

<p>Milwaukee County Department of Health and Human Services Division of Youth and Family Services</p> <p>POLICY & PROCEDURE</p>	<p>Original Date Issued: 06/10/2015</p> <hr/> <p>Last Revision Date: 06/10/2015</p>	<p>Current Review Date: 06/20/2019</p> <p>Current Review By: KG</p>	<p>Section: INTAKE</p>	<p>Policy No: 027</p>	<p>Pages: Page 1 of 17 (3Addendums)</p>
<p><input checked="" type="checkbox"/> Division of Youth and Family Services (DYFS)</p> <p><input checked="" type="checkbox"/> Detention Center</p> <p><input type="checkbox"/> DYFS Services Network</p> <p><input type="checkbox"/> Purchase of Service Agencies</p>	<p>Current Effective Date: 11/01/2019</p>	<p>Subject: Milwaukee County Division of Youth and Family Services Custody Intake Process</p>			

I. Policy

It is the policy of Milwaukee County's Division of Youth and Family Services (DYFS) that Human Service Workers (HSW), HSW Supervisors and Management staff, have a working knowledge of the Custody Intake Process for Milwaukee County DYFS operations.

Although DYFS Human Service Workers (HSW), HSW Supervisors and Management staff do not generally perform all 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 youth, judiciary, district attorneys, defense attorneys, stakeholders and other necessary parties as deemed appropriate.

DYFS operates a 24/7 detention facility. Detention Center Management receive and review this policy with its staff, conduct appropriate training that includes documented staff acknowledgement and understanding as well as incorporate this policy into the Detention Center Policy.

II. Procedure 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 youth matters under Chapter 938. The Chief Judge designates the Presiding Judge for the Children's Division to ensure compliance with judicial intake policy. The Division of Youth and Family Services (DYFS) 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 delinquency 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.

A. CUSTODY INTAKE PROCEDURES

Pursuant to Wis. Stat. Sec. 938.067, Youth Correction Officer Supervisors (YCOS) will be responsible for taking custody of youths delivered to the YCOS stationed at the Vel R. Phillips Youth Justice Center Secure Detention Facility. The Intake Office operates 24 hours per day, seven days a week.

YCOS staff must remain accessible to law enforcement, detention and public as the YCOS's are responsible for such crucial activities as accepting youth from law enforcement, screening for custody placement, and providing 24-hour assistance as an agent of the Division.

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.**

B. CUSTODY INTAKE PROCESS

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

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

All YCOSs are required to follow **5 basic steps** when performing custody intake duties. For purposes of this intake policy youth/youths are defined as youths 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.

1) BASIC STEP 1: Delivering and Receiving and Establishing Jurisdiction [Wis. Stat. Sec. 938.12 (1) & 938.20]

Receiving a Youth

Youths 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. Youths are usually delivered by law enforcement however, on occasion, youth may be brought in by a parent, social workers, or will walk-in themselves, (e.g. a youth turns himself or herself in after they run from a placement or have an open *Capias/warrant*).

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

- ❖ The law enforcement agency that transports the youth to detention must provide the following forms to the YCOS:
 1. Police report
 2. Law Enforcement Referral (top part filled out by Law Enforcement)-State Form 1701
 3. Temporary Physical Custody Request (filled out by YCOS)-State Form JD-1710
 4. Victim/Witness Data Sheet
 5. Milwaukee County District Attorney Youth 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 that 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.

- ❖ If there is an open warrant on the CHIPS youth, refer to section (BASIC STEP 4, Section B3: Warrant) below.

Exceptions to receiving a youth 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 DYFS Aftercare or MCAP staff brings in a youth with their 72-hour hold and/or Apprehension Request form.

- ❖ In these cases, the YCOS 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 County grounds (Behavior Health, Parks, Youth 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 youth 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, not alleged to be delinquent, whose parents cannot be located or who refuse to accept them home, may **NOT** be brought to Detention. Law enforcement shall call the Division of Milwaukee Child Protective Services (DMCPS) at 414.220.SAFE for placement.

