

Milwaukee County Department of Health and Human Services Delinquency and Court Services Division  <b>POLICY &amp; PROCEDURE</b>	Date Issued: <b>06/10/2015</b>	Reviewed: <b>06/10/2015</b> By: <b>BTW</b> Last Revision: _____	Section: <b>ADMINISTRATION</b>	Policy No: <b>027</b>	Pages: <b>1 of 20</b> (4 Attachments)
<input checked="" type="checkbox"/> <b>Delinquency and Court Services Division (DCSD)</b> <input checked="" type="checkbox"/> <b>DCSD – Detention Center</b> <b>Children’s Court Services Network</b> <b>Purchase of Service Agencies</b>	Effective Date: <b>06/04/2015</b>	Subject: <b>Milwaukee County Delinquency and Court Services Division (DCSD)</b> <b>Custody Intake Policy</b>			

**I. POLICY**

It is the policy of Milwaukee County’s Delinquency and Court Services Division (DCSD) that Human Service Workers (HSW), HSW Supervisors and management staff, have a working knowledge of the custody intake process for Milwaukee County DCSD operations.

Although DCSD Human Service Workers (HSW), HSW Supervisors and management staff do not generally perform the duties described herein; Human Service Workers (HSW), HSW Supervisors and management staff are responsible for understanding and having the ability to articulate the custody intake process and the information contained within to clients, judiciary, district attorneys, public defenders, stakeholders and other necessary parties as deemed appropriate.

DCSD operates a 24/7 detention facility. Detention Center management has received and reviewed this policy with its staff, conducted appropriate training that includes documented staff acknowledgement as well as incorporated this policy into the Detention Center policy manual.

**II. PROECDURE**

Please see attached: Custody Intake Procedures for Staff Performing Custody Intake Functions.

Reviewed & Approved By: *B Thomas Wanta*  
**B. Thomas Wanta, Division Administrator**

## **CUSTODY INTAKE PROCEDURES FOR ALL STAFF PERFORMING CUSTODY INTAKE FUNCTIONS**

Section 938.06 (1), Wis. Stats., requires the Chief Judge in Milwaukee County to establish written judicial policy governing intake and court services for juvenile matters under Chapter 938. The Chief Judge designates the Presiding Judge for the Children's Division to ensure compliance with judicial intake policy. The Delinquency and Court Services Division (DCSD) represents the Department under the Milwaukee County Department of Human Services and is obligated to perform their responsibilities under general written policies promulgated by the Judiciary. This is in accordance with Section 938.24 (6) of the Wisconsin Statutes (2014), or as subsequently revised or amended.

The Milwaukee County Children's Court Intake Policies have been compiled in written form and are the subject of this document. The policies are intended to support the philosophy and intent of the Juvenile Justice Code and maintain consistency of practice in the handling of cases in Milwaukee County. These policies are subject to change at the discretion of the Judiciary. All Intake Workers performing duties under Wis. Stat. Sec. 938.067 shall be governed in their intake work by this document.

### **CUSTODY INTAKE PROCEDURES**

Pursuant to Wis. Stat. Sec. 938.067, Juvenile Correction Officer Supervisors (JCOS) will be responsible for taking custody of juveniles delivered to the JCOS stationed at the Vel Phillips Juvenile Justice Center Secured Detention Facility. The Intake Office operates 24 hours per day, seven days a week. JCOS staff must remain accessible to law enforcement, detention and public as the JCOS is responsible for such crucial activities as accepting juveniles from the police, screening for custody placement, and providing 24-hour assistance as an agent of the Department.

This manual includes intake policies and procedures. Other resource materials to help you with intake activities are located in various binders located in the Intake Office located in the Detention Center. **Contact the Deputy Superintendent or the Superintendent if you have any questions or problems.**

### **CUSTODY INTAKE PROCESS**

JCOSs are responsible for determining the jurisdictional status and the placement of juveniles delivered to or reporting to secure detention. In doing so, JCOSs must determine whether there is probable cause for taking physical custody; screen juveniles for physical and mental health needs; review and determine the release or placement of the juvenile; inform juveniles of their rights; provide notice to appropriate parties of their decision; and arrange a Temporary Physical Custody Hearing for the juvenile.

Under no circumstances shall a JCOS tell a law enforcement agency that a juvenile or youth will not be held in detention and released if they transport that juvenile or youth to the Detention Center. The JCOS shall not pre-determine a DRAI score without physically seeing the juvenile or youth at the Detention Center.

