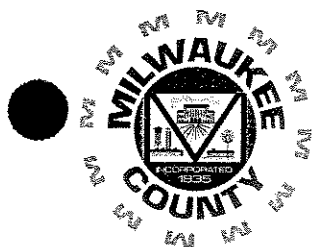


HOUSE OF CORRECTION

Milwaukee County

RONALD K. MALONE • Superintendent



January 25, 2008

Scott Walker, County Executive
Courthouse, Room 306

RE: NIC Report

We have received the final NIC (National Institute of Corrections) Technical Assistance report from Dr. Schwartz.

WE ASKED for the report because I could find no record that anything like this had ever been done before here at the House of Correction.

We believed that for us to become the best institution that we can, we needed to have a thorough and professional review from an agency such as the National Institute of Corrections.

We believe this report will be tremendously helpful in identifying areas of strengths and weaknesses. We will use it as a road map and plan to address areas that need to be improved upon.

I would like to thank you for supporting us in seeking this internal review.

I have also included an analysis of the report, which identifies areas that we disagree with in the NIC report. Areas that we have identified as ongoing (areas where we have already started making improvements) and areas that are identified as problems we acknowledged, and corrections have been identified with a timeline for action.

There are a lot of challenges facing the HOC and this report illustrates that. I am sure that our team here is up to the challenge of making the improvements necessary to make this facility the best it can be.

Handwritten signature of Ronald K. Malone in cursive script.

Ronald K. Malone, Superintendent

RKM:vc

NIC REPORT ANALYSIS

Prepared by:
Jeffrey L. Mayer
Acting Assistant Superintendent
January 22, 2008

I have read the report submitted by Jeffrey A. Schwartz, Ph.D., and have found the report to be useful in identifying areas that need to be corrected and improved on. I have also found the report to contain inaccuracies, and opinions without supporting information.

I would like to thank Dr. Schwartz for providing the information, which has been substantiated, as it will be a catalyst for future development.

I have categorized my findings in three areas; areas in which I Disagree, areas that are identified as Ongoing – areas where we have already started making improvements, and areas that are identified as Correction – problems have been acknowledged and corrections have been identified, with a timeline for action.

DISAGREE:

Page 23, par 3.) “Fire safety has been studiously and comprehensively ignored.”

Fire Safety has been in the core of training since the very beginning of the House of Correction training, dating back to 1984. The curriculum of Fire Training has expanded to a level that our trainers take pride in.

Fire Safety includes a review of the Emergency Preparedness Plan, all evacuation plans, annual fitting of masks, the donning of a Self Contained Breathing Apparatus (SCBA), conducting room searches in a smoked filled environment while wearing the SCBA, extinguishing a controlled fire, and learning the Defend in Place protocol.

Retired Airport Fire Chief Tim James has monitored our program, to include conducting fire evacuation drills and biannual inspections.

Pg. 26, par 6.) “There are no Post Orders”

Post orders exist for every post, for every facility. The post orders (instructions) were placed on the House of Correction network in October, 2004, and are available to all staff. Some orders are more general in nature due to the need to be flexible with activity times. The orders are updated as needed.

Pg 30, par 7.) “That is not the tradition at HOC.”

An Assistant Superintendent or the Superintendent himself, reports to the facility for all major incidents. This would include, but is not limited to, major disturbances, fires, escapes, and an in-custody death.

(2)

There is a Corrections Manager, who is a member of the Command Staff, which is on duty twenty-four hours a day, seven days a week. It is the responsibility of that manager to contact an assistant or the superintendent in such events.

Pg. 34, par 4.) "The Sergeants are responsible to evaluate the Correctional Officers."

Sergeants do not evaluate officers. The officers are evaluated by the Shift Lieutenants. The lieutenants receive input from several sergeants, as they have direct contact with each officer in the facility and are more able to observe the officer's performance.

Pg 36, par 11.)

"The three to five Lieutenants who may be on duty on a particular shift do not have specific responsibilities."

Each lieutenant does have a specific duty. The staffing requirement during the week is a minimum of five lieutenants.

