

Carpenter, Shannon L - DOC

From: Clark, Sumaiyah <Sumaiyah.Clark@milwaukeecountywi.gov>
Sent: Monday, September 23, 2019 4:21 PM
To: Melfi, Danielle - DCF
Cc: Muhammad, David; Carpenter, Shannon L - DOC; Meyers, Mary Jo; Mertens, Mark; Pethke, Kelly; O'Brien, Clare; Feierstein, Judy
Subject: Clarification on Request from Grant Committee
Attachments: Letters of Support (All).pdf; DYFS Act 185 Info Report Revised September.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, Danielle:

We have prepared a response below to the questions you identified in your email on September 20.

Community Support:

Steering Committee Briefings

DHHS created a number of workgroups, led by a Steering Committee that includes key decision-makers, a Facilities/Budget planning group, a Programming Development Group, and a Community Engagement/Communications workgroup. Those workgroups have been meeting/working regularly since August 2018 to provide input into the facility design, continuum of care and program components of the Milwaukee County SRCCCY.

The Steering Committee membership includes leadership from the Milwaukee County Department of Health & Human Services and individuals who represent the following entities:

- Milwaukee County Executive's Office
- Milwaukee County Board of Supervisors
- Milwaukee County Courts
- Youth Justice Milwaukee

DHHS also engaged (and continues to do so) diverse stakeholders in project development and implementation planning. Milwaukee County has hosted and/or participated in multiple community briefings and meetings with elected officials, community leaders, neighborhood residents and families, and youth. These meetings served to both inform others about the vision for the SRCCCY and get important input into all aspects of the program.

County Board Health & Human Needs Committee Hearings

Beginning in the fall of 2018, DHHS has presented monthly status reports to the Milwaukee County Board's Health and Human Needs Committee on the progress of its SRCCCY planning efforts. Please see the attached example of a report presented in September 2019. In addition to providing these monthly informational reports, DHHS will be submitting a request to the County Board seeking approval to accept the state grant



OFFICE OF CORPORATION COUNSEL

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Assistant Corporation Counsel

TO: Mary Jo Meyers, Director, Milwaukee County
Department of Health and Human Services

FROM: Margaret Daun, Corporation Counsel
Paul Kuglitsch, Deputy Corporation Counsel

DATE: June 28, 2019

RE: 2017 Wis. Act 185: Milwaukee County Submission for SRCCCY Grant Funding

On June 27, 2019, the Milwaukee County Department of Health and Human Services (DHHS) requested an expedited review by the Office of Corporation Counsel (OCC) of DHHS's grant application related to the County's proposal for Secured Residential Care Centers for Children and Youth (SRCCCYs) to determine whether the application conforms to the requirements of 2017 Wisconsin Act 185 ("Act 185") and related Wisconsin Department of Corrections (DOC) rules. The OCC submits this analysis in response to that request.

Act 185 was adopted by the state legislature in March 2018 and directs the closure of the Lincoln Hills and Copper Lake youth correctional facilities by January 1, 2021. 2017 Wis. Act 185, sections 110(1)(a), 2(a). In place of these facilities, the Act authorizes the use of less restrictive county-operated SRCCCYs. Wis. Stat. § 13.48(27m)(a). To encourage and assist counties' increased use of less restrictive SRCCCYs, the State set aside \$40 million in a juvenile corrections grant program administered by the State Department of Corrections. Wis. Stat. § 13.48(27m)(b).

In summary, counties may apply to the grant program to cover the following:

- 95% of the costs of the physical plant (design and construction, etc.) for a SRCCCY facility, *see* 2017 Wis. Act 185, § (4)(a)1.a.;
- 95% of the costs of the physical plant (design and construction, etc.) for combined SRCCCY-juvenile detention facility, *id.*, § (4)(a)1.b.;
- 100% of the costs of the physical plant (design and construction, etc.) for a SRCCCY (or portion thereof) for female youth only, *id.*, § (4)(a)1.c.;

Courthouse, Room 303 • 901 North 9th Street • Milwaukee, WI 53233 • Telephone: 414-278-4300 • FAX: 414-223-1249

The Office of Corporation Counsel strengthens the County community and empowers residents through highly competent, creative, compassionate and responsive legal services provided in strategic partnership with County stakeholders to optimize decision making, reduce risks, and maximize public resources.

