

Chairperson: Supervisor Willie Johnson, Jr.
Clerk: Linda Durham, 278-4225
Research Analyst: Rick Ceschin, 278-5003

COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Thursday, March 6, 2008 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

PRESENT: Supervisors Rice, De Bruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7

SCHEDULED ITEMS:

1. 08-84 From County Executive, appointing Paul J. Hinkfuss to serve on the Milwaukee County Ethics Board for a term expiring February 28, 2011.

APPEARANCE(S):

Fran McLaughlin, County Executive's Office
Paul J. Hinkfuss

Ms. McLaughlin provided comments.

MOTION BY: (BRODERICK) Approve. (Vote 7-0)

AYES: Rice, De Bruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7

NOES: 0

2. 08-51 A resolution by Supervisors Cesarz and Borkowski, creating a courthouse campus workgroup that would examine the condition of County facilities in the courthouse campus area, make recommendations on future facilities needs as it relates to better customer service, workflow design and increased energy efficiency and assess economic benefits associated with the proposed recommendation. **(Also to the Committee on Transportation, Public Works and Transit) (1/24/08: Laidover) (Reports from the Director, Transportation and Public Works)**

APPEARANCE(S):

Supervisor Mark A. Borkowski, (11th District)

Supervisor Borkowski provided comments:

MOTION BY: (CESARZ) Concur with the Committee on Transportation, Public Works and Transit to layover this item for one cycle.

SCHEDULED ITEMS (CONTINUED):

Questions and comments ensued.

Vote on the motion to layover: 7-0

AYES: Rice, De Bruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7

NOES: 0

3. 08-102 A resolution by Supervisor Borkowski, directing the Superintendent, House of Correction to prepare a report detailing incidents, penalties, costs and corrective actions related to vandalism by inmates at the House of Correction.

APPEARANCE(S):

Supervisor Mark A. Borkowski, (11th District)

Inspector Kevin Carr, Sheriff's Office

Supervisor Borkowski provided comments relative to the resolution and its intent.

Questions and comments ensued.

Inspector Carr provided comments relative to vandalism at the jail.

MOTION BY: (DEVINE) Approve. (Vote 7-0)

AYES: Rice, De Bruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7

NOES: 0

4. 06-100 Published notice, dated February 17, 2006 for special meeting of Milwaukee County Board of Supervisors. Provisional response from the State of Wisconsin, Department of Justice, Attorney General Peggy A. Lautenschlager, dated February 17, 2006.
(a)(a) **(1/24/08: Laidover and referred to staff to help develop potential options)**

APPEARANCE(S):

Bill Domina, Corporation Counsel

Discussion ensued at length, with questions and comments relative to what action the Committee should take on this item.

MOTION BY: (SCHMITT) Approve "Amendment No. 2" from County Board staff indicating that the election of a successor to an incumbent County Board officer shall require a three-fifths vote of the members elect.

Questions and comments continued.

SCHEDULED ITEMS (CONTINUED):

Supervisor Rice requested that the phrase “with or without cause” be added to the third line, after the word “time” in section 1.02 (am) of the proposed ordinance.

Supervisor Schmitt accepted this request as a friendly amendment.

MOTION BY: (DE BRUIN) Approve the resolution for a simple majority vote.

Questions and comments ensued relative to which motion takes precedence.

Mr. Domina provided comments.

Vote on the motion by Supervisor Schmitt, requiring a three-fifths vote: 6-1

AYES: Rice, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 6

NOES: De Bruin – 1

***MOTION BY: (SCHMITT) Approve the resolution/ordinance, as amended.
(Vote 7-0)***

AYES: Rice, De Bruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7

NOES: 0

5. 08-85 From Director of Audits, an Audit of the Office of the Sheriff Electronic Medical Records System, dated February 2008. **(Also to the Committee on Finance and Audit) (Copies Previously Provided)**

APPEARANCE(S):

Jerry Heer, Director, Department of Audits

Inspector Kevin Carr, Sheriff’s Office

Candace Owley, Wisconsin Federation of Nurses and Health Professionals

Steve Zais, Wisconsin Federation of Nurses and Health Professionals

Jack Hohrein, Milwaukee County Citizen

MOTION BY: (DE BRUIN) Concur with the recommendations by the Audit Department with a follow-up six month report and a three month status report. Also that Audit and County Board staff prepare a report for the Judiciary, Safety and General Services Committee to consider, outlining recommendations on how to modify the County Procurement process so that appropriate administrative staff disclosure requirements are put in place during the entire vendor selection process and the monitoring of the contract implementation process.

