

1 By Supervisors Martin, Clancy,
2 Coggs-Jones, Shea, Martinez, Burgelis, Johnson, Jr., and Logsdon

File No. 23-554

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5 **A RESOLUTION**
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7 Requesting a research and analysis plan and initial baseline report about the operation
8 of the Milwaukee County Criminal Justice Facility (CJF) to establish a foundation of
9 understanding to inform future policy decisions and studies, to promote well-informed,
10 thoughtful, and respectful engagement, and to balance transparency and accountability
11 with the need to manage legal risks and legal privileges.
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14 WHEREAS, Milwaukee County is responsible for the safety and well-being of all
15 persons in its care at county operated correctional facilities, such as the Criminal Justice
16 Facility (CJF or Jail or facility), as may be required by Wisconsin State Statutes, the
17 Wisconsin Department of Corrections (DOC), local ordinances, and court orders (such
18 as the Christensen Consent Decree); and
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20 WHEREAS, Milwaukee County adopted File No. 19-192, and later approved a
21 five-year, \$109.2 million contract extension (File No. 20-877), to contract with Wellpath,
22 LLC for medical, dental, and mental health services, which includes 24 hours a day, 365
23 days a year mental health services, access to on-call psychiatric services, an onsite
24 psychiatrist, wellness coordinators for high acuity and vulnerable residents, restricted
25 staff substitutions and more; and
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27 WHEREAS, Milwaukee County approved an extension of its medical monitoring
28 contract with National Commission on Correctional Health Care Resources, Inc. (NRI)
29 through March 31, 2024, which amongst other responsibilities, calls for three entities
30 (Lead Monitor, Medical Monitor, and Mental Health Monitor) from NRI to perform bi-
31 monthly visits and provide monthly reports to the County (File No. 19-196); and

32 WHEREAS, the Milwaukee County Board of Supervisors approves the budget for
33 the Milwaukee County Sheriff's Office and in that capacity, also has oversight
34 responsibilities as limited by law regarding the CJF, which necessitates access to timely
35 information to inform policy and decision making, with the acknowledgement and
36 understanding that the Sheriff is entitled to significant autonomy and discretion by the
37 Wisconsin Constitution, state statutes, and case law in administering the Jail and
38 carrying out law enforcement functions; and
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40 WHEREAS, considering the desired timeline to inform policy and decision
41 making, a performance audit by the Audit Services Division-Office of the Comptroller

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43 may not be the best format to obtain information due to required compliance with
44 standards for performing an audit and the time necessary to complete such reporting,
45 which would likely require at least a year, if not more; and

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47 WHEREAS, any findings resulting from this or subsequent studies must maintain
48 the confidentiality of personal health information and any applicable legal privileges; and

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50 WHEREAS, there is always the potential for civil litigation relating to events,
51 including but not limited to deaths, occurring in the Criminal Justice Facility and any
52 future study of operational policies and practices must be sensitive to ongoing litigation
53 and/or investigations, whether internal or by third-party investigators; and

54 WHEREAS, any research or publication of information for the purpose of guiding
55 policy decisions as it relates to the loss of life of persons in our care needs to be
56 handled with sensitivity and reverence to the trauma and pain in-custody deaths cause
57 the community and especially the families and friends of loved ones who have died, and
58 consciously attempt to not retraumatize or exploit these deaths, the families and friends
59 of those that passed, or the community; and

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61 WHEREAS, due to the sensitive and complex nature involved in the operation
62 and management of the CJF, any studies evaluating current practices, policies and
63 procedures will require thoughtful coordination to collect information from all parties
64 involved while addressing the above concerns and better enabling the County Board of
65 Supervisors to perform their budgetary and related oversight responsibilities, as limited
66 by law; and

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68 WHEREAS, the Committee on Judiciary, Law Enforcement, and General
69 Services, at its meeting of May 8, 2023, recommended adoption of File No. 23-554
70 (vote 5-0); and

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72 BE IT RESOLVED, the Milwaukee County Sheriff's Office is hereby requested to
73 provide the following research plans and reports as detailed herein by no later than the
74 July 2023 cycle, as coordinated and guided by the Office of Corporation Counsel due to
75 legal privileges and confidentiality necessities, with support from the Department of
76 Strategy, Budget and Performance – Project Management Division, and in coordination
77 with relevant vendors and other County departments, as identified and requested by the
78 Office of Corporation Counsel; and

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80 BE IT FURTHER RESOLVED, the research plans and reports to be submitted by
81 the July 2023 cycle shall address the Criminal Justice Facility as detailed further below,
82 shall suggest roles and responsibilities for agencies, departments, and vendors best
83 equipped to evaluate the specific subjects outlined herein, shall identify sources of
84 information, and shall put forward a timeline for completion of the various components
85 of the research plan and review;

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87 1) *Report on Organizational, System, and Monitoring Structure for CJF to be*
88 *Submitted by July:*

- 89 a) Outline the organizational structure of the parties responsible for
90 operation and monitoring of the facility and their roles, whether
91 mandated by federal, state, local ordinance, or court order;
92 b) Outline the system structure and system actors that impact the
93 number of persons in the County's care at the Jail and/or CRC;
94 c) Explain external monitoring that is currently ongoing for the Jail;

95 2) *Assemble Existing Reports by July:* Compile and provide all regularly
96 generated reports provided by MCSO and vendors that provide services
97 regarding the CJF whether provided to MCSO or other entities or
98 departments;

99 3) *Policies, Procedures, and Practices Research Plan to be Submitted by*
100 *July:* Identify sources and provide a suggested plan to help the County
101 Board and the public better understand:

- 102 a) best-in-industry policies, procedures, and practices for facility intake
103 processes, mental and physical health assessments at intake and
104 throughout time in care, medication distribution, suicide prevention,
105 monitoring high risk individuals, mental health treatment, and staff
106 training (including training focused on individuals with serious
107 mental health issues and behavioral disorders while in the County's
108 care);
109 b) current Milwaukee County Sheriff's Office policies, procedures, and
110 practices regarding same and the source documents for such
111 policies, procedures, and practices;

112 4) *Discretion and Legal Requirements Research Plan to be Submitted by*
113 *July:* Provide a suggested plan to help the County Board and the public
114 better understand the legal requirements and discretionary decisions,
115 decision-making and operational processes, including timing, that relate
116 to:

- 117 a) disclosure decisions about video or bodycam footage, disciplinary
118 information, internal investigations, and external investigations;

- 119 b) internal disciplinary proceedings and investigations;
120 c) internal after-action analyses;
121 d) third-party investigations;
122 5) *Budget Research Plan to be Submitted by July*: Provide a suggested plan
123 to help the County Board and the public better understand the budget of
124 the Milwaukee County Sheriff's Office;
125 6) *Overall Health Needs and Risks Research Plan to be Submitted by July*:
126 Provide a suggested plan to help the County Board and the public better
127 understand the health care needs of persons in the County's care at the
128 facility, including suggested comparables if appropriate; and

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130 BE IT FURTHER RESOLVED, the Milwaukee County Sheriff's Office shall
131 compile, with the guidance and coordination of the Office of Corporation Counsel, the
132 detailed and summary information and reports noted above to document the current
133 conditions, practices, legal requirements and constraints so that future policy decisions
134 may be guided by accurate and comprehensive information that balances the need for
135 transparency and accountability with the need to protect law enforcement investigatory
136 techniques, the security of the Jail facility, litigation risks, confidentiality of personal
137 health information, and sensitivity.

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