

WHO'S IN CHARGE?

Assessing the options
for corrections
administration in
Milwaukee County

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POLICY FORUM

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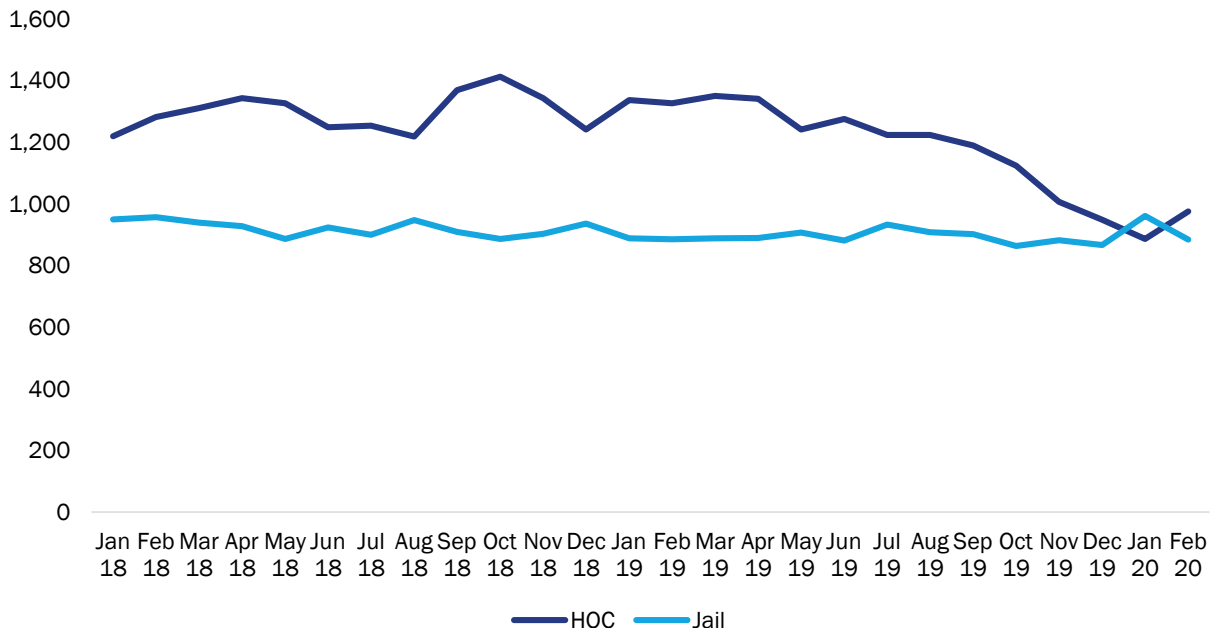
INTRODUCTION

The role of corrections in the United States— and, more specifically, the extent to which the corrections system should focus on punishment versus rehabilitation — has been fiercely debated throughout our nation’s history. While far less emotional, an important debate has raged in Milwaukee County in recent years over who should be responsible for administering the House of Correction (HOC), a county-owned corrections facility that was created to house inmates who have been sentenced for a period of less than one year.

The 1,766-bed HOC, located in Franklin, is one of two corrections institutions administered by the county. The other is the Milwaukee County Jail, a 960-bed facility in downtown Milwaukee that primarily houses inmates who are awaiting trial and sentencing. Because of a variety of factors — including a consent decree that requires the jail population to remain below 960 — the HOC also houses hundreds of pre-trial detainees, and inmates often are moved between the two facilities as county corrections officials seek to safely and responsibly manage the overall corrections population.

Chart 1 shows the average daily population (ADP) at both facilities from 2018 through the end of February 2020 — the latest month before the COVID-19 crisis hit. The HOC’s ADP had decreased substantially since the middle of 2019 and the ADP of 976 at the end of February — while a sharp increase from the month before — was still 30% below the period’s peak of 1,414 in October 2018. The jail’s ADP has been much more consistent, as shown in the chart. The populations of both facilities have dropped sharply since the onset of the pandemic because of deliberate efforts to reduce the county’s corrections population in light of public health concerns; it is too early to tell whether that may be a long-term state of affairs.

Chart 1: Average daily populations in the HOC and jail, Jan 2018-Feb 2020



Despite the two facilities' close relationship within the same government and the similarities of their corrections functions, the HOC and jail traditionally have operated under distinct administrative authorities. The HOC has functioned as a department of county government with its superintendent appointed by the county executive and confirmed by the county board. Conversely, while technically a part of county government, the county jail has operated under the administrative authority of the Milwaukee County Sheriff, who is a Constitutionally-elected officer with independent law enforcement powers.

That administrative relationship changed for a brief time beginning in 2009, when oversight of the HOC was shifted to the sheriff. But in May 2013 that shift was reversed, and since that time the HOC has been directly managed by a superintendent who reports to the county executive.

Milwaukee County's 2020 budget calls for development of a plan to move the operation of the HOC back under the authority of the Office of the Sheriff, effective January 1, 2021. The plan is to be developed by a team of staff from the Department of Administrative Services (DAS), the Office of the Comptroller, the Office of the Sheriff, the HOC, and the Department of Human Resources. A report must be provided to the County Board by June 2020.