- Costs to renovate an existing structure for use as an SRCCCY, *id.*, § (4)(a)2.; and
- 95% or 100% of any design costs incurred by a successful applicant in preparing the grant application, depending on the type of facility the applicant proposes to build or renovate, *id.*, § (4)(a)3.

In addition to providing grant funds for the above-noted costs, Act 185 also permits reimbursement to counties for basic care and supervision costs in juvenile detention facilities and SRCCCYs, where previously these costs were expressly excluded from reimbursement.

With respect to a SRCCCY's physical plant, pursuant to Wis. Stat. § 301.37(a), the DOC is responsible for determining "reasonable standards and regulations for the design, construction, repair, and maintenance of" SRCCCYs. Prior to issuing these standards and regulations, the DOC is required to consult with the Wisconsin Department of Children and Families.

On December 18, 2018, then Governor Scott Walker approved the text of emergency rules created by DOC, which went into effect on January 7, 2019. Wis. Admin. Code DOC 347.¹ As required, the emergency rules set forth design and construction standards for SRCCCYs, among other things.

These design standards are reasonably presumed to be substantially similar to the standards for Type 1 juvenile correctional facilities, because on June 17, 2019, Senators Wanggaard and Taylor introduced an amendment to Act 185, which appears to require a loosening of the Walkera SRCCCY rules (Wis. Admin. Code DOC 347) because the proposed amendment states, in part, that DOC "shall allow a [SRCCCY] to use *less restrictive* physical barriers than a Type 1 juvenile correctional facility while ensuring the safety of the public, staff, and youth." Had the Walkera rules in DOC 347 clearly permitted the less restrictive physical barriers for SRCCCYs, the proposed amendment would be unnecessary.

Related and similarly, also on June 12, 2019, Senator Wanggaard introduced an additional amendment that *requires*² the DOC to grant a variance to its standards under DOC 347 if the juvenile grant committee determines that a variance is required to achieve reasonable cost-savings and will not compromise the care offered at the new facility, among other things. These amendments have not yet been signed into law.

In addition to constructing a new facility or renovating an existing facility, Act 185 permits SRCCCYs to be located in a portion of a juvenile detention facility or a Type 1 facility. Wis. Stat. § 301.37(1m). If a county chooses to do this, then it must provide programming and services as

¹ Available at https://docs.legis.wisconsin.gov/code/register/2019/757A3/register/emr/emr1901_rule_text/emr1901_rule_text (June 28, 2019).

² DOC Rule 346.05 permitted, but did not require, that variances be granted except that "no variance may be granted for any requirement to the provisions of s. DOC 347.10 (3)(b) [specifications for double-occupancy rooms], or requirements specifically imposed by Wisconsin Statutes or federal law or regulation."

directed by the DOC under applicable emergency rules. Such rules for SRCCCYs presumably are necessarily different from the programming and services currently mandated under DOC rules for juvenile detention facilities and Type 1 facilities. *Id.*; see also Wis. Stat. § 938.48(16)(b).

In summary, with the acknowledgement that the Act and related DOC rules have yet to be applied and effectuated and that very little interpretive guidance exists, and that there was a very tight timetable for grant submissions given this uncertainty and the complexity of DOC Rule 347, it appears that the relevant legislation and DOC rules permit a county to receive grant funding for physical plant costs, including renovations, of a SRCCCY facility, which may be a mixed-use SRCCCY-juvenile detention facility, as well as design and/or construction costs related to same, grant application costs, as well as operational costs related to care and supervision in juvenile detention facilities and SRCCCYs. Furthermore, for purposes of the grant application process, it appears that legislation and the DOC intend to provide counties with the needed flexibility to submit the most appropriate, cost efficient, and effective grant application/plan to increase the use of SRCCCYs, inclusive of physical plant planning, as well as programming and services, so long as the grant proposal meets the requirements of applicable law and DOC regulations. This conclusion is further supported by the proposed amendments to the Act, which, as a matter of logic and in conformity with well worn principles of statutory construction,³ would require that DOC rules applicable to SRCCCY's must set forth *less restrictive/punitive* physical plant standards and correspondingly, *more rehabilitative/treatment-oriented* programming and services than those applicable to a Type 1 or juvenile detention facility.

To qualify for the funds, counties were instructed to apply to the State Juvenile Corrections Grant Committee by March 31, 2019. The deadline, however, was extended to July 1, 2019.

