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THOMAS G. CANNON
Executive Director

November 22, 2011

Mr. John Schapekahm
Office of the Corporation Counsel
901 N. 9th Street
Milwaukee County Courthouse
Milwaukee WI 53233

Re: *Christensen et al v. Sullivan et al.* Case no. 1996 CV 1835

Dear John,

It has come to our attention that the County's 2012 budget in its latest version includes significant cuts in the Sheriff's budget which may directly affect staffing of the Milwaukee County Jail and House of Correction. We are writing to seek clarification on whether the budget changes will in fact result in a reduction in the number and the qualifications of the officers physically staffing at the Jail (Central facility) and the South facility (formerly "House of Correction"). We am also writing to let you know that we will seek court intervention to the extent that any reduction in jail staffing threatens to impact the safety of level of care and services (medical and otherwise) available to inmates and detainees covered by the *Christensen* consent decree.

While the consent decree provides that the Sheriff may make cost-effective changes in how the jail staffing and jail services are provided, the decree requires that staffing and supervision not be reduced in comparison to 2001 levels. In short, the Sheriff can change to some extent services are delivered. But ultimately, there cannot be a reduction in staffing or lesser level of supervision:

Staffing: Throughout the life of this consent decree, County defendants shall maintain or enhance the present staffing levels at the jail and shall assure adequate training and supervision. Nothing in this agreement shall, however, restrict Milwaukee County from implementing cost-effective alternatives to staffing as it presently exists, like contracting for outside services, such as for example, what was done regarding medical records.

Consent Decree, Part I, § II F page 5 (emphasis added).

The anticipated reduction of possible 18 booking room staff¹ and elimination of all or a significant number of supervisory positions raise serious concerns. As you are well aware, safety of inmates in the

¹It appears from budget documents as though the Sheriff's booking room staff has been cut significantly as a result of a mistaken assumption that "universal screening" (provided for elsewhere in the budget) would supplant or overlap the work of booking officers. Universal screening is an entirely different function, assembling personal background information for bail, programming and release decisions and is necessarily done by people *other than law enforcement/security staff*. While universal screening is necessary to decision-making and data to reduce unnecessary and expensive use of the Jail, there is no basis to reduce booking, security or supervisory staff in the Jail.

booking room has been a critical concern since the beginning of the *Christensen* litigation, and was the basis for contempt litigation in 2004-2008. Unclassified individuals, whether soon to be released or those facing serious criminal charges, are held *en masse*, in a single open room monitored by a handful of security staff. Some of those staff are necessarily occupied with photographing and fingerprinting, processing admissions and release, facilitating medical screening or readying and transporting individuals to the Jail's housing areas. This area must be adequately staffed and supervised for the safety of the detainees and staff alike. In addition to maintaining safety and security and performing essential security functions, booking staff plays an important safety role in observing the population for signs of unstable medical and mental health conditions.

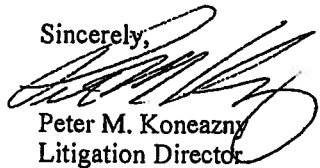
The reduction of supervisory personnel, absent some offsetting manner of providing supervision and training, is in direct violation of the decree. Supervision has a direct relation to inmate health and safety. The Jail (Central) opened in 1993 and employs the modern "direct supervision" model in which one or two (unarmed) officers monitor inmates in an open setting. There is no flexibility to reduce the number of staff in the jail without substantially impacting the conditions of confinement promised by the consent decree. Supervisory staff is an essential part of any operation, but is of critical important to a minimally staffed high security facility operating on the open-pod direct-supervision model. Supervisory staff provides support in crisis situations. And of equal importance, supervisors ensure effective interaction between the staff and a potentially volatile population.

Adequate staffing and supervision is particularly important in light of the shift, since the beginning of the decree, to staffing the Jail and House of Correction with a high percentage of "corrections officers" rather than sworn professional deputies. When the Jail was first opened in 1993, there was particular emphasis and pride in the training and selection of deputies able to project a calm and professional demeanor conducive to managing inmates in the open-pod housing model. The calm and professional style of management is much less apparent in 2011 than even at the heights of overcrowding while the *Christensen* case was in litigation. In some cases the staff appears to be a source of tension rather than the calming presence that reduces tension. With the current reliance on para-professional corrections officers rather than sworn deputies, the active presence of supervisory staff is a necessity for the safe operation of the Jail and the House of Correction.

Pursuant to our role in monitoring the *Christensen* decree, we request that you provide immediate notice of any actual reduction in the staffing of the Jail or House of Correction, including as to any unstaffed supervisory positions or booking room positions. It may also be useful for us to meet with you and representatives of the Sheriff's department and County government to help our understanding of whether any changes will have the effect of reducing staffing levels or supervision or otherwise negatively impact the health and safety of inmates.

Thank you for your assistance.

Sincerely,



Peter M. Koneazny
Litigation Director
Legal Aid Society of Milwaukee, Inc.

Larry J. Dupuis
Legal Director
ACLU of Wisconsin Foundation, Inc.

Class Counsel