In preparation for that report, leadership across the impacted departments expressed a desire to learn more about the benefits and potential consequences of the administrative shift. They also saw merit in the involvement of a third party facilitator and researcher to assist them in this endeavor and to help achieve consensus on an appropriate path forward.

Consequently, the Wisconsin Policy Forum (WPF) was asked to work with the county executive, sheriff, and comptroller to research and report on issues surrounding the transfer of the HOC from county administration to the sheriff. While this project originally was seen both as a facilitation project and a research endeavor, it became more of the latter after the COVID-19 crisis emerged, which made it impractical to engage the key stakeholders in joint meetings on a regular basis.

In this report, we describe our findings, which were informed by group and individual meetings with the stakeholders and other key informants. We hope this information will be helpful to DAS in preparing its report and to county policymakers as they consider the future governance of the HOC.



BACKGROUND

Consideration of the appropriate administrative authority for the Milwaukee County House of Correction first entails a basic understanding of the facility's characteristics and responsibilities. In this section, we provide such a summary as well as an overview of the areas in which the operations of the HOC and jail are closely intertwined.

First authorized by the Wisconsin Legislature in 1855, the Milwaukee County House of Correction (HOC) is a 1,766-bed facility used for incarceration and rehabilitation of criminals sentenced to one year or less of incarceration. The Wisconsin Statutes set broad parameters governing the HOC, empowering the Milwaukee County board of supervisors to establish and maintain a house of correction for the "reformation and employment of persons sentenced to confinement therein."

The HOC offers rehabilitation programs for all inmates. In addition, it oversees an electronic monitoring home detention program for certain inmates who are allowed to serve their time outside of the confines of the HOC while having their movement monitored through ankle bracelets or similar electronic devices; and a Huber work release program for inmates who are allowed to leave the facility during the day for work and/or other purposes and return at night.

Historically, the HOC has been managed by a superintendent who reports to the county executive. However, in 2009, citing efficiency and security reasons and at the behest of the county executive, the board transferred management of the HOC to then-Sheriff David Clarke. Under his leadership, inmate programming for rehabilitation, post-incarceration employment, and drug and alcohol counseling was significantly downsized. Also, the number of inmates allowed on electronic monitoring was reduced substantially. In 2013, after intense public scrutiny of Sheriff Clarke's management of the facility, the county board moved oversight back to the county executive.

Milwaukee County's 2020 budget calls for another reversal, directing that the HOC be moved back to the oversight of the sheriff. In this instance, the decision has not been publicly linked to concerns of facility mismanagement at the HOC or public safety issues. Instead, the most commonly cited rationale is a desire to secure administrative efficiencies given the already intertwined relationship between the HOC and the jail.

HOC leaders interviewed for this report cite several negative ramifications associated with the 2013 transition and express concern that those may be replicated, at least to some extent, should administration revert back to the sheriff. Among those alleged negative aspects were the forced transfer of correctional officers from the HOC to the jail, which created poor morale at both facilities and caused some staff to leave their jobs; the deterioration of both the quality and quantity of training offered at the sheriff's training academy in Franklin; and the dramatic de-prioritization of rehabilitative programming and the electronic monitoring and Huber work release programs.

The issue of inmate rehabilitative programming – and whether it would continue as currently constructed if an administrative shift occurs – is particularly important to current HOC leadership. Current programs help inmates in matters such as personal growth, education, work readiness, job training/certification, substance abuse, parenting skills, spiritual wellness, and other types of therapy and treatment. Inmates also are encouraged to get their High School Equivalency Diploma (HSGED) or General Equivalency Diploma (GED).



The HOC is one of 20 correctional facilities in the nation that also offers an in-house American Job Center to assist current and recently released inmates with workforce reentry. The job center was used more than 700 times in 2019 and is funded through a U.S. Department of Labor grant.

For their part, officials with the sheriff's office insist they have no intention of adopting policies that would de-prioritize or dramatically change current programming at the HOC. They assert further that current Sheriff Earnell Lucas fully appreciates and supports the HOC's mission of providing rehabilitative services to inmates and preparing them for reentry.

With regard to training, after Sheriff Clarke barred new staff at the HOC from access to the sheriff's Basic Training Academy (on the grounds of the HOC) in 2013, new hires were trained for a short time at Gateway Technical College. The HOC now conducts its own training program at a self-contained facility adjacent to the sheriff's training academy in partnership with the Milwaukee Area Technical College (MATC). Training for corrections officers employed by the sheriff also continues to be offered at the academy but is operated separately from the HOC training programs and does not offer continuing education credits (although students may apply for transfer credits from most private and technical colleges in the state).

In contrast to the fragmentation of training, there are several areas where the jail and the HOC operate as partners, including vendor procurement and the coordination of inmate transfers from the jail when it approaches its capacity limit established by a court-ordered consent decree. The county board directive transferring HOC oversight to the sheriff in 2009 provided direction on the sharing of contracts, and several elements of that framework exist today despite the later shift back to the county executive. Contracts for private or non-profit vendors in areas such as food, medical care, communications, and transportation continue to be jointly procured. Neither the HOC nor the jail may bill the other for costs, and management of the contracts is divided between the two.

