



## Legislative Fiscal Bureau

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June, 2019

Joint Committee on Finance

Paper #251

### **2017 Act 185 (Corrections -- Juvenile Corrections)**

[LFB 2019-21 Budget Summary: Page 107, #1]

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#### **CURRENT LAW**

Under 2017 Act 185, the Department of Corrections is required to establish new Type 1 juvenile correctional facilities by January 1, 2021, subject to the approval of the Joint Finance Committee (JFC). The act also authorized \$25 million in bonding for the new facilities. The Department of Health Services (DHS) is required to expand the Mendota Juvenile Treatment Center (MJTC), subject to the approval of JFC, and \$15 million in bonding for the expansion is authorized. Further, Act 185 requires the state to close the Lincoln Hills School and Copper Lake School by January 1, 2021, and authorizes Corrections to convert those facilities into an adult correctional facility.

In addition, under Act 185 counties are authorized to establish secured residential care centers (SRCCs) and authorized \$40 million in bonding. Corrections created emergency rules governing the building and operations of SRCCs with the advice of a 25-member Juvenile Study Committee. Further, Act 185 creates a grant program under which counties may apply to the 10-member Juvenile Grant Committee by March 31, 2019, for state funding towards the cost of establishing or constructing SRCCs. After grant applications are finalized, the Grant Committee must submit a statewide plan for which grant applications to approve by July 1, 2019, to the Joint Committee on Finance for approval under a 14-day passive review.

Once the SRCCs are established, the default placement of a juvenile under a secure correctional disposition will change from placement with the state to placement with the county in which the juvenile was adjudicated delinquent. In addition, juveniles currently placed with the state would transfer to placement with the county department of human services or social services (county department) of the county in which the juvenile was adjudicated delinquent. Further, Act 185 expands the authorized uses of youth aids for program costs in juvenile detention facilities and

SRCCs. Under Act 185, counties operating SRCCs could be eligible for a bonus payment from a new GPR appropriation to offset a portion of operating costs, and counties operating SRCCs for females could qualify for additional funding to offset operating losses.

This paper provides an overview of Act 185 provisions. Subsequent papers will provide more detail about SRCCs, MJTC, juvenile correctional populations, the Division of Juvenile Corrections (DJC) program revenue deficit, and the DJC daily rate.

## **GOVERNOR**

Modify the provisions of Act 185 in the following ways:

*Juvenile Corrections Grant Committee.* Act 185 formed a juvenile corrections grant committee to evaluate applications from counties to construct SRCC's, which included 10 members of which three are to be appointed from each house of the Legislature by the Senate Majority Leader and Assembly Speaker. Under the bill, one member appointed from each house would be required to be a member of the minority party. In addition, the grant committee termination date of January 1, 2021, would be removed and instead the committee would terminate when all grants are completed.

*Grant Application Deadlines.* Under the bill, the grant program deadlines would be extended by three months, so that county applications would be due by June 30, 2019, and grant committee plan recommendations would be due to the Joint Committee on Finance by October 1, 2019. Under Act 185, grant applications are due by March 31, 2019, and plan recommendations must be submitted to the Joint Committee on Finance by July 1, 2019.

*Approval of Individual Grants.* Under the bill, before the submission of the statewide plan on October 1, 2019, to JFC, the Juvenile Corrections Grant Committee may submit individual grant recommendations to JFC which would be reviewed a 14-day passive review process.

*Grandfathered Juvenile Detention Facilities.* Under the bill, the provision describing limitations on the population and alteration of county juvenile detention facilities is repealed and then recreated on the date that Corrections sends notice to the Legislature that Lincoln Hills is closed rather than January 1, 2021.

*Juvenile Corrections Study Committee.* Under the bill, the 25-member juvenile study committee termination date of January 1, 2021, would be removed. Instead, the Committee would terminate when all juvenile corrections grants are completed.

*New County and State Facility and Closure of Lincoln Hills Deadlines.* Under the bill, the January 1, 2021, deadline for closing Lincoln Hills and Copper Lake schools and for constructing the new SRCCs and new state-run juvenile correctional facility created under Act 185 would be removed. Instead, Corrections would transfer juveniles as soon as a substitute placement that meets the needs of the juvenile are ready. Once all juveniles are transferred to SRCC's or the new state facility, Lincoln Hills would be closed.

Act 185 requires the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln Hills and Copper Lake schools) to be closed no later than January 1, 2021, or when all of the juveniles that are held there are transferred to the new county-run SRCCs or a new state-run juvenile correctional facility.

## **DISCUSSION POINTS**

### **Type 1 Correctional Facilities**

1. Under Act 185, Corrections must establish one or more Type 1 juvenile correctional facilities (state run juvenile correctional institutions) subject to the approval of JFC. An existing sum sufficient appropriation was modified from the capital improvement fund for Corrections to acquire, construct, develop, enlarge, or improve adult and juvenile correctional facilities. Further, the state's 2017-19 building program is modified to enumerate the expansion of the Type 1 facilities at \$25,000,000 general fund supported borrowing.

2. In the agency's 2019-21 budget request, it was estimated that Corrections would need \$1,186,000 in 2019-20, and \$10,544,800 in 2020-21 associated with the cost for staffing, operating, and maintaining each new Type 1 Juvenile Correctional Facility with approximately 32 beds constructed or established under 2017 Act 185 and opened January 1, 2021.

3. *Staffing Per Type 1 Facility.* In Corrections budget request, the Department recommended 70.0 on-site positions for education and treatment, facilities and management, health services, and security at each Type 1 Juvenile facility opening January 1, 2021. Staff would have staggered start dates as indicated below.

## Proposed Staffing for a 32-bed Type 1 JCF

<u>Position</u>	<u>FTE</u>	<u>Position Authorization Date</u>
Facility Manager	1.0	January-2020
Corrections Unit Supervisor	1.0	January-2020
Psychologist Supervisor	1.0	January-2020
Teacher Supervisor	1.0	January-2020
Support Staff - All Departments	3.0	January-2020
Nursing Supervisor	1.0	January-2020
Recreation Leader	1.0	July-2020
Facilities Repair/Maintenance	1.0	July-2020
Food Service Leader	3.5	July-2020
Psychologist	4.0	July-2020
Social Workers	3.0	July-2020
Nurse Clinician 2	3.5	July-2020
Teacher	5.0	July-2020
Youth Counselors	36.0	July-2020
Supervising Youth Counselor	<u>5.0</u>	July-2020
 Total	 70.0	

4. *Staffing DJC Central Office.* In Corrections budget request, the Department recommended 17.0 positions to support the needs of multiple Type 1 facilities under an institution management structure similar to the Wisconsin Correctional Center System (WCCS) for adults. Under the new Type 1 facility management structure, many of the 17.0 positions' responsibilities would not change with changes in the Type 1 facility population. Some positions under the new management structure are currently institution based positions that would transfer to the central office with the implementation of Act 185. These positions would work with existing central office staff that support the entire division. Staff would have staggered start dates as indicated below.