1. **Scheduling Lieutenant – schedules and approve all off time for nearly four hundred employees. The lieutenant provides an operational schedule to each Shift Lieutenant.**
2. **North Building Lieutenant – supervises all activity in the North Building, conducts tours of all living areas and segregation areas, and conducts Inmate Disciplinary Hearings.**
3. **South Building Lieutenant (2)**
 - A. **One Lieutenant performs administrative duties in the lieutenant's office, to include the answering of telephone calls, the issuing of keys, the preparation of reports, and acting as a liaison to the Corrections Manager.**
 - B. **The second Lieutenant assists in the office, conducts tours of the facility, and responds to emergencies.**
4. **Community Correctional Center – supervises all activities on the shift, to include the review of huber schedules, conducts Inmate Disciplinary Hearings, tours the facility, updates the Huber Room & Board accounts, oversees Electronic Surveillance and the Intake Booking area.**

(3)

There are three lieutenants assigned on each shift on the weekend. One lieutenant is assigned to each building, to include one lieutenant in the South building, one lieutenant in the North building, and one lieutenant at the Community Correctional Center. The 1st shift does have one additional lieutenant who is assigned to scheduling.

Pg. 36, par 12.) "There are far too few Sergeant Positions"

1st shift has nine (09) sergeants assigned on the 1st shift on weekdays and eight (08) sergeants on the weekend. There is no Training Sergeant assigned on the weekend.

2nd shift has seven (07) sergeants assigned during the week and six (06) on the weekend. There is no Booking Sergeant assigned on the weekend.

3rd shift has seven (07) sergeants assigned during the week and five (05) on the weekend. There is no Booking Sergeant or Drug Testing Sergeant on the weekend.

Sergeants are assigned to specific areas to supervise the officers on all posts and respond to all calls for assistance. They tour all areas and monitor the officer's daily logbook entries. The weekday and weekend numbers fluctuate due to the absence of certain activities (i.e., booking, training), which do not occur on the weekend.

Sergeants supervise the feeding of the institution. This is the only time one could argue that there are not sufficient sergeants to provide a presence on the floors. The officer staffing is being reviewed to assist the sergeants in the dining hall supervision and allow for more of a presence on the floor.

Pg. 40, par 5.) "This has to do with the failure of HOC to practice direct supervision.'

The House of Correction is primarily an institution with open dormitories, with the exception of fifty-eight linear segregation cells and an area of twenty-four cells, which houses a combination of suicide watches, and inmates serving disciplinary time.

There is a ratio of one officer to (60-70) inmates. The officers are physically in the presence of inmates and rely on their communication skills to effectively maintain order in the dormitory.

An inmate is removed from the dormitory and transferred to segregation for all major violations. Minor violations are resolved by less formal discipline (i.e., work assignment, warning ticket, loss of privileges).

Pg. 54, par 5.) "Flew by the seat of their pants"

The House of Correction has state certified trainers. Every In-Service course has an outline, a lesson plan, and a written curriculum. Training materials are saved for documentation purposes. Each trainer is re-certified every two years.

Pg. 60, par 2.) "Managers and administration in turn do not spend time on the living units."

Managers tour the various areas of the facility every day. The tour may constitute random areas or the complete institution, depending on the activities of the day. The tours are well documented both in the individual logbooks and in the shift notes that are provided to top administrators on a daily basis.

Pg. 63, par 1.) "There is no fire safety."

The facility is equipped with an alarm system, which is monitored by the Master Control officer. All building evacuation plans are posted. Staff are knowledgeable of the Emergency Preparedness Plan and are annually trained in responding to a fire. A county fire chief and representatives of the city fire department inspect all House of Correction facilities biannually.

On page 64, paragraph 5, Mr. Schwartz acknowledges that there is a fire safety program.

Pg. 63, par 3.) "When the consultant asked for fire drill records and fire inspection records, it turned out there were none."

The facilities are inspected biannually. Fire Inspection reports are prepared and copies of those reports are given to the Jail Inspector, during his annual inspection. The shift lieutenants and county fire chief conduct fire drills. The drills are recorded in a logbook and an incident report is prepared.

Pg 65, par 1.) "There are no emergency policies."

