

**COUNTY OF MILWAUKEE**  
Inter-Office Communication

Date: December 28, 2023

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Jennifer Folliard, Director of Audits

Subject: From the Director of Audits, submitting a report as requested in the recently adopted Amendment #42 that was included in the 2024 budget signed by the County Executive, to develop a scope of work for an external audit of the Milwaukee County Jail.

File Type: Action Report

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**REQUEST**

The 2024 Adopted Budget included a provision authorizing and requesting the Audit Services Division (ASD) to develop a scope of work for an external audit of the Milwaukee County Jail that focuses on operations, policies, and procedures to ensure procedural best practices are being followed that comport with state and federal laws, rules, and regulations. Recommendations resulting from this work may lead to a reduction in the number of in-custody deaths. The budget requested that the aforementioned plan be presented by ASD to the County Board for review and approval in the January 2024 meeting Cycle.

We request adoption of the attached resolution to effectuate the technical requirements and scope to be included in a Request for Proposals (RFP) seeking an independent, third-party external audit/assessment of the Milwaukee County Jail, facilitated by DAS-Procurement. According to Procurement, this RFP process is likely to take at least 6 months.

**POLICY**

This report is ASD's response to the request made in the 2024 Adopted Budget via the adoption of Amendment #42.

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|--|---------------------|
| Wisconsin State Statutes:                    |                     |
| Milwaukee County Code of General Ordinances: |                     |
| Specific Adopted Budget:                     | 2024 Adopted Budget |
| Specific Adopted Budget Amendment:           | Amendment #42       |
| Specific Adopted Capital Project:            |                     |

**BACKGROUND**

Amendment #42 was adopted by the County Board and included in the budget signed by the County Executive. It followed previous actions in 2023, listed below, including

File No. 23-554 requesting and responding to a research and analysis plan and initial baseline report about the operation of the Milwaukee County Criminal Justice Facility (CJF) to establish a foundation of understanding to inform future policy decisions and studies, to promote well-informed, thoughtful, and respectful engagement, and to balance transparency and accountability with the need to manage legal risks and legal privileges. File No. 23-834 was an information only report provided in response to File No. 23-554.

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| Related File No's:                                    | 23-834 and 23-554   |
| Associated File No's<br>(Including Transfer Packets): |   |
| Previous Action Date(s):                              | File No. 23-554 was adopted May 25, 2023 and signed by the County Executive May 31, 2023.<br>File No. 23-834, was submitted in response to File No. 23-554, in August 2023. |

### **ALIGNMENT TO STRATEGIC PLAN**

Describe how the item aligns to the objectives in the [strategic plan](#):

- 1A: Reflect the full diversity of the County at every level of County government
- 1B: Create and nurture an inclusive culture across County government

This item seeks to provide technical requirements and scope for a Request for Proposals seeking an independent, third-party vendor to perform an external audit/assessment of the Milwaukee County jail operations/procedures aimed to reduce the number of in-custody deaths. As such, the action report aligns with many of the elements of the County's strategic plan, including determining how to deliver (health) services to advance health equity at the jail (1A), and overall, to create and nurture an inclusive culture (1B).

### **FISCAL EFFECT**

The 2024 Adopted Budget included \$250,000 in an allocated contingency account.

Adoption of this specific resolution will not have a fiscal effect beyond the staff time needed to prepare, issue, and review RFP responses in order to select a vendor to perform the work. A subsequent file would be submitted to move forward with any contract and seek to release funding from the allocated contingency account to pay for the audit/assessment.

### **TERMS**

ASD's Proposed Technical Requirements and Scope is included below:

Summary: Milwaukee County is requesting a contract for an independent, 3<sup>rd</sup> party, assessment of operations at the County's pre-trial County jail, operated by the Milwaukee County Sheriff (MCSO) by an outside entity with expertise in the

review of correctional settings. The assessment should focus on operations, policies, and procedures to ensure procedural best practices are being followed that comport with state and federal laws, rules, and regulations.

Recommendations resulting should provide guidance on how to reduce the number of in-custody deaths at the facility.

