

COMMUNITY SAFETY RESPONSE TASK FORCE MEETING  
CITY OF FRANKLIN  
THURSDAY, DECEMBER 13, 2012, 3:00 P.M.  
CITY OF FRANKLIN LAW ENFORCEMENT CENTER  
COMMUNITY ROOM  
9455 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*

- I. Call to Order and Roll Call
- II. Citizen Comment Period
- III. Milwaukee County change of administrative authority for the Milwaukee County Correctional Facility-South (referred by the Common Council on December 4, 2012).\*\*
- IV. Adjournment.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

\*Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which the Common Council has decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

\*\*Supporting documentation and details of this agenda item are available at City hall during normal business hours.

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Clarke threatens to sue if he loses oversight of Franklin lockup

By Steve Schultze of the Journal Sentinel

Dec. 6, 2012

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Sheriff David A. Clarke Jr. will sue Milwaukee County if it persists in a plan to strip him of authority over the County Correctional Facility-South in Franklin and give it to an appointed superintendent, a lawyer for the sheriff said Thursday.

County Executive Chris Abele would appoint a superintendent to run the Franklin jail under a change the County Board approved as part of the 2013 budget.

Clarke has constitutional authority over both jails in the county - the downtown jail as well as the CCF-South, attorney Michael Whitcomb told a County Board panel. Clarke renamed the Franklin lockup, formerly known as the House of Correction, when he took it over in 2009 at the request of then-County Executive Scott Walker.

Running the county's jails is one of the sheriff's core functions, Whitcomb said. Clarke will fight to assert that authority, Whitcomb told the board's judiciary committee.

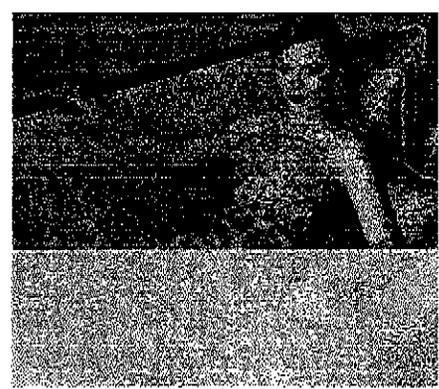
"My office has been authorized to commence (a legal) action to protect his authority over all county jail facilities," Whitcomb said. "No one can fault the sheriff for protecting the office into which he was elected."

Clarke drew the line in the sand as county officials have begun to plan for the transition away from Clarke's oversight at the Franklin lockup. The change is to take effect April 1.

Clarke was not at Thursday's meeting and declined to respond to a request for comment on his apparent about-face on his control of the Franklin jail.

When asked about the potential change in July, Clarke said he wouldn't oppose it. He said then that he'd taken on responsibility for the House of Correction begrudgingly nearly four years ago.

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"I don't own it, so I'm not going to fight for it," Clarke said last summer. His top aide repeated that stance during County Board budget deliberations in October.

Abele wrote in a Nov. 29 letter released Thursday that Clarke plans to "assert control with regard to inmate medical and release determinations, including electronic monitoring. Given this, my concerns are significantly magnified." Abele sent the letter to County Board Chairwoman Marina Dimitrijevic. He based his comment on a phone conversation with Clarke Nov. 28, the letter said.

Abele had warned the County Board to go slow on removing the sheriff's control of the Franklin jail because of the need for cooperation from Clarke on shared services.

Support for pulling control of the Franklin jail from Clarke grew this year after the sheriff curtailed an inmate electronic monitoring program and cut back on other corrections programs that provided job training and substance abuse counseling in the community. Clarke has clashed with judges and corrections officials on the issue.

Supervisors said Clarke has no inherent authority to run the Franklin facility. An appointed superintendent ran the place for decades before the '09 change, prompted by an inmate escape and a scathing federal report declaring the House of Correction dysfunctional, with serious security lapses and employee morale problems.

Clarke needs to cooperate with the transition and stop throwing up roadblocks, Supervisor Jim "Luigi" Schmitt said after learning Clarke has not sent a representative to participate in meetings on shifting management control at the Franklin jail.