There is an Emergency Preparedness Procedure manual, which was last revised in July, of 2006. The manual contains Fire Prevention / Detection procedures, Evacuation Routes, Inmate Control, Toxic Chemicals, Medical Emergencies, Utility Failure, Bomb Threats, and Tornados. (The manual is available for review)

On page 65, paragraph 4, Mr. Schwartz acknowledges that we have an emergency plan that is thorough and detailed in many areas.

Pg 68, par 2.) The Use of Force Policy is “poorly written, inconsistent, and substantially incomplete.”

The Use of Force Policy was modeled after the state’s approved Force Option Continuum” This policy has not been revised since January, of 1994, largely due to the fact that there has not been a reason to revise it.

The policy is court defensible and identifies the level of escalation in the use of force and states that only a minimum amount of force shall be used to maintain control of the subject.

The policy cannot be put in black and white, to identify every possible scenario of when force is to be used and what level of force is necessary. Officers are trained by the Principles of Subject Control manual and subject to adhering to the manual, which is the nucleus of the state’s Jailer Certification training.

The simple laying on of hands is deemed a use of force. The spectrum includes but is not limited to the laying on of hands to escort an inmate to the use of force, which would protect the life of staff, the general public, and inmate(s).

Pg 70, par. 7.) “A strict reading of the policy would prohibit the officer from using a firearm to stop an escape, unless the prisoner were effecting the escape with deadly force or a weapon.”

The policy is correct. The use of a firearm to stop an escape is prohibited unless one of the two conditions are present. A lesser use of force such as the use of an impact weapon or canine would be appropriate to prevent the escape when the inmate attempting to escape is not using deadly force or a weapon.

Pg 79, par. 4.) “From twenty-five to fifty percent were unanswered.

The statement that twenty-five to fifty percent of inmate grievances are unanswered does not represent an accurate picture. There were 3,125 grievances filed in 2007, and eighteen percent of those grievances were not answered.

Pg 90, par. 6) “The canine unit itself is not documenting nor evaluating it’s own activities.”

Every perimeter check is logged in the External Security Officer’s logbook. An incident report is submitted when a canine is used for a narcotics search.

The training sergeant has created a form to properly document incidents in which a supervisor has requested a canine presence in the building, to restore order.

There is a Canine Usage Log for all of 2007.

Pg 91, par. 9) "It is not clear why HOC needs fourteen dogs and handlers."

The fourteen dogs are assigned to three different shifts. The combination of off days and vacations never provide for more than three canine on duty, at one time, on any given shift (Two on average). Ideally, there is one canine assigned to the sally port and one assigned as the External Security Officer post, to conduct perimeter checks. There have been occasions when, on a weekend, there were no canine available for assignment, due to illness, vacations, or training commitments.

Pg 101, par. 2) "The HOC does no classification."

The HOC does staff a classification unit, which primarily assesses sentenced inmates for the purpose of an institution work assignment, inmate program, or huber. These inmates are screened by a one-on-one interview with a classification officer. The House of Correction does not use an assessment tool to derive at a cumulative score, when making housing assignment decisions. These decisions are based primarily on charge information and the inmate's past record in the institution.

The House of Correction has been working with the state to meet the state's requirement that in 2008, all agencies will use an Objective Classification system for all inmates. The Jail Inspector has been informed and approves of the progress.

Addendum Report Item 2 "There has been no inventory of keys."

Keys are inventoried at the beginning of each shift. Key control logs have been prepared for documentation.

Addendum Report Item 5 "The swipe card system has been programmed to sacrifice institutional security for the sake of convenience."

The officer swipe cards open only interior doors. It is necessary for staff to enter another officer's dormitory, in the event an officer is in distress and unable to let responding staff in to assist. A separate card for each housing unit would hinder this ability.

The dormitory officer also has the ability to push a panic button, which disables the card system for that door. This would prevent the scenario of inmates opening all the dormitory doors to plan a disturbance.

Every corridor in the South building, having a key card system, is monitored by camera.

Addendum Report Item 6 "The count procedures are not reliable."

(7)

The count system is very reliable when done correctly. Officers are trained that there is no movement during count. They are also trained that they must see the flesh of a body to know that someone is in a bed.

The count system is very accurate and expeditious.