All JCOSs are required to follow **5 basic steps** when performing custody intake duties. For purposes of this intake policy youth/juveniles are defined as juveniles who are alleged to have committed a delinquent act, children in need of protection and services, and juveniles in need of protection and services. No matter what the designation, an intake shall be performed.

**DO NOT RELEASE LAW ENFORCEMENT UNTIL BASIC STEPS 1 AND 2 ARE COMPLETED.**

**A. STEP 1: Delivering and Receiving and Establishing Jurisdiction, Wis. Stat. Sec. 938.12 (1) & 938.20**

**Receiving a Juvenile**

Juveniles are delivered to custody intake for a variety of reasons. The typical reasons include new delinquency charges, *capias* (bench warrants), other warrants (apprehension warrants, DOC warrants), orders to produce, and sanctions. Juveniles are delivered by law enforcement however, on occasion, juveniles will be brought in by a parent, social workers, or juveniles will walk-in themselves, (e.g. a juvenile turns himself or herself in after they run from a shelter or have an open warrant).

When law enforcement delivers a juvenile to the detention center, Detention Staff will pat-down the juvenile for safety and take the juvenile's property. Detention Staff will then wait while the JCOS sees the juvenile in the intake screening room to perform the intake functions.

The law enforcement agency that transports the juvenile to detention must provide the following forms to the JCOS:

1. Police report
2. Request for Temporary Physical Custody Request/Authorization Form
3. Victim/Witness Data Sheet
4. Milwaukee County District Attorney Juvenile Referral Worksheet.

If a police report has not been completed, explain to the officer/deputy that you cannot take custody and cannot release the officer/deputy without the written information to support jurisdiction. If necessary you may reference Wis. Stat. Sec. 938.20 (3) which indicates the an officer/deputy "...shall make a statement in writing with supporting facts...". If necessary, provide them with a Sheriff Report Form and a Temporary Physical Custody Request/Authorization Form.

However, if there is an open warrant on the CHIPS youth, see WARRANT section below.

**Exceptions to receiving a juvenile without a police report**

The only time intake does not require a police report is when the Sheriff's Department brings in a youth with the original capias form or DOC staff brings in a juvenile with the their Violation of Parole - Apprehension Request form.

- In these cases, the JCOS will complete a Temporary Physical Custody Request/Authorization form and attach it to the warrant and note the delivery circumstances on the Detention Risk Assessment Instrument (DRAI).
- The Sheriff Deputies that work the institution grounds (Behavior Health, Parks, Juvenile Justice Center, Research Park, and the Hospitals) often write their reports when they get to Detention. If they have an emergency while in detention, they may have to leave. **DO NOT** process the juvenile until the Deputy has returned to detention and completed the report. **THIS EXCEPTION ONLY APPLIES TO THE DEPUTIES ASSIGNED TO THE INSTITUTIONAL GROUNDS, NOT OTHER SHERIFF DEPUTIES OR POLICE OFFICERS.**

**Children in Need of Protection and Services (CHIPS)**

Children, whose parents cannot be located or who refuse to accept them home, may **NOT** be brought to Detention. Law enforcement shall call BMCW (220-SAFE) for placement.

**Jurisdiction Process**

**1. Age Verification Procedure**

First check the date of birth when reviewing the police report. Juveniles 17 years of age delivered for new criminal charges are considered adults and should not be accepted.

**2. Custody Intake Decision based on "Does Children's Court have jurisdiction"**

**A. Cases where Juvenile Court has jurisdiction:**

- 1 Juveniles under age 17 who are alleged to have committed a delinquent act, i.e. violation of state or federal criminal law (Wis. Stat. Sec. 938.02(10m); and 938.12).
- 2 Juveniles under adult original jurisdiction (Wis. Stat. Sec. 938.183), which include certain homicide charges, certain battery charges and certain waived situations, will be taken into custody and held in secure detention.
- 3 Children, up to the age of 18, who are alleged to be in need of protection or services (48.13), in special cases the court has jurisdiction over these children until age 21
- 4 Juveniles, up to the age of 18, who are alleged to be in need of protection or services (Wis. Stat. Sec. 938.13).
- 5 Juveniles 17 years of age delivered for other matters (e.g. Traffic / Paternity / Municipal Warrants, Capias, Apprehension Requests) should be accepted from law enforcement, (exception: see #2 below).

**B. Cases where Juvenile Court does not have jurisdiction**

These juveniles **should not** be accepted and should be taken to the Criminal Justice Facility by law enforcement:

1. Juveniles 17 years of age delivered for new criminal charges.
2. Juveniles 17 years of age delivered for warrants, capias, apprehension requests that relate to an adult pending case or adult probation violation.
3. Under no circumstances should an 18 year old be accepted. Any juvenile 18 years of age should be taken by law enforcement to the Criminal Justice Facility, even if the matter relates to a juvenile warrant. These juveniles are held in Milwaukee County Sheriff custody until returned to the juvenile court.

