



SHERIFF DENITA R. BALL

October 19, 2023

TO: Supervisor Marcelia Nicholson – County Board Chairwoman
FROM: Inspector Aaron Dobson
RE: Response to Supervisors questions from County Board - Committee of the Whole Meeting on September 28, 2023
Relative to Resolution 23-834

Questions and Answers:

Supervisor Sean Rolland questions:

1. Is there a different place that the Mental Health Assessment can be completed that is less chaotic?

I understand this question is related to the initial Medical/Mental Health screening that occurs in our prebook area. This is before the individual is even accepted into the jail. Given the limited space available in the prebook area, there is currently no other area to perform initial medical screenings, although the second medical screening, which occurs after an individual is accepted into the jail and is more comprehensive, is conducted in a separate space located in the booking area. A capital project and construction would be needed to create a different area in prebook.

2. Explain how time out of the cell is calculated. Is there a formula which uses officer vs. occupant ratios which determines how much time is allowed out of cells?

The amount of time occupants spend out of their cells varies. Daily staffing levels factor into the analysis of how much time occupants may spend in the housing unit dayrooms and out of their cells. Although no specific formula is used to determine occupant recreation time, we are able to achieve maximum operational efficiency and allow for maximum recreation time for occupants in

our care when every corrections officer position on both 1st and 2nd shift is filled. However, on average, we have approximately 30 vacancies daily on both shifts combined, which means occupant recreation time can be inconsistent from day to day. In July of 2021 we modified our shifts to allow for up to 5 or 6 hours out of the cell daily for nearly all jail occupants.

3. What is MCSO policy regarding suicidal occupants and diapers/undergarments?

Our policy states, "Suicidal inmates shall not be permitted to retain undergarments unless the inmate is female and currently menstruating".

4. Would it be faster and more compassionate if MCSO made contact to families in death in custody situations?

MCSO could itself make in person death in custody notifications, but only with the consent of the investigating agency, weighing evidentiary and investigatory considerations.

5. What are employee engagement survey results? How is culture measured?

During the most recent survey, the sample size was too small (27% of employees) to gauge true evidence of agency culture. Additionally, the responses were entered during a sheriff transition, making it unclear as to who the responders were referring to. Survey results are available through HR Program Manager Peter LaBonte.

6. Can there be an increased use of virtual courtrooms to reduce the strain on CO's?

Milwaukee County courts currently have the ability to increase the use of virtual court appearances. However, this is at the discretion of judicial officials. Judges are currently choosing to do more hearings in person rather than virtual. Regardless, if they were to opt to do more virtual hearings, this would impact sworn staff more than jail staff.

7. Can the county board create a policy to compel the CRC to take persons that meet the security restrictions for the CRC?

This question would be best answered by the Office of Corporation Counsel.

Supervisor Peter Burgelis Questions:

1. What is the MCSO doing to increase staff?

We have been conducting regular hiring and recruitment events since May of 2022, increased our presence on social media, utilized targeted social media and broadcast advertising (radio advertising and earned TV media), and purchased billboards, among other things. We have also assigned more resources toward quick and efficient background investigations. We have recently reassigned four full-time deputy sheriffs to assist in conducting background investigations for potential hires. We have also worked with Human Resources, specifically Peter LaBonte, to assess our hiring processes, and conducted job fairs at UWM and local community colleges.

2. Is the 3% raise sufficient?

A 3% raise is not sufficient. A 3% increase will raise our current starting rate of \$26.43/hour to \$27.22/hour, which is an increase of \$0.79/hour. Effective January of 2024, the DOC will be paying their correctional officers a minimum starting wage of \$33.00/hour, accompanied with annual increases, which Milwaukee County does not provide. We cannot be competitive with our officers making nearly \$6/hour less than the officers make for doing the same job, just across the street. Not only will the DOC pay significantly more, but they also provide free parking. It should be noted that the DOC is also understaffed, and they have a significant amount of job openings. They will almost assuredly recruit and hire a large amount of our staff members, not only for the facility across the street, but for the new juvenile facility being built in Milwaukee County.

It should be noted that the DOC is not our only competition for correctional employees. Racine County has a starting pay of \$29.55/hour and works up to \$34.10/hour and Washington County has a starting pay of \$29.50 and works up to \$33.63/hour.

Supervisor Ryan Clancy Questions:

1. Are you aware of the incident in Stillwater MN and can you address the differences in response and outcome?

We are aware of the incident but lack sufficient detail related to the circumstances involved in that situation to critique and compare the two unique incidents.