Discussion ensued at length.

SCHEDULED ITEMS (CONTINUED):

Ms. Owley commented that the nurses should be complemented because for years they have been consistently saying that the electronic medical records system is flawed and needs to be replaced. She stated that she appreciates the Committee's willingness to pay attention to this matter and continuously request reports.

Mr. Zais thanked the Committee for hearing the nurses.

Vote on the motion by Supervisor De Bruin: 7-0

AYES: Rice, De Bruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7
NOES: 0

6. 07-320 (a)(a) An adopted resolution directed the Director of Audit to provide a follow-up report on the Audit of Jury Selection Process in the Milwaukee County Circuit Court System and that Corporation Counsel provide a report back addressing the jurisdictional issues and the Federal courts jury issue. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Bill Domina, Corporation Counsel
Jerry Heer, Director, Department of Audit

Mr. Heer and Mr. Domina reviewed the reports they submitted relative to this item.

Questions and comments ensued.

MOTION BY: (SCHMITT) that the report from the Director of Audits, dated February 27, 2008 entitled, "Status of Implementation of Audit Recommendations on the Jury Selection Process (File No. 07-320)" be placed on file and that the Courts provide an update report in six months and a full report in one year on its continued success in achieving jury pools that are reflective of the community. (Vote 7-0)

AYES: Rice, De Bruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7
NOES: 0

7. 08-J-9 From the Director, Department of Child Support Enforcement, responding to a request for information on performance incentive standards, staffing patterns for bilingual staff, and the use of paralegals in the department. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Beverly Ferrin, Program Coordinator, Department of Child Support Enforcement
John O'Shea, Supervising Legal Counsel for Department of Child Supp. Enforcement

SCHEDULED ITEMS (CONTINUED):

Beth Werve, AFSCME Local 645

Ms. Ferrin reviewed the subject report.

Questions and comments ensued.

Supervisor De Bruin requested that the department provide her with the actual performance measures that Milwaukee County achieved in each of the four areas specified in the report.

MOTION BY: (DE BRUIN) Receive and place the subject report on file.

Ms. Werve expressed concerns relative to paralegals working out of their job classification in the Department of Child Support Enforcement. She also expressed concerns relative to positions funded by the County Board that were never filled.

Chairman Johnson requested that Ms. Werve put her concerns in writing.

Supervisor De Bruin withdrew her motion to receive and place the report on file.

8. 07-379
(a) Adopted 2008 Budget Amendment 1A045 directed the Chief Judge and Clerk of Circuit Court furnish a report to the County Board for consideration at its March 2008 meetings on the use of temporary staff services. This report should include actual expenditures for 2007 and the steps being taken to reduce reliance on temporary help in 2008. **(Also to the Committees on Finance and Audit and Personnel) (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

John Barrett, Clerk of Circuit Court/Director of Court Services

Mr. Barrett reviewed the subject report.

Discussion ensued, with questions and comments relative to the fiscal affect of temporary positions. Per Mr. Barrett, the use of temporary staff has been higher than the Courts would like it to be.

The Committee took no action on this informational report.

SCHEDULED ITEMS (CONTINUED):

9. 07-379 Adopted 2008 Budget Amendment 1A067 directed that the County Executive and
(a) the Superintendent of the House of Correction shall provide written monthly briefings through October 2008 for the Committee on Judiciary, Safety and General Services on the ongoing development and implementation of the Global Positioning Surveillance (GPS) home detention program. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Superintendent Ron Malone, House of Correction
Jon Priebe, Public Safety Fiscal Administrator
Rick Ceschin, County Board Research Analyst

There was no written report from Superintendent Malone for the Committee's consideration.

Superintendent Malone apologized for not having a written report and requested to be allowed to provide said report at a future meeting. He proceeded to give a brief verbal report in which he stated that the GPS matter was referred to a Committee called the Jail and Utilization Committee, chaired by Inspector Schmidt. At that Committee meeting, the Judges commented that they would be supportive of the GPS if there were a physical plant for individuals to go to at night. Superintendent Malone is working on putting together a pilot; however, this has not been finalized. Meetings are scheduled for March 17th and 19th; one is a subcommittee meeting and the other is an overall meeting. Superintendent Malone stated that he would provide a written document after both meetings.