Jurisdiction Process

❖ **Age Verification Procedure**

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

❖ **Custody Intake Decision based on Age**

i. Cases where Children's Court has jurisdiction and should be housed in detention:

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. 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
3. Juveniles, up to the age of 18, who are alleged to be in need of protection or services (Wis. Stat. Sec. 938.13).
4. 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: ii. #2 below).

ii. Cases where Children's Court does not have jurisdiction and should not be accepted in detention and should be taken to the Criminal Justice Facility by law enforcement:

1. Youths 17 years of age delivered for new criminal charges.
2. Youths 17 years of age delivered for warrants, capias, and/or 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 youth 18 years of age should be taken by law enforcement to the Criminal Justice Facility, even if the matter relates to a youth warrant. These youth are held in Milwaukee County Sheriff custody until returned to the Children's Court.

iii. Cases where Children's Court doesn't have jurisdiction, but are required to house:

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.

2) BASIC STEP 2: Medical Screening [Wis. Stat. Sec. 938.20 (4-6)]

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

- ❖ The YCOS will visually check the physical condition of the youth and complete the MEDICAL SCREENING/CONSENT FORM.
- ❖ The YCOS shall follow the established Medical Guidelines. YCOS should request the assistance of the Detention Medical Staff or psychiatric staff if assistance is required.
- ❖ If a youth 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 youth 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.
- ❖ If a youth is in need of IMMEDIATE medical or mental health care, instruct law enforcement to transport the youth for appropriate screening and treatment to obtain the appropriate medical clearance documentation prior to returning the youth. Law enforcement will select the medical provider. If law enforcement has already taken the youth to the hospital and has appropriate medical clearance papers, the youth can be accepted.

3) BASIC STEP 3: Take Custody & Youth Rights [Wis. Stat. Sec. 938.20(7)]

After taking custody of youth and releasing the police

- ❖ YCOS shall document receipt of the referral.
- ❖ **TIME STAMP** the first page of the police report in a legible place.
- ❖ **LOG** the youth in the Intake Log Book.

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

- ❖ Pursuant to Wis. Stat. the YCOS shall inform the youth of certain rights. Explain to the youth why they are being detained and the intake process:
 - i. Inform the youth that a court hearing will be held, or if no hearing is held they will be released.
 - ii. Explain that the police referral will be reviewed, and if a petition is filed a hearing will occur where the court will review the petition for legal sufficiency, explain all of the youth's rights in court, and make a determination about placement and conditions until the next court hearing. If the District Attorney decides not to file a petition and there are no other matters pending, there will not be a hearing and the youth will be released.
 - iii. Tell the youth they have the right to an attorney and the right against self-incrimination.
 - iv. **Youths 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 youth to communicate their safety and personally inform their parents of their situation.*

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

4) BASIC STEP 4: Screen Youth [Wis. Stat. Sec. 938.20(7)(b)]

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

•If it is determined that the youth will not be held in secure detention, then the referral will be processed in the same manner as an order-in, unless it has one of the identified offenses listed below that is referred directly to the District Attorney's office:

- Homicide
- Attempted Homicide
- 2nd degree Reckless Homicide
- Armed Robbery
- Robbery
- Offenses which involve the use of a weapon
- Other weapons related offenses, including pellet/bb-guns, in which the weapon was used to intimidate, threaten, injure, harass, or otherwise harm another person or which the use of a weapon could have caused the death of or great bodily harm to

- another person
- Delivery of or possession with intent to deliver cocaine, cocaine base, LSD, barbiturates, narcotics, and hallucinogens
 - Threat to harm/injure a witness of a pending charge
 - Felony Battery
 - Arson of a Building
 - 1st degree sexual assault
 - Fleeing
 - Operating Motor Vehicle without consent
 - All new referrals for youth that are currently on orders of supervision (Probation or Consent Decree) or pending court for another offense

If the HSW-YAT receives a case that was NOT DETAINED/NO HEARING-CASE, BEING HANDLED AS AN ORDER IN, the HSW-YAT is required to reach out to the family that same business day to schedule an intake appointment for that week. The HSW is to have the intake paperwork completed and submitted to the District Attorney's Office for review within 14 days from receipt of referral.

