

OFFICE OF COUNTY EXECUTIVE

Milwaukee County

SCOTT WALKER • COUNTY EXECUTIVE

Date: April 10, 2008

To: Joint Committee on Audit Co-Chairs
Representative Suzanne Jeskewitz and Senator Jim Sullivan

From: Milwaukee County Executive Scott Walker

Re: Testimony on February 2008 Legislative Audit Bureau Report
17-Year-Old Offenders in the Adult Criminal Justice System

Representative Jeskewitz and Senator Sullivan, I am pleased to join Milwaukee County's Director of Delinquency and Court Services Eric Meaux here today. As Senator Sullivan well knows, in his other life, Eric also serves the public as an alderman representing the people of Wauwatosa. Committee members, we both appreciate this opportunity to appear before you today to respond to the findings of the Legislative Audit Bureau Report on 17-Year-Old Offenders in the Adult Criminal Justice System.

Auditor Janice Mueller and her team, as usual, have done exceptional work. Milwaukee County especially appreciates the auditors' efforts to explore the potential cost ramifications to counties of returning 17-year-olds to the jurisdiction of juvenile court. The Audit Bureau estimates *"that returning 17-year-olds to the juvenile justice system could initially result in county juvenile corrections cost increases of between \$53.5 million and \$82.4 million per year."*

As Milwaukee County Executive, this staggering fiscal estimate gives me considerable pause. Already Wisconsin counties are struggling to meet their mandated obligations with limited fiscal resources from the State. We cannot continue to call upon the strapped local property taxpayer to fill this funding gap. That's why I reworked my schedule to come here today to make sure that the voice of counties on this matter was heard.

When legislation was introduced last session to return many 17-year-olds to juvenile court, Milwaukee County opposed it. While the bill did have a funding mechanism, by no estimation did it even begin to cover the projected cost increases to counties. Milwaukee County has conservatively estimated that returning 17-year-olds to the jurisdiction of juvenile court would cost our local property taxpayers **(conservatively) \$23.4 million a year**. This sum is approximately 10% of Milwaukee County's current property tax levy. Or, for a different perspective, it is the entire amount Milwaukee County is committing to the Parks Department budget this year.

We often hear that those who support returning 17-year-olds to the jurisdiction of juvenile court do so, in part, because, they want these older offenders to have access to the same types of rehabilitative, educational, and alternative programs available to younger delinquents through the County system. That's why, at the request of Co-Chair Jeskewitz, Milwaukee County has prepared a summary of the programs and services we currently provide, quite proudly, through a combination of property tax levy and state Youth Aids funding to youth ages 10 through 16. Director Meaux can go over Milwaukee County alternative programming with you in further detail.

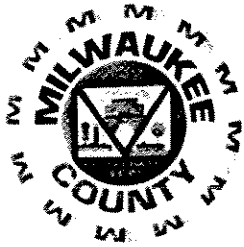
What you need to know is, if 17-year-olds are returned to the juvenile court without the full financial backing of the State, Milwaukee County's ability to maintain current programming and service capacity levels for all age groups would be severely compromised because of the increased demand for services.

Before turning over this discussion to Director Meaux, I just want to touch base with you on the 2007-09 budget shortfall. As you work with the Governor to resolve the deficit, Milwaukee County asks that the Legislature prioritize and preserve Youth Aids revenues to counties.

Milwaukee County appreciates that the final 2007-09 budget provided additional Youth Aids to counties. But, please know, that before Milwaukee County sees \$1 in Youth Aids, the State first pays itself for the juvenile commitments to their institutions. Since the beginning of the State fiscal year, the Department of Corrections has held about 75% of Youth Aids funds slated for Milwaukee County.

The daily rates the State charges counties to house juvenile commitments are now at an astronomical level. In fact, the 2007-09 budget hiked these rates by almost 30%. Back in June, the non-partisan Legislative Fiscal Bureau projected that these rate hikes would cost Wisconsin counties about \$18 million over the biennium. Effective July 1, 2008, the Department of Corrections will charge counties \$268 a day (\$97,820 per year) to send one juvenile to a State-operated correctional institution for a year. That same \$100,000 investment could fund the tuition costs of sixteen University of Wisconsin-Milwaukee students. From a county management perspective, these high rates also make it is extremely difficult to maintain existing service levels and to budget prospectively. If just 10 more kids were sentenced to one of the State institutions than we projected when originally budgeting, Milwaukee County would face a \$1 million cost overrun.