### Staffing Moved to Central Office

<u>Position</u>	<u>FTE</u>	<u>Position Authorization Date</u>
System Superintendent	1.0	October-2019
Education Director	1.0	October-2019
Corrections Security Director	1.0	October-2019
Corrections Management Services Director	1.0	October-2019
Program and Policy Analyst – Advanced	1.0	October-2019
Secretary Confidential	1.0	October-2019
Buildings & Grounds Superintendent	1.0	October-2019
Dental Assistant	1.0	July-2020
Dental Hygienist	1.0	July-2020
School Psychologist	1.0	July-2020
Financial Program Supervisor	1.0	July-2020
Financial Specialist	2.0	July-2020
Financial Specialist – Senior	1.0	July-2020
Food Service Administrator	1.0	July-2020
Institution Complaint Examiner	1.0	July-2020
Office Operations Associate	<u>1.0</u>	July-2020
 Total	 17.0	

5. *DJC Appropriation Structure.* Historically, juvenile justice has been funded through program revenue (PR) collected by Corrections from counties that use state juvenile services. However, for a number of years, juvenile justice has been approximately half funded through PR and half funded through GPR paid to the juvenile PR appropriations through the Serious Juvenile Offender (SJO) program and community supervision. Once Act 185 is implemented, it is expected that most funding for juvenile corrections will be GPR used to pay the daily rate. Further, the juvenile PR appropriation is currently in deficit. The appropriation deficit is discussed in more detail in a subsequent paper.

6. In Corrections budget request, the Department recommended modifying authorized appropriation usage to account for a shift in primary funding source from PR to GPR. Under Act 185, DJC may primarily serve juveniles sentenced under an SJO disposition and youth with adult sentences and placed at a juvenile correctional facility prior to transferring to an adult prison on or around their 18th birthday. The state is responsible for the cost of care and supervision of SJOs and youth with adult sentences through GPR appropriations. There may still be some juveniles transferred from an SRCC under change of placement provisions under Act 185 and the county would be responsible for the cost of care and supervision.

7. On October 16, 2018, an overview of a Type 1 Prototype was given to the Juvenile Study Committee. Each Type 1 facility would have 32 beds (single occupancy). Each facility was estimated to cost approximately \$30 million to construct. On March 12, 2019, the Governor announced that one Type 1 facility would be located in Milwaukee and another in Horton in Outagamie County. On April 22, 2019, a DOA presentation indicated that two new Type 1 facilities may be ready for

residency by the end of 2021. The administration has indicated that the approval of these sites may be brought to the Building Commission and JFC as early as August, 2019.

8. Under the bill, the administration recommends changing the closure date of Lincoln Hills/Copper Lake from January 1, 2021 to the day that all juvenile can be transferred to either a new Type I facility or an SRCC. The administration indicates that "this standard, which puts kids and their needs first will replace the previous January 1, 2021, closure date for Lincoln Hills and Copper Lake schools." The administration has indicated through the budget in brief that "the Governor has instructed the Department of Corrections, Department of Children and Families, Department of Health Services, and the Department of Administration to collaborate to find efficiencies in the process of closing Lincoln Hills and Copper Lake schools and the creation of new facilities as soon as possible. In partnership with the legislative authors of 2017 Act 185, the Governor is committed to finding the fastest and safest path to closing the facilities and relocating the children."

9. Working with an open ended closure date adds challenges to the budgetary decisions the Committee is being asked to make as discussed in the previous paper (Paper #250) regarding secure juvenile out-of-home placements. Trailer legislation (Assembly Bill 188/Senate Bill 168), introduced April 25, 2019, would delay the closure of Lincoln Hills/Copper Lake by six months from January 1, 2021 to July 1, 2021. However, neither the budget bill or the trailer legislation makes provision for the transitional or operational costs that would be required in the 2019-21 biennium.

10. The trailer legislation would allow Corrections to contract with counties to house juveniles placed with Corrections in juvenile detention facilities with 180/365 day programs. The 180/365 day programs are juvenile detention facilities authorized by the corresponding county board to hold juveniles for up to 180 or 365 days post-disposition. Of 13 county-run juvenile detention facilities in Wisconsin, two (La Crosse and Rock) have 365 day programs and four (Racine, Northwest, Milwaukee, and Marathon) have 180 day programs.

11. There are several issues with this provision in the trailer legislation. First, the trailer bill does not appropriate funds for contracting by the state with counties for these services. Second, while the capacity of juvenile detention facilities is known, the capacity of individual or all juvenile detention facility 180/365 day programs is not known. Third, available beds in 180/365 day programs, especially once Lincoln Hills/Copper Lake are closed is unknown. Finally, the number of juveniles placed in state facilities that would need beds is not known.

12. The administration indicated in the budget in brief that "based on the projected number of serious juvenile offenders and adult commitments, the Governor recommends the construction of three new type 1 facilities to replace Lincoln Hills. One facility would be located in Milwaukee and another facility in the Fox Valley. The Department of Corrections and the Department of Administration would continue to work to identify a suitable location for the third facility. Act 185 originally set aside \$25 million in bonding authority for the construction of the new type 1 facilities. With a cost of over \$30 million per type 1 facility, the Governor recommends providing an additional \$90 million in bonding authority to construct the facilities."

13. Three Type 1 facilities would provide a total of 96 beds. Corrections estimates that Type 1 facilities will be required to house an average daily population (ADP) of 70.5 juveniles. Corrections

calculates the operational capacity for juvenile facilities should be 82.9 beds (85% of 82.9 is 70.5). Based on the 32 bed Type 1 prototype previously discussed, the programming needs of the juveniles and the goal of keeping juveniles as close to potential support systems as possible, it could be argued that three Type 1 facilities is an appropriate number. At the March 20, 2019 meeting, the Building Commission did not recommend authorizing the recommended increase in bonding authority.

### **Expansion of MJTC**

14. Under Act 185, an existing sum sufficient appropriation is modified for DHS to acquire, construct, develop, enlarge, or extend mental health and secure treatment facilities subject to the approval of JFC. Further, the state's 2017-19 building program enumerated the expansion of the treatment center at \$15,000,000 general fund supported borrowing. The expansion of MJTC is discussed in greater detail in a subsequent paper.

