



County of Milwaukee
Office of the Sheriff

David A. Clarke, Jr.
Sheriff

DATE: February 23, 2012

TO: Chris Abele, County Executive
Supervisor Lee Holloway, County Board Chairman
Patrick Farley, Director, Department of Administrative Services

FROM: Richard Schmidt, Inspector, Milwaukee County Sheriff's Office

SUBJECT: Emergency Declaration

Pursuant to Chapter 32.28 of the Milwaukee County Ordinances, the Office of the Sheriff is proceeding with the execution of a professional service contract with G4S Wackenhut, Inc. to provide bailiff services in Milwaukee County Courtrooms.

Background

The 2012 Requested Budget for the Office of the Sheriff included the creation of 12.50 FTE hourly positions of Bailiffs offset with an increase of vacancy and turnover equal to 12.00 FTE of Deputy Sheriff 1 to provide coverage in the Courts during off time of full time Deputy Sheriffs. As part of the process to create new positions, the Personnel Committee must vote on the appropriate pay range for that position. The County Board voted the proposed pay range for the Bailiffs Hourly on December 15, 2011. However, it would take the Department of Human Resources a period of weeks to compile a list of eligible candidates for the new hourly bailiff positions in addition to background checks. It is anticipated by the Office of the Sheriff that it could take until May of 2012 before it could reasonably expect to fill the Hourly Bailiff positions.

In addition, the 2012 Adopted Budget for the Office of the Sheriff included the abolishment of 53 Deputy Sheriff 1s. This has resulted in the layoff of 48 Deputy Sheriff 1s in mid-February. This effectively leaves the Sheriff without the ability to utilize existing Deputy Sheriffs located in other areas to provide Courtroom security while awaiting the new hires.

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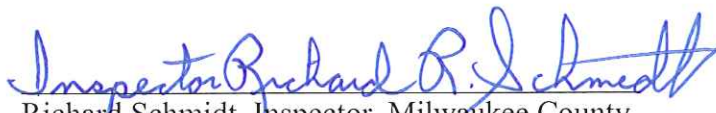
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Since safety in the Courts cannot be compromised, the Office of the Sheriff entered into a contract with G4S Wackenhut effective February 20, 2012 to provide security personnel in the Courts. The Office of the Sheriff intends to issue a request for proposals to enter into a long-term contract for the partial provision of bailiff services. Providing security in the Courts is a statutory requirement of the Sheriff.

Under Wisconsin State Statute 59.27(3), Duties of the Sheriff, the Sheriff of a county "...shall...attend upon the circuit court held in the sheriff's county during its session..." This fundamental statement of authority was bolstered by subsequent decisions in landmark cases such as Brunst (legislation invalidated because it sought to take away from the sheriff duties that were characteristic of the office, and that public policy favored keeping characteristic duties of the sheriff under the power of the sheriff because he is elected, and consequently, is answerable to the electors); Kocken (unless these 'time immemorial' duties were constitutionally protected from interference by others, the constitutional provision securing the people the right to choose sheriffs would become meaningless); and Brown County (where the court held that because the duty was characteristically the sheriff's, he can, as a result, contract with third parties for the carrying out of the duty.)

The contract commences on the effective date, February 20, 2012, and continues until the Office of the Sheriff gives notice to G4S, as this is an emergency contract for services.

Fiscal Note: The maximum annualized cost of the contract is \$1,387,360 and will be paid for by existing resources within the Office of the Sheriff 2012 Adopted Budget. An appropriation transfer will be submitted to the Committee on Finance and Audit to transfer funding from Personnel Services to provide for the contract.



Richard Schmidt, Inspector, Milwaukee County

cc: Lynne De Bruin, Vice Chairman, Finance and Audit Committee
Willie Johnson, Jr., Chairman, Judiciary, Safety and General Services Committee
Pamela Bryant, Interim Fiscal and Budget Administrator
Jon Priebe, Public Safety Fiscal Administrator

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