

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
August 8, 2012
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: Daniel Esposito, Ronald L. Johnson, Boyd Frederick, Anita Johnson, Douglas Noble, Angelina Montemurro

Others Present: Jeff Gentz, Charles Smith, Nancy Otis, Denise Bell, Deb Shimkus

Meeting Called to Order: 6:30 p.m. by Chairman Daniel Esposito

Citizen Comments: 6:30: None

Supervisor Comments: 6:31: None

Chairman Comments: 6:32: Chairman Esposito thanked Chief Deputy Smith and Nancy Otis for attending the meeting on behalf of the Sheriff's Department. Esposito explained that it is not the intent of the meeting to go into the 2013 budget.

Minutes Read: 6:33: July 11, 2012 Meeting

Motion by: Frederick

Seconded by: Noble

Approved: unanimously

Kenosha County Sheriff's Department Discussion of 2012 Budget and 2013 Budget Preview Discussion:

6:34: Chief Deputy Smith explained that for years they have been predicting and cautioning about the dependency on federal inmate revenue. At times we would house between 200 and 230 ICE detainees along with up to 100 U.S. Marshall Inmates. Currently ICE is held at 150 and we are housing about 40 U.S. Marshall. Budget revenue projections were based on 250/day; actual this year has been about 190/day. There was a change in command for the U.S. Marshall and current administration is sending inmates to Milwaukee. For ICE there are federal government budgetary shortfalls. Washington D.C. and the NAACP received complaints regarding our medical services for detainees. For years we were only held to year 2000 standards; there is now a push for upgraded standards. People placed here by ICE are civilian detainees, not inmates. Most have committed crimes in the past, however, have served their time and are now considered civilians and must be treated differently. ICE wants standards that we cannot meet, especially medical, due primarily to staffing. To be able to provide what ICE wants, we would need a price increase. Kenosha receives the lowest per diem rate. A request was recently sent out asking for \$105/day. The Field Office in Chicago has decided to cut our inmate numbers first. They originally said for budgetary reason, however, after three meetings with higher ICE officials from Washington D.C., admitted it was due to our medical care. Agreement was made to cap at 150/day in order to service at acceptable levels. We cannot increase care without an increase in daily pay rate.

Supr. Montemurro asked if the cap of 150 is at the \$70 rate or \$105 rate. Chief Deputy Smith replied \$70. He added that if we get the price increase from ICE, there is no guarantee that we will get an increase for the U.S. Marshall as well. He does not believe the Marshalls will honor a price increase that ICE may give. Esposito asked if we could contract for a length of time. Chief Deputy stated that ICE will not give us a contract. Supr. Montemurro asked if the push for medical care is on all housing locations or just us. Chief Deputy replied that the emphasis is on us. Supr. A. Johnson asked if the rate charged for U.S. Marshall Inmates is greater than the cost to house them; if we are making a profit. Chief Deputy stated that the cost to house an inmate is about \$53 or \$54/day. Nancy Otis stated that there is a small profit. Many costs, such as utilities, are fixed regardless of how many inmates we have.

The last Intergovernmental Agreement was eight to nine years ago. Costs have increased greatly since then. We get reimbursed for transportation and off site medical; not food.

Esposito stated that he talked at length with the Sheriff about medical provided. ICE believes we need more doctor hours. Esposito asked if we would get more inmates with Crete not becoming a hub. Smith stated that he no longer thinks we would be considered for this. Other options are being explored in Chicago. Now, 2011 standards are coming out that are even more demanding. Esposito asked what the numbers were at their greatest. Otis replied that 280 – 290 was the highest average ever.

Supr. Frederick asked if overtime is less due to the decrease in inmates/detainees. Smith replied that there are seventeen open positions that are not being filled. They do not want to cut any more at this time. If a Deputy Sheriff leaves, they are not planning to fill the position. Fifty to sixty inmates were sent to the Detention Center in order to close a zone Downtown to cut overtime. The Detentions' Canine Unit was retired to reduce detention costs. We were down to three handlers and they were allowed to adopt the dogs. ICE does not allow using the dogs. Overtime usage for training was stopped. Special Teams are on straight time if at all possible. Cuts are being made trying to fill the projected shortage of \$800,000. Staff is already reduced by attrition. There are fixed positions that must be maintained.

Smith stated that medical care was increased to 24 hour service recently by adjusting staff. ICE states that if there are not more doctor hours, they want a Nurse Practitioner or Physician's Assistant. These issues are very serious to Washington D.C. Housing federal inmates/detainees has never been easy. It takes a toll on staff and administration.

