MINUTES OF THE LANGLADE COUNTY PUBLIC SAFETY COMMITTEE TUESDAY, August 07, 2012

Members Present: Vern Cahak, Dale Dahms, Richard Olsen, Larry Poltrock, Arlene Bonacci

Members Absent: None

Others Present: Sheriff Bill Greening, Brad Henricks, Kim Bissonette, Robin Stowe, Becky McPhail, Larry Shadick, Diane Baker, Denise Ellis, Gary Olsen

Call meeting to order

Chairman Cahak called a meeting of the Langlade County Public Safety Committee to order on the above date at 8:00 a.m.

Approval of Minutes of the July 03, 2012 meeting

Moved by Dahms, second by Bonacci to approve the minutes of the July 03, 2012 meeting. All ayes. **Motion Carried.**

Child Support Report and paid bills

Becky McPhail presented the Child Support report and paid bills. The Child Support report was placed on file in the County Clerk's office with the minutes.

Becky also presented the Child Support 2013-2014 Budgets. The Budget for 2013 came in just under the Tax Levy. There may be a $20,000 – $30,000 shortfall for 2014 due to the loss of stimulus money. Chairman Cahak also asked that in the future copies be put in their mailboxes at the courthouse to give advance notice in order to review them before the committee meeting. A copy of Child Support Department Budget Summary was also handed out to committee members.

Moved by Dahms, second by Cahak to approve the Child Support Report and paid bills as submitted and forward the 2013-2014 Budgets to the Finance Committee. All ayes. **Motion Carried.**

Coroners Report and paid bills

Larry Shadick presented the Coroners report and paid bills. The reports were placed on file in the County Clerk's office with the minutes. Moved by Dahms, second by Bonacci to approve the Coroner's report and paid bills as submitted. All ayes. **Motion Carried.**

Review and approve Coroners 2013-2014 Budgets

Larry Shadick stated that he hasn't met with Finance yet regarding his 2013-2014 Budgets but came back later in the meeting after receiving them from the Finance Department. Budgets were within Levy numbers. Moved by Dahms, second by

Bonacci to forward the 2013-2014 Budgets to the Finance Committee. All ayes. **Motion Carried.**

Emergency Management Report and paid bills

Brad Henricks presented the Emergency Management report and paid bills. The report was placed on file in the County Clerk's office with the minutes.

Henricks also stated that with the abnormally warm weather he labored back and forth with opening cooling shelters. In order for Henricks to open up a cooling shelter it would require him to direct them to go to a place that's already open. The cooling shelters that we would have here locally would be any of the retail stores. He stated we could open up the schools, but the elementary schools are not air conditioned and there are only portions of the high school that are air conditioned. If someone in the Town of Elcho needed to get to a cooling shelter they would still have to come into someplace that was virtually open anyway. So for Henricks to designate a cooling shelter doesn't really accomplish anything and often times just confuses people. So messages are sent out and the media is used to tell people to go to the retail outlets that they have available and even the library, basically anyplace that would be open to the public

Henricks also informed the committee that Doug Nonnenmacher was listed as the County Board Contact for NEWCOM, Doug is no longer on the Public Safety Committee. Henricks asked Chairman Cahak if he'd like to designate someone from the Public Safety Committee to be the new contact. NEWCOM is the 16 counties that surround us that came together to address communications issues. We apply regionally for grant funds if they are available, we've set policies and procedures that are uniform across that portion of the state so that when you go from one county to the other it works and everyone understands where we're at, and we share equipment and resources. Cahak asked if anyone on the committee would be interested in being a member of NEWCOM, Dale Dahms stated he would.

Moved by Dahms, second by Bonacci to approve the Emergency Management Report and paid bills and also appoint Dale Dahms to be a contact for NEWCOM. All ayes. **Motion Carried.**

Review and approve Emergency Management 2013-2014 Budgets

Henricks informed the committee that Gary Olsen was gone for a week so they will sit down next week and go over the Emergency Management Budget. Gary told Brad that he's okay especially because it's a small budget and Gary stated that he would be fine with Brad taking it to September's meeting. Henricks stated he will put copies in everyone's mailbox at the courthouse so they have an opportunity to review it before the meeting.

