

OFFICE OF THE SHERIFF



MILWAUKEE COUNTY

SHERIFF EARNELL R. LUCAS

File No: 22-992

DATE: September 8, 2022

TO: Supervisor Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

FROM: Daniel Hughes, Acting Chief Deputy, Milwaukee County Office of the Sheriff

SUBJECT: Request to enter into an inter-governmental cooperation agreement with Racine County (RCJ) from July 18, 2022, to December 31, 2022, pursuant to Wis. Stat. §§ 66.0301 and 302.44 for the temporary housing of Jail occupants and to transfer \$497,000 from the unallocated contingency to finance this item for the Milwaukee County Jail (MCJ).

BACKGROUND

The Milwaukee County Jail (MCJ) provides the safe and secure detention of all individuals arrested and housed there. As the largest jail in the state, MCJ processes and releases over 15,000 occupants annually. In 2021, for the first time in MCSO history, the Milwaukee County Jail attained accreditation from the blue-ribbon National Commission on Correctional Health Care.

The MCJ is a high-security detention facility with court ordered capacity for 960 persons in custody under non-pandemic public health conditions. Since the construction of the Milwaukee County Jail in 1992, the MCJ has not had the capacity to house all pretrial detainees in Milwaukee County due to infrastructure and capacity constraints. Historically, the Milwaukee County House of Correction (HOC) has accepted and housed a large portion of the incarcerated pre-trial population in Milwaukee County. The HOC has, in the recent past, housed a much larger portion of our pre-trial population than they are currently. Over the last several months, the HOC has stopped accepting an appropriate portion of our occupants to control the MCJ population which has continued to rise. Staffing shortages and COVID

restrictions at the HOC have been cited as reasons for their inability to accept and house a sufficient portion of our population.

Since transfers to the HOC have slowed, the MCJ has experienced overcrowding which has created several challenges for our staff and our incarcerated population. The MCJ has been consistently over the mandated capacity limit of 960 on many days. Due to the limited availability of beds at the MCJ, occupants are now spending much more time in the booking room, up to 50 hours at times. This lack of bed space and overcrowding in the booking room has also created a situation where the Milwaukee Police Department (MPD) has had to maintain custody of their prisoners for a longer period of time than they had to in the past. In our current environment, MPD has been holding prisoners for up to 6 days before they are able to transport them to the jail. This is concerning for them as their facilities are not set up for long term care. They have no on-site medical resources, nor do they have an ability to provide conventional custodial food service, linen exchange, and a limited ability to provide routine hygiene amenities for their arrestee's.

Milwaukee County needs to transfer MCJ occupants to an alternate facility to open up space within the MCJ for population management purposes. Racine County has capacity at the Racine County Jail (RCJ) to house Transferees from the MCJ. In addition to any other costs or amounts expressly set forth in this Agreement, Milwaukee County will pay to Racine County a per diem fee of \$70.00 (the "Daily Fee") for each Transferee housed at the RCJ, including partial days.

AGREEMENT DETAILS

The parties have agreed to the following:

1. Establish procedures for requesting, assigning, and funding the use of space within the RCJ for Transferees, as well as for defining their respective relative rights and responsibilities.
2. Racine County will at all times during this Agreement provide staffing to adequately manage the custody of its own occupants and the Transferees. Except as otherwise expressly provided herein, no Transferee will be removed from the RCJ once placed.
3. Prior to Racine County accepting the placement of a Transferee at the RCJ, Milwaukee County shall provide all records and details reasonably necessary for Racine County regarding the Transferee.
4. Milwaukee County will be responsible for transporting all Transferees to and from the RCJ. Once accepted by Racine County, Transferees will remain in the custody and control of Racine County until released back to Milwaukee County.
5. The daily rate charged by Racine is \$70 (the "Daily Fee") for each Transferee housed at the Racine County Jail (RCJ), including partial days.

6. Daily Fees and any other costs owed by Milwaukee County hereunder will be invoiced to Milwaukee County on a monthly basis and will be due within thirty (30) days after receipt of such invoice and any documentation reasonably necessary for Milwaukee County to validate the charges.
7. Modifications to the provisions of this Agreement will be valid only upon execution of a written amendment to the Agreement signed by both parties.

RECOMMENDATION

The Acting Chief Deputy of the Milwaukee County Sheriff's Office respectfully submits this action item to request the authority to enter into an inter-governmental cooperation agreement with Racine County from July 18, 2022, to December 31, 2022, pursuant to Wis. Stat. §§ 66.0301 and 302.44 for the temporary housing of Jail occupants and to transfer \$497,000 from the unallocated contingency to finance this item for the Milwaukee County Jail.

FISCAL NOTE

The 2022 estimated cost of the agreement is \$497,000. These costs were not anticipated in the 2022 Adopted Budget and will cause the MCSO to deficit by an estimated \$490,739. As of Fiscal Period 7 of 2022, MCSO is showing a surplus of \$6,261. For this reason, the MCSO is requesting to transfer \$497,000 from the unallocated contingency to pay for the cost of housing occupants at the Racine County Jail.

Daniel Hughes

9/8/2022

Daniel R. Hughes, Acting Chief Deputy
Milwaukee County Office of the Sheriff