A. Johnson asked if there are monthly reports, including overtime, for the past couple years. Otis replied yes. A. Johnson asked if we would be sent more detainees if we came up with the money to invest in increased medical staff. Smith replied probably yes; but we would also probably be required to comply with all 2011 standards. A. Johnson stated that we need to meet requirements or we may lose the placements. Esposito stated that we are trying to work this out. Smith added that the revenue is now interwoven into the entire County so everyone would suffer. If the federal government would let us be the Hub they would foot the bill, however, he is not so optimistic that this will happen.

A. Johnson asked for reports to be emailed to supervisors including capacity, population, and by facility. Otis did provide the summary that was already at the meeting. Chief Deputy stated that all overtime is not due to guarding prisoners. Deputies go to court, training, etc. A. Johnson asked for overtime breakdown by areas. Montemurro asked if overtime is at time and a half and if it is contractual. Otis replied time and a half. Smith stated that this is policy; there no longer are contracts. Montemurro asked if there is any way we can require more than 40 hours/week without paying overtime. Smith said he believes this would destroy staff; we could not keep staff. Otis added that there is also sick time.

Supr. Gentz stated that he does not believe this will get anywhere discussing overtime. Gentz asked if the medical care has been an issue for years or more intense lately. While he was on the Finance Committee, the subject of medical deficiency, or budgeting for such, was never brought to their attention. Could we have planned better if we would have known? Chief Deputy explained that this was primarily brought to their attention the last four or five months; that it was critical. When they were planning the 2012 budget, they had no idea. Gentz asked what it would cost the Sheriff's Department to bring up to even 2008 standards for medical doctor requirements. Chief Deputy explained that it is not the County's responsibility to meet their standards. We could say no and they would pull their detainees. They want a full time employee that is higher than a registered nurse. They want major decisions made from a higher level. Smith estimates the cost at approximately \$35/day per detainee; however he does not have figures here. A. Johnson stated that she believes a full time nurse practitioner or physician's assistant right out of college would not be more than about \$60,000/year. Gentz stated that from what he is hearing he does not believe the numbers will go up regardless. He asked if the number of staff was the same with the 280+ federal inmates. Chief Deputy replied that they increased staff as the numbers grew. There were 147 correctional staff at one time and that still was not enough.

Otis added that they were five to eight short even at the highest occupancy point. Positions are funded but not used. The money is moved to overtime.

Gentz reiterated the projected \$800,000 deficit and asked if there were any other plans besides federal inmates to help alleviate this. Chief Deputy explained that the Traffic Interdiction Unit is doing well but revenue is down in several areas including inmate phones, state inmates, and civil process slightly. Increasing federal inmates is the best way to meet deficits. No other way except to reduce personnel. They are not filling positions; closing areas in the jail; and decreasing overtime. Noble commented that 2011 ended up with a 1.2 million dollar surplus. He asked if the Sheriff projected the federal inmate revenue at 250 per day. Chief Deputy replied that he believes the Sheriff proposed 237; however, this was changed to 250 he believes by Finance. Noble commented that this went to Judiciary & Law first, how could Finance have increased the number? He asked for minutes and/or information as to how or who increased this number. Chief Deputy stated that there would be a projected deficit even if revenue was projected at 237.

Montemurro asked about the doctor hours requested by Immigration; do they want seven days? In the private sector, for a couple days a week doctors are only on call. Chief Deputy reported that they want the full seven days/week. We currently have 24 hour nursing on staff. Esposito asked about current doctor services. Chief Deputy replied that we have 1 day/week and this is provided by Advanced Correctional. A. Johnson commented that she is afraid that we will not get the increase in placements if we do not comply with requests. This would not be granted in the private sector if requests were not met. Montemurro asked if it would be worth it to look at a compromise. Chief Deputy replied that they have put us on notice and will only accept what they want. Housing federal inmates has put a toll on all areas but it is done to generate revenue and help the County. Noble commented about October 5, 2011 minutes whereby Supr. Michel expressed these same concerns about increasing the projection numbers. Chief Deputy responded that up until three months or so ago, we were OK. Suddenly Washington D.C. got involved and brought this all to a head. We are inspected often and Chicago is always pleased. It took three meetings with Washington to get the answer of medical concerns. If they do not get what they want we do not get the placements.

Montemurro asked that if we cannot get the money from federal revenue, have employee pension contributions, etc. been looked at. What do we look at next? Otis stated that benefits are determined by Personnel; we plug in what they say. Montemurro stated that we will have to look at these areas.

AUDIO OF THIS MEETING IS AVAILABLE ON THE KENOSHA COUNTY WEBSITE

Any Other Business Allowed by Law: 7:37: None

Meeting Adjourned: 7:37 p.m. on motion by R. Johnson, seconded by A. Johnson.

Respectfully Submitted,

Donna L. DeBree