### **Lincoln County Correctional Institution**

15. Under Act 185, Lincoln Hills and Copper Lake School is renamed as Lincoln County Correctional Institution. Staffing and operational costs associated with operating the facility as an adult institution would occur after the closing of Lincoln Hills. In Correction's 2019-21 budget request, \$18,399,800 and 261.0 positions in 2020-21 were requested for the conversion of Lincoln Hills and Copper Lake Schools to a minimum-security adult male facility. Requested staffing for the Lincoln County Correctional Institution would include: 30.0 social services positions, 21.0 health care positions, 170.0 security positions (including correctional officers), 7.0 business office positions, and 33.0 administrative/prison operations positions. Under Act 185, the adult correctional institution is expected to open on January 1, 2021. In addition, contract bed funding in 2020-21 by would have been reduced by \$4,175,600. On an annualized basis, the Lincoln County Correction Institution, as requested, is estimated to cost \$24,180,400. This cost would be off-set, in-part, by an annual reduction in contract beds of \$10,800,200.

16. Funding identified in Correction's budget request was not provided in the budget bill and is not included in trailer legislation. In 2017-18, Correction's annual appropriation for adult correctional services general program operations was budgeted \$776,316,300 GPR. At the close of the fiscal year, expenditure authority of \$7,900 GPR remained for the appropriation (approximately 0.001%). Thus, it seems unlikely that Corrections may fund these transitional costs using existing expenditure authority.

17. In trailer legislation, the closure of the juvenile facility and opening of the adult facility would be delayed by six months from January 1, 2021 to July 1, 2021. With this closing date, using information from Corrections budget request, Corrections transitional costs for the operation as an adult facility would be \$8,709,600 in 2020-21 with 261.0 positions. Even if the facility is unoccupied for a time, funding would be needed to maintain and prepare the facility to transition it into an adult facility. In reviewing this estimated cost, note that: (a) the 261.0 positions provide full coverage for the entire institution, including the operation of a 24 hour per day, seven days per week health services unit; and (b) no pre-service salary or pre-service fringe benefits are included because the Department anticipates using current Division of Juvenile Corrections' employees for these positions. Further, since no adult inmates would be transferred to the facility in the 2019-21 biennium, the funding does

not include costs associated with inmate variable costs or savings associated with a potential reduction in contract beds.

### **County Secured Residential Care Center (SRCCs)**

18. Under Act 185, the Building Commission may authorize up to a total of \$40,000,000 in general fund supported borrowing to allow Corrections to provide grants to assist counties in designing and constructing SRCCs, and attached juvenile detention facilities. Subject to the rules promulgated by Corrections, a SRCC may be located in a portion of a juvenile detention facility or a Type 1 juvenile correctional facility. Any such state funding commitment must be in the form of a grant to a county. County boards may establish, or contract with a child welfare agency to establish a SRCC on its own or jointly with one or more counties or may contract with another county to place juveniles in that county's SRCC.

19. As indicated previously, Act 185 created a juvenile corrections grant program, administered by the Juvenile Corrections Grant Committee and the Department. Under the juvenile corrections grant program, a county may apply for any of the following grants to pay: (a) 95% of the costs of designing and constructing a SRCC; (b) 95% of the costs of designing and constructing a facility that houses both a SRCC and a juvenile detention facility; and (c) 100% of the costs of designing and constructing a SRCC only for female juveniles or any portion that is only for female juveniles. While the parameters of the grant program are identified in Act 185, it is not known: (a) how many counties or which county or counties may eventually apply for a grant; and (b) what renovation or building costs may be for these facilities.

20. In the Corrections budget request, the Department recommended \$155,200 GPR in 2019-20 and \$145,400 GPR in 2020-21 for 2.0 GPR additional positions in the Office of Detention Facilities' (ODF) to accommodate the increased workload of monitoring county-run SRCCs. The ODF has statutory authority, in accordance with s. 301.37 of the statutes, to regulate and oversee local detention facilities, including county jails, houses of correction, secure juvenile detention centers, unlocked Huber facilities and municipal lockups. Through the ODF, the Department establishes reasonable standards for the design, construction, repair, maintenance, operation and management of these facilities. The office is currently budgeted \$642,500 GPR with 6.5 GPR positions in 2018-19 statewide. Under Act 185, this authority was extended to SRCCs.

21. In order to measure an expanded number of statistics (such as number of credits completed toward a high school diploma) and performance measures (such as recidivism) associated with determining the effectiveness of SRCCs, ODF requested the additional positions and funding. The information to be collected by ODF on SRCCs will be particularly important for evaluation of the performance of SRCCs and the evaluation of particular programming or resources that may be available at one SRCC and not another. Without the ability to evaluate programming, counties will not have necessary information to direct county operational expenditures on SRCC's effectively and efficiently. Neither the budget bill or the trailer legislation provides funding for ODF.

### **County Juvenile Detention Facilities**

22. Act 185 prohibits a court from placing a juvenile in a juvenile detention facility for more

than 30 consecutive days, unless it is an “eligible juvenile detention facility.” An “eligible juvenile detention facility” is a facility in which juvenile placements of more than 30 days were authorized as of January 1, 2018 (generally, county facilities with a “180/365 Program” at the start of 2018). An “eligible juvenile detention facility” may continue to receive juvenile placements of more than 30 consecutive days by receiving a construction grant under the competitive process and becoming an SRCC as of January 1, 2021.

23. Additionally, certain juvenile detention facilities are grandfathered and may continue receiving juvenile placements of more than 30 consecutive days without becoming an SRCC. Specifically, an “eligible juvenile detention facility” may continue to receive these longer-term juvenile placements without becoming an SRCC by meeting all of the following criteria: (a) the juvenile detention facility is not awarded a grant; (b) the facility does not house a larger number of juveniles after January 1, 2021 than it did on that date; and (c) the facility is not altered, added to, or repaired in excess of 50% of its assessed value. If the “eligible juvenile detention facility” violates these conditions, it is no longer authorized to accept juvenile placements for more than 30 consecutive days and is subject to the same prohibition on receiving long-term placements as other juvenile detention facilities.

24. The administration recommends repealing the limitations on the population and alteration of county juvenile detention facilities, and recreating the limitations on the date that Corrections sends notice to the Legislature that all juveniles have been transferred from Lincoln Hills/Copper Lake. Since the grandfathering limitation is tied to the closure of Lincoln Hills/Copper Lake, alternatives relating to changing this date are combined with alternatives regarding the Lincoln Hills/Copper Lake closure date.

25. As discussed previously in relation to SRCCs, statistics around juveniles placed in a county juvenile detention centers is not readily available to the state. In order to evaluate programming and resources available to juveniles especially in juvenile detention facilities that decide to continue operating under grandfathering provisions, having state access to this information would be important for evaluating any further changes proposed to the juvenile justice system.

26. After implementation of Act 185, juvenile detention facilities will still house juveniles pre-disposition. The following table identifies the 13 juvenile detention facilities across the state and the capacities of each facility.