**B. BASIC STEP 2: Medical Screening, Wis. Stat. Sec. 938.20 (4-6)**

**No juvenile can be accepted into the Detention Center until they are medically cleared. Before releasing law enforcement:**

1. The JCOS will visually check the physical condition of the juvenile and complete the MEDICAL SCREENING/CONSENT FORM.
2. The JCOS shall follow the established Medical Guidelines. JCOS should request the assistance of the Detention Medical Staff or psychiatric staff if assistance is required.
3. If a juvenile is currently under medical care and is taking prescribed medication first contact the nursing staff during office hours. If nursing staff is unavailable and the juvenile is on a medication schedule that cannot be disturbed without physician clearance, the officer shall retrieve the medication and packaging prior to acceptance into Detention.
4. If a juvenile is in need of **IMMEDIATE** medical or mental health care, instruct law enforcement to transport the juvenile for appropriate screening and treatment to obtain the appropriate medical clearance documentation prior to returning the juvenile. Law enforcement will select the medical provider. If law enforcement has already taken the juvenile to the hospital and has appropriate medical clearance papers, the juvenile can be accepted.

**C. BASIC STEP 3: Take Custody & Juvenile Rights, Wis. Stat. Sec. 938.20(7)**

**After taking custody of juvenile and releasing the police**

1. JCOS shall document receipt of the referral.
2. **TIME STAMP** the first page of the police report in a legible place.
3. **LOG** the juvenile in the Intake Log Book.

*The time stamp machine and Log Book are located in the intake screening interview room. Every juvenile who is brought to the JCOS should be entered in the Log Book. Juveniles not accepted due to medical issues should be logged with an indication of "medical clearance".*

4. Pursuant to Wis. Stat. Sec. 938.20(7)(a), the JCOS shall inform the juvenile of certain rights.

Explain to the juvenile why they are being detained and the intake process:

- a. Inform them when there will be a court hearing
- b. Inform them of the nature of the hearing
- c. Explain possible consequences
- d. Tell them they have the right to an attorney and the right against self-incrimination.
- e. **Juveniles taken into custody shall be allowed to call their parent(s) and or guardian.** *This call should be limited to 2-3 minutes allowing enough time for the juvenile to communicate their safety and personally inform their parents of their situation.*

**When the juvenile calls their parent(s)/guardian the JCOS shall communicate their decision making process and discuss any medical issues with parents/guardians and inform the parents/guardians the hearing date, time and location.**

#### **D. BASIC STEP 4: Screen Juvenile, Wis. Stat. Sec. 938.20(7)(b) using the DRAI**

The DRAI is the approved judicial tool that determines whether a juvenile is held in secure detention or can be released to a non-secure placement.

##### **Section A1. Demographics**

Complete the entire demographic section regarding the juvenile.  
Complete your name, intake date and intake time.

**Section B1: Offense information,** List the current charges alleged for this referral

*Information Location:* Read the Police report

*Score* the most Serious Alleged Offense based on the Category the offense falls into:

*Category A Offense = 20*

*Category B Offense = 15*

*Category C Offense = 10*

*Category D Offense = 7*

*Category E Offense = 3*

**Section B2: Number of Prior Delinquency Referrals**

**Information Location:** Check for a past record using the Juvenile Information Management System (JIMS). If the computer is down, check the JIMS printout binder for current activity on a juvenile. If the juvenile is pending any court action or is actively under any court supervision, it will be necessary to check the court or probation records to screen for any special court orders, placement options, or warrants. The Court File/CCAP docket sheet should also be checked as this would have the most current information regarding the juvenile's status.

**Score** the highest one only

Any pending referrals for Category A or B offenses above .....	= 5
Any pending referrals for Category C offenses above.....	= 4
Any pending referrals for Category D or E offenses above.....	= 3
1- 4 prior referrals within the last 12 months.....	= 2
No referrals or Reason for Custody in non-delinquency cases ..	= 0

### **Section B3: Prior Escapes, or Failure to Appear (FTA)**

**Information Location:** See B2 and warrant information. For CHIPS cases make sure you review the CCAP docket entry to see if the Judge has an override order to hold.

**Warrant Information:** Warrants can refer to Capias, Apprehension Requests, Arrest Warrants, Violation of Parole – Apprehension Requests or Traffic/Paternity/Municipal Warrants (which are not things that we would hold a child). Often the police report will not accurately reflect the type of warrant. In order to accurately score the juvenile, intake will need to determine the type of warrant.

