

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

COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Thursday, January 24, 2008 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

TAPE No. 1: Side A, #001 to EOT
TAPE No. 1: Side B, #001 to EOT
TAPE No. 2: Side A, #001 to EOT
TAPE No. 2: Side B, #001 to #746

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

SCHEDULED ITEMS:

1. 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)** (Tape #1A-#22)

APPEARANCE(S):

Supervisor Mark Borkowski, 11th District

Supervisor Cesarz provided comments relative to the subject resolution's intent.

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

Questions and comments ensued.

Supervisor Borkowski provided comments. He shared concerns relative to the inefficiency of transporting patients or items from the House of Corrections to the Courthouse.

SCHEDULED ITEMS (CONTINUED):

Vote on the motion: 7-0

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderck, Devine and Johnson (Chair) – 7

NOES: 0

2. 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. **(12/4/07: Referred to Corporation Counsel to amend the County Ordinances to conform to Attorney Van Hollen’s opinion and report back to the Judiciary Committee with the appropriate language at the January cycle)**
(Tape #1A-#229)

APPEARANCE(S):

Supervisor Patricia Jursik, 8th District
Bill Domina, Corporation Counsel

Mr. Domina provided comments and answered questions relative to the draft resolution/ordinance prepared by Corporation Counsel.

Questions and comment ensued.

MOTION BY: (RICE) Approve the resolution/ordinance as drafted by Corporation Counsel.

Questions and comments continued.

MOTION BY: (BRODERICK) Layover for one cycle and refer to staff to help develop potential options.

Supervisor Devine requested a flow chart of procedures regarding County Board Chairman issues.

Several Committee members provided comments as to why they did not support the layover.

Supervisor Broderick suggested an option of a three/fifths vote as opposed to a simple majority or super majority vote.

Supervisor Rice in the Chair.

Supervisor Johnson provided comments and stated that he has a big problem with the simple majority and will be supporting the motion to layover this matter to explore other options.

SCHEDULED ITEMS (CONTINUED):

Supervisor Jursik stated that the County Executive weighs in on whatever is decided by the County Board regarding this issue. She mentioned in-house rules, which do not have to go through the County Executive. Her concern is the possibility of the County Executive vetoing County Board procedures.

Mr. Domina explained that there are in-house rules in terms of processing County Board agendas and dealing with scheduling of committee meetings which are not ordinances or resolutions; but the rules of the County Board are contained in Chapter 1 of the ordinances that contain all of the language relative to motions, committee structures and the voting requirements when there is a requirement for suspension of the rules. He stated that the draft resolution/ordinance prepared by Corporation Counsel amends Chapter 1, which is the proper place for this issue.

Vote on the motion to layover: 4-3

AYES: Johnson, Schmitt, Broderick and Devine – 4

NOES: DeBruin, Cesarz and Rice (Chair) – 3

3. 07-422 From the Director, Child Support Enforcement, requesting authorization to execute the 2008 State/County Contract for the Administration of Child and Spousal Support and Establishment of Paternity and Medical Support Liability Programs in Milwaukee County. (Tape #1B-#155)

APPEARANCE(S):

Lisa Marks, Director, Child Support Enforcement

Ms. Marks reviewed the subject report.

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

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

NOES: 0

4. 07-482 From the Operations Manager, Medical Examiner's Office, requesting authorization to enter into a contract with DMS Imaging, Inc. for a period of 15 months (October 1, 2007 through December 31, 2008) plus two one year options for X-ray services for the Medical Examiner's Office. (Tape #1B-#175)

APPEARANCE(S):

Karen Domagalski, Operations Manager, Medical Examiner's Office

Ms. Domagalski reviewed the subject report.

SCHEDULED ITEMS (CONTINUED):

Questions and comments ensued.

MOTION BY: (BRODERICK) Approve.

MOTION BY: (DEBRUIN) Amend page 5 of the Professional Service Agreement, under Section 13. DISADVANTAGED BUSINESS ENTERPRISE, second paragraph, end of first line, by deleting 0% DBE and adding 17% DBE and also deleting (0% race conscious and 0% race neutral of the total contract. Additionally, add a WHEREAS clause to the resolution to read as follows: WHEREAS, prime consultant/service provider shall utilize DBE firms to a minimum of 17%; now, therefore.

