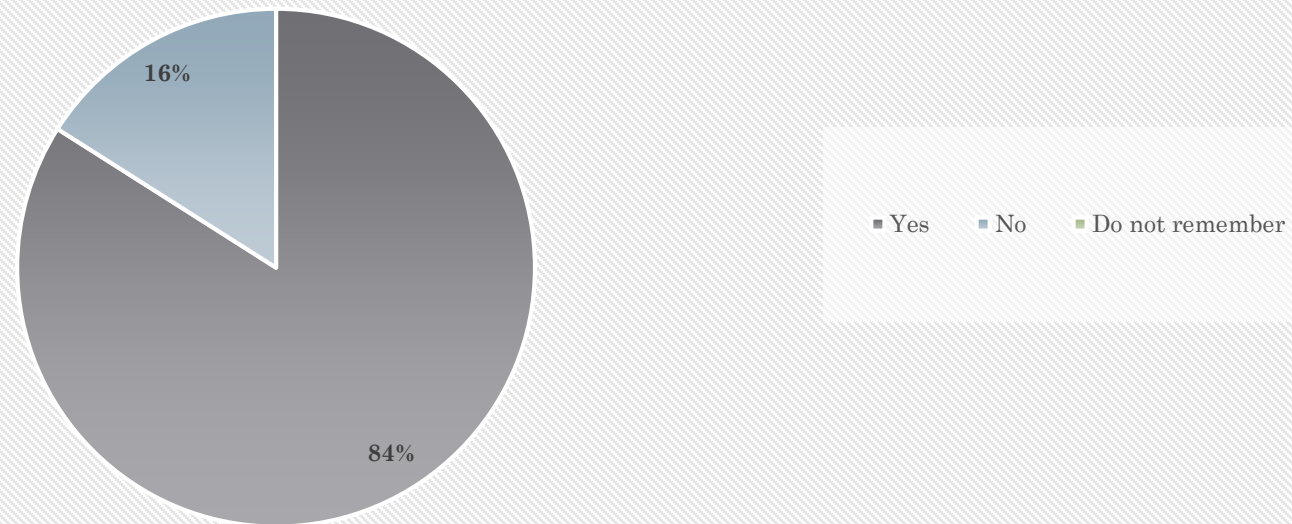
Question 3:

When you applied, did you take a test?



Question 4:

Were the duties of the JCO position described fully and accurately during the recruitment and hiring process?





Question 5:

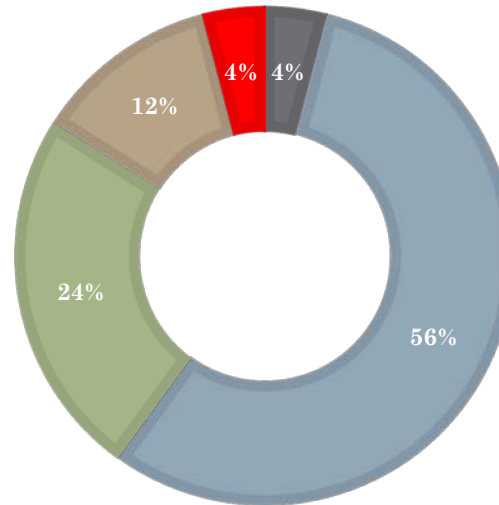
**Were the Juvenile Detention Center department policies regarding overtime time discussed with you prior to being hired?**



Question 6:

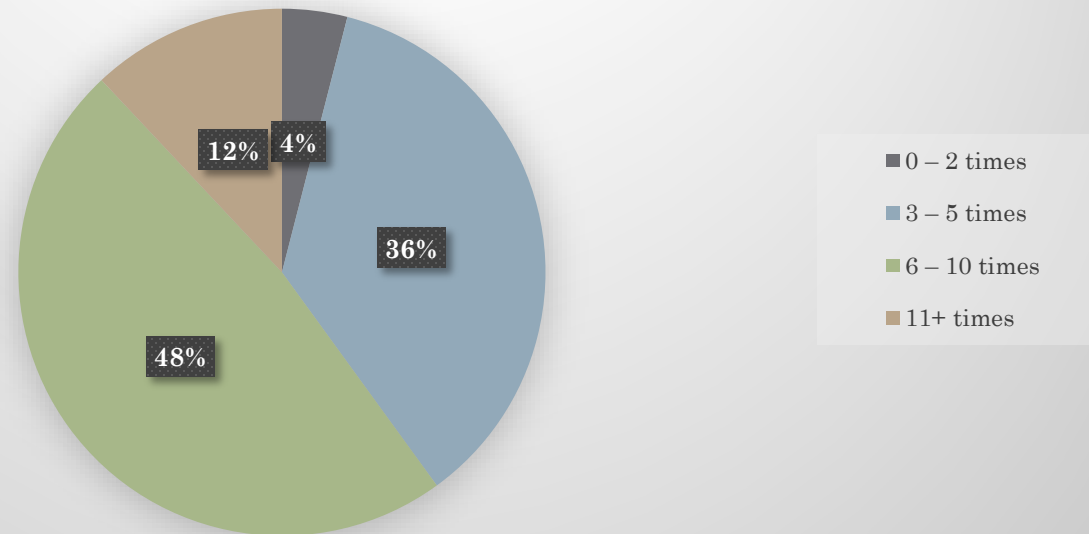
**DURING ANY GIVEN MONTH, HOW MANY TIMES ARE YOU  
HELD OVER FROM YOUR SCHEDULED SHIFT TO WORK A  
MANDATORY SHIFT?**

■ Never ■ 1-2 times ■ 3-5 times ■ 6-10 times ■ 11+ times



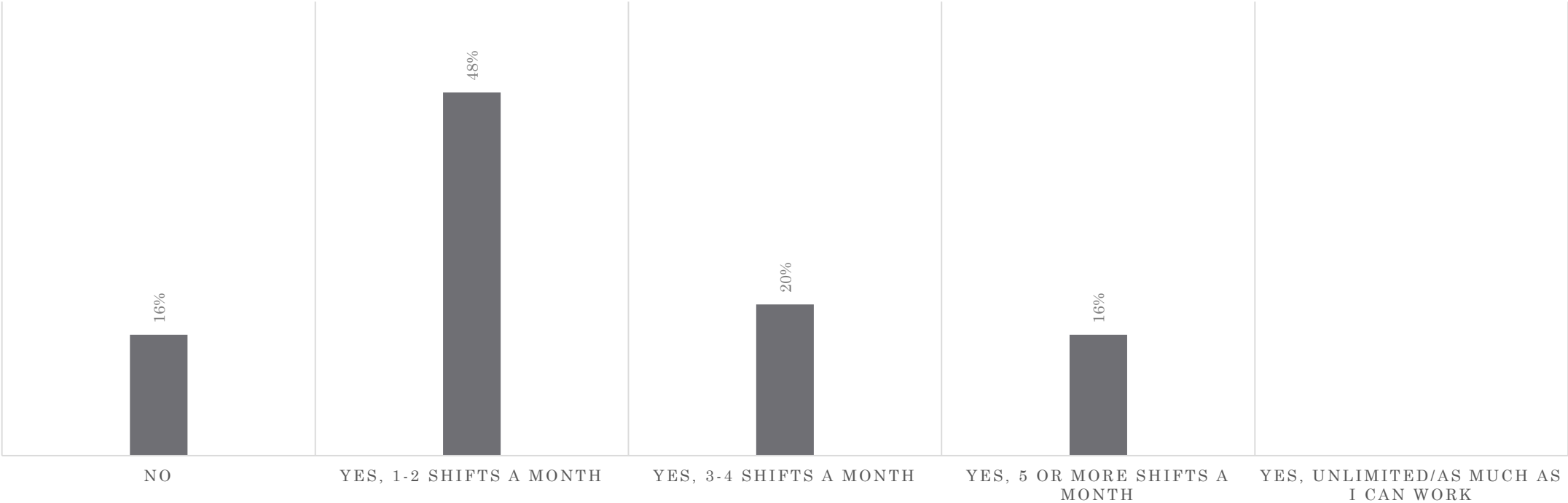
Question 7:

**During any given month, how many times have you worked scheduled overtime?**



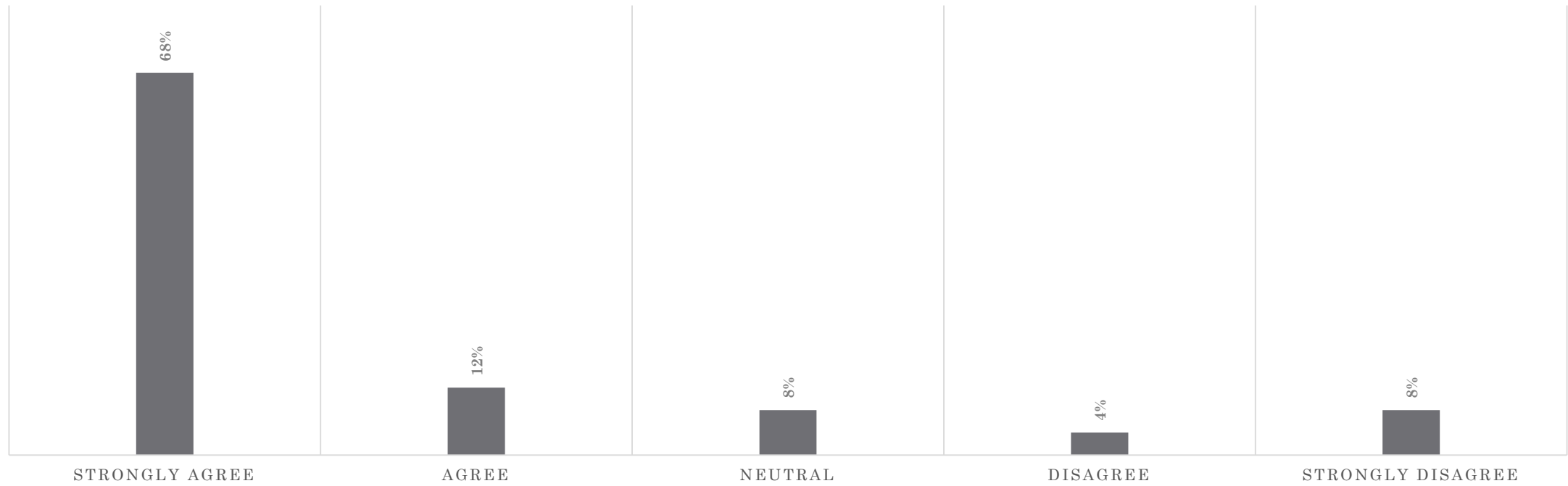
Question 8:

DO YOU LIKE WORKING OVERTIME AND IF  
SO, HOW MUCH DO YOU LIKE WORKING?



Statement 1:

MY JOB BECAME MORE DIFFICULT WITH THE INCREASE  
OF LINCOLN HILLS/COPPER LAKE DOC YOUTH BEING  
HELD IN THE DETENTION CENTER.