•All sexual assault cases where a youth is not detained must have a scheduled home visit completed by the HSW-YAT within 24 hours of receipt of referral to assess and ensure the safety of any alleged victims.

•If a youth remains in secure detention or temporary shelter a Temporary Physical Custody Hearing will occur within 24 hours of placement.

The following is the step-by-step guide to completing the DRAI:

Section A1. Demographics

Complete the entire demographic section regarding the youth.
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 Program Management System (JPM). If the computer is down, check the JPM printout binder for current activity on a youth. If the youth 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 youth's status.

Score the highest one only

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

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 youth, intake will need to determine the type of warrant.

When to take custody of a youth on an open warrant:

1. Youths on Department of Corrections apprehension requests
2. Open warrant by Children’s Court (see CHIPS exception below)
3. If the warrant is from out of county or from out of state, hold the youth in secure custody **unless** the other jurisdiction faxes an authorization to release the youth.
 - Please note that YCOS are responsible for making decisions and release arrangements on all capias situations. For CHIPS capias, please contact the DMCPs at 414.220.SAFE unless the court over-rode the DRAI (per docket sheet).

When not to take custody of a youth on an open warrant:

1. A waived youth brought to detention on an adult probation hold or some sort of warrant related to an adult case. This youth should be redirected to the Criminal Justice Facility.
2. A 16-year-old involved in a pending adult traffic case. This youth should be referred to adult traffic court, Wis. Stat. Sec. 938.17 (1).
3. Youths 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 youth will be released home provided there are no other charges or issues (warrants) which would require the youth 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 youth was released home with the Order-In date and provide the youth’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 youth with instructions on where and when to appear.

- e. The youth 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 either 220-SAFE or JPM to determine what the placement ordered by the court is.

Score the highest one only

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

Section B4: Current Legal Status

Information Location: See B2

Score the highest one only

- o **Automatic Override:** If the youth is currently on a Stayed Commitment Order per Judicial Order
- o **5** = Currently sentenced to DOC-DJC or DOC aftercare
- o **3** = Currently on targeted monitoring with Running Rebels, MCAP, FOCUS
- o **1** = Currently on supervision for a delinquent offense
- o **0** = Currently on supervision for JIPS/Consent Decree or Deferred Prosecution Agreement or not on supervision

Section B5: Aggravating/Mitigating Factors

Score up to an additional 3 points if *Aggravating Factors Exist*, such as

- **1** = Documented history of violence/assaultive offenses
- **1** = Multiple delinquency offenses alleged in this referral
- **1** = Facts of the incident are more serious than indicated by charge (*This refers to potential facts such as weapons used or possessed during incident, or elderly, handicapped or vulnerable victim targeted*).

Score minus up to 3 points if *Mitigating Factors Exist*, such as

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

TOTAL SCORE: At this time you should add up the score for the above 5 (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.

- ❖ **Automatic Detention:** Check all boxes that pertain. If any box is checked, then the youth is automatically DETAINED.

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

Sanction Orders

Youths 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 HSW or Superintendent. If the order cannot be located, the youth 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 youth 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 youth following appropriate medical services.
- A medical statement indicating that the youth is medically cleared is necessary for admission once the youth is returned to detention.
- It is imperative that parents understand that we will not accept a youth without medical clearance.

Once the youth 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 youth 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 youth 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 youth 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

Youths 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 temporary secure placement until the court hearing.

The YCOS shall:

- Review the order, especially checking for the age (17-year-olds can be held, but not 18-year-olds),
- Complete the Medical Screen and Temporary Physical Custody Request/Authorization Form,
- Complete the DRAI,

- Do not release the Deputy until you have reviewed the order to produce and completed the medical screen, and
- Parents should be contacted to advise them of the youth's location.

7. Violations of Aftercare

On occasion youths 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 youths and hold them in detention until returned to the appropriate state correctional facility.

If the youth is brought in by the police the police must provide the following forms to the YCOS:

- Police report
- Request for Temporary Physical Custody Request/Authorization Form

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

If the youth was brought in only on the DJC apprehension request, the **youth should be held in secure custody**. The YCOS should make contact with the institution or DJC office to see if arrangements can be made to pick the youth 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 youth can be released to the Sheriff's Department or DJC staff. Fill-in the hearing date on the form in case the youth is not picked up by the following day.