Car Report

Sheriff Greening presented the car report. The report was placed on file in the County Clerk's office with the minutes. All vehicles are finally changed over and in good operating condition. Sheriff Greening also informed the committee that the Jail Van is on its last legs and if and when the state prisoners come back we'll have to look at a replacement and that it will be very expensive when you look at all the necessary security measures that you have to place in those vehicles. Moved by

Dick Olsen, second by Dahms to approve the Car Report. All ayes. **Motion Carried.**

Sheriff/Jail Office/Medical Reports and paid bills

Sheriff Greening presented the Jail Office report and Medical report. The report was placed on file in the County Clerk's office with the minutes. Sheriff Greening informed the committee that we have been averaging in the mid 60' for the most part the last 4-5 months.

Sheriff Greening also informed the committee that there was an issue with our 2012 costs with the private medical provider that was brought to his attention when he met with Gary to go over the budget. After review of the bills the reason for increased costs was for a physician coming to the jail more often outside of our contracted hours. The company was contacted and they resolved that issue and said it was an oversight on the part of the physicians, so they are going to issue us a credit for the additional expenses. Other than that Sheriff Greening stated that he is very happy with the healthcare services.

The Sheriff and Jail paid bills were submitted. Moved by Dick Olsen, second by Bonacci to approve the Sheriff/Jail Office Report and paid bills. All ayes. **Motion Carried.**

Review and approve Sheriff's Office 2013-2014 Budgets

Sheriff Greening presented the Sheriff's Office 2013-2014 Budgets. Sheriff Greening informed the committee that we were able to meet the freeze number for 2013 with some changes and that there may be more revisions coming. The 2014 budget numbers were over the freeze by $6,051 and Greening stated that he needs to do more review with Gary for 2014. Sheriff Greening also agreed with Cahak that he would like to see us to be able to have the time to get these out ahead of time so committee members have the opportunity to review them because the Sheriff's Budget alone is over $2 million dollars. It is pretty extensive and not really fair to the committee to have to look at it for five minutes in a meeting to approve a budget. Dahms asked if he could have a copy put in his mailbox since we still have until September to have them finalized. Sheriff Greening stated that they will have to be signed and turned into Finance by August 27, 20112. Dahms stated that he will still vote for it but also wants time to review it before it get's passed. It was agreed that all members would receive a copy in their mailbox at the courthouse.

Moved by Dick Olsen, second by Dahms to approve the Sheriff's Office 2013-2014 Budgets and receive copies in their mailboxes to review. All ayes. **Motion Carried.**

Review and approve Jail 2013-2014 Budgets

Sheriff Greening presented the Jail 2013-2014 Budgets. Sheriff Greening informed the committee that the jail is under the freeze for 2013 by $8,643, which does not include brining the jail back to full staffing levels. The 2014 budget numbers were not gone through at length with Gary and may need more review but right now it is $10,248 under the freeze.

Moved by Dick Olsen, second by Dahms to approve the Sheriff's Office 2013-2014 Budgets. All ayes. **Motion Carried.**

Request for authorization to refill one (1) full time Corrections Officer position

Sheriff Greening informed the committee that the Personnel Committee approved this item and passed it on to the Executive Committee. The Executive Committee referred it back to the Public Safety Committee to recommend where the money should come from. Sheriff Greening informed the committee that there is nowhere in the budget to take this from and that it would be approximately $64,000 to fund this position with salary and benefits.

Denise Ellis from Wisconsin Department of Corrections, Regional Jail Supervisor who does Langlade County Jail inspections was present to address staffing issues. Denise presented the committee with a handout in reference to case law and staff levels in the jail and the liabilities and the safety and security of not only our inmates but also the employees that work here. Denise pointed out in the case law that lack of funds is not a reason for not filling our facility with adequate staff. The handout is attached with the minutes. After some discussion regarding funding for this position the committee called Gary Olsen over to attend this meeting. After a lengthy discussion it was decided to send this item back to the Executive Committee as HIGH PRIORITY to refill the full time Corrections position. The Executive Committee meets next week, Tuesday, August 14, 2012 at 8 a.m. in Room #205 in the Courthouse. All Public Safety Committee members were encouraged to attend this meeting. Copies of the Federal Guidelines for Jail Staffing will be forwarded to Executive Committee members with the Agenda.

Moved by Dahms, second by Bonacci to refill one (1) full time Corrections Officer position and forward to the Executive Committee on a HIGH PRIORITY RATING. All ayes. **Motion Carried.**

At 9 a.m. Dick Olsen asked to be excused for another appointment. Moved by Bonacci, second by Poltrock to excuse Dick Olsen. All ayes. **Motion Carried.**

Dick Olsen returned at 9:20 a.m.