Based on a review of DHHS's grant application, the OCC respectfully submits that:

1. DHHS intends locate one 22-bed SRCCCY in its already existing juvenile detention center.
2. DHHS intends to establish one or more residential SRCCCYs in existing structures by renovating or remodeling the buildings.
3. To establish the residential SRCCCYs, DHHS intends to enlist the aid of community partners. See Wis. Stat. § 59.53(8m) (“[t]he board may ... contract with a child welfare agency to establish a SRCCCY”).

³ See, e.g., *John Hancock Mut. Life Ins. Co. v. Harris Trust & Sav. Bank*, 114 S. Ct. 517, 523 (1993) (statutory provisions must be read in conformity with the entire act); *Smith v. United States*, 113 S. Ct. 2050, 2057 (1993) (statutory interpretation is “holistic”); *United Sav. Ass'n v. Timbers of Inwood Forest Assocs.*, 484 U.S. 365, 371 (1988) (avoid interpreting provisions inconsistent with the policy of another provision); *Gade v. Nat'l Solid Wastes Mngmt. Ass'n*, 112 S. Ct. 2374, 2384 (1992) (avoid interpreting provisions inconsistent with a necessary assumption of another provision); *Eli Lilly & Co. v. Medtronic, Inc.*, 496 U.S. 661, 668-669 (1990) (avoid interpreting provisions inconsistent with the structure of the statute); *Reves v. Ernst & Young*, 494 U.S. 56, 60-61 (1990) (interpret ambiguous statutes so as to best carry out their statutory purposes).

Taking all of the foregoing together, the OCC respectfully concludes that:

- the grant application as submitted by Milwaukee County, if reviewed by a court, would more likely than not be found to be in reasonable conformity with the applicable law and DOC rules as to all material elements of the grant proposal;
- to the extent that any element of the County's grant application is arguably not in conformity with applicable law or DOC rules, a court would more likely than not conclude that such an element of the County's grant application should properly be considered a request for a variance under DOC Rule 347.05 (and under the proposed amendment, if adopted) because the County's grant proposal "demonstrates in writing that the variance provides equivalent or better protection for the health, safety, rights, and welfare of youth or the public," as required under Rule 347.05; and
- if the two proposed amendments referenced above are signed into law, then DHHS may have even greater flexibility in how it establishes and operates its SRCCCYs.

MAXINE ALDRIDGE WHITE
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FIRST JUDICIAL DISTRICT

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June 28, 2019

State of Wisconsin Juvenile Corrections Grants Committee
Secretary Kevin A. Carr
Wisconsin Department of Corrections
3099 E Washington Avenue
Post Office Box 7925
Madison, WI 53707

Dear DOC Juvenile Corrections Grant Committee Members:

As Chief Judge of Wisconsin's First Judicial District, I am writing in support of Milwaukee County's proposal for a Secure Residential Care Center for Children & Youth (**SRCCCY**). I recognize the importance of this step in developing a system of care for young people transitioning to Milwaukee County from Lincoln Hills/ Copper Lake Schools.

As Chair of the Milwaukee County Community Justice Council, I have been regularly apprised of the deliberate steps Milwaukee County is taking to establish an effective, humane, and accountable youth justice system that will improve outcomes and enhance public safety. Their vision for youth justice reform aligns with the mission and vision of the courts and the Council. Thank you in advance for your consideration of their application.

Sincerely,

A handwritten signature in cursive script that reads "Maxine Aldridge White".

Honorable Maxine Aldridge White
Chief Judge

Cc: Deputy Chief Judge Joe Donald
Deputy Chief Judge Mary Triggiano
Milwaukee County Executive Chris Abele
Tom Reed, Co-Chair, Milwaukee Community Justice Council

Behavioral Affiliates, Inc.

1752 NW Market Street, #1600
Seattle, Washington 98107

Secretary Kevin A. Carr
Wisconsin Department of Corrections
3099 E Washington Avenue PO Box 7925
Madison, WI 53707

June 17, 2019

Dear Secretary Carr:

This is a letter of support for Milwaukee County's application to establish and/ or construct a Secure Residential Care Center for Children and Youth and remodel plans of their current juvenile detention facility. I believe that Milwaukee County is an ideal candidate for this initiative provided by the Wisconsin Department of Correction, and for many reasons the county should be funded. I have full confidence in Milwaukee County's unique qualifications to wisely manage this significant investment in its youth and community. I will explain the reasons for my confidence and enthusiasm below.