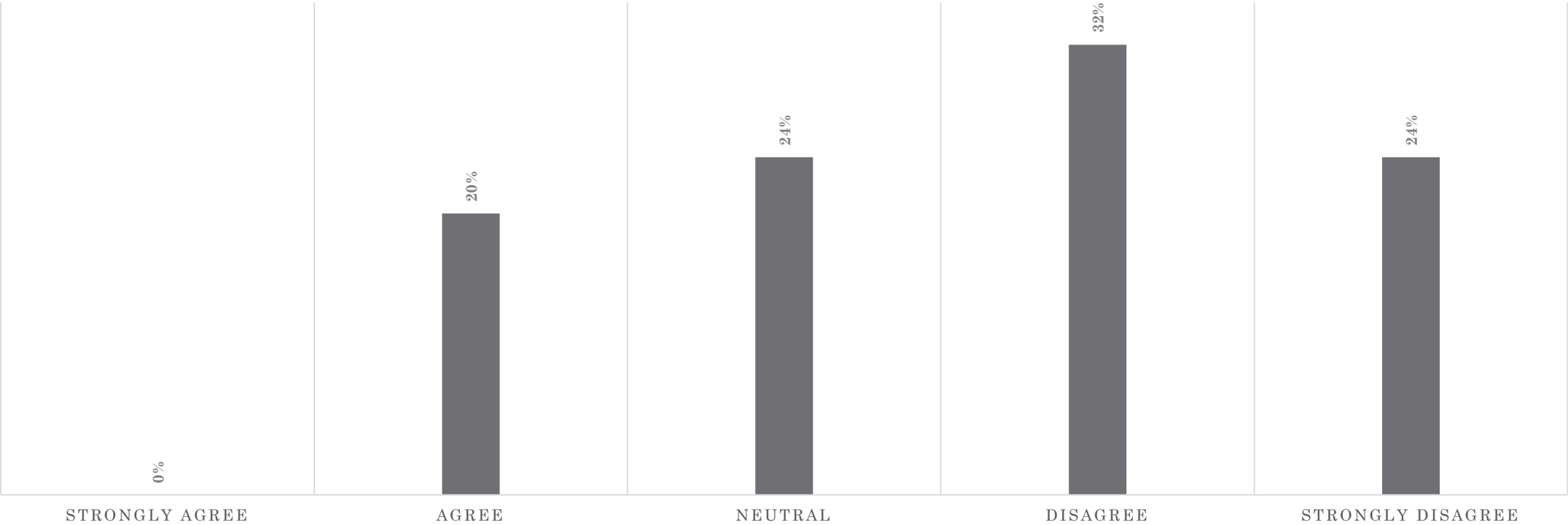
Question 10:

**Have you ever been physically/verbally assaulted by a youth while on the job?**



Statement 2:

THE MORALE AMONG THE PEOPLE I WORK WITH  
EACH DAY IS GOOD.



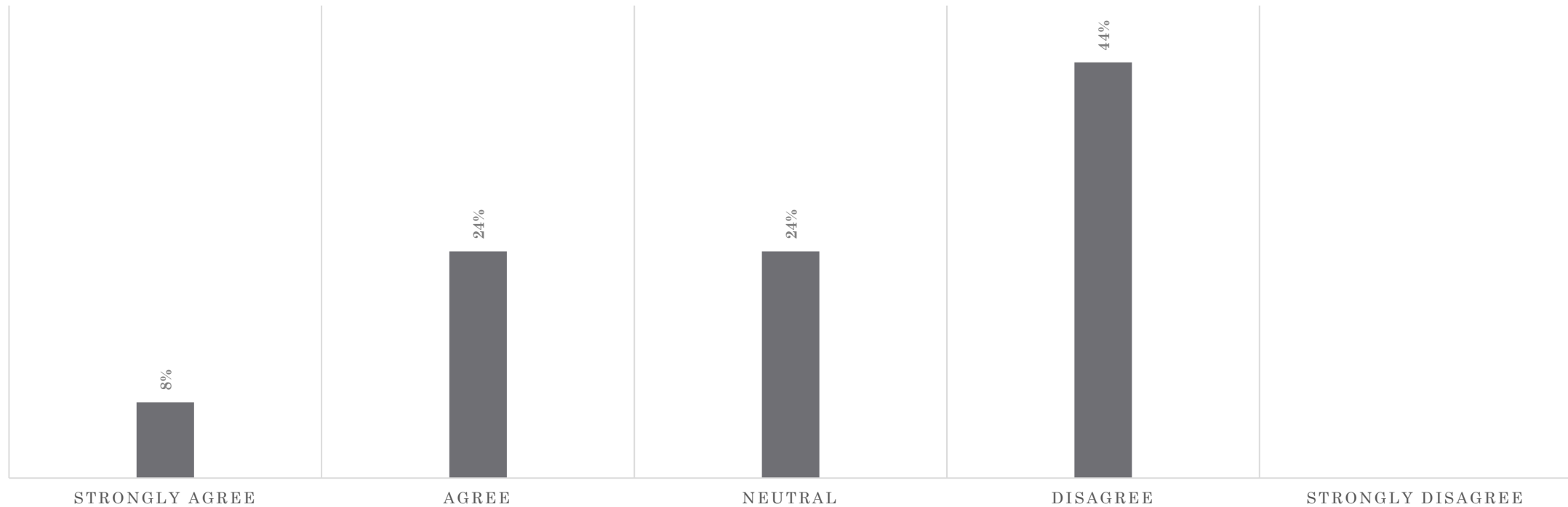
## Question 12:

- **What changes, if any, should be made to improve morale?**
  - Terminate employees not working to meet duties.
  - Raise pay scale, Milwaukee County Correction Officers deal with the highest population and the most challenging inmates yet we are paid the lowest wage. If you want people to stay and make it a career, be more competitive with the wages.
  - Changes can be made, what exactly unsure.
  - Hire more staff.
  - Treat the inmates like inmates.
  - A better work schedule, fair work assignments, respect for senior staff.
  - Better communication.
  - Staff should have more flexibility to accommodate each other when you are working for another staff.
  - For everyone to learn the Intake Process (Phoenix), Supervisor show too much favoritism.
  - Keep that increase coming helps with cost of living especially if you have kids.
  - Less overtime, stronger sanctions for juveniles while in detention for violent actions.
  - More stringent sick call policy.
  - DOC youth and other detainees keep somewhere else.
  - Supervisor should treat everyone the same and stop letting female staff minimize their job.
  - A raise in pay and step increase unfrozen.
  - More outing like the dells.
  - Pay people their proper pay increments.
  - Security.
  - Equal punishment for constant trouble makers.
  - Less overtime, better pay.
  - Change of scheduling in terms of more weekends off instead of working 5 weekends with 2 weekends off.
  - Pay increase that exceeds medical cost increases.



Statement 3:

**THERE ARE OPPORTUNITIES FOR POSITION  
ADVANCEMENT WITHIN THE DEPARTMENT.**



### Question 14:

• **What position advancement opportunities, if any, should be made available?**

- A career path should be determined for each individual.
- There isn't much to do in this job at all.
- There is support, working a pod, the usual few on intake and visiting for three or so hours. Head of shift positions.
- There should be multiple levels of advancement and multiple specialty assignments. Specialized units, gang certificate training, more paid outside training.
- Specialty position, Head - Lead person.
- Maybe assigning rank to JCO's.
- There should be ranks. There isn't any for detention, unless you transfer. A go between JCO and HOS.
- JCO I, II, III - Supervisor Trainers, assistants, etc. Different levels of officer rank/positions.
- Human Service Worker, which is within BHD, each shift should have a team leader.

**COUNTY OF MILWAUKEE**  
**INTEROFFICE COMMUNICATION**

**DATE:** September 29, 2017

**TO:** Jerome J. Heer, Director Audits

**FROM:** Jeanne Dorff, Interim Director, Department of Health and Human Services

**SUBJECT:** **DHHS Response to Milwaukee County Juvenile Detention Center Staffing Audit**

The Department of Health and Human Services (DHHS) appreciates the extensive work effort undertaken by your division in evaluating the Juvenile Detention Center (JDC) staffing and length of stay in juvenile detentions. We plan to move forward to incorporate your recommendations to improve staffing and internal procedures surrounding the JDC.