"We need to stop wasting taxpayer money on tantrums from the sheriff's office," said Supervisor John Weishan Jr.

The switch has raised a host of issues not spelled out in the 2013 county budget, including staffing and joint inmate programs for both jails such as food service, medical care and transportation.

The budget amendment on the Franklin facility specified that a new appointed superintendent would be in charge of all inmate medical programs. Inmate health care has long been a sore spot, with advocates arguing that care provided by Clarke has been inadequate. A circuit judge earlier this week rejected Clarke's claim that he had sole authority over inmate care.

Sheriff's Inspector Richard Schmidt said problems with severing oversight of the two jails made a proposed transition plan "untenable to the sheriff's office."

Despite Clarke's lawsuit threat, the judiciary panel approved a transition plan on a 5-1 vote, with Supervisor Mark Borkowski dissenting. Borkowski's district includes a portion of Franklin, where the Common Council voted this week to oppose the switch. Franklin Mayor Tom Taylor said local residents had safety concerns if the sheriff loses his oversight of the Franklin jail.

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**-COUNTY OF MILWAUKEE-**  
INTEROFFICE COMMUNICATION

DATE : November 26, 2012

TO : Supervisor Marina Dimitrijevic, Chairwoman, Board of Supervisors

FROM : Craig Kammholz, Fiscal and Budget Administrator, Department of Administrative Services

SUBJECT : Implementation of the Transfer of the County Correctional Facility - South to the Executive Branch

**REQUEST**

Approval is requested for the attached plan to implement the transition of the County Correctional Facility - South (CCFS, formerly called the House of Correction), to the Executive Branch as a re-created department effective April, 2013.

**BACKGROUND/ANALYSIS**

The 2013 Adopted Budget included the requirement, initiated and approved by the County Board of Supervisors, that management of the CCFS be transferred to the executive branch as a stand-alone department under an appointed Superintendent, effective April 1, 2013.

The amendment, and adopted budget, requires that the Superintendent manage the CCFS facility as a new department, including the Huber program, the electronic monitoring unit (EMU), and the inmate medical programs beginning in April 2013. The amendment and adopted budget also include sufficient funding for operation of the new department for the final three quarters of 2013 if shared services are provided cooperatively. However, it did not address the jurisdictional responsibility for several services that are shared between the CCFS and the County Correctional Facility – Central (CCFC). Some of these services are provided by private or non-profit vendors, while others are provided by County staff. In order to effectuate the transfer of the CCFS on the date required by the County Board, it is necessary to delineate the responsibility for these services and to set a policy as to how the programs will be shared between the Superintendent and the Office of the Sheriff to minimize added cost to taxpayers and ensure continuity of service.

The shared services include, but may not be limited to, the following:

- Inmate transportation
- Inmate telephone service
- Inmate trust accounts
- Inmate medical and mental health services
- Inmate property collection and disbursement
- Inmate food/commissary
- Absconder Unit
- Inmate laundry
- Inmate bail payments
- Hiring, background investigation and training of Corrections Officers
- Holding of pre-trial individuals when the CCFC reaches maximum capacity as required under the Christensen Consent Decree

Prior to the merger of the CCFS into the Office of the Sheriff in 2009, most of these services were provided by one facility or the other and services were shared on a collaborative basis, with little or no "cross charging" between the two agencies. Based on the text of the amendment and discussion about the issue during the 2013 budget process, it is recommended that the County Board clarify that this collaborative, good-faith service-sharing arrangement is the policy of the Board. Clarifying the Board's policy, per the attached resolution, will facilitate the transition and ensure that the amendment does not result in significant increased costs due to duplication of services.

Therefore, based on the pre-2009 provision of shared services, it is recommended that the all shared services, including but not limited to the following, be provided by the two organizations on a collaborative basis with no internal cross-charging.