Milwaukee County recently established a new staff-secure residential facility for juvenile justice-involved youth, working with a contracted community partner to staff and provide programming for the youth. My corporation, Behavioral Affiliates, Inc., has worked closely with County administrators for the past three years, from conception of the project through the opening of the doors in December, 2018. Behavioral Affiliates, Inc., provides consulting and training services to governmental organizations around the country and internationally in the implementation of programming for youth in residential care, in juvenile justice and social service settings. I worked with Mark Mertens, the County Administrator, and his staff initially to define the treatment and establish the structural demands needed to support its delivery, including the physical structure, staff characteristics and staffing patterns, and programming areas. I have supported the County's work with stakeholder groups. And Behavioral Affiliates, Inc., continues to support the program through on-site training of clinical and front-line staff, and weekly consultation with program clinicians, managers and administrators.

Given the above, I have had a 'front-row seat' as Mr. Mertens and his staff have navigated the extensive administrative and community demands involved in site location, provider selection and contract oversight for a new facility. Bakari House is not just a new structure to house youth. It is a new program to Milwaukee, as a staff-secure program with the singular focus of addressing the treatment and developmental needs for youth already involved in the juvenile justice system. Many of these youth would otherwise be sitting in detention for extended periods, or sentenced to state facilities hours away from their homes. Mr. Mertens has demonstrated the vision to acknowledge that the County can do better, and he has worked

tirelessly to enroll local stakeholders in the vision of a new approach to juvenile justice, based on his years of work with the MacArthur Foundation and an evidence-based perspective on addressing the complex demands of this population. He recognizes that investments now in these clients is not only the humane and ethical thing to do, but also that focused services that effectively address the needs of these youth and their families will yield extensive gains for communities and these individuals across the course of their lifetimes.

Mark Mertens and his staff have demonstrated great ability to maintain their focus on a vision for juvenile justice treatment. They have shown that they can not only engage stakeholders and address their concerns, but also motivate them to become involved in and support their work. The project attracted considerable attention, with Wisconsin Community Services, Inc. (WCS, local), and MST Services (international) enthusiastically embracing the project. (It is important to note that this project succeeded in bringing the first MST team to Milwaukee, expanding the existence of evidence-based services for at-risk youth and their families.) Both of these organizations saw the potential in providing residential *and* transition services to youth and families, and worked hard to be included in the project. Services address youth needs, and provide support to families with treatments that have extensive evidence to support their effectiveness. Bakari House has been charged, also, with engaging the community in supporting its services, and WCS has risen to the challenge, selecting education provider Norris, Inc. and other organizations in the community to support the variety of developmental needs for youth.

It would be difficult to overstate the amount of organization and discipline required to see a project of this scope and nature through from idea to reality. The complexities are not just logistical, but also organizational and political. Milwaukee County has demonstrated its ability to stay the course. Further, a new facility in Milwaukee County will extend the county's vision for juvenile justice services for youth and families within its domain. Placing a facility in this community will keep youth closer to families and community supports, vital to preserving and improving connections that will sustain treatment gains when youth return home. Milwaukee County will ensure that services provided are responsive to the needs of these individuals, sensitive to the communities in which they live, integrated with organizations that families will continue to rely upon, and research-supported. Milwaukee County has my highest level of support for this project. And I say that not as a bystander and cheerleader, but also as someone who has been inspired to contribute significantly to the vision that Mark Mertens and his staff originally outlined. I believe that Milwaukee County is an outstanding candidate to create a program for juvenile justice that other jurisdictions will envy, and come to study with the desire to replicate it in their own hometowns.

Sincerely,



Henry Schmidt III, Ph.D.
Founder and President
Behavioral Affiliates, Inc.



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June 27, 2019

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Running Rebels Community Organization*

State of Wisconsin Juvenile Corrections Grants Committee
Secretary Kevin A. Carr
Wisconsin Department of Corrections
3099 E Washington Avenue PO Box 7925
Madison, WI 53707

Dear DOC Juvenile Corrections Grant Committee Members:

Please accept this letter on behalf of Running Rebels Community Organization in support of Milwaukee County's proposal for a Secure Residential Care Center for Children & Youth (SRCCCY). We recognize the importance of this step in developing a system of care for young people transitioning to Milwaukee County from Lincoln Hills/ Copper Lake Schools.