#### **When to take custody of a juvenile on an open warrant:**

1. Juveniles on Department of Corrections apprehension requests
2. Open warrant by Children's Court (see CHIPS exception below)
3. If the police bring in a juvenile in on a capias/warrant and you cannot find the court file to confirm the warrant or to determine the information for the scoring form, **hold the juvenile in secure custody.**
4. If the warrant is from out of county or from out of state, hold the juvenile in secure custody **unless** the other jurisdiction faxes an authorization to release the juvenile.

Please note that JCOS is responsible for making decisions and release arrangements on all capias situations. For CHIPS capias, please contact BMCW at 414-220-7233 unless the court over-rode the DRAI (per docket sheet).

#### **When not to take custody of a juvenile on an open warrant:**

1. A waived juvenile brought to detention on an adult probation hold or some sort of warrant related to an adult case. This juvenile should be redirected to the Criminal Justice Facility.
2. A 16 year old involved in a pending adult traffic case. This juvenile should be referred to adult traffic court, Wis. Stat. Sec. 938.17 (1).

3. Juveniles brought to detention on traffic, paternity or muni-citation warrants are released home pending an appearance at the Criminal Justice Facility at 1:30p.m., preferably on the following work day. The juvenile will be released home provided there are no other charges or issues (warrants) which would require the juvenile to be detained. In these case:
  - a. Complete the pink 4'x8' Sheriff's Order-In Card.
  - b. Make a copy of the card to be attached to the police report (along with the other usual forms)
  - c. FAX a legible copy of the Order-In Card to the Sheriff's Department. Indicate on the fax cover letter that the juvenile was released home with the Order-In date and provide the juvenile's address and phone number. **The Sheriff's warrant desk fax number is 223-1288.**
  - d. The original copy of the Order-In Card is given to the juvenile with instructions on where and when to appear.
  - e. The juvenile can then be released home (to self or parent depending on age and the circumstances). A DRAI must be completed.

Check to see if there is a warrant on the child. If there is a warrant, follow the usual procedures for warrants. If there is an active probation or CHIPS case, **you are required** to check the court file to determine if return home is appropriate.

*Score the highest one only*

- |  |     |
|--|-----|
| Any prior escapes from Secure Custody .....  | = 5 |
| Two or more prior warrants/Capias/Runaway from non-secure placement or FTA within the last 12 months ..... | = 3 |
| One prior warrants/Capias/Runaway from non-secure placement or FTA within the last 12 months .....         | = 1 |

**Section B4: Current Legal Status**

*Information Location: See B2*

*Score the highest one only*

- |  |     |
|--|-----|
| <b><i>Currently on a Stayed Commitment Order it is an automatic Override per Judicial Order</i></b>            |     |
| Currently sentenced to DOC-DJC or DOC aftercare .....  | = 5 |
| Currently on targeted monitoring with Running Rebels, MCAP, FOCUS .....  | = 3 |
| Currently on supervision for a delinquent offense .....  | = 1 |
| Currently on supervision for JIPS/Consent Decree or Deferred Prosecution Agreement or not on supervision ..... | = 0 |

**Section B5: Aggravating Factors**

*Score up to 3 additional points*

*Aggravating Factors:*

- a. Documented history of violence/assaultive offenses..... = 1
- b. Multiple delinquency offenses alleged in this referral ..... = 1
- c. Facts of the incident are more serious than indicated by charge..= 1

**Score** Minus up to 3 points

(Potential facts that indicate that an incident maybe more serious then indicated by charge may include weapons used or possessed during incident, and on elderly, handicapped or vulnerable victim targeted.)

**Mitigating Factors:**

- a. Facts of the incident are less serious than indicated by charge.. = -1
- b. Responsible ADULT able/willing to supervise ..... = -1
- c. Youth demonstrates stability in school or employment ..... = -1

**TOTAL SCORE:** At this time you should add up the score for the above Five sections.

**Section B6: Current Court Status & Special Circumstances:**

**Information Location:**

Review all court orders, temporary physical custody orders coming from court, and/or DOC orders.

Check all boxes that pertain. If any box is checked this is an automatic **DETAINED**.

1. 72 hour holds
2. Capias
3. Judicial Apprehension Request
4. Sanctions
5. Juveniles who are detained after Court on a sanction, must have a **DRAI** completed.

Juveniles are also ordered to report on their own to detention, usually on the weekend, to serve sanctions. The sanction order should already be located in the Intake Office. If the order cannot be located, check the court record. If the order cannot be located, the juvenile will need to be sent home. Contact the parents to advise them that the child has to be released.

