

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

File No. 23-554

4  
5 **AN AMENDED 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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WHEREAS, considering the desired timeline to inform policy and decision making, a performance audit by the Audit Services Division-Office of the Comptroller may not be the best format to obtain information due to required compliance with standards for performing an audit and the time necessary to complete such reporting, which would likely require at least a year, if not more; and

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

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

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

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

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

WHEREAS, the Committee on Audit, at its meeting of May 17, 2023, recommended adoption of File No. 23-554 as amended (vote 4-1); now, therefore,

BE IT RESOLVED, the Milwaukee County Sheriff's Office is hereby requested to provide the following research plans and reports as detailed herein by no later than ~~the July 2023 cycle~~ **August 18, 2023**, as coordinated and guided by the Office of Corporation Counsel due to legal privileges and confidentiality necessities, with support from the Department of Strategy, Budget and Performance – Project Management

82 Division, and in coordination with relevant vendors and other County departments, as  
83 identified and requested by the Office of Corporation Counsel; and

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85 BE IT FURTHER RESOLVED, the research plans and reports to be submitted by  
86 ~~the July 2023 cycle~~ **August 18, 2023**, shall address the Criminal Justice Facility as  
87 detailed further below, shall suggest roles and responsibilities for agencies,  
88 departments, and vendors best equipped to evaluate the specific subjects outlined  
89 herein, shall identify sources of information, and shall put forward a timeline for  
90 completion of the various components of the research plan and review;

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- 92 1) *Report on Organizational, System, and Monitoring Structure for CJF to be*  
93 *Submitted by **July August 18, 2023**:*
- 94 a) Outline the organizational structure of the parties responsible for  
95 operation and monitoring of the facility and their roles, whether  
96 mandated by federal, state, local ordinance, or court order;
  - 97 b) Outline the system structure and system actors that impact the  
98 number of persons in the County's care at the Jail and/or CRC;
  - 99 c) Explain external monitoring that is currently ongoing for the Jail;
- 100 2) *Assemble Existing Reports by **July August 18, 2023**:* Compile and  
101 provide all regularly generated reports provided by MCSO and vendors  
102 that provide services regarding the CJF whether provided to MCSO or  
103 other entities or departments;
- 104 3) *Policies, Procedures, and Practices Research Plan to be Submitted by*  
105 ***July August 18, 2023**:* Identify sources and provide a suggested plan to  
106 help the County Board and the public better understand:
- 107 a) best-in-industry policies, procedures, and practices for facility intake  
108 processes, mental and physical health assessments at intake and  
109 throughout time in care, medication distribution, suicide prevention,  
110 monitoring high risk individuals, mental health treatment, and staff  
111 training (including training focused on individuals with serious  
112 mental health issues and behavioral disorders while in the County's  
113 care);
  - 114 b) current Milwaukee County Sheriff's Office policies, procedures, and  
115 practices regarding same and the source documents for such  
116 policies, procedures, and practices;
- 117 4) *Discretion and Legal Requirements Research Plan to be Submitted by*  
118 ***July August 18, 2023**:* Provide a suggested plan to help the County  
119 Board and the public better understand the legal requirements and  
120 discretionary decisions, decision-making and operational processes,  
121 including timing, that relate to:

- 122 a) disclosure decisions about video or bodycam footage, disciplinary  
123 information, internal investigations, and external investigations;  
124 b) internal disciplinary proceedings and investigations;  
125 c) internal after-action analyses;  
126 d) third-party investigations;
- 127 5) *Budget Research Plan to be Submitted by **July August 18, 2023***;  
128 Provide a suggested plan to help the County Board and the public better  
129 understand the budget of the Milwaukee County Sheriff's Office;
- 130 6) *Overall Health Needs and Risks Research Plan to be Submitted by **July***  
131 **August 18, 2023**; Provide a suggested plan to help the County Board  
132 and the public better understand the health care needs of persons in the  
133 County's care at the facility, including suggested comparables if  
134 appropriate

135 ; and

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137 **If the report finds Milwaukee County is not achieving standards or requirements**  
138 **and the cause is a result of understaffing, for each instance, the Milwaukee**  
139 **County Sheriff's Office is requested to provide information regarding historical**  
140 **staffing levels, current staffing levels, and the staffing level required to satisfy the**  
141 **standard. Furthermore, a description of the standard, policy or reason for**  
142 **determining the recommended staffing level is requested.**

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144 **; and**

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146 **BE IT FURTHER RESOLVED, in the event the Milwaukee County Sheriff's**  
147 **Office (MCSO) responds without all elements of the information requested, the**  
148 **Milwaukee County Board of Supervisors requests the MCSO provide written**  
149 **reasoning for the redaction or omission, such as legal privacy, ongoing litigation,**  
150 **lack of data collection, etc.; and**

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152 BE IT FURTHER RESOLVED, the MCSO shall compile, with the guidance and  
153 coordination of the Office of Corporation Counsel, the detailed and summary information  
154 and reports noted above to document the current conditions, practices, legal  
155 requirements and constraints so that future policy decisions may be guided by accurate  
156 and comprehensive information that balances the need for transparency and  
157 accountability with the need to protect law enforcement investigatory techniques, the  
158 security of the Jail facility, litigation risks, confidentiality of personal health information,  
159 and sensitivity.

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161 05/17/23

162 S:\Committees\2023\May\AUDIT\Resolutions\23-554 amended CJF plan and analysis.docx