**Transfer and Retitling of Positions:**

It is recommended that Milwaukee County adopt a policy codifying the expectation that the Sheriff will leave in place a staff of sufficient quantity and quality to operate the CCFS in an effective and safe manner during the transition period. All budgeted positions located in the CCFS as of November 7, 2012 (low orgs with a 43 prefix), or the Inmate Medical and Mental Health unit (low orgs 4039 and 4041) shall remain in the new CCFS agency (Agency 430), with adjustments made based on the 2013 Adopted Budget. Any position transferred via administrative action from a low org with a prefix of 43, or low orgs 4039 or 4041, to a low org with a prefix of 40 shall be reversed effective April 1, 2013. The only exceptions are as follows:

- Any funded or unfunded Deputy Sheriff (including bi-lingual), Deputy Sheriff Sergeant, Deputy Sheriff Lieutenant, or Sheriff's Deputy Captain that was budgeted in a low org with a 43 prefix is transferred to low org 4038 effective December 21, 2012. It is also recommended that, prior to April 1 2013, the Sheriff will make an effort to fill vacant Correction Manager or Correction Officer Lieutenant positions in the CCFS, utilizing a temporary assignment to a higher classification if necessary.
- The position of Fiscal Operations Manager-HOC (vacant at the time this report was prepared), title code 00004444, is transferred from low org 4312 to the Department of Administrative Services – Fiscal Division (DAS-Fiscal, low org 1157), as of December 21, 2012, so that DAS-Fiscal may begin recruiting for this vital position without delay. The position will then be transferred to the CCFS (low org 4311) effective April 1, 2013.
- It is assumed that the Superintendent of the House of Correction, vacant Assistant Superintendent positions, or vacant Corrections Manager positions may be filled by the Executive Branch and may begin work at the CCFS prior to April 1, 2013 in order to facilitate implementation of the management transfer and to gain experience with the facility. It is assumed that any individuals hired under this provision and existing Sheriff's staff will work cooperatively to operate the facility in a safe and efficient manner.

- 1.0 FTE unfunded Public Safety Fiscal Analyst (title code 00004595) currently located in low org 4312, is transferred as of December 21, 2012 to low org 4002 so that it may remain with the Office of the Sheriff after the transfer.
- For consistency, it is recommended that all funded and unfunded Corrections Officer 1 – Sheriff positions (title code 00058515) that are budgeted in the CCFS (low orgs with a prefix of 43) be retitled as Corrections Officer 1 (title code 00058500). Likewise, all funded and unfunded Corrections Officer 1 positions (title code 00058500) located in any low org with a 40 prefix (mainly the CCFC) be retitled to Corrections Officer 1 – Sheriff (title code 00058515).

#### **Services to be Provided by the Sheriff to the CCFS:**

**Inmate transportation between the CCFS and the CCFC:** The existing contract with G4-S Wackenhut, and associated expenditure authority to provide this service, will remain with the Office of the Sheriff. The Office of the Sheriff and the Superintendent will collaborate on inmate movement between the two facilities as appropriate, and on any future developments with the contract.

**Bail Payments:** The contract with Government Payment Services for inmate bail payments and kiosks will be retained by the Office of the Sheriff, and the Superintendent and Sheriff will work collaboratively to ensure the equipment and services work and that all revenue is credited to the appropriate agency.

**Training of Corrections Officers as new classes are hired:** The Sheriff will assist in providing background investigations and training of new Corrections Officers hired by the new House of Correction until the Superintendent is ready to perform those tasks independently, preferably on a cooperative basis with the Sheriff.

**Abscorder Unit:** The Sheriff will seek and detain any inmate who absconds from the CCFS, the Huber Program, or the Electronic Monitoring program, at no charge to the CCFS.

#### **Services to be Provided by the Superintendent to the CCFC/Sheriff:**

**Inmate Medical and Mental Health Services:** The 2013 Adopted Budget requires that the Superintendent manage the inmate medical and mental health programs. Due to budgeted staffing levels and facility capabilities (there is no functioning infirmary at the CCFS), it is recommended that the County adopt a policy that continues to physically locate the inmate medical and mental health unit at the CCFC, and that staff of the unit treat inmates as necessary regardless of the facility in which they are housed. Provided that the Sheriff provides all inmate medical staff total access as needed, it is recommended that the Superintendent not charge the Sheriff for care of inmates who are under the jurisdiction of the Sheriff, as long as access provided.

It is recommended that policy require the Sheriff to accept those inmates transferred from the CCFS to the CCFC due to medical or mental health condition as necessary and at no charge to the CCFS.