Please see our responses in bold to each of the recommendations contained in the audit below:

- 1) *Evaluate options for accommodating Milwaukee County Accountability Program (MCAP) in the JDC by developing alternative programming in facilities outside of the detention center and return use of at least one pod for overcrowding overflow, as intended. (Pg. 26)*

**There are times in which there is an open, empty pod in the detention facility based on the census for that day. The Type II Residential Treatment Center will allow more high risk youth in jeopardy of DOC placement to be placed in the community in a program that is able to meet their needs, provide treatment, and interventions as well as maintain community safety. All of our community-based programs have open slots at this time. The DCSD girl's shelter program is scheduled to open in early October 2017 which will allow pre-dispositional girls to be placed in the community rather than in detention. DCSD does not anticipate decreasing the number of MCAP youth served in detention.**

- 2) *Evaluate the use of video conferencing court appearances for DOC youth. (Pg. 28)*

**Currently, all of the court rooms have the capability to conduct video conferencing for DOC youth. However, this capability is not being utilized because stakeholders (public defenders, judiciary, etc.) request and/or order youth to be physically present for court hearings.**

- 3) *Create an overcrowding and emergency overcrowding procedure that will outline steps to be taken in periods of facility overcrowding. (Pg. 31)*

**The JDC overcrowding policy and procedure will be developed and implemented by DCSD Management no later than December 1, 2017. The Racine County Youth Transfer Process policy is in effect and will be incorporated into the new policy.**

- 4) *Revisit and update all departmental procedures related to time-off to reflect current departmental workflows and current County requirements. (Pg. 43)*

**DCSD will review and update any policy and procedures related to time off for employees by December 31, 2017.**

- 5) *Continue development and use of a staffing alert/FMLA calendar for better management of staffing levels and knowledge of where staff stand with respect to their time off. (Pg. 43)*

**Since being notified that it is DCSD's responsibility to monitor FMLA for staff, Juvenile Detention Center (JDC) management has developed a password protected spreadsheet and calendar of active staff on FMLA and medical leaves approved by Human Resources (HR) and the DCSD Administrator. This spreadsheet is monitored by the Juvenile Correctional Officer (JCO) Supervisors with the assistance of the Administrative Assistant.**

- 6) *To help alleviate the excessive use of overtime at the JDC, we recommend that JDC leadership compile and report overtime use to DCSD administration on a quarterly basis so that ongoing planning for better management of positions and overtime can be discussed until adequate staffing is achieved. (Pg. 49)*

**In March of 2017, DHHS fiscal staff began providing an overtime report to the DCSD Administrator, Deputy Administrator and Superintendent of the JDC. This report is generated by HPW-Ceridian and reflects overtime hours earned and paid out by individual employee by pay period. Fiscal staff will establish a regular reporting schedule and DCSD management will meet at a minimum on a quarterly basis to review staffing trends, overtime use, etc.**

- 7) *JDC complete a thorough review of all assigned tasks and analyze the need to create additional JCO Supervisor positions. (Pg. 50)*

**While the addition of a JCO Supervisor may be required, DCSD would like to leverage the new InTime solution to assess the scheduling needs to determine if staff can be more effectively utilized before additional staff expenses are incurred. The InTime solution is expected to be in production by the end of October 2017. Therefore, DCSD would like to revisit the need for additional JCO staff with HR after this system has been**



implemented and sufficient time has passed to allow for staffing to be assessed. In addition, DCSD is currently in the process of hiring for a vacant JCO Supervisor.