- Develop and propose a Scope of Work for services requested under this RFP, including expected hours per defined task, a clear deliverable in the form of a written report with recommendations, and a list of individuals with relevant experience and professional credentials noted who will staff the project. Hours of work to be performed on-site and off-site should be clearly detailed.
- Provide quality and experienced team to assess conditions at the Milwaukee County Jail with a focus on determining whether procedural best practices are being followed that comport with State of Wisconsin and federal laws, rules, and regulations, and provide guidance on operational changes that reduce the number of in-custody deaths at the facility.
- A qualified review team will understand State of Wisconsin and Federal regulations, and best practices for pre-trial correctional operations, including, but not limited to intake, medical screening, the provision of medical services, and operational procedures related to the care and custody of facility occupants. Experience with assessing overall local justice system operations as they relate to jail population and administration is required.
- In performing the assessment, review and understand the roles and responsibilities of the contracted medical services provider.
- In performing the assessment, review and understand the nature, scope and cadence of ongoing external monitoring and assessment of the facility by the Wisconsin Department of Corrections (statutorily mandated), by the contracted monitor of the Correctional Medical Services Contract (National Commission on Correctional Health Care), and by any court-appointed monitor as it relates to the County's obligations under the Christensen Consent Decree.
- Review and understand information contained in County Legislative [File No. 23-834](#), which responded to a request from the County Board ([File No. 23-554](#)) to provide an initial baseline report about the operation of the Milwaukee County jail to establish a foundation of understanding to inform future policy decisions and studies, to promote well-informed, thoughtful, and respectful engagement, and to balance transparency and accountability with the need to manage legal risks and legal privileges.

- Complete a comprehensive review of jail operations placing a priority on mental health and suicide prevention strategies. Assessment should include the following:
  - Review and understand Federal, State of Wisconsin, and local laws related to the operation of the facility.
  - Evaluate the jail's policies and procedures for occupants of the jail related to suicide prevention and response, including those related to instances when an individual in jail custody exhibits suicidal behavior. Determine whether such policies and procedures are implemented consistently throughout the facility.
  - Identify areas (and associated costs) where jail administrators and contracted vendors can improve the provision of mental health services, particularly with respect to the safety and care for occupants needing mental health treatment.
  - To the extent possible, identify the causes or factors contributing to the rates of suicide and suicide attempts, including systemic problems or failures; compare the jail's performance with other comparable facilities.
  - Evaluate the adequacy of mental health and suicide prevention training for all staff (including County employees and contracted medical staff).
  - Evaluate facility staffing, training, and programming for jail occupants (in assessing staffing, knowledge of staffing needs for facilities that operate 24 hours a day, 365 days a year is required).
- A responsive assessment will include interviews with MCSO leadership, jail administrators, correctional staff, contracted employees of both the medical provider and medical monitor, key staff at the separately operated County Community Reintegration Center in Franklin (due to their management of the vendor agreements and the transfer of occupants between facilities), and jail occupants. On-site walk throughs and observations are required to fully understand and assess the provisions of care at the facility. Discussions with other Milwaukee County judicial system officials, including Court officials, the Office of the District Attorney, and the Public Defender will be necessary to understand the criminal justice system and the factors which impact jail operations and population management.
- Given the nature of this engagement, responders are required to provide an overview of their experience with and procedures surrounding the review of sensitive and potentially confidential or legally privileged information and documentation.

**VIRTUAL MEETING INVITES**

Jennifer Folliard, Director of Audits  
Molly Pahl, Deputy Director of Audits  
Suzanne Carter, Manager Contracts, DAS Procurement  
Lael MacLellon, Manager Contracts, DAS Procurement  
Representatives from the Office of the Sheriff and Corporation Counsel

**PREPARED BY:**

Jennifer Folliard, Director of Audits

**APPROVED BY:**

N/A

**ATTACHMENTS:**

Resolution, Fiscal Note

cc: David Crowley, Milwaukee County Executive  
Denita Ball, Sheriff, Milwaukee County Sheriff's Office  
Scott B. Manske, CPA, Milwaukee County Comptroller  
John Chisholm, Milwaukee County District Attorney  
Judge Carl Ashley, Milwaukee County Chief Judge  
Margaret Daun, Milwaukee County Corporation Counsel  
Regina Flores, Director, DAS Procurement  
Suzanne Carter, Manager Contracts, DAS Procurement  
Lael MacLellon, Manager Contracts, DAS Procurement  
Chantell Jewell, Superintendent, Milwaukee County Community Reintegration Center  
Mary Jo Meyers, Chief of Staff, Milwaukee County Executive  
Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors  
Steve Cady, Research and Policy Director, Office of the Comptroller  
Janelle M. Jensen, Legislative Services Division Manager, Office of the County Clerk