Next Meeting Date

The next meeting will be held Tuesday, September 11, 2012 at 8:00 a.m.

Adjournment

A motion was made by Dahms, second by Bonacci to adjourn the meeting at 9:35 a.m. All ayes. **Motion Carried.**

Respectfully submitted
Kim Bissonette, Public Safety Committee Recording Secretary

CHILD SUPPORT REPORT

PUBLIC SAFETY MTG.

Date: AUGUST 7 2012 8:00 am

1. CASE COUNT - 2,148

2. EXPENSES/REVENUE TO DATE (Attached)
   - REVENUE
   - EXPENSES
   - NET COST

3. PERFORMANCE MEASURES - JUNE 2012

	Pat.Est.	C/O Rate	CURRENT
Langlade	102.96%	92.75%	73.07%
State	99.67%	86.06%	71.69%

Arrears target - reported quarterly

4. EXTRA/OVER TIME
   USED: 3

07/31/12
11:13:13

CHILD SUPPORT
MONTHLY BUDGET SUMMARY
For Month Ended 31Jul2012

DESCRIPTION	PREVIOUS MONTH ACTUAL	CURRENT MONTH ACTUAL	ACTUAL BUDGETED AMOUNT	YTD ACTUAL	REMAINING BALANCE	Percent Remaining
REVENUES						
Taxes						
Intergovernmental Revenues		65,485.86	328,663.00	150,356.19	178,306.81	54
Licenses and Permits						
Fines, Forfeits & Penalties						
Public Charges for Services	340.64	355.34	5,200.00	2,466.72	2,733.28	53
Intrgovmntl Charges for Services						
Miscellaneous						
Other Financing Sources				38.97	(38.97)	
Total Revenues	340.64	65,841.20	333,863.00	152,861.88	181,001.12	54
EXPENDITURES						
Salaries	13,550.17	20,532.05	180,556.00	97,133.40	83,422.60	46
Fringe Benefits	10,120.79	11,384.91	126,434.00	72,485.55	53,948.45	43
Travel and Training		1.11	5,250.00	244.99	5,005.01	95
Supplies	1,364.67	480.89	16,300.00	5,940.20	10,359.80	64
Purchased Services	7,039.88	5,728.40	80,691.00	41,489.15	39,201.85	49
Fixed Charges	2,418.62	22.35	3,063.00	2,763.65	299.35	10
Miscellaneous Charges						
Capital Outlay						
Other Financing Uses						
Total Expenditures	34,494.13	38,149.71	412,294.00	220,056.94	192,237.06	47
Net Cost (Income)	34,153.49	(27,691.49)	78,431.00	67,195.06	11,235.94	14
Deferred Fund Balance						
Fund Balance Applied						
Net Cost (Income)	34,153.49	(27,691.49)	78,431.00	67,195.06	11,235.94	14

08/06/12
15:16:55

CHILD SUPPORT
DEPARTMENT BUDGET SUMMARY

DESCRIPTION	2009 ACTUAL	2010 ACTUAL	PRIOR YR ACTUAL	CURRENT YR REVISED BUDGET	CURRENT YR ESTIMATED	PROPOSED BUDGET
REVENUES						
Taxes						
Intergovernmental Revenues	293,450.97	330,879.61	305,741.53	328,663.00	335,323.00	338,670.00
Licenses and Permits						
Fines, Forfeits & Penalties						
Public Charges for Services	8,049.12	6,180.72	5,699.20	5,200.00	4,600.00	4,600.00
Intrgovmntl Charges for Services						
Miscellaneous					39.00	
Other Financing Sources						
Total Revenues	301,500.09	337,060.33	311,440.73	333,863.00	339,962.00	343,270.00
EXPENDITURES						
Salaries	162,345.64	173,141.64	170,917.97	180,556.00	177,257.00	184,332.00
Fringe Benefits	116,033.82	121,035.90	124,628.17	126,434.00	125,513.00	122,793.00
Travel and Training	3,803.31	3,488.37	2,514.68	5,250.00	4,550.00	5,250.00
Supplies	11,410.88	37,245.10	12,933.71	16,300.00	12,400.00	16,300.00
Purchased Services	61,555.61	56,655.76	62,637.71	80,691.00	77,616.00	98,980.00
Fixed Charges	2,743.31	2,639.54	2,875.49	3,063.00	3,064.00	3,316.00
Miscellaneous Charges						
Capital Outlay						
Other Financing Uses						
Total Expenditures	357,892.57	394,206.31	376,507.73	412,294.00	400,400.00	430,971.00
Net Cost (Income)	56,392.48	57,145.98	65,067.00	78,431.00	60,438.00	87,701.00
Deferred Fund Balance						
Fund Balance Applied						
Net Cost (Income)	56,392.48	57,145.98	65,067.00	78,431.00	60,438.00	87,701.00