Addendum Report Item 9.) Professional Visitor Pass

Visitors are not given a permanent pass to "take home". Professional visitors are maintained in the system database and are required to present proper identification each time they visit the facility.

Addendum Report Item 11.) Knife Count

A knife count is conducted at the beginning of each shift, on a daily basis. An officer, in the presence of an Aramark worker, does this count. The count has identified occasions when a knife was missing.

The only problem has been a lack of communication when an Aramark worker has taken a knife out of the inventory, for repair.

ONGOING:

Pg. 25, par 3.) "Since most policies and procedures have been out of date"

The House of Correction has established a policy and procedure committee, which consists of a representation of all departments. The committee will identify policies to be revised and forward those policies to an administrator. The administrator will form a process group to revise the policy.

The committee will also identify policy needs for cases where a policy currently does not exist.

Pg. 29, par 6.) At HOC, public information is handled almost exclusively by the Superintendent.

The HOC had a Public Information Officer in the past. That person has since retired. A replacement has been selected. The new PIO will participate in training sessions, beginning with a satellite program provided by the NIC this month.

Pg. 34, par 4.) "The Sergeants are responsible to evaluate the Correctional Officers."

Sergeants currently do not evaluate officers. They do; however, provide input to the lieutenant doing the evaluation.

Sergeants do have more direct contact with the officers they supervise. There is a plan to assign a select group of officers to each sergeant at the beginning of the year.

(8)

The sergeant will make contact with that officer and perform quarterly reviews with the officer. A combination of those reviews will constitute the officer's annual evaluation.

Pg. 40, par 5.) "This has to do with the failure of HOC to practice direct supervision.

Two members of the House of Correction are attending "Direct Supervision" training at the National Institute of Corrections later this month. Those officers will create a training curriculum and teach a course at this year's In-Service training. Newly hired officers and established supervisors will receive a "communication" presentation, from noted Dr. Johnson, to improve their skills in a direct supervision setting.

Pg 43, par 3a) "The hiring process has been unduly lengthy."

The HOC has been working in a cooperative effort with the county's Human Resources Department to fill all vacancies. The House of Correction Recruiting/Respite/Staffing process has produced a stream-lined process to test and hire candidates. There were less than fifteen vacancies at the end of 2007, compared to nearly forty in September of the same year.

Pg 50, par 4) "Another strange HOC personnel policy has been a rule that allows staff to call in once for three days off sick.

The practice of allowing staff to call in and state that they will be absent for three days has been disallowed. All staff are required to call in each day, with the exception of a well-documented long-term illness, where the employee has provided documentation that they are under a physician's care.

Pg 61, par 1) "The Escape"

The House of Correction had an escape from the secure facility, the Adult Correctional Center, in August 2007. The escape was largely due to complacency and the failure of staff to follow policy and procedure. Staff have been suspended, pending termination, and are scheduled for a hearing with the Personnel Review Board.

Several areas of weakness were identified as a result of the investigation.

- Areas of the razor-ribbon fence were reinforced.
- Lighting in the north compound was added.
- All windows in the dorm janitor closets, in the North building, are being removed and replaced with brick.

(9)

- All inner security screens are being replaced with a more secure window.

Pg 67, par 13) "The armory was dirty and badly disorganized."

All dysfunctional and antiquated equipment was removed from the Armory by a member of the Office of the Sheriff, to facilitate the proper disposal of weapons and ammunition.

The area has been cleaned and organized.

Squad leaders will be assigned on each shift to maintain an orderly environment.

The Training Sergeant will be identifying intermediate weapons to add to the inventory.

Pg 101, par. 2) "The HOC does no classification."

The House of Correction is continuing to develop their Objective Classification system to satisfy the requirement for 2008. The assessment tool has been identified and the staffing to conduct assessments is being reviewed for proposal and final approval.

Several members of the Classification Unit have visited other units, throughout the country, to evaluate systems already in place. Efforts are in place to establish a cooperative effort to share classification information between the HOC and Criminal Justice Facility.

Addendum Report Item 1.) "There is no effective key control"

The lieutenants log all specialty keys that are issued to officers at the start of the shift. A lieutenant completes a key log on each shift to account for all keys that are kept in a locked box, in their office area.