Mr. Ceschin indicated that some language was changed in the budget process that referred to the GPS and some modifications were made regarding staff.

The Committee took no action on this informational report.

10. 08-J-3 From the Sheriff's Office and Superintendent, House of Correction (HOC), a report providing data from 2003-2007 on the number of escapes, improper releases and deaths occurring at the jail and HOC. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Superintendent Ron Malone, House of Correction
Jeff Mayer, House of Correction
Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office

Superintendent Malone and Mr. Mayer addressed the Committee.

SCHEDULED ITEMS (CONTINUED):

Discussion ensued, with questions and comments relative to stairwell doors being unlocked at Community Correctional Center (CCC). Superintendent Malone will follow-up on this with the Office of Detention to find out if this applies to all huber facilities or just to Milwaukee's CCC. Supervisor De Bruin stated that she did not understand how State law could prevent Milwaukee County from forcibly detaining prisoners who are supposed to be in a facility at night. Mr. Mayer pointed out that the major issue is liability to the County in the event there is a fire. He advised that because of the age of the building and the fact that it is five stories is the reason why the State can mandate that doors remain unlocked so that a person has the ability to exit the building in case of an emergency or a fire.

Inspector Carr addressed the Committee.

Discussion ensued, with questions and comments relative to the report submitted by the Sheriff's Office.

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to item 11. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

11. 08-J-8 From the Sheriff, submitting an informational report on bio-hazard clean-ups at the Jail. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Inspector Kevin Carr, Sheriff's Office
Jack Takerian, Facilities Management
Roy Felber, Milwaukee Deputy Sheriff's Association
David Eisner, District Council 48, Local 594
Antonio Rubio, AFSCME, Local 1055

Inspector Carr responded to questions/concerns raised by Committee members.

Jack Takerian advised that his department ceased to do clean-ups behind the walls of the jail.

Mr. Eisner and Mr. Rubio provided comments. They expressed concerns as to whether or not the inmates doing the bio-hazard clean-ups are provided the proper training, that they have personal protective equipment and per the requirements under the State and OSHA, that they've had a hepatitis B vaccine. Mr. Eisner stated that one concern that is particularly disturbing to him is that an inmate who had been involved in the bio-hazard clean-ups has now contracted hepatitis B. He did

SCHEDULED ITEMS (CONTINUED):

not have it when he came into the facility.

Deputy Felber expressed concerns relative to chemicals being placed into the hands of inmate workers and also safety concerns about his and his family's health.

Inspector Schmidt provided information relative to what other county jails (Kenosha, Racine, Walworth) do (training, shot requirements, etc.) when utilizing inmate workers for bio-hazard clean-ups. He stated that, it is his understanding that there have not been any inmates diagnosed with illnesses as a result of bio-hazard clean-ups in other counties.

Supervisor De Bruin requested that, if the information Inspector Schmidt provided relative to other counties and inmates doing bio-hazard clean-ups is in writing, she would like to see it. Inspector Schmidt will provide the information if there are notes/minutes from the meeting he attended.

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(d) for the purpose of considering strategy for crime detection or prevention with regard to item 12. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

12. 08-J-8 From the Superintendent, House of Correction, submitting the Operational Review of the Milwaukee County House of Correction from the United States Department of Justice, National Institute of Corrections Technical Assistance Project.
(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)

APPEARANCE(S):

Jerry Heer, Director of Audits
Ron Malone, Superintendent, House of Correction
Jeff Mayer, House of Correction

Superintendent Malone stated that he asked for this report because he felt the HOC was not the best institution it could be. He provided comments relative to corrective actions that the HOC have taken and will continue to take.

Supervisor De Bruin requested that HOC staff select the top 10 safety and security issues listed in the National Institute of Corrections report and report back to the committee on their progress. Mr. Mayer advised that the top 10 safety and security issues have already been identified and corrected. A report will be provided to the Committee. Per Chairman Johnson, this will be scheduled for the next cycle.