LANGLADE COUNTY CORONER'S OFFICE
840 CLERMONT ST, ANTIGO WI 54409

CORONER: Larry E. Shadick **CELL #: (715) 493-9757**
PHONE #: (715) 484-2960 **PAGER #: (715) 490-9320**

CORONER'S REPORT

July 1- July 31 2012 17 Deaths reported

0 Death at ER investigated
0 Death enroute to hospital
0 Death first 24 hours hospital
2 Hospital deaths after 24 hours
3 Hospice deaths at hospital
5 Nursing home deaths natural
0 Nursing Home Deaths with falls involved
7 Cremations paid and photographed. Revenue ($525.00)
2 Hospice deaths at nursing home
4 Hospice deaths at home
1 Residential death investigated
0 Suicides
0 Fatal car accidents
0 Blood draws
1 Death Certificates signed
Worked with DA, Sheriff Department, Police Department, hospital, nursing homes, ambulance service, funeral homes and donor organization.

Larry E Shadick

Emergency Management Report-August 2012

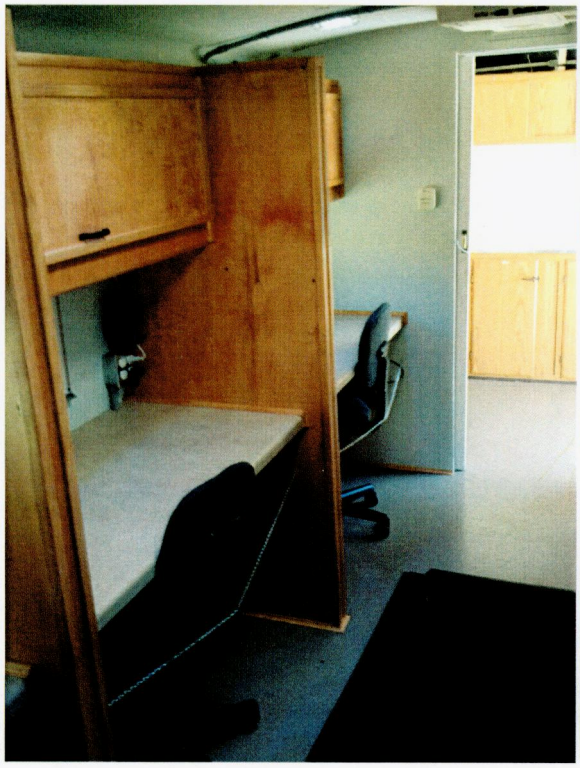
July continued an abnormally warm weather trend. Fortunately there has been sufficient rainfall to help with drought and fire hazard. For the most part, we have escaped severe and damaging storms. Communication issues continue to require my time as we close out and connect to the WISCOM system. I have antenna and transmission line here and ready for install on the NTC tower as soon as we have a contract with Cirinity. Here is just a brief synopsis of the month's activities:

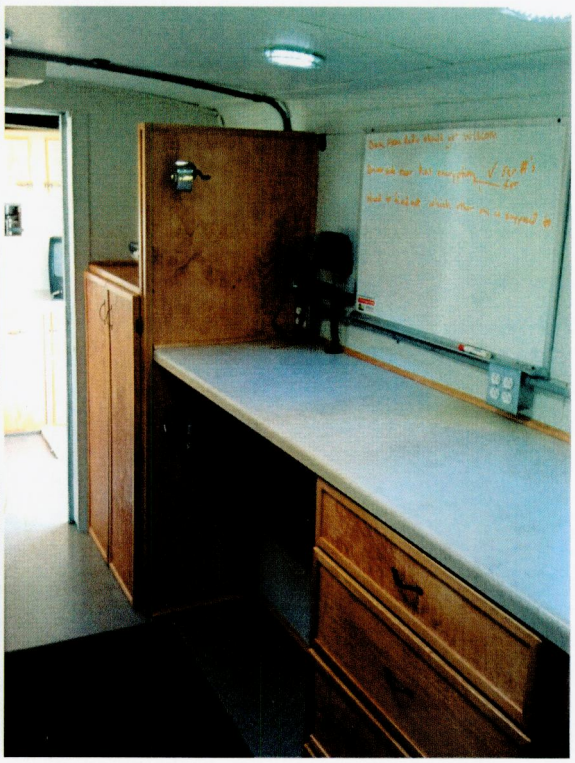
- Submitted and received $11,677.00 for a first grant payment for the 5 year All Hazard Mitigation Planning Report.
- Received the 2012 Emergency Response Guidebook and have begun distribution to all fire, EMS and law enforcement in the county.
- Drafted, revised and visited Amron, FS Servco, Waukesha Bearings, Langlade Co. Multi-Purpose Building and Walmart locations on their Off-Site Hazardous Materials Plans.
- Attended the Regional Emergency Management, Langlade Co. Fire Chiefs, NEWCOM meetings.
- Worked with the Health Dept., CCC of WI, ADRC and the Housing Authority on signing a MOU on working with their special needs clients in an emergency and providing service to those clients.
- Worked with the Antigo Fire Dept. in converting to a new Mobile Command Post. See attached photos. This was done using and Emergency Management Trailer.
- Working with Langlade Hospital on a fall exercise.

Bills: As presented.

Respectfully submitted,

Brad Henricks
Emergency Management Director





Langlade County Public Safety Committtee Meeting

Vehicle Report

2012

Odometer Reading/Miles Driven as of monthly meeting date

		1/4/12	2/7/12	3/6/12	4/3/12	5/1/12	6/5/12	7/3/12	8/7/12				
Sheriff Greening-401	2011 Dodge Charger	8,575	9,455	10,295	11,257	12,085	13,094	14,607	15,315				
509 HFA	**Miles driven**	**882**	**880**	**840**	**962**	**828**	**1,009**	**1,513**	**708**				
Chief Deputy -415	2008 Chev Impala	48,695	50,831	52,410	53,568	55,100	56,980	58,383	59,377				
481 DER	**Miles driven**	**1,081**	**2,136**	**1,579**	**1,158**	**1,532**	**1,880**	**1,403**	**994**				
Lieutenant - 407	2008 Chev Impala	56,866	57,802	57,802	59,762	60,648	61,588	62,463	63,238				
E1917	**Miles driven**	**826**	**936**	**0**	**1,960**	**886**	**940**	**875**	**775**				
Investigator - 416	2007 Ford Crown Vic	133,274	134,951	135,726	137,823	139,502	141,262	143,765	146,708				
B273	**Miles driven**	**1,855**	**1,677**	**775**	**2,097**	**1,679**	**1,760**	**2,503**	**2,943**				
Squad 5	2011 Dodge Charger	24,030	32,927	38,045	44,722	50,892	57,357	60,466	66,598				
D268	**Miles driven**	**6,118**	**8,897**	**5,118**	**6,677**	**6,170**	**6,465**	**3,109**	**6,132**				
Squad 6 - Durango	2007 Dodge Durango	96,751	99,751	102,518	106,197	108,509	110,772	112,267	114,364				
E1789	**Miles driven**	**1,085**	**3,000**	**2,767**	**3,679**	**2,312**	**2,263**	**1,495**	**2,097**				
Squad 7 - DISPOSING	2010 Dodge Charger	158,067	164,374	168,932	168,932	169,553	169,624	169,643	169,643				
	Miles driven	**6,732**	**6,307**	**4,558**	**0**	**621**	**71**	**19**	**0**				
Squad 7 -**NEW**	2012 Dodge Charger					**0**	9,385	16,979	26,162				
E702	**Miles driven**	**0**	**0**	**0**	**0**	**0**	**9,385**	**7,594**	**9,183**				
Squad 8	2011 Dodge Charger	42,000	51,449	56,198	65,049	71,465	78,848	83,460	83,460	(Squad 8 unavailable for meeting)			
E2540	**Miles driven**	**6,687**	**9,449**	**4,749**	**8,851**	**6,416**	**7,383**	**4,612**	**0**				
Squad 9 - DISPOSING	2010 Dodge Charger	106,421	110,871	114,577	121,863	129,025	130,069	130,096	130,096				
	Miles driven	**4,292**	**4,450**	**3,706**	**7,286**	**7,162**	**1,044**	**27**	**0**				
Squad 9 -**NEW**	2012 Dodge Charger					**0**	3,880	9,265	14,984				
E703	**Miles driven**	**0**	**0**	**0**	**0**	**0**	**3,880**	**5,385**	**5,719**				
Jail Van	2000 Chevy Van	111,359	111,454	111,458	111,458	111,458	111,458	111,463	111,463				
D793	**Miles driven**	**0**	**95**	**4**	**0**	**0**	**0**	**5**	**0**				
Training Veh	2009 Dodge Charger	107,850	108,168	108,746	109,491	111,098	111,595	112,394	113,354				
B272	**Miles driven**	**185**	**318**	**578**	**745**	**1,607**	**497**	**799**	**960**				
Dept Black Truck-Forfeited	2004 Black Pickup	109,366	110,646	111,554	111,664	111,751	111,751	113,128	113,837				
371859	**Miles driven**	**282**	**1,280**	**908**	**110**	**87**	**0**	**1,377**	**709**				
Department Silver Pickup-**NEW**	2012 Chev Silverado												
TO BE DETERMINED	**Miles driven**	**0**	**0**	**0**	**0**	**0**	**0**	**0**					
	Total all Vehicles:	**30,025**	**39,425**	**25,582**	**33,525**	**29,300**	**36,577**	**30,716**	**30,220**	**0**	**0**	**0**	**0**

