

**DANE COUNTY SHERIFF'S OFFICE**

Security Services Division  
Interoffice Memorandum



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**DATE: Thursday, October 15, 2015**

**TO: Chief Deputy Jeff Hook**

**FROM: Captain Richelle Anhalt**

**REF: Jail Fees and Statutory Reimbursement Provisions**

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WI Statute 302.37(4), grants the sheriff authority to use the labor of sentenced inmates without compensation. Any other inmate may be utilized with the inmate's consent in maintaining of and the housekeeping of the jail, including the property on which it stands.

We have a long standing practice of this. Minimal County staff is utilized for housekeeping in the jail. Inmates selected as inmate workers receive minimal compensation (\$3/day). However, they are granted additional privileges not afforded to the rest of the population, such as expanded access to visitation and recreation, additional food when available, the ability to order in on occasion, etc. In addition, sentenced inmates may be eligible for sentence reduction credit, earning a day off their sentence for each day worked.

Reimbursement of Costs

There are a few statutes that cover reimbursement of cost, but they govern the sentenced populations. I have found no provision for collecting cost outside those provided below.

**WI Statute 302.372**

The County may seek reimbursement for any expenses incurred by the county in relation to the crime for which a person **was sentenced** to a county jail, or placed on probation and confined in jail.

This includes:

- The actual per-day cost of maintaining the inmate, as set by the county board by ordinance, for the entire period of time that the person is or was confined in the jail, including any period of pretrial detention.
- The cost of investigating the financial status of the person.
- Any other expenses incurred by the county in order to collect payments.

Reimbursement may be obtained while the person is in jail by charging the inmate's trust account.

After release (within 12 months), the County may seek reimbursement through civil action.

- Before entering a judgment for the county, the court shall consider any legal obligations of the defendant for support or maintenance and any moral obligation of the defendant to support dependents and may reduce the amount of the judgment entered for the county based on those obligations.

### **WI Statute 303.08**

This statute is known as the "Huber Law" and speaks to employed inmates. It sets forth the reasons an inmate may be granted the privilege to leaving the jail.

If the inmate is employed for wages or salary or receives unemployment insurance or employment training benefits while in custody in the jail, the sheriff shall collect the wages or salary or require the inmate to turn over the wages, salary or benefits in full when received. The sheriff shall deposit the wages, salary or benefits in a trust checking account and shall keep a ledger showing the status of the account of each inmate. The wages or salary cannot be garnished during the inmate's incarceration.

The inmate is liable for charges for maintenance and cost of the inmate's board in the jail as fixed by county ordinance. The inmate's trust account is charged. Disbursements of wages, salary and unemployment insurance and employment training benefits received by inmates shall be disbursed for the following purposes, in the order stated:

- Necessary travel expense to and from work;
- Court-ordered support of the inmate's dependents, if any;
- The board of the inmate;
- Other incidental expenses of the inmate;
- Payment, either in full or ratably, of the inmate's obligations acknowledged by the inmate in writing or which have been reduced to judgment;
- The balance, if any, to the inmate upon the inmate's discharge.