Questions and comments ensued.

Vote on the amendment: 7-0

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

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

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

The Committee thanked and commended Dr. Jentzen for his services to Milwaukee County.

Supervisor Rice indicated that there is a citation for Dr. Jentzen being circulated by his office and welcomed other supervisors to join in formally recognizing his services.

5. 08-59 From the Sheriff's Office, requesting authorization to enter into a contract with Correct RX Pharmacy for a period of three years with two one year extensions. (Tape #1B-#317)

APPEARANCE(S):

Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Bill Domina, Corporation Counsel
David Halbrooks, Omnicare
Rick Ceshin, County Board Research Analyst
Thomas Nardelli, County Executive's Office
Dr. Ronald Shansky, Court Appointed Medical Monitor for the Christensen Decree

SCHEDULED ITEMS (CONTINUED):

Inspector Carr reviewed the subject request and provided a history relative to this item.

Questions and comments ensued.

Mr. Domina answered legal questions from the Committee regarding the contract.

Supervisor Cesarz stated that it was his understanding that the reason for the one year contract with Correct RX was to allow the Sheriff's Office and Behavioral Health Division (BHD) Administration to take a look globally at all pharmacy services offered through the County. He asked if there were any updates from the Sheriff's Office or Behavioral Health.

Inspector Carr stated that the Sheriff's Office did have conversations with BHD and it was determined that they were not interested in a formulary. He stated that the Sheriff's Office was advised by Mr. Stuart Piltch that the only people likely to respond to this type of proposal are people who primarily serve prisoners. Per Inspector Carr, BHD was not interested in pursuing a joint contract.

Mr. Halbrooks provided comments relative to Omnicare not receiving the contract for pharmacy services.

Supervisor DeBruin requested a written report from the Sheriff's Office and BHD (Mr. Chianelli) as to why it's not advisable for BHD and the Jail to have their pharmacy services blended before Board Day (February 7, 2008). She expressed concerns relative to the medication carts.

Inspector Schmidt advised that medication carts were sent to them by Correct RX, however, they were the wrong size (small ones). They were all sent back and the new bigger carts are beginning to come in. They've received four so far.

Mr. Ceschin commented that he spoke with the Director of Administrative Services and the Director of BHD. He confirmed Inspector Carr's comments relative to BHD not being interested in pursuing a joint contract; however, Mr. Ceschin agreed with Supervisor DeBruin that BHD's comments should be in a written document.

MOTION BY: (RICE) Amend the term of the contract from three years to two years.

Mr. Nardelli advised that the County Executive has no objection to this contract going forward, even if it is modified. He stated that the County Executive fully supports the idea of merging and trying to find a more cost effective way to buy prescription drugs.

SCHEDULED ITEMS (CONTINUED):

Dr. Shansky provided comments relative to formularies at the BHD and the Jail.

Supervisor DeBruin requested a broader report by Board day than initially requested. The report should include comments from the County Executive, the Director of the Department of Health & Human Services (DHHS) and the Sheriff as to whether or not they feel there is any promise in Milwaukee County moving forward to consolidate pharmacy services both from cost effectiveness, as well as patient care outcomes and if so, what timeframe would they feel is necessary to work out those provisions. And if not, a clear statement to adopt the contract. Also, address how approval of the contracts currently before the County Board should be handled.

Vote on the amendment: 7-0

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

Supervisor Rice stated that in the event the answer comes back indicating that consolidation is not feasible, then the Committee could send a clear signal stating that in the next two years, they want serious effort made in looking at options of development of a plan for consolidation. He suggested that 12 months is a reasonable period of time and therefore, requested that the report come back at that time.

Mr. Domina suggested that the Committee ask Mr. Piltch what his opinion is relative to consolidation.

MOTION BY: (RICE) Approve the contract, as amended.

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

6. 08-60 From the Sheriff's Office, requesting authorization to enter into a contract with Dynacare Laboratories for a period of three years plus two one year options. (Tape #2A-#470)

APPEARANCE(S):

Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office

MOTION BY: (RICE) Approve.