The problem has been the set of personal keys that select employees are allowed to take home. There have been occasions when missing keys have not been reported in a timely manner.

The locksmith is inventorying all personal set of keys to minimize or eliminate the practice of allowing supervisory staff to possess a personal set of keys.

A camera at the issue window has also been proposed.

Addendum Report Item 13.) "The response to fights, alarms, and other calls is inadequate."

The House of Correction prides itself on the rapid response to calls for assistance. Multiple staff and supervisory staff respond to all calls.

There has been a concern on weekends, when there is a more limited amount of staff available.

(10)

It has been suggested that Sergeants be allowed to carry OC on weekends, when there are only two lieutenants assigned to the Franklin facilities. This request is being reviewed.

Addendum Report Item 14) "Welfare checks are not done consistently in the segregation areas."

Staff are trained to conduct a security check in all segregation areas at a minimum of once every thirty minutes. This will be a roll call item and a training issue.

Addendum Report Item 15) Inmate Movement

All staff are trained and continually reminded to monitor all inmate movement throughout the institution. Floor officers, roaming supervisors, and cameras do this.

The HOC does not have sufficient staff to physically escort each and every inmate to programs, visits, and medical appointments.

Addendum Report Item 18) Inmate Tension

All staff will be receiving Direct Supervision training this year. The climate within the institution "Tension" changes due to a lot of factors. Experienced staff are able to identify predatory behavior in the living units.

There have been approximately sixty new officers hired since this past September. All new officers and supervisors will participate in "Communication" training. Staff are disciplined when their interaction with inmates is inappropriate.

Addendum Report Item 20) "Inmates are not supposed to be outside the kitchen on the rear loading dock unsupervised."

Staff are continually told that they must be physically present to monitor all inmate activity outside. Supervisors enforce this policy when they conduct tours. All staff that violate this policy are disciplined.

CORRECT:

Pg 69, par. 5) "Use of Force reports are written as major incident reports on a Form 92.

A Use of Force report form will be designed, approved, and implemented this year.

Pg 80, par. 3) "The O2 position, as it is currently constituted, represents a serious safety danger to staff."

(11)

The electronic door feature will be made fully operational to allow officers to open a cell door without having to physically enter the dayroom area to open the door. The officer can observe the inmate through a window in the wall. (There has been progress on this change and it is expected to be completed by the end of the first quarter of this year).

A key will be placed on all North building Sergeant key rings to give the sergeants the capability of opening a cell door to assist an officer who may be in distress. (This has been done.)

Pg 88, par. 7) "There are no treatment programs run by any of the Mental Health Staff."

The Special Needs dormitory (S6) was closed during last year. It was converted to a general population dormitory, due to the limited number of inmates housed in the area. The dormitory was closed, to better manage the county's inmate population, by filling the dorm to capacity.

Talks have occurred with the Mental Health Staff, specifically Dr. Siliunas, Dr. Grebner, and Monica Pope-Wright to reopen the dormitory in February of this year. The particulars of the procedures are being finalized.

Addendum Report Item 8.) "The HOC does not maintain a shakedown log."

The HOC documents all shakedowns in the form of individual logbook entries and shifts notes. An incident report is also submitted, documenting the shakedown and the findings of that shakedown. There is no actual logbook.

A logbook will be introduced at the Command Staff meeting scheduled on January 30, 2008.

Addendum Report Item 10.) "The HOC has never done a security audit"

NIC will be contacted to identify the appropriate people to conduct a Security Audit of the institution. This will become an annual process, beginning this year.

Addendum Report Item 12.) "The current lack of tool control is an invitation to escape attempts."

The House of Correction will develop a formal inventory system, which involves security staff. Currently, it is the maintenance staff only, which monitor the control of their tools. Security staff are not aware of a tool missing until maintenance staff contacts them. This will be done as soon as possible.

(12)

Addendum Report Item 21 "At the Franklin facility, random UA's are not conducted."

The House of Correction currently conducts at random UA's at the Community Correctional Center only. UA's are only conducted of the inmates at the Franklin facility when there is reason to believe drugs are being used.

A random drug testing process of all inmates will be reviewed for determination of its practical application, in terms of frequency and effectiveness. This will be accomplished as soon as possible.