The Running Rebels EPIC Mission is to **Engage** the community, youth, and their families, **Prevent** involvement in gangs, drugs, violence, and the juvenile justice system, **Intervene** and guide youth by helping them to make positive choices, and **Coach** youth through their transition into adulthood. This is in alignment with Milwaukee County's vision for youth justice reform, public safety and ensuring all young people and their families have access to supportive care and services to improve their health and wellbeing.

Our partnership with the Milwaukee County Division of Youth and Families Services (DYFS) has spanned 21 years and has included providing a continuum of intensive monitoring, advocacy, and mentoring services for justice-involved youth of all risk levels, as well as programming and services that benefit the entire family. On average, our programs have a success rate of over 80% with keeping youth from re-offending and going deeper into the criminal justice system.

Thank you in advance for your consideration of their application.

Sincerely,

A handwritten signature in black ink that reads 'Victor Barnett'.

Victor Barnett
Founder & Executive Director
Running Rebels Community Organization

"Helping the Community From Within"



June 27, 2019

State of Wisconsin Juvenile Corrections Grants Committee
Secretary Kevin A. Carr
Wisconsin Department of Corrections
3099 E Washington Avenue PO Box 7925
Madison, WI 53707

Dear Secretary Carr:

I am writing today to express my support for and commitment to Milwaukee County's development of a Secure Residential Care Center for Children and Youth (SRCCCY). This proposal for Act 185 funding will provide Milwaukee County the capacity to transform youth justice in Milwaukee and in Wisconsin.

The majority of Milwaukee County's youth population, those returning to our jurisdiction from a secured facility are African-American males. The Office on African American Affairs (OAAA) works to examine and define the issues central to the rights and needs of African Americans, advise policymakers and the public on recommendations for changes in programs and laws for the benefit of the African American community, develop and implement policies, plans, and programs related to the special needs of African Americans, and promote equal opportunities for African Americans. Given that African American males are 15 times more likely to be incarcerated, Milwaukee County's proposal is committed to improving services and outcomes for our returning youth. This level of commitment aligns to OAAA achieving its mission of recognizing and resolving the County's racial inequities for the benefit of all its citizenry, as well as confirms the County's effort to prioritize racial equity on all aspects of operations. In respect to this project, OAAA can serve as a liaison and convening force to bring together Milwaukee County departments with community-based organizations; those which serve our youth and incorporate culturally responsive practices.

Providing Milwaukee County an opportunity to serve this vulnerable population by ensuring the least restrictive environment to promote the safety of our youth, others, and the community, strengthens our ability to improve the quality of life for our local constituents. In doing so, it also will help deepen our partnerships with the State of Wisconsin and the Department of Corrections.

OAAA is excited to be a partner for the MKE County Youth Justice Reform. As we collectively work to reduce racial disparities and improve the overall health and well-being of our youth, those who come in touch with the youth justice system. The Office on African American Affairs is committed to informing planning, operating as the mechanism for advocacy and change, advising on existing justice system policies and practices, and supporting racial equity alignment within them.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicole M. Brookshire', written in a cursive style.

Nicole M. Brookshire
Executive Director, Milwaukee County's Office on African American Affairs



WAUWATOSA SCHOOL DISTRICT
• Your Educational Community •

June 26, 2019

Dear Grant Application Committee Members,

We are writing on behalf of the Wauwatosa School District in support of the Division of Youth and Family Services (DYFS) grant proposal to fund Act 185 changes that affect Milwaukee County youth currently incarcerated at the Lincoln Hills/Copper Lake facility. Wauwatosa has served as the County's educational partner for many years and our partnership continues to grow through the hard work of both organization's commitment to the youth we serve.

The Wauwatosa School District strongly supports the grant proposal, which focuses on bringing Milwaukee County youth closer to their homes and providing alternative opportunities for them to demonstrate their asset potential when they return to their community. As the educational partner at Vel R. Phillips School, we value each child's potential to become positive influencers and change agents in their communities--we work every day with our County Secure Care Staff to make this happen. Education is the pathway toward success. We greatly appreciate the efforts of DYFS to include us in the current renaissance work around Act 185.

Since the 2015-2016 school year, Vel R. Phillips School administrators have had the opportunity to participate with Milwaukee County in advanced youth justice initiatives and consortiums. For instance, school administrators have been local members of the local Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) work and the Center for Children's Law and Policy Conditions of Confinement training. Likewise, the school has included Milwaukee County DYFS in collaborative activities with a national education organization, the Center for Educational Excellence in Alternative Settings (CEEAS).

