

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE: May 5, 2017
TO: Supervisor Theodore Lipscomb Sr., Chair, County Board of Supervisors
FROM: Steven R. Kreklow, Director, Office of Performance, Strategy, and Budget
SUBJECT: 2017 Maintenance and Board Rate

The 2017 Maintenance and Board Rate for prisoners confined in the County Jail or House of Correction for violation of city or village ordinances is based on the out-of-pocket expenses of the preceding calendar year for each separate institution per MCGO 20.01.


2017 Daily Maintenance and Board Rate

House of Correction: \$37.75 per day

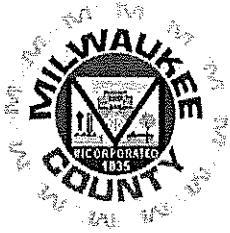
Criminal Justice Facility: \$40.77 per day

The majority of the daily rate covers the actual cost of medical services and direct inmate supervision by Corrections Officers. Other components of the daily rate include the cost of food, laundry, and payment processing. The previous rate for both facilities was \$25.40 per day, which had not been revised since 2007. In 2016, Criminal Justice Facility had 2,483 inmate days served while the House of Correction had 15,441 inmate days served on municipal commitments.

A letter that was sent from the House of Correction to all municipalities in the County is attached. The Office of the Sheriff confirmed that they also provided a communication to all municipalities, but that letter has not been made available as of this submission.



Steven R. Kreklow
Director, DAS-PSB



HOUSE OF CORRECTION
Milwaukee County

Michael Hafemann • Superintendent

April 17, 2017

Bayside Police Department
9075 N. Regent Road
Bayside, WI 53217

To Whom It May Concern:

The House of Correction (HOC) has been directed by the County Board to verify our costs and update the daily board rate for municipal commitments by April 1 of each calendar year. The HOC's new rate for 2017 is \$37.75 per day. This rate will be effective on June 1, 2017. In subsequent years, the new rate may become effective on the 1st of April if the new calculations are available by that date.

The rates are established based on the following ruling:

Reasonable, Actual Inmate Costs: A county cannot unilaterally set *per diem* rates for municipal commitments to achieve a policy objective. Such charges must relate to actual, reasonable inmate maintenance costs. The Wisconsin Supreme Court addressed that issue in its decision, *City of Milwaukee v. Milwaukee County*, 27 Wis. 2d 53, 133 N.W.2d 393 (1965). There, the Court clarified that proper OOP expenses include food, medical care, laundry, and like items, as well as related salaries and other personnel costs, but not administrative expenses or other fixed overhead costs of operating the jail and HOC (heat, light, gas, water, insurance, supplies, etc.). *Id.* at p. 62. Similarly, the county can include costs in its *per diem* actual cost calculation that derive from medical staff salaries and personnel costs for prisoner maintenance.

The HOC is also eliminating the \$35 processing fee going forward.

Please expect these changes to any invoice starting June 1, 2017.

Sincerely,

A handwritten signature in cursive script that reads "Michael Hafemann".

Michael Hafemann
Superintendent
Milwaukee County House of Correction