

Office of Corporation Counsel

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Christensen consent decree: In Brief and Update

October 22, 2020

Milwaukee County Board of Supervisors

Judiciary Committee

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Consent decree brief history



- *Christensen v. Sullivan*, No. 96-cv-1835, state court suit brought by ACLU and Legal Aid as a class action with Milton Christensen as representative of those then and in the future at the Milwaukee County Jail.
- Suit was prompted by overcrowding in the Jail; long wait times in the booking area; and poor health care.
- A settled-upon consent decree was entered by the court in 2001.
- That consent decree has 2 parts: (1) population numbers at the Jail and detainee time in booking; (2) medical care, including mental health care, and dental care provided at the Jail and HOC.

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Population numbers compliance



- Booking: There have been no issues with the booking room for many years. Under the consent decree, detainees are not to be held in booking over 24 hours without immediate action and not in excess of 30 hours.
- Population cap: The consent decree imposed a population cap on inmates/detainees at the Jail not to exceed 960.
- Goal is to relieve overcrowding; this is done by asking HOC to take inmates/detainees into its facility when population approaches 960.
- Weekly reports are compiled by the MCSO of population numbers and other indicators to permit monitoring of booking time and population.
- In last half of 2019, there was only 1 instance where the population was temporarily over the population cap. Population is currently well under cap.

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Healthcare at Jail and HOC



- The healthcare portion of the consent decree includes a staffing matrix with required minimum staffing (type and number).
- At the time of the consent decree, health care at the Jail and HOC was provided by County employees.
- Medical leadership and other positions could not be filled.
- Beginning in 2013, healthcare was court-ordered to be provided by a contracted entity: Armor Correctional Health Services, Inc.
- The court order was amended in 2019 to state that healthcare services are to be provided by Wellpath LLC.
- Wellpath's contract began on February 27, 2019 and was the result of an extensive RFP process. This committee has an informational report ready for its review (File No. 246) regarding extension of the Wellpath contract.

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Healthcare compliance



- Compliance for the healthcare part of the consent decree is overseen by a court monitor: Dr. Ronald Shansky.
- The County also employs a contract monitor, NRI, which provides expertise as well a check and balance on Wellpath.
- Dr. Shansky's last visit was October 22-25, 2019. At that time, he reported compliance in most areas with areas of focus to include review of staffing; nurse sick calls; chronic care; off-site care visits; transfer of records from Armor to Wellpath; and provision of dental services.
- Dr. Shansky has not returned in 2020 because of COVID. At present, no return date has been scheduled, likely 2021.

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Current court proceedings

- Judge Murray presided over this case in 2019 and the parties have asked that he stay assigned to this case.
- Next court date is January 21, 2021.
- In Fall 2019, Judge Murray inquired about a sunset of the consent decree.
- As a result, the parties have started that discussion.
- Important points in the parties' sunset discussion include:
 - Maintaining limit on population at Jail.*
 - Will Wellpath be renewed?*
 - National Commission on Correctional Healthcare (“NCCHC”) accreditation of healthcare provision at the Jail and HOC, which processes have begun.*
 - Continued presence of the health-care contract monitor.*

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