We look forward to our continued work and partnership with DYFS as we work to improve how our youth in confinement are cared for and educated.

Sincerely,

Phil Ertl, Ed.D.
Superintendent
Wauwatosa School District

William Anderson, Ph.D.
School Administrator
Wauwatosa County Programs

Dean Heus
School Administrator
Wauwatosa County Programs

12121 W North Ave ~ Wauwatosa, WI 53226 (414) 773-1000

The Wauwatosa School District does not discriminate on the basis of a person's color, sex, race, religion, national origin, ancestry, creed, pregnancy, marital status, sexual orientation, or physical, mental, emotional or learning disability.



DHHS

Department of Health & Human Services

Together, creating healthy communities.

county.milwaukee.gov/DHHS | 1220 W. Vliet St., Milwaukee, WI 53205 | Mary Jo Meyers, Director

June 27, 2019



Milwaukee County Behavioral Health
Division Children's Mental Health Services
Phone (414) 257-7610
Fax (414) 257-7575

State of Wisconsin Juvenile Corrections Grants
Committee
Secretary Kevin A. Carr
Wisconsin Department of Corrections
3099 E Washington Avenue PO Box 7925
Madison, WI 53707

To Whom It May Concern:

I am writing to express my support for the Division of Youth and Family Services grant application for Act 185 funding to support the development of a secure residential treatment facility in Milwaukee County for youth. Wraparound Milwaukee believes that children should be served within their communities where they can maintain essential connections to supportive family and community members. Additionally, an individualized approach that accounts for the mental health of youth served is essential to their long-term success, and the safety of the community.

Wraparound Milwaukee is a unique system of care for children with serious emotional, behavioral, and mental health needs and their families. It utilizes a wraparound philosophy which focuses on strength-based, individualized care in a family-driven and culturally appropriate manner. Additionally, this approach works to address underlying needs, or root causes, to work towards long term, sustaining success. Wraparound Milwaukee was designed to reduce the use of institutional-based placements, such as residential treatment centers and inpatient psychiatric hospitals, while striving to keep children in their home surrounded by community-based care. Each family is assigned a care coordinator that works individually with the family to connect with appropriate mental health services and other supports within the community.

Wraparound Milwaukee and the Division of Youth and Family Services have established a partnership that has already proven beneficial for families in reduced recidivism rates and less time spent in out-of-home settings. Wraparound Milwaukee is supportive of their application for Act 185 funding by pledging assistance through continued meaningful cross-system collaboration as we strengthen our partnership to improve child, parent, and family outcomes.

Sincerely,

Brian McBride, Director
Children's Community Services & Wraparound Milwaukee
Milwaukee County Behavioral Health Division

Children's Resource and Referral Line (414) 257-7607

Brian McBride, Director

Jenna Kreuzer, Associate Director

COUNTY OF MILWAUKEE
Inter-Office Communication

DATE: September 9, 2019

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

FROM: Mary Jo Meyers, Director, Department of Health and Human Services
Prepared by: Mark Mertens, Division of Youth & Family Services Administrator

SUBJECT: **An informational report from the Director, Department of Health and Human Services, providing an update to Wisconsin Act 185**

Background

Over the past few years, the County Executive and Milwaukee County Board have been working with key stakeholders to address the crisis at Lincoln Hills and Copper Lake and have embraced policies surrounding the creation of a local alternative option for Milwaukee County youth to be placed in a safe environment, closer to home.

In March 2018, the Wisconsin State Legislature adopted Act 185 paving the way for the development of local alternatives to Lincoln Hills and Copper Lake. Act 185 directs the closure of Lincoln Hills and Copper Lake for use as youth correctional facilities by July 1, 2021 and authorizes County-operated Secured Residential Care Centers for Children and Youth (SRCCCYs). Under Act 185, the Wisconsin Department of Corrections (DOC) maintains supervision over youth with adult court sentences and youth in the Serious Juvenile Offender Program (SJOP), but the supervision of youth under other correctional placements is now transferred to the counties.

In late June 2019, the Legislature passed AB188/SB168 which amended Act 185 and extended the deadline for the closure of Lincoln Hills and Copper Lake from January 1, 2021 to July 1, 2021. The amendments also pushed out the deadline to October 1 by which the Juvenile Corrections Grant Committee must make recommendations and establish a Wisconsin Model of Juvenile Justice Statewide Plan.