2. Please provide more financial details.

We will continue to provide the county board with specific financial information that is requested. Any MCSO budget information can also be obtained from the Milwaukee County Office of Strategy, Budget, and Performance.

3. What conditions led to most recent deaths and how do we improve?
We cannot speak to any individual death in custody due to threatened or pending litigation or ongoing investigations. We utilize continual improvement strategies to enhance our operations on an ongoing basis.
4. Do you support a civilian accountability board with wide-ranging decision-making authority?
No. The sheriff is open to input from all sources. However, under current Wisconsin law the sheriff is legally responsible for operating the jail. As previously referenced, we have several agencies that provide external monitoring to include; the Department of Corrections, the National Commission on Correctional Healthcare, the National Commission on Correctional Healthcare Resources Inc., the United States Marshalls Service, the American Civil Liberties Union, and the Legal Aid Society.
5. Do you show the same level of detail in your budget that other departments show?
Yes, we utilize the same budgeting tool as all other county departments are required to use as determined by the Office of Budget, Strategy, and Performance.
6. Can you compare the jails current practices to best practices in the industry?
The Milwaukee County Jail currently utilizes best practices in the industry. NCCHC Accreditation, Lexipol Policy usage, and NRI's Medical Consulting services are all examples of best practice utilization.
7. Page 5 of the report lists violent crime charges, are these convictions? What about inmates without violent charges?
Most occupants in the jail are pre-trial detainees who are not convicted, but for whom probable cause for detention has been determined by a court official. Occupants lacking violent charges are often in the jail for only a short time due to lower bails and possible transfers.
8. Where are MCSO regular hours by department?
This will take some time and effort to complete due to the complexity of the data requested, but we are actively working on it.

Supervisor Sequanna Taylor Questions:

1. Please describe Wellness Rounds?

Daily Wellness rounds are conducted by medical and mental health professionals. They have 1 on 1 conversations with every individual in our Special Medical Unit (SMU), our Mental Health Unit (MHU), our step-down mental health unit (Pod 4C), and Restrictive Housing (Pod 4D), to ensure that they are getting the treatment and services they need. Please refer to the PowerPoint from the Committee of the Whole meeting and the initial resolution response to file #23-834 for additional details.

2. Please describe medication passes if people do not have medication.

If an occupant does not have medication and requests it, they are seen by a medical provider (doctor or nurse practitioner). The provider makes a determination as to whether or not a new prescription is warranted.

Supervisor Juan Miguel Martinez:

1. How often is the mental health questionnaire updated?

The Wellpath intake screening forms are reviewed and updated on an “as needed” basis. The form was created in conjunction with Dr. Ronald Shansky (original consent decree monitor), Wellpath officials, and NRI (medical consultant).

2. What is the best resource for the questionnaire? Does it need to be more detailed?

Our best resource to ascertain the acceptability of the screening form is the County’s medical and mental health consultant, the National Commission on Correctional Health Care Resources Inc. (NRI), who reviews these documents regularly.

Supervisor Felesia Martin:

1. What is the evolution in job titles/duties at the jail?

In January of 2005, we began to transition all jail uniformed staff from sworn deputy sheriffs to correctional officers under Sheriff Clarke. The transition took over a decade to complete. To accomplish this task, we stopped hiring deputy sheriffs, and exclusively hired correctional officers for an extensive period of time. Prior to the transition, the last deputy sheriff class started the

academy on April 18, 2003. There was not another deputy sheriff class until August 31, 2015. The last deputy sheriffs assigned to the jail were transferred out at the end of 2012. The jail was void of any deputy sheriffs until recently, when several deputies were transferred back to the jail out of necessity for staffing reasons.

2. Will paying officers more impact the quality of care?

Yes, increasing the pay for our correctional staff will enhance quality of care. If we were to pay at a higher rate, we could attract additional quality candidates, reduce mandatory overtime, and retain more staff. This means not as much turnover. Increasing the staffing levels will also afford us the opportunity to allow more time out of the cells for our occupant population, which will result in easier monitoring and better outcomes. Further, it will also allow our officers to focus on performing just one job, rather than multiple jobs.