- 8) *DCSD administration should work with appropriate stakeholders (including the County's Information Management Services Division, other County 24/7 departments and detention center administrators from other jurisdictions) in order to plan and implement a more efficient staff scheduling model than the manual process currently being used. (Pg. 50)*

A staffing solution is being implemented in October 2017 that will allow for a more effective management of staff. The InTime solution allows for future planning of resources based on requirement needs and staffing rotations as well as provides visual aids to indicate if staffing is meeting requirements. DCSD will perform a review in six months to determine if InTime has been able to stabilize the current scheduling model.

- 9) *Given the position turnover, we recommend that DHHS work with DHR to place the JCO position on the continuous recruitment list. (Pg. 53)*

The current recruiting process is producing approximately 100 candidates from a single job posting. When the list is depleted and/or candidates processed, the position is posted if there still are openings to fill. The current process has experienced a bottleneck at the point of background checks conducted on candidates. Previously, background checks were completed by Internal Affairs at the House of Corrections (some candidates are still in process). Recently, however, a private investigator has been hired to complete background checks for the Juvenile Correctional Officer (JCO) candidates. This change in process is expected to alleviate the bottleneck the JDC is currently experiencing and will be monitored to determine whether improvement occurs. Upon improving the continuous flow of candidates through the recruiting process, consideration will be given to continuous recruitment.

- 10) *DHR and the JDC continue to discuss and develop methods to adequately screen potential candidates ensuring a good fit for the job, and to conduct exit interviews for individuals who voluntarily terminate in order to accurately document and assess turnover causes. (Pg. 53)*

Currently, job expectations and demands are thoroughly explained to candidates during the job interview process. In order to identify opportunities or improvements in this screening process, HR will work with JDC management. Areas may include, but not be limited to, testing, realistic job previews, role playing scenarios and review of interview questions utilized. While information such as mandatory overtime is discussed with candidates, it often doesn't resonate until they actively "live it." HR will review what is currently being communicated to candidates and provide recommendations as

necessary. In addition, HR-Employee Development is working with DCSD to create a short video about juvenile detention that is to be attached as a link with the actual application.

Currently, all JCOs who leave voluntarily are contacted to participate in an electronic exit survey. In the future, HR will work with JDC management to conduct in-person exit interviews with those who ended their employment voluntarily. The information compiled from the exit interviews will be used to assess turnover causes in order to identify improvements in recruiting and retaining JCOs.

- 11) *DCSD and policymakers should consider requesting additional JCO positions as part of the 2018 Budget process, offset with vacancy and turnover, to allow for hiring of positions for staff out on FMLA and to account for turnover that occurs within the hiring process. (Pg. 53)*

With the other changes being made to the hiring practice, DCSD should be in a better position to fill all JCO vacancies. Once all positions are filled, DCSD can evaluate the need for additional JCO positions for the 2019 budget process.

- 12) *DCSD should work with the House of Corrections and Jail leadership to explore the possibility of establishing a Correctional Officer employment pool, from which individuals could be pulled to assist with coverage in times of facility understaffing. (Pg. 54)*

DCSD currently utilizes a pool of Human Service Workers (HSW) to assist with coverage of overtime and understaffing and this has been a benefit to both the JDC staff and the HSW staff as well as the kids in detention. The HSWs are trained in detention policy and procedures and the youth justice system which allows for a continuity of staffing.

- 13) *DCSD administration conduct periodic (at least quarterly) spot checks for data validation and continue to monitor and work through the Division's running list of items that need to be corrected in the Division's Juvenile Program Management (JPM) System. (Pg. 56)*

DCSD currently performs ad-hoc/informal reviews of data to ensure accuracy and to assist HSWs with issues that arise during the completion of JPM activities. Additionally, DCSD works with IMSD to submit, schedule, test, and implement changes (i.e. bug fixes or enhancements) to the system. A formal system has been developed involving quarterly meetings between IMSD and DCSD to assess future enhancements and bi-weekly status updates are held between IMSD and DCSD to discuss help desk tickets (i.e. bug fixes) and enhancements that have been submitted and their progress. This formal review process with IMSD has been occurring since August 2017 for the bi-weekly review and January 2017 for the quarterly enhancement allocation.