Please note if our court has issued a capias for the youth, 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 youth 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.

❖ **Automatic Detention:** Check all boxes that pertain. If any box is checked, the youth is automatically DETAINED

Section B7: Indicate the Score

DRAI SCORE	CUSTODY DECISION
17 and up	Detain

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

- ❖ **OVERRIDE EXPLANATION:** If the DRAI is overridden it must be explained in detail as to why the override.
- ❖ **SCORE 17 and ABOVE:** Youths with a score of 17 or above must be held in secure detention. Youths with a score of less than 17 should be considered for appropriate non-secure placement.
- ❖ **Youths 11 Years 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.
- ❖ **STAYED ORDERS:** If the youth is currently on a Stayed Commitment Order, it is an automatic Override per Judicial Order. This means the youth must 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 the DMCPs at 414.220.SAFE for placement.

5) 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 youth’s attorney,
5. The nature and possible consequences of the hearing,
6. The youth’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 for the Division of Youth and Family Services (DYFS) and the Public Defender’s Office (414.266.1210).

- ❖ 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

A. Home

Information Location: Check the HSW's file or JPM/Synthesis notes. Youths ideally should be released only to parents, guardians, or relatives as they will be expected to bring the youth back for the temporary physical custody court hearing.

If it has been determined that a youth can be released and placed home, but parent is unable and/or unwilling to pick up and transport the youth home, the following steps should take place by the JCO Supervisor:

1. Ask about a relative or other responsible adult that is willing
2. Determine if there are staff available that can transport youth home
3. Call DMCPs (414.220.SAFE) for possible transport
4. Call the DYFS Youth Detention Center's contracted transport company
5. If all above fail, a call to DYFS Detention Superintendent must be made

Note: No youth shall be detained due to barriers with transportation

Examples of when home release is not appropriate:

- If the referral charge relates to a problem in the home, we normally would **NOT** place the youth back in the home,
- If the youth is pending court, the order may be for shelter,
- If the youth 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 or other children under the age of 12 years old.

B. Release to Self

If the youth is 15 or over and is appropriate for a non-secure alternative placement youth can be released to self. If you are releasing the youth 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.

C. Sexual Assaults Placement

If a youth 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 or with any other children under the age of 12 years old.** 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 YCOS 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 youth from secure detention;

- 1) Review the actual police report, not just the Arrest-Detention Report,

- 2) Review the age of the victim versus the age of the offender,
 - 3) Review whether force and/or restraint was involved in the offense,
 - 4) Review whether the offender committed numerous offenses,
 - 5) Review whether the victim resides or stays with the offender and family,
 - 6) Review whether young children reside in the home,
 - 7) Review the youth's history, documented or otherwise, of past sexual assaults or other violent offenses,
 - 8) Make sure that DMCPD was notified and find out if they are investigating (220-SAFE).
- ❖ On occasion families, wishing to have the youth alleged to have committed a sexual assault placed back into the house, will move an alleged child victim to another location. If you believe this is a possibility advise the family of the potential impact that could have on the alleged child victim.
 - ❖ If all pertinent information is not available, the youth 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.

D. Shelter Care

If the youth is not able to return home because the parent is unavailable or the offense is related to a home problem, then shelter placement should be considered. If the parent refuses placement, call 220-SAFE for potential placement. 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 youth in secure custody. If home is not an option and we do not have sufficient shelter beds, then the youth will have to be held in secure. An override of the DRAI will need to be documented as no alternative exists.

❖ **Youths under the Age of 12**

Youths under the age of 12 cannot be placed in shelter due to licensing requirements. However, 11-year-old males may be placed in shelter if there is a licensing exception made for that youth. If the child scores less than 17 and cannot go home, a relative placement should be considered. If the DRAI is overridden, the YCOS must explain the reason why in the comment section of the DRAI.

E. Holding Cell Release

If you are working a third shift Monday – Friday and a youth 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.

F. Suburban Municipal Citations

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

Some youths 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 youth facility due to their age. On occasion the sheriff may bring such a case in or the police may bring in such a youth 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.