For example, the HOC administers the inmate health care contract with Wellpath, which provides medical, dental, and other health-related services to inmates at both the HOC and the jail. It also oversees contracts with Wisconsin Correctional Services for electronic monitoring as well as the ARAMARK Correctional Services food services contract that provides meals at both facilities. The sheriff manages contracts for communications and inmate transportation.

Finally, and perhaps most important, a close working relationship exists between the HOC and the sheriff with regard to inmate management between the two facilities. While the HOC was established for the purpose of housing low-level offenders with short sentences, the imposition of capacity limits at the jail necessitated protocols to allow certain pre-trial inmates to be transferred from the jail to the HOC. State statutes specify that inmates from the jail are to be kept separate from the HOC population. According to data provided by the HOC, in 2018 (the latest year for which a full set of data is available), the average number of pre-trial detainees at the HOC was 471.

This background information shows the substantial collaboration that currently exists between the HOC and the jail that might support the notion of formally merging the two under one leader to further enhance administrative efficiency. Yet, at the same time, it points out several negative outcomes that resulted from a previous move to do so. In the following section, we provide insights from the manner in which other counties administer similar facilities to further inform Milwaukee County's decision-making.



INSIGHTS FROM OTHER COUNTIES

Looking at the way other similar-sized counties administer their corrections facilities could be instructive to Milwaukee County officials as they consider the appropriate administrative structure for their HOC and jail. Because an exhaustive analysis of counties throughout the United States was beyond the scope of this report, we instead focused on several Midwestern counties with similar-sized populations.

Because our scan of Midwestern counties did not find a large number that operate both jail and HOC-type facilities, we also extended our search to a handful of similar-sized counties in other parts of the country. We found one – Suffolk County (MA) – that operates two similar facilities and include information on that county’s corrections facilities in our overview.

Table 1 summarizes the counties we examined. In the following pages, we provide additional details on each, beginning with the four Midwestern counties. The information provided was obtained from websites and other publicly available sources and reflects the latest year for which data were available. We had originally intended to interview officials from other counties but felt it was inappropriate to make interview requests in light of the COVID-19 crisis.

Table 1: Peer Counties

County	Facilities	Administration
Allegheny (PA-Pittsburgh)	Jail	County Executive
Cuyahoga (OH-Cleveland)	Jail	Sheriff
Hennepin (MN-Minneapolis)	Jail Adult Corrections Facility	Sheriff County Administrator
St Louis County (MO)	Jail	County Executive
Suffolk (MA-Boston)	Separate Jail and HOC	Sheriff

Allegheny County (Pittsburgh)

Allegheny County administers a single county jail that holds both sentenced inmates and pre-trial detainees. While directly administered by a warden who reports to the county manager (who in turn reports to the county executive), broad oversight is provided by a County Jail Oversight Board established under state statutes that is charged with ensuring safekeeping of prisoners and proper jail management. The Board consists of nine members, including the county executive, sheriff, controller, county council president, and two judges. **Table 2** lays out key characteristics of the jail and its administration.



Table 2: Allegheny County

County/ Facility	County Population	Administration	Max Capacity/ Ave. Daily Population (ADP)	Staff	Offenders	Programs
Allegheny County Jail	1.2 million	Warden under county manager who reports to elected county executive	Maximum: 2,400 ADP: 2,224	634	The Jail holds those committed to it by a legal authority. It also provides "lock- up" for between 80-100 arrestees per day.	Full suite of reentry/ rehabilitative programs.

A point of interest for Milwaukee County is Allegheny County’s use of an oversight board consisting of both the county executive and sheriff (as well as other justice system stakeholders). This could serve as a compromise model that would give both the county administration and the sheriff some input into management of county correctional facilities regardless of where administrative authority is housed. To implement such a model, however, legal advice may be needed regarding whether the sheriff’s authority to manage the jail per the state Constitution might impact the role such an oversight board could play. It is also possible that the existing Milwaukee Community Justice Council (CJC) could assume a role similar to Allegheny County’s oversight board.

It is also worth noting that Allegheny County provides programming for both sentenced offenders and pre-trial detainees, including a reentry program with several educational offerings for those serving county sentences of at least three months. We have also learned that Allegheny County’s corrections function maintains a close relationship with its health and human services function, and that corrections data is shared and synthesized by human services staff who use it to evaluate the effectiveness of reentry programming and development of new programming strategies.

Cuyahoga County (Cleveland)

The Cuyahoga County Corrections Center (CCCC) is the second largest jail in Ohio. The facility is a medium-security detention center operated by the Cuyahoga County Sheriff's Office. It holds inmates awaiting trial or sentencing as well as inmates who typically serve sentences of less than two years. Cuyahoga County accepts inmates from surrounding towns, municipalities, the U.S. Marshal's Service, and the Cleveland Police Department. **Table 3** lays out key characteristics.