*14) DCSD Administration should also work on improving system control, including:*

- a. Creating standard edit fields for the JPM system to ensure that data is entered and reported consistently. DCSD acknowledges that due to manual processes, data entering inconsistencies can occur. However, required fields, system requirements, and field drop downs exist in the system currently to reduce the risk of data error. DCSD will reassess the current fields and determine if additional controls can be established to further reduce the likelihood of data entry inconsistencies from occurring while still providing flexibility within the system to perform all of the activities JPM is designed to do. Assessment will be completed by January 2018 and development is scheduled to be completed thereafter based available resources and budget.*
- b. Work on communication and staff training planning regarding changes in the system, data entry, and data use. DCSD will perform training at least quarterly based on common errors identified during ad-hoc reviews with staff or based on manager review of data. Additionally, DCSD will ensure that formal training is incorporated as part of the orientation process for an HSW. DCSD, however, may not require that all staff go to each training quarterly, if it is deemed that an HSW's work product is sufficient. Additionally, the mode (i.e. in-person training, video, etc.) by which training will occur will be assessed and completed by February 2018 with the first training performed in April 2018 based on needs identified.*
- c. Control access to data entry by reviewing and evaluating all current users authorized to enter data into JPM and ensure all authorized users are properly trained. DCSD acknowledges that at least annually, user roles and access provisions should be reviewed. Given that implementation occurred less than a year ago in December of 2016, sufficient time has not yet passed since the initial establishment of roles. DCSD is planning to do a review of user roles and access provisions in December 2017 and annually thereafter. Adjustments to user access, including removal of access and creation of new profiles, will be performed at this time if deemed necessary.*  
*(Pg. 56)*

*15) Create a departmental policy and procedures on information disclosure and implement mandatory, recurring training of DCSD staff to clarify what is confidential/HIPPA information and what can/cannot be disclosed to individuals inside and outside of employment with Milwaukee County. (Pg. 59)*

**The current confidentiality policy and procedure will be reviewed, updated as needed and discussed with all staff on an annual basis at a minimum, during role call or other training session.**

- 16) On at least an annual basis, JDC leadership perform a search for current staff employed at the JDC on the Wisconsin Circuit Court Access (CCAP) and update the JDC's policies and procedures manual to inform staff that management may conduct background or driver's license checks on any staff member at any time during their term of employment. (Pg. 60)*

**The current policy and procedures will be reviewed and updated as necessary by JDC management staff. Once updated, this will be communicated with all JDC staff by December 1, 2017. The private investigator, along with the JDC management, will be responsible for conducting the Wisconsin Circuit Court Access Program (CCAP) and driver's license checks for all JDC staff by December 31 of every year for those staff that have not had a background check within that calendar year.**

- 17) JDC leadership conduct the pre-employment basic Caregiver Background checks on staff every 5 years. (Pg. 61)*

**The last Caregiver Background check on current JDC staff occurred in 2017 and DCSD will follow up with HR to get those results. DCSD will confer with HR about the development of this process to determine if they have any policies that currently exist that can be implemented.**

- 18) DHHS/DCSD leadership develop and implement performance measures that quantify the effectiveness of the Milwaukee County Accountability Program (MCAP) after youth are discharged from the program, and regularly track and report outcomes of the measures. (Pg. 62)*

**Currently, there are performance measures the community provider is required to report out on an annual basis. DCSD is also in the process of developing a monthly and quarterly data dashboard that will be distributed to all stakeholders which will include data on the MCAP. DCSD will build into the data dashboard a data point around MCAP measures including new offenses. The initial monthly and quarterly reports will be developed by December 31, 2017.**

Thank you for your recommendations and support.



Respectfully Submitted,



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Department of Health and Human Services

cc: County Executive Chris Abele  
Raisa Koltun, County Executive's Office  
Kelly Bablitch, County Board  
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