## County-Run Juvenile Detention Facility Capacity, 2018-19

<u>County</u>	<u>Capacity</u>
Brown <sup>1</sup>	15
Dane	24
Fond du Lac <sup>2</sup>	27
LaCrosse <sup>4</sup>	15
Marathon <sup>3</sup>	20
Milwaukee <sup>3</sup>	120
Northwest (Eau Claire) <sup>3</sup>	23
Portage	14
Racine <sup>3</sup>	119
Rock <sup>4</sup>	35
Sheboygan	27
Washington	26
Waukesha	<u>18</u>
Total	483

<sup>1</sup> 90-day program

<sup>2</sup> 120-day program

<sup>3</sup> 180-day program

<sup>4</sup> 365-day program

### Study Committee

27. The juvenile study committee was created in the Department of Corrections to research and develop recommendations on the following: (a) optimal locations for the new Type 1 juvenile correctional facilities based on space and security needs, cost, proximity to the populations of juveniles the facilities would serve, and best practices for holding juveniles in secure custody no later than November 1, 2018; and (b) rules governing the services and programming provided to juveniles in secured residential care centers for children and youth (SRCCs) no later than September 1, 2018. Corrections is then required to submit rules in final draft form to the Governor establishing standards for services in secured residential care centers for children and youth based on those recommendations no later than December 17, 2018.

28. The 25-member study committee consisted of the following members: (a) the Corrections Secretary, or his or her designee; (b) the Department of Children and Families (DCF) Secretary, or his or her designee; (c) the Department of Health Services Secretary, or his or her designee; (d) the Superintendent of Public Instruction, or his or her designee; (e) the State Public Defender, or his or her designee; (f) three state representatives, appointed by the Assembly Speaker or the appointed Representative's designee; (g) three state senators, appointed by the Senate Majority Leader or the appointed Senator's designee; (h) two circuit court judges, appointed by the Governor; (i) two district attorneys, appointed by the Governor; (j) two representatives of law enforcement agencies in Wisconsin, appointed by the Governor; (k) one sheriff, or his or her designee, appointed

by the Governor; (L) one representative of a national organization that focuses on eliminating race-based discrimination, appointed by the Governor; (m) one representative of a nonprofit that focuses on issues relating to juvenile justice, appointed by the Governor; (n) one representative of a nonprofit that focuses on best practices for holding juveniles in secured custody, appointed by the Governor; (o) one representative of the county department of social services or human services (“county human services department”) in the county with the highest percentage of juveniles under the supervision of DOC or a county department under ch. 938, Stats., appointed by the Governor; (p) one representative of a county human services department of a county that operates a regional juvenile detention facility that is also an “eligible juvenile detention facility,” appointed by the Governor; (q) one representative of a county human services department of a county other than those previously described, appointed by the Governor; and (r) a resident of the state who has been under Corrections supervision under ch. 938, Stats., or has had a close family member under such supervision, appointed by the Governor. The Corrections and DCF Secretaries served as co-chairpersons of the Study Committee and agencies with membership on the Study Committee must provide staff to support the committee functions.

29. The committee submitted recommendations for rules governing the services and programming provided to juveniles in SRCC's on August 28, 2018. The committee submitted recommendations on the location of the new Type 1 facilities on October 16, 2018 after reviewing a list of state owned properties.

30. On December 17, 2018, Corrections submitted emergency rules governing the services and programming provided to juveniles in SRCC's. On December 17, 2018, the Governor approved the rule text (DOC 347). There was a hearing on the emergency rules on February 11, 2019. The emergency rule will remain in effect until January 6, 2021.

31. The administration's recommendation would terminate the Study Committee when all juvenile corrections grants are completed instead of January 1, 2021. Given that the study committee may be given further directives in subsequent legislation, the Committee align the termination date with the completion of SRCC grants. [Alternative A1]

32. It is unclear, however, what the Study Committee duties will be during the period between January 1, 2021, and the time that all grant are completed. While a meeting of the Study Committee could be called anytime before January 1, 2021, the last meeting of the study committee was on October 16, 2018. Given the inactivity of the study committee, the Committee could maintain the Act 185 termination date. [Alternative A2]

### **Juvenile Corrections Grant Committee**

33. Act 185 created a Juvenile Corrections Grant Committee (“Grant Committee”) in the Department of Corrections to administer a grant program. The 10-member Grant Committee consists of the following members: (a) the Governor, or his or her designee; (b) the Corrections Secretary, or his or her designee; (c) the DCF Secretary, or his or her designee; (d) three state senators, appointed by the Senate Majority Leader or the appointed Senator’s designee; (e) three state representatives, appointed by the Assembly Speaker or the appointed Representative’s designee; and (f) a representative of a nonprofit that focuses on best practices for holding juveniles in secure custody, appointed by the Governor. The Grant Committee terminates on either the date all grant funded

projects are completed, or January 1, 2021, whichever is earlier.

34. Under the recommendation of the administration, of the three members of each house of the Legislature appointed to the Grant Committee, one would have to be a member of the minority party. [Alternative B1]

35. The Grant Committee must establish requirements, guidelines, and criteria for grant proposals and for awarding grants. Act 185 requires a county to do all of the following in developing its grant application: (a) consider best practices in designing and operating facilities that hold juveniles in secure custody; (b) consider the feasibility of developing an existing facility into an SRCC; and (c) solicit input from juvenile court judges. Act 185 also requires the Grant Committee to give preference to proposals that utilize existing facilities that consider proximity to the populations of juveniles the facility would serve, and to multi-county applications.

36. The deadline for counties to submit grant applications to the Grant Committee was March 31, 2019. The Grant Committee may then work with applicants to modify their applications. The Grant Committee must submit a statewide plan of recommended grant approvals to the Joint Committee on Finance (JFC) by July 1, 2019. The statewide plan recommends which grant applications to approve, and is created by the Grant Committee after consultation with Corrections and DCF, and after Corrections approval of any proposed SRCC site, design, and construction specifications. The plan must be approved by JFC before it can be implemented by the Grant Committee and Corrections. After approval by JFC, Corrections must award grants under the statewide plan and the Grant Committee must monitor the progress of the grant-funded projects to ensure compliance with the program and timely completion.

37. The first meeting of the Grant Committee was on March 21, 2019. The Committee determined that a letter of interest from counties interested in building an SRCC would be sufficient to meet the March 31, 2019 deadline. The Committee has yet to send out the formal grant application. Finalized grant applications from the counties under Act 185 are due by June 30, 2019.