Langlade County Public Safety Committtee Meeting
Jail Report
2012

	Jan	Feb	Mar	Apr	May	June	July	August	Sept.	Oct.	Nov.	Dec.
Huber	17	14	15	17	13	16	65					
Max	44	40	47	48	47	48	46					
electronic monitoring	0	0	0	0	0	0	0					
Extended Supervision	2	1	1	2	2	0	**1**					
total	**61**	**55**	**63**	**67**	**62**	**64**	**65**					
Suicide Watch	1	2	0	0	0	1	0					
Bookings	85	93	118	89	81	89	84					
Releases	91	87	115	87	89	84	90					
Medical Report												
Health Screenings	72	78	102	61	75	73	66					
Health Transfer Summaries	13	9	15	10	15	10	12					
Medication set-up	30	24	35	36	38	34	38					
Immunizations	1	1	1	0	0	0	0					
Special Diets	4	2	4	4	4	4	4					
In House MD Visits	2	2	2	2	2	2	2					
Inmates seen	20	16	24	26	14	16	12					
TB Screenings	8	8	10	25	15	18	16					
RN visits	62	56	66	68	74	70						
Off-site Medical Visits												
Huber Inmate	0	0	0	4	1	1	1					
Maximum Inmate	0	0	0	0	0	1	3					
lab/X-ray	0	0	0	0	0	0	0					
Dental	0	0	0	2	1	1	2					

* inmates transferred out only

Excerpts from:

Jail Staffing Analysis
Third Edition

Jail Staffing and the Federal Courts

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Jail Staffing and the Federal Courts

Court decisions define important parameters for jail operations by establishing minimum levels of service, performance objectives, prohibited practices, and specific required practices. We explore federal court decisions in this appendix, but we note that state and local courts also play an active role in evaluating and guiding jail operations. Decisions handed down by federal courts have required jails to:

- Protect inmates from themselves, other inmates, staff, and other threats
- Maintain communication with inmates and regularly visit occupied areas
- Respond to inmate calls for assistance
- Classify and separate inmates
- Ensure the safety of staff and inmates at all times
- Make special provisions for processing and supervising female inmates
- Deliver all required inmate activities, services, and programs (medical, exercise, visits, etc.)
- Provide properly trained staff

Federal court involvement with jails goes back more than 40 years. State and federal prisons were the focus of many landmark cases in this era, and local jails soon became targets as well. Early federal decisions tackled fundamental constitutional issues in jails. Many of these pioneering decisions are still cited in current litigation.

Courts view staffing levels and practices as central to the constitutional duty to protect

The United States Constitution imposes an extraordinary duty to protect on jails that has no counterpart in the public safety. [1] While our duty is less visible to the public, and likely less appreciated, it rises above the constitutional responsibilities of our public safety colleagues. Even probation does not approach the duty to protect that is imposed on jails. Probation officials are not held responsible for the behavior of offenders under their supervision, nor for what happens to the offenders when they are not actually with a probation officer.