Table 3: Cuyahoga County

County/ Facility	County Population	Administration	Max Capacity/ Ave. Daily Population (ADP)	Staff	Offenders	Programs
Cuyahoga Co. Corrections Center (CCCC); also took over City of Cleveland jails in 2018.	1.2 million	Sheriff	Max: 1,765 (1,455 males and 310 females). ADP: 2,168	698	Holds inmates awaiting trial or sentencing and sentenced inmates (typically less than two years). Also holds inmates for municipalities and the federal government.	Common reentry services



Cuyahoga County operates only one detention center that acts as both a jail and a facility for inmates with short sentences. The administrative authority is under the sheriff, which has not precluded the provision of a broad spectrum of programming that appears similar to that offered at the HOC. Per its website, the CCCC “is committed to providing evidence-based programming to assist inmates with reentry to their home communities.” Programs are provided by CCCC staff, contracted agencies, and trained volunteers and include GED preparation and testing, mentoring, and parenting and childbirth education for females. The facility also houses several mental health and substance abuse providers on-site who provide eligibility assessments, case management, and ongoing services during and after incarceration.

Hennepin County (Minneapolis)

Hennepin County is the one peer Midwestern county we identified that operates both a jail and an HOC-type facility. Hennepin County also uses an administrative structure that is similar to Milwaukee County’s, with its jail under the administrative purview of the sheriff and its Adult Corrections Facility (ACF) under the authority of the county administrator. The jail is a pre-trial facility while the ACF serves adult offenders sentenced to less than one year with “a goal for clients to return to the community on a successful path forward.” **Table 4** summarizes characteristics of both facilities.

Table 4: Hennepin County

County/ Facility	County Population	Administration	Max Capacity/Av. Daily Population (ADP)	Staff	Offenders	Programs
Hennepin Jail	1.26 million	Hennepin County Sheriff's Office	Max: 839 - The jail inside the Public Safety Facility has 330 beds for arrestees and the jail inside City Hall has 509 beds for arrestees. ADP: 813		Pre-trial facility in downtown Minneapolis	Substance abuse and mental health treatment
Adult Corrections Facility		Department of Community Corrections and Rehabilitation, under the county administrator and asst. county administrator for public safety	Max: 477 - 399 beds in the men's section and 78 beds in the women's. ADP: Unknown but budget documents refer to an average 54% usage of bed capacity in 2019.		Provides short- term (up to one year) custody and programming for adult offenders	Huber, volunteer opportunities for tutors, mentoring, domestic abuse counseling, education



An insight from Hennepin County’s corrections approach that may be relevant to policymakers in Milwaukee County is the close linkage between law enforcement/corrections and health and human services, which extends both to the jail and the ACF. For example, the jail utilizes a Co-Responder Program and Integrated Access Team, which pairs social services and health resources with law enforcement to address inmates’ mental health and substance issues, while the both the jail and ACF have worked closely with county public health officials to launch a new program to reduce opioid-related deaths among the recently released inmate population.

This close connection between corrections and health and human services extends to the county’s Criminal Justice Coordinating Committee. The committee closely resembles the Milwaukee Community Justice Council and lists as a specific strategy “collaborating with Human Services and Public Health to address system issues such as jail crowding, case processing inefficiencies, and responding to client populations with adult behavioral health issues.”

St. Louis County

St. Louis County operates a single jail under its Department of Justice Services. The director of that department serves at the pleasure of the county executive. The St. Louis County sheriff has no role in the operation of the jail, but instead focuses on bailiff services, service of civil process, execution of eviction orders, and other civil matters. The jail detains adults and certified juveniles who are pre-trial or serving county sentences. Additional characteristics are summarized in **Table 5**.

Table 5: St. Louis County

County/ Facility	County Population	Administration	Max Capacity/ Av. Daily Population (ADP)	Staff	Offenders	Programs
St. Louis County Jail	996,945	Department of Justice Services; director serves at pleasure of the county executive	Max: 1,283 ADP: 1,259	360	Adults and certified juveniles who are pre-trial or serving county sentences. Also houses federal and state inmates and municipal offenders.	Several reentry programs related to mental health, anger/stress management, parenting, AODA, GED

St. Louis County provides an example of a large urban county that places administrative authority for its corrections facility solely with county administration, leaving the sheriff to focus on non-corrections tasks. This approach, of course, would be directly counter to that being considered in Milwaukee County, which would place all of its corrections responsibilities under the administrative authority of the sheriff.

We do not have the ability to examine and compare outcomes data for the two approaches to determine whether one is more effective than the other, but this example does illustrate the wide range of approaches used by county governments to fulfill their corrections roles. It also shows that if Milwaukee County’s goal in consolidating administration of its two corrections facilities is to promote greater administrative efficiency, then consolidating under the sheriff to achieve that goal may not be the only option.



Suffolk County (Boston)

Massachusetts is not an ideal comparison for Milwaukee County from a governance perspective, as that state abolished half of its county governments several years ago and those that remain are responsible only for minor functions. In addition, sheriffs were transferred to state control and are state employees, although they are elected locally and retain administrative and operational control of their departments.

Nevertheless, Suffolk County provides an example of a county that runs a jail and a house of correction under the administrative authority of an elected sheriff. The Suffolk County House of Correction houses offenders serving sentences of two-and-a-half years or less while the jail serves pre-trial detainees. The HOC, according to its website, administers programs that are “designed to prepare offenders for a successful reentry back into the community as well as hold them accountable and responsible for their past actions.” Characteristics of the two facilities are summarized in **Table 6**.