38. Six counties (Brown, Dane, Fond du Lac, La Crosse, Milwaukee, and Racine counties) as well as the Greater Lakes Inter-Tribal Council, submitted letters of interest to Corrections for SRCC grants by March 31, 2019. Attachment 1 provides a summary compiled by Corrections of the letters of interest. Not all counties specified how much funding was going to be requested, but the counties that did provide specific numbers totaled \$103.9 million. Total capacity of the facilities was estimated to be around 200 juveniles.

39. As of May 28, 2019, Fond du Lac and La Crosse have both formally withdrawn their letters of interest. Even with the withdrawn applications, requested funding (\$83.9 million) exceeds bonding authority provided. Total bed capacity is now estimated to be about 165 juveniles.

40. Under the recommendation of the administration, the committee would terminate when all grants are completed, instead of January 1, 2021. Further, grant applications would be due to the Grant Committee by June 30, 2019, instead of March 31, 2019, and plan recommendations would be due to JFC by October 1, 2019, instead of July 1, 2019. The trailer legislation makes the same adjustments to this timeline. Counties indicated to the Grant Committee that these extensions of grant

deadlines are necessary to county participation in the grant process through a memorandum dated April 17, 2019 (Attachment 2).

41. Given the importance of the upcoming deadlines of the Grant Committee to the counties, the Committee could extend deadlines and delay the termination of the Grant Committee. [Alternative C2] This alternative would result in a three month extension of several Grant Committee deadlines.

42. In addition, the administration recommends that the Grant Committee be able to submit individual grant recommendations to JFC for approval before the recommended October 1, 2019 deadline for approval of individual grants under a 14-day passive review. Given the different timelines on which the counties may be acting, the Committee could adopt this provision to provide the Grant Committee more flexibility when awarding grants. [Alternative C3]

43. In the memorandum dated April 17, 2019, Counties outlined a number of questions and concerns. In addition, the memorandum identified a number of items as "deal breakers." The memorandum indicated that the amount in the building program for SRCCs is inadequate to build SRCC's as prescribed by statute and emergency rule to build facilities with enough beds to house juveniles who would be placed in SRCCs. If counties are unable or unwilling to build sufficient beds for juveniles, it means that the state must build more state beds to accommodate these juveniles who would be placed in SRCCs. Juvenile populations predicted to be placed in particular facilities are discussed in more detail in a subsequent paper.

44. The administration, through the budget in brief indicated that "under Act 185, most juvenile offenders would be placed in county-operated facilities. Unfortunately, the act provided only \$40 million in funding for counties to build new facilities. This level of funding does not come close to funding the projected construction costs. The Governor recommends providing an additional \$60 million in bonding authority so that counties can construct new facilities." At the March 20, 2019 meeting, the Building Commission did not recommend authorizing the recommended increase in bonding authority.

45. Given the complexity and uncertainty surrounding funding for county grants for SRCCs, the issues could be addressed in separate legislation and no action taken during the budget process. [Alternative C4] As a result, provisions in Act 185 regarding the Grant Committee would remain until modified by subsequent legislation.

### **Change of Placement to Transfer Between Facilities**

46. Generally, under Act 185 juveniles given a correctional placement under county supervision must be placed in an SRCC, and not in a Type 1 juvenile correctional facility, but transfers between facilities are allowed.

47. *Moving a County Juvenile From an SRCC to a Type 1 Juvenile Correctional Facility.* A juvenile may be transferred to a Type 1 juvenile correctional facility, and have supervision of the juvenile transferred from the county to Corrections, under certain circumstances. A juvenile with a correctional placement may be placed in a Type 1 juvenile correctional facility if either of the following criteria are met: (a) the juvenile is placed at an SRCC that is unable to meet the juvenile's

treatment needs, the programming at the Type 1 juvenile correctional facility is able to meet his or her treatment needs, and no other SRCC is willing and able to meet the juvenile's treatment needs; or (b) the county's SRCC does not have space for the juvenile and no other SRCC is willing and able to meet the juvenile's treatment needs. A juvenile with a correctional placement may only be transferred to the Mendota Juvenile Treatment Center upon a recommendation by DHS. A hearing is required before a court changes a juvenile's placement from an SRCC to a Type 1 juvenile correctional facility, and Corrections has an opportunity to object to the transfer. If a court orders a change of placement to a Type 1 juvenile correctional facility, the county must pay Corrections for the cost of the juvenile's care at the statutory daily rate.

48. *Moving a County Juvenile From One SRCC to Another SRCC.* A juvenile with a correctional placement may be transferred from one SRCC to another, if the sending SRCC cannot meet the treatment needs of the juvenile, and if the receiving SRCC is able to meet the juvenile's treatment needs and offers more appropriate care and services. This transfer may be done without a court hearing if the receiving SRCC agrees. The county must contract with the receiving SRCC for care and services for the juvenile, who remains under the supervision of the sending county.

49. *Moving a Corrections Juvenile to an SRCC.* Corrections may place a juvenile under its supervision in an SRCC, if the receiving SRCC agrees. Corrections may also transfer a juvenile from one SRCC to another, if the first SRCC is unable to meet the juvenile's treatment needs and the second SRCC is consulted and is able to meet the juvenile's treatment needs. These placements and transfers may be done by Corrections without a court hearing. Corrections must contract with the receiving SRCC for the care and services provided to the juvenile, and the juvenile remains under Corrections supervision.

### **Operational Programming for SRCCs under DCF, the Departments of Public Instruction and Corrections**

50. *Authorized Uses For Youth Aids.* As mentioned above, Act 185 expands the authorized uses of youth aids for program costs in juvenile detention facilities and SRCCs. In addition, under current law, a subsection of a county's youth aids allocation is based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent three-year period. Under Act 185, in addition to the juveniles placed in juvenile correctional facilities, the number of juveniles placed in SRCCs is included in each county's proportion. The effect of this provision would not occur until SRCCs become operational in 2021.

51. *Community Youth and Family Aids - Bonus for County Facilities.* Under Act 185, the Department of Children and Families (DCF) must allocate an amount equal to 15% of a county's youth aids allocation in the preceding fiscal year or \$750,000, whichever is less, in additional funds for a county that operates a joint SRCC funded by a grant under Act 185. It is not known: (a) how many counties or which county or counties may operate a program for juveniles; and (b) how much each county's youth aids allocation will be at the time bonus payment may be made. Costs associated this program would not occur until a year after SRCCs are operational.

52. *Tuition Payments by the State.* Under current law, the Department of Public Instruction pays tuition for pupils attending public schools in the following circumstances: (a) pupils in children's

homes; (b) pupils whose parents or guardians are employed at and reside on the grounds of a state or federal military camp, federal veteran hospital or state charitable or penal institution; and (c) pupils in certain foster homes or group homes, if the foster home or group home is located outside the school district in which the pupil's parent or guardian resides. Act 185 expands tuition payments to pupils in SRCCs. It is not known: (a) how many counties or which county or counties may operate a program for juveniles; (b) how many youth will be eligible for tuition payments; or (c) what tuition payments may be charged. Tuition payments would not occur until after SRCCs are operational.