Do citizens have a *constitutional* right to be protected from crime or to have a fire extinguished? No, these are services that government *chooses* to provide. Whether or not to provide these services, and the level of service that are delivered, are discretionary decisions, from a constitutional perspective. To be sure, it is politically expedient to provide fire and police protection. Because such services are discretionary, officials may vary staffing levels in response to temporary or long term staff shortages.[2]

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1 When fire, police and other public safety personnel provide services, the Constitution certainly comes into play, establishing many requirements for the manner in which services are delivered. But in these cases, the duty to protect commences when officials decide to act.

2 While the constitution does not mandate such services, state law, local ordinances, local policies and procedures, and even union contracts, might create requirements for staffing levels or patterns.

But a jail's duty to protect is constant, beginning when an inmate is admitted and continuing until release. Case law clearly establishes the responsibility of jail officials to protect inmates from a "risk of serious harm" at all times, and from all types of harm-- from others, from themselves, from the jail setting, from disease, and more. Because our duty to protect is constant and mandated, we do not have the option to lower our level of care just because we do not have enough staff. If a shift supervisor leaves a needed post vacant because there are not enough employees to staff all posts, he/she increases risk and exposes the agency and government to higher levels of liability.

Duty to Protect

In an early federal district court case in Pulaski County, Arkansas, the court described the fundamental expectations that detainees have while confined:

> *...minimally, a detainee ought to have the reasonable expectation that he would survive his period of detainment with his life; that he would not be assaulted, abused or molested during his detainment; and that his physical and mental health would be reasonably protected during this period... Hamilton v. Love*, 328 F.Supp. 1182 (D.Ark. 1971).

In a Colorado case3, the federal appeals court held that a prisoner has a right to be reasonably protected from constant threats of violence and sexual assaults from other inmates, and that the failure to provide an adequate level of security staffing, which may significantly reduce the risk of such violence and assaults, constitutes deliberate indifference to the legitimate safety needs of prisoners.

Staffing Levels

The first Pulaski County case produced continuing federal court involvement with jail operations. When the county was brought back to court by inmates in 1973, the county asked the court to consider their plans to build a new jail. But the judge held that, while the plans are promising, current conditions must be addressed:

> *This Court can only deal with present realities....The most serious and patent defects in the present operation result directly from inadequate staffing. Hamilton v. Love*, 358 F.Supp. 338 (D.Ark. 1973). A federal district court judge linked Platte County (Missouri) Jail's duty to protect to staffing levels: *There shall be adequate correctional staff on duty to protect against assaults of all types by detainees upon other detainees. Ahrens v. Thomas*, 434 F.Supp. 873 (D.Mo. 1977).

In New Jersey, the federal district court required county officials to obtain an independent, professional staffing analysis addressing security staffing and training, classification, and inmate activities. The court set expectations for the plan and ordered the county to *implement* the plan:

3 *Ramos v. Lamm*, 639 F.2d 559 (10th Cir. 1980).

> *The staffing analysis shall review current authorized staffing, vacancies, position descriptions, salaries, classification, and workload... [The county] must implement the plan... Essex County Jail Annex Inmates v. Treffinger*, 18 F.Supp.2d 445 (D.N.J. 1998).

Liability

Officials may be found to be "deliberately indifferent" if they fail to address a known risk of serious harm, or even if they *should* have known of the risk. Ignorance is not a defense. Failure to protect inmates may result in liability. Usually court intervention takes the form of orders that restrict or direct jail practices. Sometimes the courts award compensatory damages to make reparations to the plaintiffs. In more extreme situations, defendant agencies may be ordered to pay punitive damages. A U.S. Supreme Court decision held that punitive damages may even be assessed against individual defendants when indifference is demonstrated:

> *A jury may be permitted to assess punitive damages in a § 1983 action when the defendant's conduct involves reckless or callous indifference to the plaintiff's federally protected rights. Smith v. Wade*, 103 S.Ct. 1625 (1983)

Court Intervention

Most court decisions produce changes in jail conditions, including operations. Continuing court involvement might be prompted by a consent agreement between the parties, or by failure of the defendants to comply with court orders. The nature of court involvement may even include the review of facility plans. In a New Mexico case, the court renewed its involvement when plans to reduce staffing were challenged by the plaintiffs. The court prevented the state from reducing staffing levels at several correctional facilities:

> *..defendants will be enjoined from...reducing the authorized or approved complement of security staff...unless the minimal staffing levels identified as being necessary to provide a constitutional level of safety and security for prisoners have been achieved.. The Court also will enjoin defendants to fill existing vacancies and thus to employ at least the number of medical and mental health staff as well as the number of security staff authorized to be employed..during fiscal Year... Duran v. Anaya*, 642 F.Supp. 510 (D.N.M. 1986).