The original Act 185 legislation included \$40 million to counties for the planning and construction of SRCCCYs. The 2019-2021 Adopted State Budget increases this allocation by \$40 million for a total of \$80 million in State bonding. Per Act 185, the State is to fund 95 percent of the design and construction of SRCCCYs with counties contributing the remaining 5 percent. Grants are to cover 100 percent of the design and construction of facilities for girls.

Eligible construction costs under Act 185 include new construction as well as the renovation of an existing structure. To qualify for the funds, counties were required to submit a grant application to the Juvenile Corrections Grant Committee by July 1, 2019. The original deadline in Act 185 of March 31, 2019 was amended by the Legislature as part of AB188/SB168.

In order to meet the original March 31 deadline, DHHS submitted an application, approved by the County Board (File No. 19-236), which reflected the construction of a new facility at an estimated cost of \$41 million. It wasn't until mid-June that the DOC released the application for the July 1 submittal. DHHS then revised its application for submittal by the July 1 deadline.

Revised Grant Proposal

On July 1, DHHS submitted a revised application it believes will lead to greater youth justice reform. Since the proposal submission on March 1, intensive efforts have been underway to reduce the non-SJO population at Lincoln Hills and Copper Lake Schools. DYFS and Wraparound Milwaukee have collaborated closely to enact case plans that have resulted in an earlier release for some youth. New programs like the Bakari Center and the Youth Advocates Program (YAP) have been successful in preventing some youth from placement in Lincoln Hills. These combined efforts have resulted in the lowest corrections placements in decades for Milwaukee County. By mid-August, the daily census reached its lowest point of 33 non-SJO youth. Attaining these historically low placement numbers has put DYFS two years ahead of our most optimistic projections for reductions in placement numbers. This unprecedented reduction has allowed DHHS to lower our projected need for SRCCCY beds as reflected in the revised plan.

The revised proposal provided for the remodeling of two pods in the county's existing Vel R. Phillips Youth Detention Center to serve as Assessment and Crisis units for boys and renovating and/or converting existing building(s) to serve boys and girls in a community-based SRCCCY site or sites. The proposal also included a significant investment of nearly \$2.9 million for Front-End Diversion and Aftercare Transition programming. Although the State bonding available for SRCCCY projects doesn't support community-based services or any other operating costs, DHHS included this component in its application because Front-End Diversion and Aftercare are necessary in preventing and mitigating the need for secure placements of youth. DHHS believes that reform of the youth justice system cannot be successful without this investment.

Progress Since July Submittal

A total of four counties including Milwaukee County submitted grant proposals on July 1. These proposals total between \$134 to \$135 million compared to the total available funding of \$80 million. For this reason, the Grant Committee requested that counties identify cost-saving proposals (to decrease costs closer to the \$80 million) for presentation to the Grant Committee in August. On Aug. 26, DHHS presented its proposal for the Milwaukee County Model of Youth Justice Reform which included a Continuum of Services identified below. The SRCCCY is only one piece of the continuum – the other components are critical to achieving youth justice reform. The full presentation is included as an attachment to this report.

CONTINUUM OF SERVICES



Community-Based Alternatives	Non-Secure/Staff Secure Residential Treatment	SRCCCY	Transition & Aftercare
<ul style="list-style-type: none"> • Wraparound Milwaukee, Running Rebels, YAP, Credible Messengers, Level II Monitoring, community treatment programs, Achievement Centers 	<ul style="list-style-type: none"> • Bakari center (24 beds) • Norris Virtual Academy • Staff Secure partnership with agency TBD for Girls residential(5 beds) 	<ul style="list-style-type: none"> • 32 bed expansion/remodel at Vel Phillips • Potential leased beds TBD • Vel Phillips School (Wauwatosa School District) 	<ul style="list-style-type: none"> • MST-FIT • Wraparound Milwaukee • MATC, Employ Milwaukee, Job Corps, other vocational partners

After this presentation, the Grant Committee requested further detail on our proposal. DHHS is currently developing two options – Option A which involves the renovation of Vel Phillips and leased beds in the community as well as Option B which involves the renovation of Vel Phillips only. A proposal and preliminary design plans were submitted to the Grant Committee for these two options on September 9. It is important to note that this plan includes no addition, expansion or renovation of detention facilities. The proposal is included as an attachment to this report.