Table 6: Suffolk County

County/ Facility	County Population	Administration	Max Capacity/ Av. Daily Population (ADP)	Staff	Offenders	Programs
Suffolk County House of Correction	807,252 (2018)	Sheriff (who appoints a superintendent who reports to him)	HOC Max: 1,796 ADP: 843	HOC: 632 FTE	Adult male and female inmates convicted of crimes with a sentence of 2.5 years or less.	Substance abuse, anger management, vocational training, English for Speakers of Other Languages (ESOL), basic literacy, college prep classes, job skills, parenting skills, reintegration programming.
Suffolk County Jail		Sheriff	Max: 453 ADP: 550	352 FTE	Pretrial detainees in 13 different housing units.	Small group programs offer educational assistance, including resume writing; private tutoring offered.

Our broad review suggests that in Suffolk County, operating a jail and a house of correction under the administrative authority of a sheriff can be accomplished without sacrificing an emphasis on reentry programming in the HOC. In fact, the Suffolk County HOC offers perhaps the most robust array of social service and education programs of any of the peer counties we reviewed. Those programs are designed to build academic and life skills and involve partnerships with a variety of educational and community-based social service agencies to accomplish that goal.



Summary

Our review of five peer counties – each of which is similar in size to Milwaukee County – suggests that different counties take different approaches to administering their corrections facilities, and that those different approaches do not appear to preclude a strong focus on reentry services for inmates who are serving short sentences.

Our broad review did not allow us to analyze in detail the precise nature, depth, and outcomes of programming offered by the counties, nor to determine whether priorities differ among facilities that are administered by elected sheriffs versus county executive-appointed administrators. However, two additional insights emerged that might be helpful to Milwaukee County policymakers as they consider the appropriate administrative structure for their jail and HOC.

- **A broadly constituted oversight committee could be used to ensure that justice system priorities established for the HOC are being met.** Allegheny County’s oversight committee includes representatives from county administration as well as the sheriff’s office, giving both important input into policymaking and programming at that county’s correctional facility. Regardless of who is in charge of the HOC in Milwaukee County, a similar approach could be used, which might entail a stepped up role for the Milwaukee CJC or creation of a separate board.
- **An emphasis on reentry programming could be supported by a stronger and more formal linkage between corrections and health and human services.** Again, regardless of administrative authority, and similar to what we observed in Hennepin County and Allegheny County, policymakers’ desire for an emphasis on reentry programming at the HOC might benefit from formal involvement by the county’s health and human services department in the development and monitoring of such programming. In Milwaukee County, that department already administers and develops similar programming for delinquent youth.



FRAMING THE DISCUSSION IN MILWAUKEE COUNTY

The background information and overview of peer counties discussed thus far provide context with which to consider the appropriate administrative structure for Milwaukee County's corrections facilities. Ultimately, however, that consideration needs to hone in on the specific areas of HOC operations that have been identified as needing improvement by those advocating for the change and those areas that could be most affected.

In this section, we identify and briefly discuss those areas and consider how a change in administrative structure might impact them. For each area, we provide a table summarizing points we heard from key informants on both sides of the issue. **Arguments “for” and “against” should not be construed as *our* arguments. Also, it should be recognized that our scope of work did not involve an effort to validate the view of either side.**

Training

As discussed earlier, the HOC and sheriff both conduct their training on the grounds of the HOC in Franklin, with the sheriff's training academy facility serving the sheriff's office and a separate self-contained facility serving the HOC. Despite their close proximity, the two entities maintain separate training programs for corrections officers and hold separate classes. The HOC is quite proud of its training operation, which is conducted in partnership with MATC and also is used by other counties throughout Wisconsin. Sheriff's office officials also express satisfaction with their training operation, which is conducted in-house and has been accredited by a national accrediting organization.

On paper, it would appear that merging the two training operations might enhance efficiency by possibly allowing for the streamlining of training staff and by ensuring that trainees who work in corrections for the county are trained to the same standards and protocols, thus allowing for more effective staff movement between the HOC and jail if such movement is desired. HOC officials contend, however, that the job of corrections officer is different at each facility and that the two facilities require different training. Sheriff's office officials disagree with that assertion, saying that the environments are similar and the job responsibilities are not markedly different.

Table 7 summarizes the arguments we heard in our key informant interviews regarding how training might be impacted by a change in administrative structure.



Table 7: Training

Issue	Advantages	Concerns
Efficiency/Quality	Merging the two training operations under the unified command of the sheriff could streamline management and administration and potentially produce fiscal savings.	The two independent training operations allow for flexibility in the frequency of trainings offered and better student outcomes through smaller class sizes; also, HOC's partnership with MATC is beneficial to students and helps attract them and might be lost under a consolidated operation.
Consistency	Training both HOC and jail corrections officers in the same classes and to the same standards would enhance the ability to easily move them between the two facilities as need arises.	The different types of inmates at the two facilities and the facilities' different physical characteristics potentially demand different types of training for employees of each.
Recruitment	More candidates would be interested in signing up for training if the classes were tailored for individuals seeking to work in Milwaukee County corrections and if decisions were made post-training as to which students are best suited for which facility.	Those attending either HOC or sheriff's training academies specifically wish to work at the HOC or jail and may not sign up if the place of employment is determined after training occurs.

Staffing

A key challenge for both the HOC and the sheriff has been retention and recruitment of corrections officers (CO's). Despite the similarity of their challenges – which include the difficult nature of a CO position, the relatively low pay compared to other law enforcement positions, and low unemployment in the regional economy (prior to the COVID-19 crisis) – the HOC and jail engage in distinct recruitment and hiring processes.