3. Should we switch back to deputies working at the jail rather than CO's?

We could theoretically transition the jail back to sworn staff, however this would be a herculean task, and would come at a significant cost, which would be higher than providing a raise to the correctional officers. The transition would take at least a decade to complete. It should be noted that the training time for a sworn deputy sheriff academy is 880 hours, almost half a year. We would then have to put all of these deputies through a 200-hour jailer curriculum at the training academy. Following the initial training academy time, at least 12 more weeks of FTO training is needed. With off time, vacations, and special assignments, it can take up to a one-year period to fully train a deputy sheriff who is also a trained jailer. An additional complication would be related to recruitment. Most people who want to be law enforcement officers have no desire to work in corrections. Unless the pay for our deputy sheriffs made it cost prohibitive for them to leave, we would have retention challenges for new employees. During the transition, staff retention in the CO ranks would be a challenge due to their jobs being phased out. Our concern would be a "Mass exodus" in the CO ranks, leaving us in a position where we would not be able to meet our constitutional, contractual, and statutory obligations.

Supervisor Caroline Gomez-Tom:

1. Are private partnerships possible?

Yes, private/public partnerships are always possible. We currently work with many private entities to provide resources to our occupant population to include the Milwaukee Public School system, Wisconsin Literacy Program, and the League of Women Voters to name a few.

2. There are two screenings. What other screenings occur to address undiagnosed conditions?

There are many other screenings that can occur at either an occupant's or other staff member's request. One additional mandatory screening is an overall health physical with a provider that occurs within 14 days of being booked into the jail.

3. Wellpath Contract – can we get a line item on how Wellpath dollars are allocated? What more can be done?

There was an initial contract and subsequent extensions and amendments. Please reach out to the procurement department for all applicable documents. Lael MacLellan is the procurement representative for MCSO and the CRC and can be reached at 278-4129.

4. How is trauma-informed care imbedded in training? (Restorative justice, rehabilitation concepts, etc.) To build folks up instead of solely punitive.

The Law Enforcement Standards Board sets the curriculum for certification as a Jail Officer. None of the current curriculum teaches solely punitive responses. Further, pretrial detainees have not been convicted of a crime and therefore it is not appropriate to assume they need reconciliation with victims (restorative justice) or rehabilitation until after they have been convicted of a crime.

5. Mandated overtime – how do we avoid this? What are the impacts on care if we didn't do it? Would we still meet state mandates? Where would the gaps be?

With our current staffing constraints, and the need to maintain operations 24 hours a day, 7 days a week, we cannot maintain daily operations without utilizing mandatory overtime. Without mandatory overtime, we currently would not be able to get our occupants out of their cells, we would not be able to feed them, and would have challenges in getting them to appropriate medical care. There would be no emergency response availability. The only

way to avoid mandatory overtime is to have a greater number of employees to staff the jail.

Supervisor Priscilla Coggs-Jones:

1. What are the processes and procedures for handling severe medical or MH cases?

Every medical and mental health case is triaged and handled on an individualized basis to ensure daily needs are being met. If it is determined that jail medical staff cannot effectively treat an occupant for a medical issue, they are sent to the hospital.

2. When do we expect to hear responses to the questions today?

As soon as practical.

Questions from JLEGS County Board JLEGS meeting on 09/11/23:

1. How many people died in the MCJ under Clarke, Lucas, and Ball per year and on average?

Clarke (03/19/2002-08/31/2017) – 30

Schmidt (09/01/2017-01/07/2019) – 3

Lucas – (01/08/2019-10/23/22) – 7

Ball – (10/24/22 – Present) – 5

2. Would you agree to a public town hall in January?

No. Sheriff Ball has already scheduled a public Town Hall for October 27th of this year.

3. Will you update your website to include the SOP's for MH?

This request is under review and consideration. We are in the process of reviewing our policies to ensure that their release does not adversely affect security in any way.

4. Why has only one death in custody received any criminal charges?

All death in custody cases are investigated by an outside agency and reviewed by the District Attorney's office. Questions related to charging determinations can be answered by the District Attorney's office.

5. Looking for more information on the differences between Armor and Wellpath?

Copies of the historical contracts for both Armor and Wellpath can be obtained from the Milwaukee County Procurement Department. Lael

MacLellan is the procurement representative for MCSO and the CRC and can be reached at 278-4129.

6. How much does the MCSO spend each year on PR activities including the citizens academy?

Excluding salaries, the 2023 budget for our Public Affairs/Community Engagement Unit is \$25,050 (reduced from \$50,000 in 2022). It should be noted that this unit also assists extensively with recruitment and hiring and is not solely dedicated to PR activities.