SCHEDULED ITEMS (CONTINUED):

Supervisor Rice stated that he was impressed with Superintendent Malone's comments and the responsibility he is taking.

Supervisor De Bruin stated that it is her hope that the Audit Department would provide recommendations on how to increase the ability of department heads to move forward on self assessment without waiting until there is a crisis, escape, death or loss of a large Milwaukee County contract.

Mr. Heer provided comments.

The Committee took no action on this informational report.

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to item 11. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

CORPORATION COUNSEL RECOMMENDS PAYMENT/SETTLEMENT OF THE FOLLOWING CLAIMS/LITIGATION *(Note: Section 56.08 of the Milwaukee County General Ordinances authorizes the Judiciary Committee to settle all claims when the amount does not exceed \$5,000.00, and the action of the Committee is final and no further County Board action is required.):*

13. 08-18 From Principal Assistant Corporation Counsel, requesting approval for payment in the amount of \$5,000.00 to Elizabeth Dean for injuries she sustained when she tripped on a rug, striking her knees and back, while exiting the Courthouse by way of the 10th Street doors.

APPEARANCE(S):

Bob Andrews, Corporation Counsel

MOTION BY: (DE BRUIN) Approve items 13-17.

Questions and comments ensued.

Vote on the motion to approve items 13-17: 6-0

AYES: Rice, De Bruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7

NOES: 0

SCHEDULED ITEMS (CONTINUED):

14. 08-18 From Principal Assistant Corporation Counsel and Deputy Corporation Counsel, requesting approval for payment in the amount of \$4,500.00 for attorney fees on behalf of Lisa Washington in settlement of her discrimination claims.

SEE ACTION UNDER ITEM 13.

15. 08-18 From Principal Assistant Corporation Counsel, requesting approval for payment in the amount of \$1,330.56 to Lyle McGuire to settle in full his claim for damages to his vehicle when it was struck by County tractor.

SEE ACTION UNDER ITEM 13.

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

16. 08-100 From Principal Assistant Corporation Counsel, Otto et al. v. Milwaukee County Settlement Agreement.

SEE ACTION UNDER ITEM 13.

17. 08-111 From Principal Assistant Corporation Counsel, requesting approval for payment in the amount of **\$10,000** to Sarah Keaton, in settlement of her claim, for injuries she allegedly sustained when an elevator in the Milwaukee County Courthouse suddenly, and without warning, dropped two times after she entered it from the seventh floor.

SEE ACTION UNDER ITEM 13.

18. 08-J-4 From Corporation Counsel, status report on the Mercer pension lawsuit.

MOTION BY: (RICE) Adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to items 18-21). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary. (Vote 6-0)

AYES: Rice, De Bruin, Schmitt, Broderick, Devine and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz - 1

SCHEDULED ITEMS (CONTINUED):

The Committee adjourned into closed and did not reconvene back into open session.

19. 08-J-5 From Corporation Counsel, report on the Court of Appeals decision in the Christensen jail lawsuit.

SEE ACTION UNDER ITEM 18.

20. 08-J-6 From Corporation Counsel, report on the Court of Appeals decision in the Wisconsin State Local Government Property Insurance Fund lawsuit arising out of the 2002 Villa Terrace fire.

SEE ACTION UNDER ITEM 18.

21. 08-J-7 From Corporation Counsel, status report regarding Courthouse Annex arbitration litigation.

SEE ACTION UNDER ITEM 18.

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel
Beverly Ferrin, Prog. Coordinator, Child Support Enforcement
John Barrett, Clerk of Circuit Court/Director of Court Services
Jerry Heer, Director, Department of Audit
Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Ronald Malone, Superintendent, House of Correction
Jeff Mayer, House of Correction
Jon Priebe, Public Safety Fiscal Administrator
Jack Takarian, Facilities Management

This meeting was recorded on a tape. Committee files contain copies of communications, reports and resolutions, which may be reviewed upon request to the Chief Committee Clerk. The official copy of these minutes, along with the audio recording of this meeting, are available in the County Board Committee Services Division.

Adjourned: 1:40 p.m.

Linda K. Durham

Linda K. Durham, Committee Clerk

ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities, 278-3932 (voice) or 278-3937 (TTY), upon receipt of this notice.

SCHEDULED ITEMS (CONTINUED):