That could ostensibly change under a merged administrative structure to create greater operational efficiency and improve recruitment efforts. When Sheriff Clarke administered both facilities, however, he was criticized for allegedly placing his most valued employees at the jail and it was asserted that this and other alleged examples of favoritism created poor morale at the HOC and ultimately harmed overall recruiting and retention efforts. **Table 8** summarizes the arguments offered by jail and HOC officials for and against combined staffing under a merged administrative structure.



Table 8: Staffing

Issue	Advantages	Concerns
Recruitment	Joint recruitment of CO's could eliminate redundancy and competition for staff; also, many recruits are attracted to the CO position as a possible stepping stone to becoming a deputy, and that opportunity would be available to both HOC and sheriff's recruits under a joint framework.	Many of HOC's recruits specifically wish to work at the HOC and joint recruitment would not be effective given the different nature of the CO position at each facility.
Retention	While transferring CO's between the two facilities would not be a common occurrence, the ability to do so could be valuable when one of the facilities is experiencing a rash of vacancies or other unique pressures; such a move could reduce the need for overtime and relieve worker stress.	Many HOC CO's want to work at the HOC and may quit if forced to work at the jail. Also, if favoritism is again exhibited toward the jail, then that would harm morale and possibly retention at the HOC. Finally, over the past year, the HOC has drastically reduced overtime required of its CO's, thus eliminating one of the primary rationales for considering a change.
Administration	Having one entity manage staff at both facilities could encourage more strategic deployment of staff resources, thus reducing use of overtime and ensuring that daily workforce needs are effectively met. There is no significant barrier to doing so for CO's given the similar nature of their job responsibilities at the HOC and jail. The ability to occasionally deploy supervisors interchangeably in the two facilities could be even more valuable.	Management's ability to strategically deploy CO's could cause disgruntlement among employees who prefer to work at one of the facilities; also, the two facilities require different skills and training and have different physical environments, thus making it less than ideal to transfer CO's between them.

Contracts

An area of efficiency that already exists between the two facilities is the joint procurement and management of contracts with outside vendors who provide certain services that are needed at both the jail and HOC. Foremost among them are inmate medical care and food service, but other examples include laundry services, inmate communications (including video conferencing and telephone), transportation, and the day reporting center (which provides education, job training, and substance abuse services to both sentenced and pre-trial inmates). Currently, the HOC administers the medical, food services, and day reporting center contracts, while the sheriff manages the transportation and communications contracts.

Sheriff's officials cite some procurement concerns, including differences of opinion regarding the development of specifications and expectations for contracts that serve both facilities, and reluctance by the HOC to engage the DAS Procurement Division for technical assistance. They also say the medical services vendor has experienced challenges because of the need to report to administrators of two distinct facilities who may have different expectations and demands. HOC officials cite no such issues.

Table 9 summarizes the pros and cons of having a single contracting agency under a merged administrative structure.



Table 9: Contracts

Issue	Advantages	Concerns
Contract procurement	While there currently is cooperation between the two agencies when it comes to contracting, the entity that administers the contract also develops the RFP and may not fully consider the needs and desires of the other entity; having all contracts under a merged entity could address that issue.	The status quo appears to be working relatively well and any procurement issues that exist could be worked out between the two entities without a merged administrative structure.
Contract Administration	It is difficult for the medical vendor (Wellpath) to work under two different agencies with different sets of expectations; administration under a merged entity would address that problem and potentially improve medical care.	The status quo appears to be working relatively well and any issues that exist with regard to the medical contract could be worked out between the two entities without a merged administrative structure.

Programming

A foremost concern of HOC officials regarding a possible shift in administrative authority is that their facility’s strong commitment to reentry and related programming will diminish or disappear. That concern is based both on the strong emphasis they have placed on programming, which they deem extremely successful, and actual experience based on the previous transfer of administrative authority to the sheriff in 2009.

A December 2019 inspection report by the Wisconsin Department of Corrections cited the HOC’s “excellent array of programming opportunities that are available to the inmate population.” It added that “staff should once again be commended for the effort undertaken to recruit and maintain partnerships with community and volunteer organizations.”

Employment-related training programs include GED preparation, general work readiness assistance, forklift training, office skills training, and various hands-on training opportunities in internal HOC functions, like laundry and printing. The use of robust electronic monitoring and work release programs also allows some inmates to gain practical work experience outside of the facility while serving their sentences. The facility also offers mental health and substance abuse counseling, a fatherhood initiative, and religious programming. Finally, as previously noted, the HOC is one of 20 correctional facilities in the nation to house an American Job Center, which provides employment services within the facility to help inmates prepare for their job search.

When administrative authority was shifted to Sheriff Clarke, he sharply scaled back use of electronic monitoring. Moreover, the request by the chief judge, district attorney, and other justice system leaders to shift administrative control back to the county executive was prompted by the sheriff’s moves to curtail programming.¹ HOC officials acknowledge that there is no evidence to suggest the current sheriff would do likewise. However, they and members of the county executive’s administration have expressed concern that an agency that is primarily focused on law enforcement may not have the capacity and willingness to place such a strong focus on programming.