Review the Sanction Order and complete a Medical Screen Form. If a juvenile cannot be admitted for medical reasons, the parents must be notified immediately.

- It is the parents/guardians' responsibility to arrange for immediate medical attention and arrange for the return of the juvenile following appropriate medical services.
- A medical statement indicating that the juvenile is medically cleared is necessary for admission once the juvenile is returned to detention.

- It is imperative that parents understand that we will not accept a juvenile without medical clearance.

Once the juvenile is accepted, contact the parents to advise them of the youth's admission, when the youth will be released and whether they will need to pick the juvenile up (due to their age or the release condition on the order).

The original sanction and the medical screen form are given to the detention control clerk. If the juvenile will be serving future weekends listed on the order, make a copy of the order for detention staff and retain the order for future use.

If a juvenile reports for a sanction but cannot be accepted, communicate the matter with the assigned worker advising them of the circumstances. Also, include this information on your log sheet.

#### 6. Orders to Produce

Juveniles are brought in by the Sheriff's Department from correctional facilities or other facilities on an Order to Produce issued by the Court. The Order to Produce authorizes secure placement until the court hearing. **The JCOS shall:**

- a. Review the order, especially checking for the age (17 year olds can be held, but not 18 year olds),
- b. Complete the Medical Screen and Temporary Physical Custody Request/Authorization Form,
- c. Complete the DRAI,
- d. Do not release the Deputy until you have reviewed the order to produce and completed the medical screen, and
- e. Parents should be contacted to advise them of the juvenile's location.

#### 7. Violations of Parole

On occasion juveniles are brought to the Detention Center on a Division of Juvenile Corrections-Department of Corrections apprehension requests, which are requests by State Probation and Parole agents to pick up juveniles and hold them in detention until returned to the appropriate state correctional facility. If the juvenile is brought in by the police the police must provide the following forms to the JCOS:

- a. Police report
- b. Request for Temporary Physical Custody Request/Authorization Form

If there is a new charge or a capias, as well as the apprehension request, the **juvenile should be detained** for a hearing as usual (see above sections for steps in detaining a juvenile).

If the juvenile was brought in only on the DJC apprehension request, the **juvenile should be held in secure custody**. The JCOS should make contact with the institution or DJC

office to see if arrangements can be made to pick the juvenile up as soon as possible (though it is unlikely that this can be arranged during the weekend).

Please be sure to write on the Temporary Custody Request/Authorization Form that the juvenile can be released to the Sheriff's Department or DJC staff. Fill-in the hearing date on the form in case the juvenile is not picked up by the following day.

**Please note if our court has issued a *capias* for the juvenile, they should not be sent back to the correctional institution until they have had a hearing. The DRAI must be completed for all DOC admissions to secure detention.**

**8. Judicial Order (Detained from Court)**

If a juvenile is detained from Court, the Deputy or Human Service Worker will bring the order to Detention. You only need to do the medical screen procedures and complete the DRAI. These referral packets are placed in the data entry mailbox in the Probation Administrative Office.

Check all boxes that pertain. If any box is checked this is an automatic DETAINED

**Section B7: Indicate the Score.**

DRAI Score	CUSTODY DECISION
17 and up	<b>Detain</b>
10 - 16	<b>If youth scores in the alterative, please fill out all the apply:</b> <input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> Other Relative <input type="checkbox"/> Shelter Care <input type="checkbox"/> Other Specify
0 - 9	<b>Release</b> <input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> Other Relative <input type="checkbox"/> Shelter Care <input type="checkbox"/> Other Specify

**If the DRAI is overridden it must be explained in detail as to why the override.**

Juveniles with a score of 17 or above must be held in secure detention. Juveniles with a score of less than 17 should be considered for appropriate non-secure placement.

**Juveniles 11 and Under**

In accordance with the DRAI, all youth under the age of 12 shall be released unless the charge is heinous and public safety will be compromised. Youth under 12 years of age with an open warrant, will be detained if ordered by the Judge. If there are mental health issues or the child is 11 years old or younger the box must be check.

*If the juvenile is currently on a Stayed Commitment Order it is an automatic Override per Judicial Order= Juvenile SHALL BE DETAINED*

**Children in Need of Protection and Services (CHIPS)**

Children, whose parents cannot be located or who refuse to accept them home, may NOT be brought to Detention. Law enforcement shall call BMCW (220-SAFE) for placement.

