

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

A resolution by Supervisors Cullen, Alexander, and Nicholson, urging the State Legislature to amend Section 175.47, Wisconsin State Statutes, to expand the definition of "Jail Officers," and to include the term "jail officers" every time the term "law enforcement officers" appears, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, Section 175.47 of the 2013 Wisconsin State Statutes (the Statutes) established an external investigative procedure when an off-or-on duty law enforcement officer is involved in a custodial death; and

WHEREAS, the Milwaukee County Jail and House of Correction (HOC) are staffed by correctional officers who are defined as "jail officers" and not "law enforcement officers," therefore Section 175.47 of the Statutes does not currently apply to them; and

WHEREAS, in December 2016, the Milwaukee County Board of Supervisors adopted File No. 16-743, which established a broad Milwaukee County policy that the Office of the Sheriff and the HOC shall follow the statutory procedure outlined in Section 175.47 of the Statutes for external investigations of deaths at the Milwaukee County Jail and HOC whenever deaths therein involve inmate-on-inmate assaults, staff use-of-force, or unexplained or suspicious circumstances; and

WHEREAS, Wisconsin State Senator Chris Larson recently drafted similar legislation to support the expansion of the current law requirement of Section 175.47 to include "correctional officers" in addition to law enforcement officers; and

WHEREAS, by amending Section 175.47 of the Statutes to include correctional officers, defined as "jail officers," the Milwaukee County Jail and HOC would be subject to governance under the statute, and would increase accountability to those officers and staff who are employed to maintain custody of people who are incarcerated; and

WHEREAS, the Committee on Intergovernmental Relations, at its meeting of January 27, 2017, recommended adoption of File No. 17-173 (vote 4-1); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board) hereby urges the Wisconsin State Legislature to amend Section 175.47(b) of the Wisconsin State Statutes (the Statutes) to include the following expanded definition of "Jail Officer" as defined in Section 165.85(2)(bn) of the Statutes with the underlined language to read as follows:

43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64

“(bn) “Jail officer” means any person employed by any political subdivision of the state for the purpose of supervising, controlling or maintaining a jail or the persons confined in a jail, (or any person employed to supervise, control, or maintain a jail through an independently owned private company. This includes prisoner transport as well as traditional jail settings.) “Jail officer” includes officers regardless of whether they have been sworn regarding their duties or whether they serve on a full time basis.”

; and

BE IT FURTHER RESOLVED, Milwaukee County (the County) also requests that Section 175.47(b) of the Statutes be amended to include the term “jail officer” each time the term “law enforcement officer” appears throughout the legislation; and

BE IT FURTHER RESOLVED, the County Board hereby authorizes and directs County Government Affairs staff to send a copy of this resolution to our State Legislators and to the Governor.

jmj  
01/27/17  
S:\Committees\2017\Jan\IGR\Resolutions\17-173.docx