¹ Schultze, Steve, “David Clarke-era policies fading under new HOC leader, inmate programs returning,” *Milwaukee Journal Sentinel*, June 1, 2013.



Sheriff’s office officials say they applaud the extensive programming efforts at the HOC and would have no interest in reducing them. They cite strong reentry programming as a widely recognized best practice in the corrections field that they support, and they also point to programming efforts in the jail that verify that sentiment. Those include widespread use of volunteers for religious programming, as well as library services and a fatherhood initiative. They also hope to soon implement a new program that would allow inmates to read books on videotape to their children.

Table 10 summarizes the arguments we heard with regard to programming under a merged administrative structure.

Table 10: Inmate Programming

Issue	Advantages	Concerns
Commitment to Programming	The current sheriff is fully committed to robust programming and community partnerships and there would be no predisposition to change current HOC offerings or focus when it comes to programming.	Sheriff Clarke sharply reduced reentry programming at the HOC; despite the current sheriff’s good intentions, he or future sheriffs may have higher priorities and could opt to shift resources away from programming if difficult financial issues emerge.
Relationship to Mission	The current sheriff and his top officials recognize that reentry programming is central to the mission of running a correctional facility, as exhibited by workforce and education programming in the jail.	Reentry programming should be the top priority (in addition to safety) of a facility serving low-level offenders and it would be treated as such by a county executive who also focuses on human services (including rehabilitative services for delinquent youth).
Administration	Programming quality could be improved by merging similar types of reentry programming currently offered by each facility individually.	The current HOC leadership already has vast programming experience and proven success and shifting to a new administrative structure could negatively impact that success.

Inmate Transfers

There is perhaps no area that demands greater coordination between the HOC and jail than inmate transfers. As discussed above, a court-ordered consent decree has placed a population cap on the jail of 960 inmates, which has necessitated extensive use of transfers of pre-trial detainees to the HOC to adhere to the limit. As noted earlier, prior to the COVID-19 crisis, the HOC’s inmate population typically consisted of 350 to 500 pre-trial detainees at any given time.

Transfers used to take place upon the formal request of the sheriff, but that process changed about 18 months ago to have HOC officials initiate transfers when they observe the jail approaching the cap. HOC officials say that instead of just identifying a handful of candidates, they typically compile a list of 20-30 inmates who they deem appropriate for detention in a minimum security environment and who can essentially fill up one bus and make it worth their while to re-open and staff an extra dormitory. They say they also pad the list with at least five extra inmates in case there is disagreement over whether inmates on the original list are suitable for transfer.

Sheriff’s officials say the change was prompted by frequent conflict in which the HOC would reject inmates proposed for transfer. HOC officials counter that the sheriff’s office often would seek to transfer inmates who were not suitable for the HOC because of past behavior or health-related issues.



While the new process was jointly agreed upon, sheriff’s officials cite continued problems. For example, they say they often perceive a need to initiate transfers before the HOC does, as the HOC’s determination is based solely on the number of beds being used at the jail and does not consider the characteristics of inmates who may not be suitable for sharing a cell, which adds to capacity challenges. They also say they have a much better handle than the HOC on when they may be facing an upcoming surge in new detainees that demands proactive transfers before the bed count reflects that need. When that’s the case, they say they must essentially “beg” the HOC to initiate transfers.

Table 11 lays out the arguments on how a shift in administrative authority might address the inmate transfer issue. In this case, advantages were cited by sheriff’s office officials. HOC officials expressed no concerns over the current management of inmate transfers.

Table 11: Inmate Transfers

Issue	Advantages	Concerns
Efficiency	The inmate transfer process has been cumbersome in the past because of the sheriff’s need to seek approval from HOC officials for each transfer; placing the HOC under the authority of the sheriff would eliminate that problem.	This concern has been addressed by a new process in which the HOC initiates the list of transfers when the jail population approaches the cap.
Proactively Addressing Jail Capacity	Jail administrators have a better sense of when transfers need to be initiated than HOC administrators, who now initiate the process but may reject requests from the sheriff to do so when jail administrators say they are reaching full capacity. Disputes would not occur if the sheriff had administrative authority over both facilities.	An effective dispute resolution process could be developed to address this issue without merging administrative control of the two facilities.
Transparency	Having one official manage the populations of both facilities could enhance accountability for adherence to the consent decree and for appropriate management of the overall corrections population.	Inmate transfers might be guided not only by population pressures, but also by a desire by the sheriff to keep populations and costs lower at the jail for parochial purposes.

Financial Management

While the sheriff is an independently elected Constitutional officer, his office’s budget is established and included in the county executive’s recommended budget and approved by the county board as part of the adopted budget. The sheriff does submit a requested budget to the county executive at the onset of the budget process, but the county executive is under no legal obligation to adhere to his requests and can shape the sheriff’s budget on his own. The same process, of course, applies to the HOC as a department of county government under the county executive’s purview.

An important distinction, however, is the sheriff’s potential ability to operate outside of the parameters of his budget if he deems it necessary to uphold his Constitutional responsibilities. While the legality of that ability is somewhat murky, Sheriff Clarke and sheriffs before him exercised it repeatedly and have run deficits when they determined that meeting their budget would preclude them from safely operating the jail and otherwise fulfilling state-mandated duties.