**E. BASIC STEP 5: Placement Decision, Hearing, and Notice, Wis. Stat. Sec. 938.20(7) – (8), and 938.205 – 938.208**

**Notice shall be given to the parent or guardian. Contact them via phone and explain:**

1. why and where the child is being held,
2. the next steps in process,
3. date and place of the temporary physical custody hearing,
4. please ask parents to attend the scheduled hearing 30 minutes early to check in and be available to meet with the juvenile's attorney,
5. the nature and possible consequences of the hearing,
6. the child's right to an attorney regardless of ability to pay,
7. the right to cross-examine witnesses at the hearing, and
8. the phone numbers of Delinquency and Court Services and the Public Defender's Office (266-1210).

If you are unable to contact the parent, utilize Messenger Service for Milwaukee County residents or Western Union Services for out of county residents.

**III. Release Options for Non-secure Placements**

**Home**

**Information Location:** Check the court file to make sure that there is nothing to prevent the juvenile from going home. Juveniles ideally should be released only to parents, guardians, or relatives as they will be expected to bring the juvenile back for the temporary physical custody court hearing.

**Examples of when you should not release a juvenile home:**

- If the referral charge relates to a problem in the home, we normally would NOT place the juvenile back in the home,
- If the juvenile is pending court, the order may be for shelter,
- If the juvenile is already on a CHIPS order, the CHIPS order may not allow for placement at home,
- Sexual assault cases where the victim is located in the home.

**Release to Self:**

If the juvenile is 15 or over and is appropriate for a non-secure alternative placement youth can be released to self. If you are releasing the juvenile to themselves, obtain permission from parent/guardian to do so and document in the comment section of DRAI. You can provide them with a bus ticket (located in the Intake Desk). **Please be sure buses are still running if you are releasing someone on 2nd or 3rd shift.** Remember to address all safety concerns before releasing to self.

**Sexual Assaults Placement:**

If a juvenile is brought in on first or second degree sexual assault of a child or physical abuse of a child and meets the criteria for release to an alternative placement, **placement shall not be where the victim resides.** Youth shall be placed either in a parental home, relative home or shelter where the victim is not present. It is the responsibility of the JCOS to gather all pertinent information from police reports, parents or other available sources to determine the proper placement. The following are pertinent questions that should be asked and answered before releasing a juvenile from secure detention;

- a. Review the actual police report, not just the Arrest-Detention Report,
- b. Review the age of the victim versus the age of the offender,
- c. Review whether force and/or restraint was involved in the offense,
- d. Review whether the offender committed numerous offenses,
- e. Review whether the victim resides or stays with the offender and family,
- f. Review whether young children reside in the home,
- g. Review the juvenile's history, documented or otherwise, of past sexual assaults or other violent offenses,
- h. Make sure that BMCW was notified and find out if they are investigating (220-SAFE).

On occasion families, wishing to have the juvenile accused of a sexual assault placed back into the house, will move an alleged child victim to another location, potentially disrupting that child's placement. If you believe this is a possibility caution the family on the impact that could have on the alleged child victim and/or adjust your decision about placing the one accused home.

If all pertinent information is not available, the juvenile shall be held in secure detention and seen by a court commissioner or Judge. Please also refer to directive dated February 4, 2015 outlining the proper procedure.

**Shelter Care**

If the juvenile is not able to return home because the parent is unavailable or the offense is related to a home problem or the parent refuses placement, then shelter placement should be considered. The shelter opening information is posted in the Intake office. If it appears there are no openings, double check with shelter to see if any beds have opened up before deciding to hold the juvenile in secure custody. If home is not an option and we do not have sufficient shelter beds, then the juvenile will have to be held in secure. An override of the DRAI will need to be documented as no alternative exists.

### **Juveniles under the Age of 12**

Juveniles under the age of 12 cannot be placed in shelter due to licensing requirements. However, 11 year old males may be placed in shelter due to a licensing exception. If the child scores less than 17 and cannot go home, a relative placement should be considered. If DRAI is overridden, please explain why in the comment section of the DRAI.

### **Holding Cell Release**

If you are working a third shift Monday – Friday and a juvenile is delivered later in the morning but before 10:30 a.m. temporary placement in the holding cell may be appropriate. This decision should only be made if confirmation has been made with the parent/guardian that they are willing to take custody prior to the 1:00 p.m. hearing. If no confirmation is made, a decision should be made for shelter. The Holding Cell is ONLY a temporary placement. This is considered a “not detained” situation for the purposes of the DRAI.

### **Suburban Municipal Citations**

If it is a suburban municipal citation or warrant contact that municipality for information on where the juvenile should report. They may ask you to have the juvenile sign a PR bond form. This will have to be faxed back to the appropriate agency.