G. Walk-Ins

On occasion a youth will come to detention on their own accord 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 DMCPS, FISS, or the HSW. If you determine that there is a reason to hold the youth, e.g. a warrant, you can have the youth 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. During normal business hours the Public Defender's office should be contacted to arrange for a voluntary Capias return. 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

Confidentiality: 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 youth's attorney, Wraparound Care Coordinator that are involved with a case. CHIPS case information should not be given over the phone. Staff home phone numbers are never to be given out.

- ❖ Information can be provided to police or other jurisdictions regarding the status of youths. On occasion police also call about the disposition of past cases; you should also provide this information, which is usually available on the computer.

V. JUDICIAL INTAKE POLICIES SPECIFIC TO MILWAUKEE COUNTY

Milwaukee Community Accountability Panels Program

The Division of Youth and Family Services contracts with a community agency to provide the Community Accountability Panels (CAP) program. The program is a youth court diversion program for youth 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 youth from being referred to DYFS 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 youth to intake per Wis. Stat. § 938.24(4).

Stayed Commitment Orders

Youths 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 youth 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 youth shall be held in secure detention and seen by a court commissioner or Judge.

VI. DOCUMENTATION/FORMS

Required Documents

- 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 youth 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 youth 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 youths 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/youth/custodian or shelter staff. All other copies remain with the referral packet. The youth 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 youth 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 AND CORRESPONDING INTAKE FORMS MUST BE BROUGHT TO THE DIVISION OF YOUTH AND FAMILIES ADMINISTRATIVE OFFICE.

**MILWAUKEE COUNTY
DELIQUENCY CUSTODY INTAKE POLICY ADDENDUMS**

Custody Intake Addendums

Attached, you will find three documents related to custody intake. The first is the Milwaukee County Intake Manual. The second is the Youth Correctional Office Supervisor (YCOS) 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 staff received the Milwaukee County Intake Manual for the Detention Center.
 - **Intake Training:** Mandatory signature acknowledging that the training requirements for staff performing custody intake functions in the Detention Center have been met.
 - **Intake Process and the Detention Risk Assessment Instrument:** Mandatory signature acknowledging an understanding of a YCOS's responsibilities related to Judicial Intake Policy including the DRAI decision-making process.
-

This Custody Intake Process and all addendums herein has been acknowledged, reviewed and accepted by the Judge and the Chief Intake Officer of Milwaukee County.

Reviewed & Approved By:



Date 4-29-19

Mark Mertens
Division of Youth and Family Services, *Administrator*



Date 8/27/19

Honorable Joseph Donald
Children's Division Judiciary

Reviewed & Approved By:



Mark Mertens, Division Administrator

**MILWAUKEE COUNTY
DELIQUENCY CUSTODY INTAKE POLICY
ADDENDUM 1: Intake Policy Manual**

Intake Manual Acknowledgment Form

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

Dated at Wauwatosa, Wisconsin,
this ____ day of _____, 20__.

Employee's Printed Name and Signature

Supervisor/Coordinator Printed Name and Signature

**MILWAUKEE COUNTY
DELIQUENCY CUSTODY INTAKE POLICY
ADDENDUM 2: Intake Training**

Intake Training Acknowledgement Form

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 _____, 20__.

Employee's Printed Name and Signature

Supervisor/Coordinator Printed Name and Signature

**MILWAUKEE COUNTY
DELIQUENCY CUSTODY INTAKE POLICY
ADDENDUM 3: Intake Process and the DRAI**

Intake Process and the 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 Youths brought to the Detention Center.
2. I understand that the DRAI helps direct the decision-making process as to whether a Youth is eligible for secure detention and whether the Youth 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 YCOS includes to complete and accurately score the ORAL
5. 5: I understand that I must make a diligent and timely effort to gather information from CCAP, Youth Program Management (JPM) System, computer files, probations files, the parent(s)/guardian(s), arresting Law enforcement officer, victims, school, service providers, DMCPs case managers, DOC, and other professionals that may have knowledge of the Youth 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 Youth 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 ORAL
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 override 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 _____, 20____.

Employee's Printed Name and Signature

Supervisor/Coordinator Printed Name and Signature