Given that reality, from a financial standpoint there may be some risk involved with placing the HOC under the sheriff’s administrative control. Merging the two functions would place about \$77.8 million (26%) of the county’s total \$301.1 million property tax levy under the control of the sheriff based on 2020 budgeted amounts and would give the sheriff the hypothetical ability to also cite his Constitutional authority to run a deficit in managing the HOC.

Moreover, the sheriff ostensibly would have the ability to move various expenditures and revenues for joint services like inmate medical care and transportation – as well as administrative services like accounting, legal, and human resources – between the two operations in a way that could cloud fiscal accountability and confuse overall budgeting. Yet, on the other hand, financial efficiency might be promoted by merging various cost centers and administrative services.

Table 12 lays out some of the financial management considerations associated with a potential change in administrative authority.

Table 12: Financial Management

Issue	Advantages	Concerns
Efficiency	Positions could be reduced and operating efficiency enhanced by merging redundant services in areas like accounting, budgeting, human resources, procurement, legal services, and community relations.	The sheriff’s ability to determine where to place cost centers for merged administrative and support services could make it more difficult for county fiscal officials and policymakers to evaluate the sheriff’s budget and objectively determine where cuts should be made and resources added.
Accountability	As an independently elected Constitutional officer, the sheriff must stand before voters every four years and would therefore be properly incentivized to prudently manage the finances of both his office and the HOC.	In the past, sheriffs have incurred sizable deficits when they have deemed it necessary to do so, thus undermining other county functions and the fiscal authority of the county executive and county board; placing the HOC under the sheriff’s control would give him the ability to act similarly with an even larger portion of the overall county budget.

Summary

The preceding discussion of key HOC operational issues and how they might be impacted by a change in administrative authority shows there are compelling arguments on both sides. For some operational areas, it is easy to see how efficiencies might be achieved as a result of a new administrative framework, while for others it is equally possible to be wary of the negative impacts that a change in administrative control might bring.

While this analysis does not provide a clear-cut answer to the question of where administrative control of the HOC should properly be placed, it hopefully will help policymakers appropriately frame their consideration by pinpointing the key issues that any change in authority should be designed to resolve. If the issue would not be effectively resolved by such a change – or if the change would create negative impacts – then that would be telling. Conversely, if policymakers perceive that a change in administrative control would bolster key operational areas like inmate transfers and employee recruitment without detracting from HOC programming and fiscal accountability, then a transfer may be deemed appropriate.



CONCLUSION

Our interviews with key corrections and justice system stakeholders in Milwaukee County, overview of corrections structures in peer counties, and analysis of key joint operational issues facing the HOC and jail all point to a single conclusion: there is no “right” or “wrong” way for a correctional facility like the Milwaukee County House of Correction to be administered.

We observe some HOC-type facilities in other parts of the country that are under the purview of their sheriff and others under control of their county executive, and neither approach stands out as being more or less supportive of the need for strong reentry and rehabilitative programming. Our broad analysis did not allow us the opportunity to explore which of the models may be more efficient from a fiscal and administrative perspective, but it is apparent that local jurisdictions have identified models that work best for them based on their own larger governmental structures and priorities.

Ultimately, county leaders might be best served by considering the specific issues they aim to address with a change in administrative authority and asking whether they could tackle those issues without a change in administrative control, which does hold some risk of eroding fiscal oversight and the HOC’s strong commitment to inmate programming. While we have no reason to believe that would be the case under the current sheriff, the risk could grow under future office holders.

From our vantage point, the most pressing operational issues that merit attention regardless of a transfer of control involve coordination of inmate transfers, corrections officer recruitment and retention, and medical contract administration. Before making a final decision on administrative authority for the HOC, policymakers may wish to further explore and verify the nature and scope of the challenges surrounding those areas and the full range of options for addressing them.

Finally, as noted in the peer county section, a compromise solution could involve creation of an oversight board similar to the one we observed in Allegheny County that could both establish policy direction and conduct administrative oversight of both facilities. If administrative authority for the HOC is shifted to the sheriff, then such a board could provide an important backstop against an erosion of inmate programming and inappropriate fiscal maneuvering, although the sheriff’s Constitutional empowerment to manage the jail could limit the roll of such a board. Conversely, if administrative authority remains as is, it could give the sheriff an important vehicle to resolve any disputes over the inmate transfer process or contract administration.

Also, we noted in the peer county section the close relationship between the corrections and health and human services functions in Hennepin County and Allegheny County. Again, regardless of whether there is a shift in administrative authority, that relationship could be expanded by Milwaukee County leaders to potentially enhance programming within the HOC.

Overall, we hope this report provides useful context for county leaders to weigh this important decision. It could be argued that the decision has taken on increased urgency in light of the COVID-19 crisis and its impacts on the county’s corrections population and staff. Conversely, it is difficult to predict whether the sizable reduction in the corrections population and changes in sentencing practices that have been born out of the crisis will remain. That uncertainty – combined with the county’s growing fiscal challenges and the difficulties likely to be associated with the 2021 budget – may justify a “pause” to allow factors associated with the crisis to play out and to provide opportunity for county officials and staff to conduct further analysis on their post-pandemic corrections reality before pulling the trigger on a change in administrative control.