53. *Operating Loss Reimbursement Program.* Under Act 185, Corrections is required to reimburse a county that operates a SRCC that holds only female juveniles in secure custody and that was established using funding from the grant program for any annual net operating loss. A county seeking reimbursement is required to submit its request and supporting financial statements for the prior fiscal year to Corrections and the Legislative Audit Bureau (LAB). Corrections would then request an audit of a county's net operating costs for a SRCC that holds only female juveniles for the purpose of determining the amount, if any, of a net operating loss to be reimbursed by Corrections to a county. As determined by LAB, Corrections is required to reimburse the county for the amount of the net operating loss.

54. Act 185 created a GPR sum sufficient to reimburse counties for the costs identified in the LAB audit. In addition to reimbursing counties for operating losses, the appropriation may also be used by Corrections to reimburse LAB for the cost of the county audit. Currently unknown factors that will impact future costs include: (a) how many counties or which county or counties may operate a program for juvenile females; (b) operating costs for female SRCCs; (c) the female juvenile populations; and (d) the LAB determined definitions of operating costs and operating loss. Costs for the operating losses would not occur until a year after female SRCCs are operational. No county submitted a letter of interest for building a female only SRCC.

55. *Note on Medical Costs.* It should be noted that juveniles in secure state or county facilities are not eligible for Medicaid. Since Corrections has a large number of persons in its custody in this circumstance, Corrections is able to negotiate with providers to provide medical care for incarcerated populations. County run SRCCs, due to the smaller number of those in custody, may not have the same ability to negotiate with providers. Even with a variance, juveniles held in SRCC's may not qualify for Medicaid.

### **Limitations on Subsequent Papers**

56. As identified in this paper, there are currently a number of unknowns regarding the operations of the juvenile correctional system and decisions that need to be made on both the local and state level for juvenile and adult populations. Proper operational budgeting on the state level is dependent on how many juveniles will be placed with the state or with counties, and when and how many buildings are constructed by the state or counties. Therefore, either construction of facilities needs to be delayed or funding and positions provided for buildings being opened and closed in late 2021 or early 2021-22. Issues identified in this paper need to be resolved before proper budgeting for future fiscal years can occur. Therefore, subsequent papers can only address existing situations and cannot be used for budgeting during transitional time periods, or after Act 185 or modifying legislation is implemented.

## **New County and State Facility and Closure of Lincoln Hills Deadlines**

57. Act 185 requires the current juvenile correctional facility owned and operated by the Department of Corrections (Lincoln Hills and Copper Lake schools) to be closed no later than January 1, 2021, or when all of the juveniles that are held there are transferred to the new county-run SRCCs or a new state-run juvenile correctional facility. Counties have indicated through communications with the Grant Committee that counties may not be ready to receive juveniles from the state facilities as of January 1, 2021. In addition, DOA and Corrections have expressed concerns with the timeline prescribed under Act 185.

58. However, no matter the timeline, the state and counties need to be prepared to provide for a total juvenile (male and female) average daily population of approximately 227 juveniles as indicated in Attachment 3. Attachment 3 is a table showing an estimate of the distribution and total initial populations anticipated by Corrections after implementation of Act 185 prepared by Corrections in May, 2019, as a part of a secure juvenile facility population capacity analysis. Corrections indicates that in order to provide sufficient programming and prepare for unpredictable variability in juvenile populations the ADP of 227 should be about 85% of the total capacity available for juveniles, which means a total capacity of about 267 between state and county facilities. The ultimate balance of juveniles between the county and state facilities or capacity will be dependent on bonding made available through the Building Commission.

59. Under the 2019-21 capitol budget, the administration recommended an additional \$90 million for state Type 1 facilities, \$60 million for county SRCC's, and \$10.3 million for a secure housing unity at the adult Lincoln hills Correctional Institution. The Building Commission did not recommended these items for inclusion in the capitol budget. Thus, the availability of bonding and the capitol building process will determine on what timeline provisions of Act 185 may be implemented.

60. Under the bill, the January 1, 2021, deadline for closing Lincoln Hills and Copper Lake schools and for constructing the new SRCCs and new state-run juvenile correctional facility created under Act 185 would be removed. Instead, Corrections would transfer juveniles as soon as a substitute placement that meets the needs of the juvenile are ready. Once all juveniles are transferred to SRCC's or the new state facility, Lincoln Hills would be closed. This alternative offers considerable flexibility to counties building SRCCs and the state in building new Type 1 facilities, in that once the new buildings are completed, arrangements can be made to transfer juveniles to occupy available beds.

61. Given the flexibility the administration's recommendation provides to counties and agencies, the Committee could remove the January 1, 2021 deadline and replace it with the recommended timeline that adjusts itself to county needs. [Alternative C1] This alternative would result in timelines working around the completion of construction of SRCCs and Type 1 facilities, and tie the grandfathering provisions to that date.

62. It could also be argued, however, that the flexibility the administration's recommendation provides has disadvantages. For example, if an SRCC opens and is able to move juveniles from Lincoln Hills/Copper Lake, Corrections would be required to charge counties and its own GPR appropriations a daily rate that may be insufficient to cover costs, since the daily rate is dependent on population. The closing of one facility, the opening of the same facility for a different correctional population, the design,

siting, construction and staffing of new state and county facilities, the transfer of juveniles and adults between the new and/or newly remodeled facilities, and the coordination of all of these actions requires significant lead time for budgeting, construction, program design and staffing. In order to provide for all of these activities, a definitive date that would allow time for subsequent legislation, could be established. As such, the Committee could set the closure date of Lincoln Hills/Copper Lake and opening of SRCCs to be July 1, 2022. [Alternative C2] This alternative would result in costs associated with the transition being addressed in the 2021-23 biennium and give agencies and counties a deadline for which to prepare and budget.

63. The Committee could maintain current law and require closure of Lincoln Hills/Copper Lake by January 1, 2021, and provide funding identified in Correction's budget request for transitioning of Lincoln Hills to an adult facility, support for SRCCs, and staffing for each new Type 1 facility. Under this alternative, Corrections would be provided: (a) \$155,200 GPR in 2019-20 and \$145,400 GPR in 2020-21 for 2.0 GPR additional positions in the Office of Detention Facilities' (ODF) to address regular inspection of the new SRCCs; (b) \$18,399,800 GPR and 261.0 GPR positions in 2020-21 for staffing of the Lincoln Hills Correctional Institution; and (c) \$1,186,000 GPR in 2019-20, and \$10,544,800 GPR in 2020-21 and 70.0 positions in 2020-21 associated with the cost for staffing, operating, and maintaining each of the new Type 1 Juvenile Correctional Facility with approximately 32 beds. [Alternative C3] This alternative would result in the opening of three 32-bed Type 1 juvenile facilities, and the Lincoln Hills Correctional Institution with total funding of \$3,588,000 GPR and 2.0 GPR positions in 2019-20 and \$50,179,600 GPR and 473.0 GPR positions in 2020-21.

