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2022 RES-393
REVOKING THE SHERIFF'S AUTHORITY
TO HOUSE FEDERAL DETAINEES IN THE DANE COUNTY JAIL

6 In January 2023, JFA Institute, who had been retained by the Dane County Board, released
7 "Assessment of the Dane County Jail Population Control Options". The report included several
8 recommendations, including to discontinue the federal contract to house federal detainees.
9 According to JFA, there is no local, state, or federal mandate that requires the County to house
10 such individuals in the County jail. Removal of these federal detainees would have no impact on
11 the Public Defender, District Attorney or the Courts because they are under the jurisdiction of the
12 federal court system. JFA estimates that discontinuing the practice of housing federal detainees
13 would decrease the jail population by 48.

14 Under Wis. Stat. §59.54(16), the Dane County Board can authorize the Sheriff to enter into a
15 contract with the United States to house federal detainees. In 1991, the County Board approved
16 RES-45, 1991-92, that authorized an agreement with the US Marshal's Service (USMS) for partial
17 funding of the Public Safety Building (PSB) in exchange for housing Federal detainees. Since
18 adoption of RES-45, the Sheriff has executed a series of contracts with the USMS for housing
19 federal detainees. The current contract can be terminated by either party upon 30 days written
20 notice.

21 The 2023 Dane County budget includes revenue of \$2,241,500 from the board of federal
22 detainees. Cancellation of the contract as of July 1st would reduce the contract revenue to \$1.12
23 million. However, the current per diem rate being paid by the U.S. Marshal's Service does not
24 cover the per diem cost to house the federal detainees. The most recent (2021) calculation of
25 "Per Diem Resident Cost Per Day" by the Dane County Sheriff's Office was \$181.67, twice the
26 cost being paid per federal detainee under the current contract with the U.S. Marshal's Service.
27 Freeing up bed space currently occupied by federal detainees would also enable Dane County
28 jail residents currently incarcerated in other county jails to return to Dane County, saving
29 transportation and boarding costs.

30 **NOW, THEREFORE, BE IT RESOLVED** that the Dane County Board of Supervisors revokes its
31 authorization under Wis. Stat. §59.54(16) to contract with the U.S. Marshal's Service.

32 **BE IT FINALLY RESOLVED** that the agreement between the US Marshal's Service and the
33 Sheriff is hereby terminated effective July 1, 2023.