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

SCHEDULED ITEMS (CONTINUED):

7. 08-61 From the Sheriff's Office, requesting authorization to enter into a contract with Dr. Ronald Shansky, court appointed medical monitor for the Christensen Decree, for a period of three years plus two one year options. (Tape #2A-#483)

APPEARANCE(S):

Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Bill Domina, Corporation Counsel

MOTION BY: (BRODERICK) Approve.

Questions and comments ensued.

Supervisor DeBruin stated that she has concerns about some of Dr. Shansky's performances and does not support increasing his fee.

Vote on the motion to approve: 6-1

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

NOES: DeBruin – 1

8. 08-62 From the Sheriff's Office, requesting authorization to apply for and accept Adult Education and Family Literacy Act Grant Funds. **(Also to the Committee on Finance and Audit)** (Tape #2A-#547)

APPEARANCE(S):

Jan Brylow, Criminal Justice Program Manager, HOC

MOTION BY: (RICE) Approve items 8 and 9 together. (Vote 7-0)

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine, Johnson (Chair) – 7

NOES: 0

9. 08-63 From the Superintendent, House of Correction, requesting approval to provide a 25% cash match to qualify for Adult Education and Family Literacy Act Grant Funds applied for by Milwaukee Area Technical College. **(Also to the Committee on Finance and Audit)**

SEE ACTION UNDER ITEM 8.

SCHEDULED ITEMS (CONTINUED):

10. 08-J-2 From the Sheriff's Office and Superintendent, House of Correction, an informational update regarding recent inmate incidents at the Criminal Justice Facility, the Community Correctional Center and the House of Correction. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)** (Tape #2B-#559)

APPEARANCE(S):

Supervisor Borkowski, 11th District
Supervisor Weishan, 16th District
Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Superintendent Ron Malone, House of Correction
Jeff Mayer, Acting Assistant Superintendent

Inspector Carr provided comments relative to the escape by an inmate that occurred on Sunday, December 30th by switching wristbands with another inmate. The deputy that was in the Housing unit did not check the wristband and turned the inmate over to a different deputy, who also was supposed to check the wristband, but did not and the inmate was released. Both deputies have been separated from Milwaukee County employment by the Sheriff. The inmate was charged, recovered and is now in custody.

Inspector Carr commented that the piece of equipment that could confirm the identity of the inmate going out was inoperable. He stated that the Sheriff's office will hold accountable the person(s) who knew or should have known that that piece of equipment wasn't operational and didn't do their jobs to get it fixed. This part of the investigation is still ongoing. Inspector Carr stated that every supervisor (sergeants, captains and lieutenants) in the jail will be interviewed to determine what they knew and when they knew it.

Considerable discussion ensued regarding this item, with questions and comments.

Mr. Felber provided comments relative to machines being broken and not repaired. He stated that it is not fair that the deputies and correctional officers are being held accountable when the accountability should come from the top down. He advised that the system is not working.

Supervisor Weishan stated that he wants to know what is going to be done to stop the escapes, deaths, etc. in the jail. He would like to see some corrective action. To date, he stated that no corrective action plan has been made available to the County Board.

SCHEDULED ITEMS (CONTINUED):

Inspector Schmidt provided comments relative to the inmate who expired while exercising. He stated that the inmate had an enlarged heart and came into the jail without any medical history.

MOTION BY: (DEBRUIN) Request a report from the Sheriff's Office and the Superintendent of the House of Correction (HOC) providing data from 2003-2007 on the number of escapes, improper releases and deaths occurring at the jail and HOC, identifying primary causes and corrective action plans if needed.

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

Superintendent Malone provided comments relative to the death of an inmate on Thanksgiving morning of 2007. He stated that the inmate expired as the result of a methadone overdose. There were no improprieties by staff, no staff are being disciplined and procedures were followed. He further stated that in all of the deaths in custody, even before he was at the HOC, there was no indication that there was any wrongdoing or that staff contributed to the deaths or that there was a lack of following policy and procedure that contributed to the death.

Supervisor Borkowski commented that he has met with the family and the family's attorneys. There is some very damaging evidence that will come out.