64. Given the complexity and uncertainty surrounding funding for county grants for SRCCs, the Committee could address the identified issues in separate legislation and take no action during the budget process. [Alternative C4] As a result, provisions in Act 185 regarding timelines for the state and counties would remain unchanged at this time.

## **ALTERNATIVES**

### **A. Study Committee**

1. Approve the Governor's recommendation to modify the termination date of the Study Committee to time at which the last grant application is completed.
2. Take no action.

### **B. Grant Committee**

1. Approve the Governor's recommendation that of the three members of each house of the Legislature appointed to the Grant Committee, one of the three would have to be a member of the minority party.
2. Approve the Governor's recommendation to modify the termination date of the Grant Committee to the time at which the last grant application is completed.
3. Approve the Governor's recommendation to allow approval of individual county grant

applications by the Committee under a 14-day passive review process.

4. Take no action.

**C. Lincoln Hills/Copper Lake Closing Date**

1. Approve the Governor's recommendation to allow Corrections to transfer juveniles as soon as a substitute placement that meets the needs of the juvenile are ready. Further, close Lincoln Hills once all juveniles are transferred to SRCC's or a new state facility.

2. Modify the closure date of Lincoln Hills/Copper Lake to July 1, 2022.

3. Maintain the Act 185 closure date of January 1, 2021, and provide Corrections with \$3,588,000 GPR and 2.0 GPR positions in 2019-20 and \$50,179,600 GPR and 473.0 GPR positions in 2020-21.

ALT D3	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$53,892,800	473.00	\$53,892,800	473.00

4. Take no action.

Prepared by: Sarah Wynn  
Attachments

# ATTACHMENT 1

## Summary of County Letters of Interest (Juvenile Corrections Grant Committee Materials - May 6, 2019)

**Act 185 Grants Committee**

**DRAFT - County Letters of Interest Summary Table**

The table below provides a summary outline of counties' letters of interest. More specific details, including how their proposed SRCCCY fits in with the county's broader youth justice services, can be found within their individual letters of interest.

County	Projected Capacity	Stand alone or Attached	Single or Multi County	Est. Cost
<b>Brown</b>	24-32, males and females	Build a new stand-alone facility	Single county proposal, but would serve youth across counties. Estimates serving 13 youth from other counties.	N/A
<b>Dane</b>	Males: 18-23 beds Females: 5-6 beds	Attach to current juvenile detention facility	Single county proposal, but would serve youth across counties. Estimates they would have 12-14 males and 3-4 females from Dane, leaving the rest for other counties	\$3.5 - \$4.5M
<b>Fond du Lac</b>	16 males	Attach to a proposed new detention facility	Single county proposal but would serve youth from multiple counties	N/A
<b>GLITC / Tribes</b>	<i>N/A: GLITC submitted on behalf of the tribes if a tribe chose to submit an application</i>			
<b>La Crosse</b>	20 male only SRCCY, co-located with 15 co-ed for short-term detention	Build a new facility to co-locate with short-term detention	Single county proposal but would serve youth from multiple counties	\$18 - \$20M
<b>Milwaukee</b>	62 total: remodeling and repurposing of 22 existing beds for the Milwaukee County Accountability Program (MCAP) and 40 beds at new SRCCCY; 5 beds for females	Remodel existing and build a new facility	Single county	\$41.4M
<b>Racine</b>	48 beds (detention and SRCCCY); male and female	Build a new facility to co-locate with detention	Single county proposal but would serve youth from multiple counties	\$38M

\* Fond du Lac and LaCrosse Counties have officially withdrawn letters of intent for a grant to build a SRCC.



## ATTACHMENT 2

WISCONSIN  
COUNTIES  
ASSOCIATION

22 EAST MIFFLIN STREET, SUITE 900  
MADISON, WI 53703  
TOLL FREE: 1 866 404 2700  
PHONE: 608 663 7188  
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WWW.WICOUNTIES.ORG

### MEMORANDUM

**TO:** Honorable Members of the Juvenile Corrections Grant Committee

**FROM:** Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs

**DATE:** April 17, 2019

**SUBJECT:** County Concerns Related to Secured Residential Care Centers for Children and Youth (SRCCCY)

At the April 8, 2019 meeting of the Juvenile Corrections Grant Committee, the state shared concerns raised by counties with regard to the construction and operation of SRCCCYs. The committee indicated it was interested in learning more about county concerns.

The following pages provide additional detail on the concerns shared by counties with Department of Corrections and Department of Children and Families staff. The attached list should not be considered a comprehensive list of concerns. As the process of implementing the new structure created in 2017 Wisconsin Act 185 becomes more "real" for counties, we anticipate additional concerns/questions arising.

Counties look forward to working with you as we begin to change the face of youth justice in Wisconsin.

## SRCCCY QUESTIONS/CONCERNS FROM COUNTIES

Items in red denote deal-breakers for counties

### Grant Funding:

Counties have no information with regard to how the grants process actually works.

- The state funding source for SRCCCY design and construction costs is bonding. Will bond proceeds be available to provide counties with funding upfront or will counties be required to bond for the design and construction costs and then receive reimbursement from the state? It does not seem logical for two entities to bond for the same project. Counties should not be required to bond for the construction of SRCCCYs. If counties are required to bond what is the impact on county bond ratings?
- Counties will be required to pay their contractors in phases. Will counties submit their costs to the state in phases? Will the state pay the contractors directly or will the state pass the dollars through to the counties for payment?
- The cost of designing/constructing facilities for females is reimbursed at 100%. These will be shared facilities. What method will the state use to determine male vs. female facility costs?
- **How is the state defining design and construction costs? What about land costs? Please see attached for a listing of project costs. Counties need the "project costs" to be covered.**
- If a project has cost overruns not included in the grant application will those costs be covered?
- **If the state does not appropriate sufficient bonding authority, what happens? Will counties be asked to scale back their projects? If counties are asked to scale back their projects, counties may opt out – counties will only operate SRCCCYs if they have the tools to do so in the appropriate manner.**
- Is the state willing to assist with site location?
- What level of architectural detail will the grant committee want to see? Counties will not be able to present more than concept plans prior to June 30, 2019.

### Operating Costs:

Counties are taking a huge risk operating SRCCCYs. Under Act 185, the financial liability/risk for holding youth in a secure setting transfers from the state to the counties.