While the budget requires that the Superintendent manage the Inmate Medical program, adopted policy is that both agencies will work collaboratively to ensure that inmate medical and mental health services are provided at a sufficient level sufficient for both the County and the Sheriff to comply with state and federal law. The 2013 Adopted Budget includes sufficient funding to provide this service level, so long as the service is shared and not duplicated at both facilities. A significant budget deficit would result if each facility manages its own medical and mental health programs due to duplication of management, contracts, etc.

**Inmate Food and Commissary:** It is recommended that the existing contract with Aramark, and associated expenditure authority, to provide food and commissary services to inmates at both facilities be shifted to the Superintendent, and that the Superintendent continue to provide food and commissary to inmates at the CCFC at no charge to the Sheriff. It is also recommended that the Superintendent work with Aramark and the Sheriff to ensure that all revenues derived from the CCFC commissary be credited to the Sheriff.

**Inmate Laundry:** It is recommended that the existing arrangement whereby staff and inmates at the CCFS perform laundry services for both the CCFS and CCFC remain. Staff and associated expenditure authority will remain with the new CCFS agency, and the Superintendent shall continue to provide the service to the CCFC at no charge to the Sheriff.

**Housing of Pre-trial Inmates When CCFC Population Approaches the Limits set by the Christensen Consent Decree:** Prior to the transfer of the CCFS to the Sheriff, the Sheriff and Superintendent worked collaboratively to transfer pre-trial inmates from the CCFC to the CCFS when the CCFC pre-trial population approached the cap set forth in the Christensen Consent Decree. It is recommended that this collaborative arrangement be set forth in policy, and that the Superintendent accept pre-trial inmates from the CCFC when the Sheriff documents that the CCFC population is close to the cap. It is also recommended that a policy be adopted that this housing of pre-trial inmates will take place at no cost to the Sheriff so long as: the Sheriff creates space to prioritize beds for the pre-trial inmate population over contracted beds; data is provided by the Sheriff on a cooperative basis; and that the CCFS be allowed to charge the Sheriff if no or inadequate data is provided that would justify the transfer of inmates. It is also recommended that Milwaukee County adopt a policy that the CCFC is to place a priority on housing pre-trial inmates, and that the Sheriff will make every effort to transfer sentenced inmates to the CCFS in an expeditious manner.

**Inmate Telephone:** It is recommended that the contract with Century Link for inmate telephone services be transferred to the Superintendent, and that Superintendent work with the Sheriff and Century Link to ensure that revenue derived from inmate phone calls placed

at the CCFC is credited to the Office of the Sheriff.

**Services to be Provided Cooperatively:**

**Inmate Trust Accounts:** Pursuant to recommendations in an audit report, it is recommended that the inmate trust account be jointly administered by the Sheriff and the Superintendent. The Sheriff and Superintendent will identify those positions responsible for these accounts to the County Board and County Executive no later than the July 2013 cycle, and those positions will work on a collaborative basis to reconcile the accounts accurately and in a timely manner

**Inmate Property Rooms:** The 2013 Adopted Budget provides a number of positions at each facility to collect, hold and disburse inmate property. The Superintendent and the Sheriff shall work collaboratively to ensure that inmate property is transferred between the facilities as appropriate.

**FISCAL NOTE**

Funding for these items is included in the 2013 Adopted Budget. There are no tax levy impacts on any of the associated actions as long as shared services are provided cooperatively. This action may require that contracts be amended or that funds be transferred sometime in 2013.

**RECOMMENDATION**

It is recommended that approval of the attached resolution, which sets forth a model for sharing several critical services by the Office of the Sheriff and the Superintendent of the County Correctional Facility – South be adopted, so as to take effect April 1, 2013.

Prepared By:  
Joshua Fudge

  
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Craig Kammholz  
Fiscal and Budget Administrator

cc: Chris Abele, County Executive  
David A. Clarke, Milwaukee County Sheriff  
Amber Moreen, Chief of Staff, County Executive's Office  
Pat Farley, Director, Department of Administrative Services  
Steve Cady, County Board Fiscal and Budget Analyst