Thank you for listening to Milwaukee County today. If Committee members are interested, Director Meaux is available to go over how Milwaukee County reached its cost estimate and to discuss the particulars of the different community-based programs Milwaukee County offers to the delinquent youth we currently serve.



Milwaukee County

COREY HOZE • Director

Date: April 10, 2008

To: Joint Committee on Audit Co-Chairs
Representative Suzanne Jeskewitz and Senator Jim Sullivan

From: Milwaukee County Director of Delinquency and Court Services Eric Meaux

Re: Testimony on February 2008 Legislative Audit Bureau Report
17-Year-Old Offenders in the Adult Criminal Justice System

As County Executive Scott Walker noted, Milwaukee County has prepared a detailed estimate of the additional costs that would be required of us if the State changed the original juvenile court jurisdiction age from 16-17. As the Director of the juvenile services in Milwaukee, I understand the importance of developmentally appropriate services for our youth regardless of their legal status. However, in my responsibilities I must also consider the effect that significant changes would have on all of the youth we currently serve and balance that against any proposed change. While I cannot reverse legislation of the past, I do have an obligation, I believe, to protect the advances we have made over the past 10 years relative to the youth we presently serve. Therefore, I believe it is imperative that this committee understand the overall impact as it proceeds with due diligence to find a solution. The solution may need to go beyond the four corners of recently proposed legislation. This conservative estimate is based on maintaining at least our current levels of programming and services. Please note that these initial projections do not address potential cost impacts to the other juvenile court operations such as the Court operations and the District Attorney's Office.

Milwaukee County Cost Estimate

Our utilization of resources and personnel is primarily driven by police referrals to the juvenile court. Essentially, the more police referrals (when youth are arrested for violations of the criminal code), the greater the expenditures in detention, intake, and programming costs. The Milwaukee Police Department (MPD) was able to provide Milwaukee County with 17-year-old arrest activity data commensurate with our referral activity serving youth below age 17. Using this MPD data, the Delinquency and Court Services Division estimates an influx of 1,399 police referrals if the jurisdiction age was changed from 16 to 17. This number represents a 23% increase above our 2006 levels. The Audit report would suggest that this estimate is very conservative, in that the yearly average of 17-year-olds arrested was much higher even after adjusting for status crimes and traffic crimes. Our conservative projection of 1,399 referrals, used to determine our cost estimate, was arrived at prior to the publication of the Audit report. We have compared our respective findings, relative to potential costs, and find that we have likely been conservative in our estimates.

1. State Department of Corrections: Division of Juvenile Corrections (DJC)

- Milwaukee County projects that an additional 57-106 youth would be committed to State juvenile correctional institutions, at an annual cost to the County of **\$5.5 - \$10.4 million**. This projection assumes that the State daily rate for correctional charges to counties remains constant. This as you know has not been the case. I would note that the Audit report informs us that an average of 76 seventeen-year olds from Milwaukee are sent to prison each year. Bear in mind that this statistic likely reflects the reality that 17-year-olds are considered first offenders within the criminal system and as a result the majority of the 17-year-olds received a community placement. As reported by various District Attorney Offices in the report, the age and point of entry into either system will have an impact on the possible charges and or disposition.

- Currently, youth can remain in DJC custody until age 18. Our current average age of release from DJC is 17.5 years. Current considerations to return this age group back to the juvenile system would have allowed for DJC custody until age 19. Using an optimistic new average age of release of 18.1 years, we estimate that this change would increase expenditures for Milwaukee County by an additional **\$8.1 million**.

2. Secure Detention

- Returning 17-year-olds is estimated to utilize all bed capacity in the county-operated detention facility. This will require full staffing and affect the Department's ability to impose sanctions on a timely basis for non-compliant youth currently under our community supervision. The net on-going cost is estimate is **\$1.3 million**. However, this number is conservative because it does not forecast increases for future personnel costs or purchased service contracts, such as medical and mental health care that will likely need to be expanded if our goal is to maintain the same level of services. In addition, Milwaukee County will likely encounter a return to past years when our facility was routinely overcrowded comprising safety and programming while youth were forced to sleep on floors due to a lack of bed space. Our facility already has a 120-bed capacity.