All of the proposals that have been submitted so far to the Grant Committee are outlined below:

Milwaukee County Model of Youth Justice Reform Proposals to Juvenile Corrections Grant Committee				
	New Facility	Vel Phillips Renovation & Community Sites	Vel Phillips Renovation & Leased Beds (Option A)	Vel Phillips Remodel (Option B)
Proposal Submission Date	3/31/19	7/1/19	9/9/19	9/9/19
# of New Beds	40	32	16	8
# of Beds for Girls	0	8	0	0
Staffing Ratio	1:5	1:5 (boys); 1:3 (girls)	1:4	1:4
Vel Phillips Renovation	Yes	Yes	Yes	Yes (expanding footprint of Vel Phillips)
Residential Site(s)	No (one large facility)	Yes	Exploring potential for leased beds	No
Project Description	Provides for 40 "new" beds on a new campus site and the remodeling and repurposing of 22 existing beds for the Milwaukee County Accountability Program (MCAP), bringing the total SRCCCY bed capacity to 62	Remodel two pods in Vel R. Phillips Youth Detention Center to serve as Assessment and Crisis units for boys; Renovating and/or converting existing building(s) to serve boys and girls in a community-based SRCCCY site or sites.	40 total beds (Up to 22-bed remodel at Vel Phillips & up to 24 leased beds in the community)	32-bed remodel at Vel Phillips (which reflects 8 new beds)
Total Construction Cost	\$41.1 million	\$41.8 million	Not-to-exceed \$24,858,203	\$24,858,203
Start-up (incl. staff training & equipment)	\$1.7 million	\$2.1 million	\$2.1 million	\$2.1 million
Increase over Current Budget for State DOC Orders	~\$2.7 million	~\$4.4 million	~\$5 million	~\$2.1 million

Program Sustainability & Fiscal Impact

Although there are many unknown factors at this point, the total operating budget is estimated to be \$15 million for Option A and \$12.1 million for Option B. The total amount in the DYFS 2019 Budget for youth placed on DOC orders is about \$10 million. Therefore, both Options A and B represent a significant cost increase over the current budget. One of the major drivers of this cost is the high staff to youth ratio which is 1:4. This high staffing ratio is needed not only to ensure the safety of youth but also to enable a high degree of positive interaction between the staff and youth.

The Grant Committee and DOC representatives have indicated that the only funding available for the SRCCCYs is the \$80 million in bonding for construction. At this time, no additional funding such as Youth Aids is available to support ongoing operating costs for the SRCCCYs and the community-based alternatives which are necessary to implementing a successful youth justice reform model. Counties throughout the State of Wisconsin have expressed concern over the ongoing operating cost of the SRCCCYs and the difficulty in closing future budget gaps.

DHHS is committed to making this model work within the existing budget of DYFS. Assuming no additional funding is provided by the State, this will require DYFS to carefully assess its community-based contracts as well as the investment that's included in the proposals for Front-End Diversion and Aftercare programming.

Milwaukee County continues to assert that expanding the State's investment in proven prevention, early intervention, and community-based services for youth involved in the justice system will help reduce the need for "deep end," confinement programs and result in better outcomes for our communities and youth.

Next Steps

Please see the timeframe for review of the applications below:

Action	Date
Grant Committee Reviews Applications	July 1– September 30
Grant Committee Submits Recommendations for Approval to Joint Committee on Finance (JCF)	October 1*

*Once Grant Committee recommendations are received by JCF, it is unclear how long JCF will need to make final grant award decisions. Per Act 185, the Grant Committee and the DOC cannot implement the Wisconsin Model of Juvenile Justice Statewide Plan until it is approved by the JCF.

DHHS will notify the County Board of the grant award once it is known. This past March, DHHS indicated it would seek approval of the grant award and make a recommendation for any gap in construction funding (File No. 19-236).

Recommendation

This report is informational and no action is required.



Mary Jo Meyers, Director
Department of Health and Human Services

Attachment (2)

cc: County Executive Chris Abele
Hon. Maxine A. White, Chief Judge
Raisa Koltun, County Executive's Office
County Supervisor Supreme Moore-Omokunde
Steve Cady, Research Director, Comptroller's Office
Pam Matthews, Fiscal & Management Analyst, DAS
Lottie Maxwell-Mitchell, Research & Policy Analyst, Comptroller's Office