

**MILWAUKEE COUNTY
JUVENILE DETENTION
MEMORANDUM**

Date: Tuesday, March 28, 2017

**TO: Mark MERTENS
Administrator**

**FR: Peter D. PIERCE
Superintendent**



RE: Plan to Address Use of Force at Milwaukee County Juvenile Detention

Summary:

On Tuesday, September 14, 2016 I was installed as the Superintendent of the Milwaukee County Juvenile Detention Center located at 10201 West Watertown Plank Road in Wauwatosa, Wisconsin. The Detention portion is located on the lower level of the Vel Phillips Juvenile Justice Center, a multi-use government building which also houses offices for the Milwaukee County District Attorney's Office, Probation and Parole, Courts, and the Delinquency & Court Services Division. This is a 120 bed secure juvenile detention facility. There are currently 60.5 FTE Juvenile Correctional Officers (JCO) and six Juvenile Correction Officer Supervisors (JCOS).

On or about September 30, 2016 I had the opportunity to observe several videos of questionable uses of force by Juvenile Correctional Officers toward youth being detained in Detention. I subsequently notified Mark Mertens, the Administrator, of my concerns. In addition, I met with Milwaukee County Deputy District Attorney Kent Lovern and showed him some of the questionable videos. Lastly, I advised Luis Padilla and Katie Engnath of Milwaukee County Human Resources. This notification was related to my placing two of the officers involved in questionable behavior on administrative duty until a complete investigation could be completed and then evaluated by the district attorney's office and my office.

Plan to Address:

The discovery of these incidents, uncovered five distinct systematic failures. The following procedures have been developed to address each of the below listed failures:

1. There was no practice, policy, or procedure to document and track incidents involving uses of force

Previously, when force was used, the responding supervisor would provide the Superintendent and Assistant Superintendent with an email documenting the incident. Although each supervisor received training from the Milwaukee County House of Correction on how to investigate and document uses of force these practices were not adhered to.

To address this issue, Detention has reinstitute the practice of using Use of Force forms. These forms are similar to those used by the Milwaukee County House of Correction. I will work with the House of Correction to train or retrain any supervisor who has questions on how to investigate and/or document uses of force.

In addition, we have developed a database to track each emergency incident in Detention, including uses of force. This will allow us to better identify those who use force, when it is used, and where it is used. The hope is that we will be able to reduce uses of force by adjusting staffing and identifying training needs.

Lastly, existing Detention policies will be updated to require that uses of force be investigated and documented using the procedures trained by the House of Correction.

2. There was no formal practice to review each use of force

The procedures trained to the JCO Supervisors by the House of Correction staff and the forms they were to use included a review process. When they ceased to be used, it eliminated a procedure for review.

By reinstating the Use of Force forms and procedure, there will be several layers of documented review and potential recommendations. Each use of force is now required to be reviewed by the superintendent, assistant superintendent, and a Principals of Subject Control (POSC) instructor.

Retroactively two JCO Supervisors, who are POSC instructors, are in the process of reviewing each emergency call during 2016. This review involves reading the associated reports filed and watching videos of the incidents to ensure compliance with policy and procedure.

3. There was a mistaken belief that Child Protective Services (CPS) would conduct investigations of alleged child abuse and the results of their investigation would determine if a criminal investigation should be conducted. There was also no mechanism to determine if the action was a violation of a workplace rule.

Previously when there was an allegation that a youth had been abused by a Detention employee, the Superintendent would rely upon CPS to conduct an investigation. If the investigation was not able to substantiate the allegation, the Superintendent would not take any action. This omission included not notifying law enforcement of a potential crime (i.e. child abuse, abuse of residents of penal facilities, misconduct in public officer, etc.).

Since taking over as Superintendent, Detention's view on the role of CPS has changed. Although CPS conducts their independent investigation, its results are not the grounds for inaction by the Superintendent. Now, if it is believe that a crime may have been committed, law enforcement is contacted. We have utilized the Milwaukee County Sheriff's Department and the Milwaukee County District Attorney's Office Investigators for criminal investigations.

The Milwaukee County District Attorney's Office has been provided with video and documents regarding uses of force in Detention. They are currently reviewing and investigating these incidents for potential criminal charges.

For potential workplace rule violations, we have used the Milwaukee County House of Correction to conduct investigations. When it is determined to be a minor infraction that is attributed to training, we will provide remedial training, when appropriate. We will consult with Milwaukee County Corporation Counsel to address any potential serious workplace violations that may occur.

4. CPS did not share the results of their investigations or their recommendations with the superintendent or administrator.

For some inexplicable reason, in the past when CPS conducted an investigation on alleged maltreatment by an employee of Detention, they reported their findings to the reporter and the individual alleged maltreater. The superintendent and/or the administrator was not provided with any information on the investigation, including their recommendations.

Now, we have the commitment of Administrative Section Chief Rick Kastenmeier of the State of Wisconsin Department of Children and Families' Division of Milwaukee Child Protective Service to provide me with the conclusions and formal recommendations from their investigations. I am still awaiting the reports and recommendations for allegations investigated in 2016 and 2017.

5. Officers did not receive regular consistent training on Principles of Subject Control (POSC)

As a result of their work schedules, the only opportunity for officers to receive training were on dedicated training days throughout the year. In 2016, all of our officers and supervisors were required to attend remedial POSC Training at the House of Correction. Once completed, the POSC instructor felt that everyone who attended possessed at least the basic competencies of POSC.

In January of 2017 we modified the work schedules of the officers to incorporate daily training. Currently, we have two POSC instructors. These instructors have been doing up to 20 minutes of hands on training per shift with each of the officers. The topic and the instruction varies each week, but has included hands on POSC training. This regular training will continue throughout the year.

It is anticipated that in the next two weeks, another JCO Supervisor will be hired. This individual is a POSC instructor, as well as a trainer in Professional Communications Skills. This will assist with the professional development of our officers, who often struggle with properly documenting their actions and observations.

Each of the instructors receive annual training to maintain their certifications. This includes demonstrating their proficiency in conducting training.