Connecting Staffing Practices to Other Conditions

In the New Mexico case, the court went on to draw links between staffing levels and other aspects of facility operations, ranging from overtime to inmate idleness:

Overtime "*..security staff will be adversely affected by excessive overtime work as a result of the understaffing of the institutions subject to the Court's orders in this litigation*"

Out of Cell Opportunity "*...In addition, prisoners will be required to remain in their housing units for longer periods of time, and inmate idleness will increase.*"

Idleness. "*Prisoner idleness...will increase as a result of staff reductions...*"

Programs and Activities. "*There is a direct, inverse correlation between the incidence of acts and threats of violence by and between inmates, on the one hand, and the types and amounts of educational, recreational, work and other programs available to inmates, on the other--i.e., acts and threats of violence tend to decrease as program availability and activity increase.*"

Training. "*Reduction in security staff positions will prevent...complying with staff training requirements of the Court's order...*"

The court noted concerns by a security expert that the "*security staff reductions that are contemplated will result in a 'scenario at this time...very similar to the scenario that occurred prior to the 1980 disturbance'*", referring to the deadly inmate riot at the New Mexico Penitentiary that claimed 33 inmate lives and injured more than 100 inmates and 7 officers.

Lack of funds is not an excuse

Federal courts have made it clear that **lack of funds does not excuse violation of inmates' constitutional rights:**

> *Humane considerations and constitutional requirements are not, in this day, to be measured or limited by dollar considerations... Jackson v. Bishop,* 404 F.2d 571 580 (8th Cir.1968)

Courts may even restrict a jurisdiction's discretion with regard to where funds are found to make needed improvements. An appeals court held that it may restrict the sources from which monies are to be paid or transferred in order to protect the legal rights of those who have been victims of unconstitutional conduct.[4] In a 1977 decision,[5] Supreme Court Justice Powell observed:

> *...a federal court's order that a State pay un-appropriated funds to a locality would raise the gravest constitutional issues... But here, in a finding no longer subject to review, the State has been adjudged a participant in the constitutional violations, and the State therefore may be ordered to participate prospectively in a remedy otherwise appropriate.*

The Indianapolis case (see Footnote 3) concluded:

It is not the province of a federal court to instruct the legislature on how it should finance its obligations. The district court did not attempt to do so. The court did what was within its authority--order a wrongdoer to pay the cost of remedying its wrongdoing

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[4] *United States v. Board of School Commissioners of City of Indianapolis,* 677 F.2d 1185 (7th Cir.1982).
[5] *Milliken v. Bradley,* 433 U.S. 267 (1977).

Recent Federal Cases

Although the basic tenets of federal court involvement with jail staffing and operations were forged many years ago, the practice has not ended, as suggested in these more recent cases:

Cavalieri v. Shepard, 321 F.3d 616 (7th Cir. 2003). The court noted that the detainee's right to be free from deliberate indifference to the risk that he would attempt suicide was clearly established.

Wever v. Lincoln County, Nebraska, 388 F.3d 601 (8th Cir. 2004). The court held that the arrestee had a clearly established Fourteenth Amendment right to be protected from the known risks of suicide.

Estate of Adbollahi v. County of Sacramento, 405 F.Supp.2d 1194 (E.D.Cal.2005). The court held that summary judgment was precluded by material issues of fact as to whether the county knowingly established a policy of providing an inadequate number of cell inspections and of falsifying logs showing completion of cell inspections, creating a substantial risk of harm to suicide-prone cell occupants.

Hearns v. Terhune, 413 F.3d 1036 (9th Cir. 2005). The court held that the inmate's allegations stated a claim that prison officials failed to protect him from attacks by other inmates. The inmate alleged that an officer was not present when he was attacked even though inmates were not allowed in the chapel without supervision.

Velez v. Johnson, 395 F.3d 732 (7th Cir. 2005). The court held that the detainee had a clearly established Fourteenth Amendment right to be free from the officer's deliberate indifference to an assault by another inmate.

Smith v. Brevard County, 461 F.Supp.2d 1243 (M.D.Fla. 2006). Violation of the detainee's constitutional rights was the result of the sheriff's failure to provide adequate staffing and safe housing for suicidal inmates, and in light of the sheriff's knowledge that inmate suicide was a problem, his failure to address any policies that were causing suicides constituted deliberate indifference to the constitutional rights of inmates.