Supervisor Weishan raised concerns relative to whether or not the work environment contributed to some of the incidents that happened at the HOC. He asked if studies/reports done by the County Audit Department or the National Institute of Corrections would be made available to the Judiciary Committee and/or the County Board.

Superintendent Malone advised that the internal audit and the report by the National Institute of Corrections will be released to the County Board Chairman as well as the Chairman of the Judiciary Committee. He stated that it is his understanding that the National Institute of Corrections report will be released within 24 hours. He could not comment as to when the report by the Audit department would be completed and released.

Supervisor Borkowski reminded the Committee that the report from the Audit department was due at the end of December. He advised that he was told it wouldn't be completed until the end of February.

Superintendent Malone provided comments relative to the inmate who was on Huber that ran off from the transportation van. He advised that the inmate turned himself in within 48 hours to the Police Administration Building.

SCHEDULED ITEMS (CONTINUED):

11. 08-J-1 From Clerk of Circuit Court/Director of Court Services, reporting on a 2008 Potential Revenue Shortfall (**INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE**) (Also to be considered by the Committee on Finance and Audit) (Tape #2B-#638)

APPEARANCE(S):

Jim Smith, Chief Deputy Clerk - Fiscal Manager
Deborah Bachun, Court Services

Questions and comments ensued.

Supervisor DeBruin expressed her frustration with the budget process and dealing with this issue.

Mr. Smith highlighted additional revenue sources that are aggressively being pursued.

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:

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.):

12. 08-18 From Deputy Corporation Counsel, requesting approval for payment in an amount not to exceed **\$4,890.00** to Troy Burke for damages sustained to his vehicle when struck by a County-owned vehicle. (Tape #2B-#708)

APPEARANCE(S):

Bob Andrews, Deputy Corporation Counsel

MOTION BY: (SCHMITT) Approve items 12 and 13 together. (Vote 6-0)

AYES: Rice, DeBruin, Schmitt, Broderck, Devine and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz

SCHEDULED ITEMS (CONTINUED):

13. 08-18 From Deputy Corporation Counsel, requesting approval for payment in an amount not to exceed **\$750.00** to settle in full the claim of Daniel F. Sykora for damages sustained to his vehicle when struck by a County-owned plow.

SEE ACTION UNDER ITEM 12.

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:

14. 08-53 From Deputy Corporation Counsel, requesting approval for payment in the amount of **\$67,000** to David & Louis McGlothian and their attorney for full settlement of all claims arising out of the December 8, 2005 motor vehicle accident. (Tape #2B-#717)

APPEARANCE(S):

Bob Andrews, Deputy Corporation Counsel

MOTION BY: (DEBRUIN) Approve. (Vote 6-0)

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

NOES: 0

EXCUSED: Cesarz

15. 07-J-2 From Corporation Counsel, status report for contracts issued through the Office of Corporation Counsel under MCGO 56.30 (10).

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 15 and 16. 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)

The Committee adjourned into closed session at approximately 1:15 p.m. and reconvened back into open session at approximately 1:38 p.m. with the same members present as before. Supervisor Cesarz was excused.

The Committee took no action on this item.

SCHEDULED ITEMS (CONTINUED):

16. 08-69 From Corporation Counsel, reporting on the potential insurance settlement of the claim of the Milwaukee Public Museum for officer liability. (Tape #7B-#741)

APPEARANCE(S):

Bill Domina, Corporation Counsel

MOTION BY: (RICE) Approve the resolution as presented and recommended by Corporation Counsel. (Vote 6-0)

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

NOES: 0

EXCUSED: Cesarz

STAFF PRESENT:

Rick Ceschin, Research Analyst, County Board
Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel
Lisa Marks, Director, Chief Support Enforcement
Karen Domagalski, Operations Manager, Medical Examiner's Office
Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Ronald Malone, Superintendent, House of Correction
Jan Brylow, Program Manager, House of Correction

This meeting was recorded on tape, which is available for audit upon prior request of the Committee Clerk. The foregoing matters were not necessarily considered in agenda order. Committee "green files" contain copies of resolutions, amendments, ordinances, reports and correspondence, etc., which may be reviewed upon request of the Committee Clerk. The official copy of these minutes, along with the audio recording of this meeting, are available in the County Board office.

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.