Some juveniles with adult traffic cases are held in detention. Although 16 years olds involved in traffic cases are dealt with in adult traffic court they have to be housed in a secure juvenile facility due to their age. On occasion the sheriff may bring such a case in or the police may bring in such a juvenile whom they need housed until they can pick them up for adult intake traffic court. Please contact the On-call Supervisor if you have questions. A DRAI must be completed.

### **Walk-Ins**

On occasion a juvenile will come in on their own or be brought in by a parent or worker. Please do not allow parents or children back into the Detention Intake area. If a parent is simply frustrated, counsel the parent and direct them to contact the BMCW, FISS, or the HSW. If you determine that there is a reason to hold the juvenile, e.g. a warrant, you can have the juvenile brought into the detention intake area.

Often walk-in situations relate to a warrant or runaway situation. You should proceed with these situations as if the police brought them in. Determine what the situation is, perform a medical screen, check the record, make a detain/release decision (based on the above judicial policy). The Temporary Physical Custody Request/Authorization Form should be completed in FULL if you detain the child. A DRAI must be completed.

## **IV. PROVISION OF INFORMATION TO CALLERS**

**Children’s Court cases are confidential.** Intake receives many calls from parents, police and the public. Information should not be provided over the phone except to parents/ guardians or professionals involved with a case. CHIPS case information should not be given over the phone. Staff home phone numbers are never to be given out.

You should provide information to police or other jurisdictions regarding the status of juveniles. On occasion police also call about the disposition of past cases; you should also provide this information, which is usually available on the computer.

## JUDICIAL INTAKE POLICIES SPECIFIC TO MILWAUKEE COUNTY

### Milwaukee Accountability Panels Program

Delinquency and Court Services contracts with a community agency to provide the Community Accountability Panels (CAP) program. The program is a juvenile court diversion program for juvenile who have committed non serious misdemeanor offenses. All referrals to the CAP are intended to originate from the Milwaukee Police Department. The intent of the CAP program is to divert appropriate juveniles from being referred to DSC intake per Wis. Stat. § 938.24(1). Youth failing to comply with the conditions of the contract will be referred back to MPD as non-compliant. MPD will then make a determination whether to refer the juvenile to intake per Wis. Stat. § 938.24(1).

### Stayed Commitment Orders

Juveniles brought into detention on new charges currently on a stayed commitment order shall be detained. In Section B6 of the DRAI mark the box titled Judicial Order and the box DETAINED.

### Sexual Assault Charges

If a juvenile is brought in on first or second degree sexual assault of a child or physical abuse of a child and meets the criteria for release to an alternative placement, **placement shall not be where the victim resides**. If all pertinent information is not available, the juvenile shall be held in secure detention and seen by a court commissioner or Judge.

## DOCUMENTATION/FORMS

**A. Temporary Physical Custody Request/Authorization Delinquency Referral.** Items 15 through 21 must be filled out or the whole form if you are completing it yourself (for instance in an Order to Produce situation). It is very important to complete all items, especially the signature and authorization date and time (i.e., when the decision to detain/release was made). The second copy is delivered to the secure detention center clerk if the juvenile is held in secure custody. Do not give a copy to the parent or shelter. All other copies remain with the referral packet.

**B. Wisconsin State Detention Risk Assessment Instrument (DRAI).** All items should be completed with detail and legibility. The last copy remains in the Intake Office for reference. All other copies remain with the referral packet.

**C. Medical Screening Form.** All items should be completed with detail and legibility. The original copy is delivered to the secure detention center clerk if the juvenile is held in secure custody. Do not give a copy to shelter. All other copies remain with the referral packet.

**D. Custody Intake Worker Log Form.** All juveniles should be entered on the worker log.

**As Needed Documents:**

**E. Notice of Physical Custody Form,** is used when giving notice to parent/guardian by way of Messenger Service. The original is placed in an addressed envelope for delivery by Messenger Service. One copy remains with the envelope until pick up by Messenger Service. All other copies remain with the referral packet.

**F. Temporary Physical Custody Form,** is used when performing a non-secure placement. The original is provided to the parent/juvenile/custodian or shelter staff. All other copies remain with the referral packet. The juvenile should be placed on 24 hour curfew and under other appropriate conditions. You should add a condition that a warrant will be issued if the juvenile does not appear for the court hearing.

**G. Program Admission Form,** is used when performing a shelter placement. The original is provided to shelter staff along with the temporary physical custody form. Please be sure to note any medical concerns on the form. An additional copy should be made to include in the referral packet.

**H. Shelter Reminder Letter,** is used when performing a shelter placement. The original is provided to shelter staff along with the above forms.

