

1  
2  
3 AUTHORIZE THE USE OF THE SECURE AND NON-SECURE  
4 DETENTION FACILITIES FOR SHORT TERM DETENTION  
5  
6

7 WHEREAS Chapter 938 of the State Statutes is designed to hold juveniles accountable for their  
8 violations of juvenile court orders, imposes direct accountability, and  
9

10 WHEREAS the use of the non-secure and secure detention facility in Waukesha County to detain  
11 juveniles for up to 72 hours without a hearing, while investigating any possible violations of  
12 supervision, or as a consequence of violating terms of supervision, furthers the philosophical  
13 preamble of Chapter 938 and holds juveniles accountable for their actions, and  
14

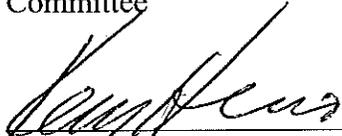
15 WHEREAS the use of the secure and non-secure detention facilities as a short term detention  
16 under sec. 938.355 (6d) (a) while the alleged violation of a delinquency order is being  
17 investigated and the appropriateness of sanctions are being evaluated will further the interests of  
18 the public and serve to protect the public.  
19

20 THE COUNTY BOARD OF SUPERVISORS OF WAUKESHA ORDAINS that the Circuit  
21 Court of Waukesha County, Juvenile Division, and the Waukesha County Department of Health  
22 and Human Services is hereby authorized to use the Waukesha County secure and non-secure  
23 detention facilities for up to 72 hours as short term detention to investigate any alleged violations  
24 of court ordered supervision, as a consequence for violation of conditions of supervision, or for  
25 the purposes of evaluating the appropriateness of further sanctions.  
26

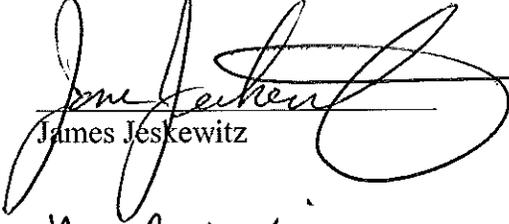
27 BE IT FURTHER ORDAINED that the authorization to utilize the secure and non-secure  
28 detention facilities for the above purposes will remain in effect for one year following adoption  
29 by the County Board and if not renewed will cease thereafter.

AUTHORIZE THE USE OF THE SECURE AND NON-SECURE  
DETENTION FACILITIES FOR SHORT TERM DETENTION

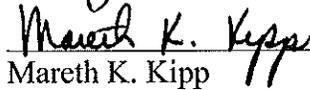
Presented by:  
Health & Human Services  
Committee



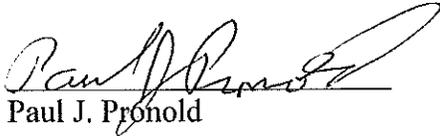
Kenneth C. Herro, Chair



James Jeskewitz



Mareth K. Kipp



Paul J. Pronold

absent

Carl H. Seitz

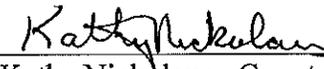


Alicia Silva



Sandra A. Wolff

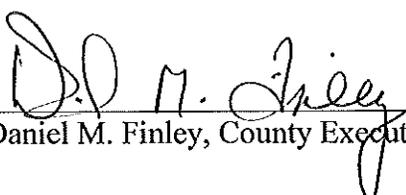
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 2-13-2004,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓

Vetoed: \_\_\_\_\_

Date: 2-13-04,   
Daniel M. Finley, County Executive

FISCAL NOTE

AUTHORIZE THE USE OF THE SECURE AN NON-SECURE  
DETENTION FACILITIES FOR SHORT TERM DETENTION

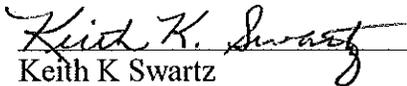
This ordinance authorizes the Juvenile Court of Waukesha County, Juvenile Division and the Department of Health and Human Services (HHS) to use of a 72-hour hold at the Juvenile Center to detain youth adjudged delinquent without the need for an additional court hearing. The use of 72-hour hold is left to the HHS staff discretion, however, Health and Human Services staff indicates that usage will primarily be limited to cases that involve new law violations.

The enactment of the Federal Adoption and Safe Families Act requires further judicial action to hold a youth unless the County Board adopts the 72-hour hold option for the purpose of investigating alleged violations or as a consequence for violation of supervision conditions.

According to HHS staff the adoption of 72-hour holds is not significantly different from historical sanctions implementation that allowed for purgeable orders. Purgeable orders were previously allowed Juvenile Center stays to be deferred by serving community sanctions and revoked at HHS staff discretion if violations occurred.

At this time the department staff does not expect the 72-hour hold provision to have a significant impact on the Juvenile Center occupancy, costs or revenues.

This ordinance authorizes the 72-hour hold option for a period of one year following adoption by the County Board, unless this sunset is extended though County Board ordinance reauthorization. The HHS Department indicates the sunset will allow for a more detailed review of the 72-hour hold provision's impact on operations prior to reauthorization. The Department of Administration Budget Division will monitor the fiscal impact of this ordinance during this one-year period and report the impact in a fiscal note if the ordinance reauthorization of the 72-hour hold option is requested.

  
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Keith K Swartz  
Budget Manager

AVT  
12/10/2003  
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158-0-123

NOTE: This ordinance was amended at the 1-29-04 Health & Human Services Committee. Additions are underlined and deletions are crossed out.

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2                    DETENTION FACILITIES FOR SHORT TERM DETENTION  
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4

5    WHEREAS Chapter 938 of the State Statutes is designed to hold juveniles accountable for their  
6    violations of juvenile court orders, imposes direct accountability, and  
7

8    WHEREAS the use of the non-secure and secure detention facility in Waukesha County to detain  
9    juveniles for up to 72 hours without a hearing, as a consequence of violating terms of a  
10 dispositional order, while investigating any possible violations of supervision, or as a  
11 consequence of violating terms of supervision, furthers the philosophical preamble of Chapter  
12 938 and holds juveniles accountable for their actions.  
13

14 ~~WHEREAS the use of the secure and non-secure detention facilities as a short term detention~~  
15 ~~under sec. 938.355 (6d) (a) while the alleged violation of a delinquency order is being~~  
16 ~~investigated and the appropriateness of sanctions are being evaluated will further the interests of~~  
17 ~~the public and serve to protect the public.~~  
18

19    THE COUNTY BOARD OF SUPERVISORS OF WAUKESHA ORDAINS that the Circuit  
20    Court of Waukesha County, Juvenile Division, and the Waukesha County Department of Health  
21    and Human Services is hereby authorized, using their decision making procedures, to use the  
22    Waukesha County secure and non-secure detention facilities for up to 72 hours as a consequence  
23 of the violation of the condition of a dispositional order if a juvenile, who has been adjudged  
24 delinquent, violates the condition, ~~as short term detention to investigate any alleged violations of~~  
25 ~~court-ordered supervision, as a consequence for violation of conditions of supervision, or for the~~  
26 ~~purposes of evaluating the appropriateness of further sanctions.~~  
27

28    BE IT FURTHER ORDAINED that the authorization to utilize the secure and non-secure  
29    detention facilities for the above purpose ~~purposes~~ will remain in effect for one year following  
30    adoption by the County Board and if not renewed will cease thereafter.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/10/04

(ORD) NUMBER-1580123

- 1 K. HERRO.....
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....NAY
- 23 P. PRONOLD.....
- 25 K. CUMMINGS.....NAY
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....NAY

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....NAY
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....NAY
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-24

TOTAL NAYS-05

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-29