

**MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE**  
**November 8, 2006**  
**KCAB 2<sup>ND</sup> FLOOR COUNTY BOARD COMMITTEE ROOM**

**Members Present:** William Michel II, Joseph Clark, Ruth Booth, David Arrington

**Others Present:** Sgt. Horace Staples, Judge Mary K. Wagner, Mary Beier, Emily Ayshford

**Meeting Called to Order:** 7:00 p.m. by Chairman William Michel II

**Citizen Comments:** None

**Supervisor Comments:** None

**Chairman Comments:** Supr. Haas was excused from the meeting, he was out of town.

**Minutes Read for Approval:** October 11, 2006 and October 16, 2006

**Motion by:** Clark

**Seconded by:** Arrington

**Approved:** unanimously

**Resolution from the Kenosha County Sheriff's Department:**

1) WI OJA Equipment Grant for Digital Recording of Custodial Interrogations

**Motion by:** Clark

**Seconded by:** Booth

**Approved:** unanimously

Sgt. Staples presented this resolution awarding \$10,000 from the WI Office of Justice Assistance to fund the cost of digital audio and/or video audio recording devices to meet the requirements of 2005 Wisconsin Act. 60 regarding ensuring accurate accounts of in-custody interrogations. The funds will provide the necessary equipment to set up two custodial interview/interrogation rooms at the Public Safety Building with digital/audio recording equipment, software, and peripherals including installation. Funds not used this year would be carried over to subsequent years until such time as the grant funds are expended in accord with grant requirements. No match or funds are required from the general fund.

**Resolutions from Juvenile Intake:**

1) Resolution to Accept and Approve the 2007-2009 Juvenile Detention Contract with Racine County

**Motion by:** Clark

**Seconded by:** Arrington

**Approved:** unanimously

Mary Beier, accompanied by Judge Mary K. Wagner, presented the resolution. Beier distributed handouts with statistics from 1997 to Sept. 2006 regarding admissions, population, length of stay, days held per year, number of contracted beds, costs, and a Special Program Option Overview. She also provided transport information detailing manpower and costs going to Racine and for extended trips.

Juvenile Intake is responsible for overseeing the day to day case management and fiscal responsibility for juveniles held by Kenosha County in juvenile detention centers. This contract allows Kenosha County to contract with Racine County for bed space. The contract was negotiated between the Departments of Administration in Kenosha and Racine. In 1996 Racine opened their current facility that holds 131 juveniles. The next closest facility to Kenosha is Waukesha, which only has a capacity of 18 beds. The daily cost at Waukesha is currently \$205/bed/day. This is a 3-

year contract for 18 beds that freezes the 2006 annual amount through the end of 2007. After that there is a modest increase of about \$2.50/day/bed. Racine Co. has never before offered an annual rate freeze for the same number of beds. Racine has said that the daily rate for next year without a contract may reach \$180/day/bed vs. the contract amount of \$127/day/bed. Supr. Arrington asked if this is the facility where minors are housed and where it is located. Beier replied that the facility holds minors between the ages of 10 and 18 and that it is located at 1717 Taylor Avenue in Racine. Supr. Clark commented that this was previously discussed at budget hearings with Finance and though they may have more beds than needed at times they would not be ahead without a contract. The County has had this arrangement for a long time and juveniles can not be housed locally for less. Supr. Michel asked if the number of 18 beds is sufficient. Beier said she always budgets for some possible overages, she believes about a \$5,000 cushion. She said they have at times gone over 18. When this does happen Judge Wagner or Judge Milisaukas try to release someone, however, this can remain a problem if it is over the weekend.

Arrington said he would like to see the facility. Judge Wagner said the facility is operated like a prison and is a very serious place to put children. There are inherent risks putting that many children in one place. They try to use the placement appropriately and to the best benefit of the community and the child. Michel added that it is not as tough as Ethan Allen or others, however, it still gives the juvenile a taste of what corrections is like. Beier said the location is close so families can visit and they can get assessments done.

2) Resolution to “Re-Authorize” the Use of Juvenile Secure Detention as an Alternative at the Time of Disposition, as a Short Term Hold and as a Sanction for Habitual School Truants  
*Motion by:* Clark                      *Seconded by:* Booth                      *Approved:* unanimously

Beier explained that in 1996 the Juvenile Justice Code underwent some major changes including what is referred to today as “Special Program Options.” There are three options available. The first is the “Short Term Hold.” This is used for the juvenile offender and the maximum length of stay is 72 hours. This can only be done by the caseworker managing the child’s disposition or the orders the child is under through the Court.

The second option is the “Truancy Sanction.” This is only available for juveniles that have been brought before the Court for habitual truancy from school. It is not available for delinquents that come before the Court and skip school. There is a different type of sanction for that that the Court can use without County Board authorization. The Court as a last measure uses this Truancy Sanction when kids skip school. Most of the kids this is used on have skipped an enormous number of days of school. It is done to see if it will have any influence and sometimes for short-term protection until another placement is found for the child. Judge Wagner said that this is only if they have been adjudicated as a “truant”, not a “delinquent.” Clark asked what the difference was. Judge Wagner said that a delinquent has to commit an offense. For a truant, a school petitions through Juvenile Intake for the child to be placed under supervision for truancy. This has to go through the County Board because some counties may say that they do not believe kids who skip school should go to jail. If they are on supervision for breaking the law, County Board authorization is not needed to place them into sanctions. If a child skips school, this is a decision being made by the County Board that an appropriate sanction is detention for a child who never goes to school. Beier directed attention to her handout “Special Program Option Overview” that outlines admissions back through 2003 and that “Truancy Sanction” is the least used.

The last option used is “Condition of Disposition.” At the time of disposition (which in adult court is called sentencing), a juvenile is given a list of orders to follow. One of the orders the Court can impose with County Board authorization is to hold the juvenile in detention as a condition of

their disposition/sentence. This is for a period of up to 30 days. She thinks this is used more in cases where the juvenile violates orders while their case is pending or when it is tried as a last measure. This is used very conservatively and she believes that to run efficiently all three of these options are needed. Clark asked for further explanation of disposition. Judge Wagner explained that a child goes through the system as a “delinquent.” Orders are put on them. It is decided where they are going to live, whether it is with a parent, foster home, group home, or shelter care. Conditions of supervision are decided. Is the Dept. of Social Services needed to provide services such as if there is a drug or alcohol problem that needs an assessment and/or counseling? At that point an added condition can be to serve in detention up to 30 days. Clark asked how other communities throughout the region and state deal with truancy, if this is a common method. Beier replied that she believes this is becoming more common. They have called other detention facilities for their bed capacities and availability and some have commented that because of this they have much less availability.

Beier said that these three options as proposed run concurrent with the contract and they sunset with the contract. This allows this to be reviewed every three years. If a 19<sup>th</sup> juvenile has to be sent to detention and someone is there on an Order of Disposition, the juvenile under disposition will be pulled out to serve his or her time at a later date when a bed is open. Judge Wagner said that if a short-term hold is determined by a social worker they could not place that juvenile without clearing it with Juvenile Intake.

Judge Wagner said to either contact Mary Beier or herself for a tour. She invited Committee members to attend juvenile court.

***Any Other Business Allowed by Law:*** None

***Meeting Adjourned:*** 7:40 p.m. on motion by Clark, seconded by Booth.

Respectfully Submitted,

Donna L. DeBree