3. Mandatory Intake Functions and Community Programming

- In order for our local juvenile justice system to continue current operations and existing programming capacity, beyond the State correctional and detention services already mentioned, costs are estimated to increase **\$8.5 million**. This includes adjustments to current operations that will maintain supervision staffing ratios and access to current juvenile focused programming and services. Again, this estimate is conservative because it does not forecast personnel cost increases and is based on the conservative 1,399 projected referrals previously established.

I am available to answer any questions the Co-Chairs and Committee members may have. If interested, I would be happy to go over the attached sheet detailing the community-based programming Milwaukee County delivers.

BASIC SHEET ON PROGRAMS
Delinquency and Court Services Division
Milwaukee County Department of Health & Human Services

County managed community-based programming. These are programs serve youth as a diversion from entry into the juvenile justice system, as an alternative to detention while court is pending, or as community-based service following disposition in addition to court-ordered supervision. Probation and Detention are excluded.

Program	Description	Budgeted	Budgeted Served
In-Home Monitoring Programs	An intensive in-home program for alleged delinquent youth who have not committed a serious offense but are at risk for placement in detention or shelter care without additional support services and are pending future court appearances. The services are aimed at reducing recidivism and ensuring court appearances.	\$1,380,737	1,300
Temporary Shelter Care	State licensed facilities providing short-term supervised residential programming for youth who may not be returned home pursuant to a court order. Youth are delinquent, pre-delinquent and or juveniles in need of protection or services.	\$2,296,289	1,200
Sex Offender Treatment	The Adolescent Sex Offender Treatment Program serves the needs of delinquent youth whose treatment needs can be met in a structured, community-based setting. The program provides various treatment modalities and service options including group, individual, and family counseling by licensed staff.	\$134,912	103
Day Treatment	A non-residential, education program for delinquent youth. This is a partnership between Milwaukee County, community-based agencies, and the Milwaukee Public Schools. Program includes educational services, licensed counseling and support services. Includes services for expelled youth.	\$1,282,920	260
Probation Services Network	A County operated network of community-based agencies certified to provide a variety of clinical and support services on a fee-for-service basis to delinquent youth currently on court ordered supervision, including gender specific program options and services provided to youth serving detention sanctions	\$789,944	600
Serious Chronic Offender Program	This program provides intensive supervision, structure and support in community-based settings, typically the parental home. Many of the delinquent youth have been found to be	\$544,575	80

	appropriate for a correctional placement however they been are allowed to remain in the community contingent upon compliance with supervision and programming.		
Firearm Offender Supervision Program	This program provides intensive supervision, structure and support in a community-based setting, typically the parental home. The program for youth found delinquent of possessing a firearm and includes programming tailored for this target population.	\$881,840	146
Group Home and Foster Care Placement	State licensed homes providing community-based alternative living arrangements for delinquent youth who cannot return home in the immediate future pursuant to a court order. Many of the delinquent youth are experiencing problems within their families, schools, and or in the community.	\$1,626,778	101
Wraparound Milwaukee Program	Wraparound Milwaukee serves families and their delinquent youth presenting serious emotional or mental health needs as identified by the juvenile justice system. Youth are at immediate risk of placement in a residential treatment center, juvenile correctional facility or psychiatric hospital. The program was designed to reduce the use of institutional-based care such as residential care centers and inpatient psychiatric hospitals while providing more services in the community and in the child's home.	\$8,032,174	600
Focus Program	A multi-phase program utilizing collaborative efforts of a state licensed residential Type II facility, county probation supervision, and mental health services provided by Wraparound Milwaukee for youth who cannot be returned home in the immediate future pursuant to a court order. Participating delinquent youth have been found to be appropriate for a state correctional placement however they have been allowed to remain in the community contingent upon compliance with supervision and community programming.	\$1,768,416	100
First Time Juvenile Offender Program Services	A diversion program targeting youth referred to the juvenile justice system for a first offense. A structured program that utilizes the tracking services of community-based agencies in conjunction with services matched to meet the needs of youth being served.	\$630,000	680
Prevention Services	The Delinquency Division funds prevention services for two community-based programs. Safe Alternatives for Youth supports positive community alternatives for youth and Milwaukee Sports Authority supports community-wide infrastructure for youth sports	\$350,000	
TOTAL		\$19,718,385	5,170
BUDGETED YOUTH AIDS		\$12,396,077	
PERCENTAGE		63%	