- The 2019-21 state biennial budget allocates \$3.5 million in initial operating costs. How are those costs defined? What if the \$3.5 million is insufficient to cover all start-up costs?
- What method will the state use to determine operating cost deficits for female beds?
- **Will the state be willing to support operating deficits for all SRCCCYs for a time-certain? It will be difficult for counties to project ADPs in SRCCCYs for a number of reasons (current 365/180 programs, judicial discretion, etc.). The daily rates counties will charge are based on projected ADPs. If, based on the best information available, a county constructs 20 beds but only serve six youth, should an individual county be responsible for the loss given the shift in financial risk from the state to counties? For a county that is serving its own youth, the cost of providing services in a SRCCCY will be more than the cost of a placement at Lincoln Hills due to many factors, including compliance with**

federal staffing requirements that does not currently exist at Lincoln Hills. How does a county make up that difference? Will the state consider a shared-risk model?

- Counties have raised significant concerns about medical costs. Is the state willing to work with counties on the creation of a high-risk pool or other option to limit county liability for medical costs?
- Is the state open to discussion on shared risk?

#### **Projecting ADPs:**

This is related to the operating costs/operating deficit discussion as well.

- What happens if 17-year-olds rejoin the youth justice system? Do we build now in anticipation of the return of 17-year-olds? If we build now will that lead to operating deficits? If we don't build in anticipation of a return of 17-year-olds to the youth justice system who is responsible for funding the costs to add increased capacity? Will the state provide grants in the future if the policy change takes effect?
- How do we account for the current 365/180 populations?
- If judges like the programming in SRCCCYs will more juveniles be ordered by judges to SRCCCYs?

#### **Grant Requirements:**

Counties are anxious to begin the grant writing process, but many are awaiting clear direction from the state on what will be required in the grant application.

- As counties will be required to adhere to DOC 347, the grant application should be tied to DOC 347. Counties should not be required to provide information outside of statutory or administrative requirements.
- Counties should be asked to respond to general requirements contained in statute and administrative rule e.g., how will trauma-informed principles be incorporated in the physical environment of the facility, how many youth will the SRCCCY hold, how will the facility incorporate evidence-based practices and trauma-informed principles in its programs and services, how will the SRCCCY pursue partnerships with outside entities to enhance available services and resources in the facility.
- Specific operational requirements need not be included as part of the grant application; operational plans must be approved by DOC before the facility may accept youth (DOC 347.08 (1)).
- Can the grants be submitted to the committee in phases (graduated process)? For example, can counties respond to questions about programming prior to submitting information on facility design?

#### **Youth Justice System**

- The costs of operating SRCCCYs will be higher than the costs of operating Lincoln Hills/Copper Lake and current county 365/180 programs. That means funding currently utilized for the youth justice system will transfer from community-based and prevention/early intervention programs to the deep end of the system. Counties do not think that is a direction we want to be headed in. Can the state assure counties increased investment in the community-based side of the youth justice system will be made in the next biennium to offset the shift in revenue to SRCCCYs?

- What is the Wisconsin model of juvenile justice? Will the model be broad enough to provide counties with flexibility in the operation of SRCCCYs?

**Administrative Rule Changes:**

- Is the state open to county requests for administrative rule changes?
- If counties are co-locating secure detention and SRCCCYs, why are the training requirements for each facility different?
- Will there be flexibility provided to counties if it is necessary to incorporate various programming models?
- May impact a county's decision to renovate vs. build new.

NOTE: Counties will be meeting on May 1 to discuss rule changes.

**General Questions:**

- At what point does a grant application become binding - once a grant application is approved or will a separate agreement between the state and a county need to be executed?
- If a county is awarded a grant and opts out of operating a SRCCCY what happens? Does the state assume the building? What if the SRCCCY is co-located with a secure detention facility? What if the building is on county-owned land? Is there a set time frame after which the state no longer has claim to the facility? Depreciation?
  - Wis. Stats §13.48 (27m) (c) *if for any reason, the facility that is constructed with funds from the grant is not used for the purposes identified in the grant under 2017 Wisconsin Act 185, section 110 (4), the state shall retain an ownership interest in the facility equal to the amount of the state's grant.*
- Why types of technical assistance will be made available to counties throughout this process?
- How can counties ensure local school districts will actively engage with SRCCCYs in meeting educational goals?

## **SAMPLE SRCCCY PROJECT COSTS**

**Construction Costs** – this is the “bricks and mortar” cost that includes everything that is “fixed” in the project. It is what typically the contractor is responsible for providing.

**Non-Construction Costs** – these are the additional costs that are part of the total project. They typically run from 18 to 25% of the construction cost, depending on whether the cost of land is included. Here is a list of the items that would fall in this category:

- Printing
- Plan review fees
- Site survey
- Soil investigation
- Soil and material testing during construction
- Moveable furniture and furnishings (FF&E)
- Moving costs
- Project start-up costs
- Communications
- Telephone system
- Interior signage
- HVAC testing and balancing
- Building commissioning (may not be required)
- Construction contingency
- Owner contingency
- Owner’s representative fees
- Cost of bond issuance (not required)

**Project Costs** – this is the sum of the construction and non-construction costs.

## ATTACHMENT 3

### Page 12 "Estimated Capacity Need by Initial Placement"

#### Estimated Capacity Need by Commitment Type

As noted earlier, post-Act 185 implementation, DJC's *primary* population will include youth with SJO commitments and youth with adult convictions; county/tribal-run SRCCCY's *primary* populations will include youth on juvenile commitments. This categorization reflects initial placement and does not include change of placement across facilities, including change of placement to MJTC.

### Estimated Capacity Need by Initial Placement<sup>1,2</sup>

Potential Population	Estimated SRCCCY ADP	Estimated Type 1 ADP
CY 2018 JCF ADP <sup>3</sup>	98.2	70.5
Long-Term Post-Dispositional Detention Converting to SRCCCY <sup>4</sup>	42.6	N/A
Additional Need from WCA Survey Data	15.0	N/A
Potential increase from increased availability of secure placement options	Unknown	Unknown
Potential decrease from systems improvement in community-based youth justice	Unknown	Unknown
<b>Total</b>	<b>155.8</b>	<b>70.5</b>
<b>Capacity Need Operating at 85%</b>	<b>183.3</b>	<b>82.9</b>

1. Based on current law; does not include impact of returning 17-year-olds to juvenile court jurisdiction
2. Does not include the impact of changes in placement between facilities or to MJTC.
3. Assumes SJO and adult commitments are placed at DOC Type 1; juvenile commitments placed at SRCCCYs.
4. Based on assumptions of which long-term post-dispositional detention programs remain post Act 185 implementation. If no long-term post-dispositional detention programs remain, this number could increase to an estimated total of 61.2 ADP.