ALL POLICE REPORTS ALONG WITH INTAKE FORMS NEED TO BE BROUGHT TO THE PROBATION ADMINISTRATIVE OFFICE.

*B Thomas Wanta*

Date 6/4/15

B. Thomas Wanta,  
Delinquency and Court Services Administration/Chief Intake Officer

*Mary Triggiano*

Date 6/4/15

Hon. Mary Triggiano  
Children's Division

**MILWAUKEE COUNTY  
DELIQUENCY INTAKE POLICY**

**Custody Intake**

Attached you will find three documents related to custody intake. The first is the Milwaukee County Intake Manual. The second is the Juvenile Correctional Office Supervisor (JCOS) training acknowledgement Form acknowledging that the training requirements to perform custody intake functions in the Detention Center have been met. The third is the DRAI Acknowledgement Form outlining the JCOS's responsibilities related to Judicial Intake Policy including the DRAI decision-making process:

- Intake Policy Manual
- Mandatory signature acknowledging that the training requirements for staff performing custody intake functions in the Detention Center have been met.
- Mandatory signature acknowledging an understanding of a JCOS's responsibilities related to Judicial Intake Policy including the DRAI decision-making process.

**MILWAUKEE COUNTY  
DELIQUENCY INTAKE POLICY**

**I certify that I have received the Milwaukee County Intake Manual.**

Dated at Wauwatosa, Wisconsin, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Employee's Printed Name and Signature

\_\_\_\_\_  
Supervisor/Coordinator Printed Name and Signature

## Training

**Juvenile Correction Officer Supervisors (JCOS):** In Milwaukee County the Chief Judge has designated the Juvenile Correction Officer Supervisor (JCOS) as the custody intake worker for the Detention Center. In order to perform these functions the following training must be completed:

- Completed the 160 hours of the Secure Juvenile Detention Officers training (Jailer training). JCOS shall also complete the annual recertification training.
- A Bachelor's Degree in Social Services, Criminal Justice or related field, (five years of experience as a juvenile correctional officer will substitute for the required degree) with five or more years of related experience or one or more years of supervisory/management experience.
- Complete a five (5) day, 30 hour intake training requirement per Wisconsin Statutes.
- Passed the intake exam with a 70% or better at the conclusion of the training.
- Participated in a two week Milwaukee County specific Custody Intake Training under the supervision of the Deputy Superintendent which included: hands on training, learning how to complete and score the DRAI, shadowing a more experienced JCOS, and learning to receive and complete paperwork from law enforcement.
- Upon completion of the required training had immediate decision oversight of the DRAI scoring by either the Deputy Superintendent or a Human Service Worker Supervisor, assigned to the Wisconsin State DRAI Committee for the first 30 days after training is complete.

I certify that I meet the minimum requirements listed above to be a Juvenile Correctional Officer Supervisor.

Dated at Wauwatosa, Wisconsin, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Employee's Printed Name and Signature

\_\_\_\_\_  
Supervisor/Coordinator Printed Name and Signature

**Detention Risk Assessment Instrument Acknowledgement Form**

1. I understand that the First Judicial District in the State of Wisconsin recognizes the Detention Risk Assessment Instrument (DRAI) as the standardized instrument for determining initial custody placement for juveniles brought to the Detention Center.
2. I understand that the DRAI helps direct the decision-making process as to whether a juvenile is eligible for secure detention and whether the juvenile should be placed in a non-secure placement.
3. I acknowledge my responsibility to consider any mitigating factors and other relevant issues to ensure that appropriate detention and release decisions are made.
4. I understand that the role of JCOS includes to complete and accurately score the DRAI.
5. I understand that I must make a diligent and timely effort to gather information from CCAP, JIMS, court files, probations files, the parent(s)/guardian(s), arresting law enforcement officer, victims, school, service providers, BMCW case managers, DOC, and other professionals that may have knowledge of the juvenile to assist in making the intake decision.
6. I understand that I will make a placement decision based upon the assessment of risk, information gathered prior to hearing and whether the juvenile poses a risk to public safety or may not appear at a subsequent hearing.
7. I acknowledge that I have been trained on the purpose of the DRAI.
8. I acknowledge that the training included a review of all elements of the DRAI, including detention criteria, scoring, and all related DRAI policies and procedures.
9. I agree to follow all DRAI administrative rules, policies, procedures and Milwaukee County-specific judicial over-ride policies.

**I acknowledge that I have read and understand these rules on the proper use of the DRAI.**

Dated at Wauwatosa, Wisconsin, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Employee's Printed Name and Signature

\_\_\_\_\_  
Supervisor/Coordinator Printed Name and Signature