

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
July 10, 2013
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: Daniel Esposito, Ronald L. Johnson, Boyd Frederick, David Arrington, Anita Johnson, Angelina Montemurro, Douglas Noble, Nicole Hyatt (YIG), Michael Viroglio (YIG)

Others Present: Chief Deputy Charles Smith, Capt. Ken Weyker, Lt. Marc Levin, Richard Baak, Stuart Wattles, John Perry, Jeffrey House

Meeting Called to Order: 6:31 p.m. by Chairman Daniel Esposito.

Citizen Comments: 6:32: None

Supervisor Comments: 6:32: Supr. Arrington stated that when he was at the Courthouse for Jury Duty he took the opportunity to speak with entrance security staff. In general they seem to feel comfortable with security; they pointed out some scenarios. Arrington suggested inviting them to the meeting if the topic is discussed again.

Chairman Comments: 6:34: None

Minutes Read: 6:34: June 12, 2013 Meeting

Motion by: Frederick **Seconded by:** Montemurro **Approved:** unanimously

Resolutions from the Kenosha County Sheriff's Department:

- 1) Activity Control License – WIIL Rock Fest @ Shadow Hill Ranch

Motion by: Arrington **Seconded by:** Montemurro **Approved:** unanimously

6:35: Capt. Weyker presented the resolution. Representatives from WIIL and Shadow Hill Ranch attended the meeting. The festival was previously called Rock the Ranch and is held on the same property as Country Thunder. This is a one day event with no more than 20,000 tickets and 4,000 vehicles. Shadow Hill's license covers the event. The layout is the same as Country Thunder using the main stage and parking. There is no overnight camping. The Sheriff's Department will supervise. Esposito stated that Planning and Development also needs to approve this so a contingency of their approval will be needed. Weyker confirmed this stating that they are waiting to hear and expect no problems. YIG Nicole Hyatt asked about the 20,000 tickets and the proposal of one security guard per 750 people. She asked if this security would be provided by the Sheriff's Department. Weyker replied that these will not all be deputies, private security will be used. Montemurro asked why this is coming to Committees last minute when it is a local festival. Weyker assured the Committee that he has spoken with both Country Thunder and Rock Fest and there will be a definite change for next year by presenting a month earlier.

Weyker continued reporting that the festival is very well prepared. The liquor license will have to be renewed; however, there are no indications of anything that would prevent this.

MOTION WAS MADE CONTINGENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT BY PLANNING AND DEVELOPMENT.

Update on 2013 Inmate/Detainee Population:

6:42: Lt. Marc Levin, Conveyance Bureau Commander, gave the report. He is responsible for transporting Immigration Detainees and keeping track of the numbers. Today there are 125 ICE detainees. In July last year there were 172. Numbers have been in the 120's for the past month or so and do not look to improve. Numbers could even decrease. Numbers are down due to national politics. A 15-20% decrease overall is expected. Esposito asked for total number of federal inmates/detainees being housed. Levin replied that there are currently also 46 United States Marshall Inmates. This number is usually about 50 to 52. Esposito asked overall how on track we are with the budgeted figure of 200/day of federal placements. Levin responded that there were 200 in May and in some months prior; however, June and July are down with the expectation of August being even lower. Esposito asked that average numbers be emailed to Committee members quarterly.

YIG Michael Viroglio asked about the budget process. Levin stated that the revenue for federal inmates is \$70/day. Chief Deputy Smith added that budgets are calculated yearly. Grants and revenue generate income. The department is run as a business. Revenue is projected to offset tax levy. The federal government has generated the cut-backs due to financial issues. There has never been a contract with Immigration. The average federal population for the first six months is 207; however, numbers are now less. He does not expect the deficit to be as significant as last year. Lt. Levin calls Milwaukee and Chicago asking for placements but is told that they do not have them. Esposito asked Smith what he expects as an average. Smith replied 170. They will probably budget for next year at 175/day. Viroglio asked for the conditions to be in the immigration housing business. Chief Deputy replied that we currently operate under 2000 standards. They would like us to go to 2008 standards or higher. Placements are considered civilian detainees that have been adjudicated after committing crimes somewhere. Viroglio asked what the cost would be to make this not-profitable. Chief Deputy explained that there would be excessive costs to increase the standard level. He does not believe the County Board would support this without a contract.

Supr. Montemurro asked if numbers were above 250 and when. Chief Deputy replied in 2010 there were 250; then went to 230; then 210; now 175. Supr. Noble asked if numbers are expected to come back up after the projected lows in July and August. Lt. Levin responded that there is no indication that they will improve at all. Noble asked if there is something that can be done now to cut costs to offset this; would fewer guards be needed. Chief Deputy stated that we are already operating with a shortage of thirteen corrections staff. There is still much overtime due to this and the training time. He does not believe it could be an option to let anyone go at this time. Layoffs are always a possibility. Noble stated that as a Committee they have to say that cuts would be needed to bring the department within budget. He realizes they are looking at scenarios.

Any Other Business Allowed by Law: 6:54: Esposito referenced an anonymous letter sent to County Board Supervisors that is generating some concern. The letter references county employees that bring vehicles home. When Esposito received this letter he contacted the Sheriff and had a brief meeting. There are many inconsistencies in the letter. To date there are only six cars out: Sheriff, Chief Deputy, three Captains, and one Lieutenant. The 2005 resolution referencing vehicles was emailed to Committee Members. This needs to be understood by reviewing the resolution. Esposito also spoke with Dave Geertsen. Geertsen stated that all other County Vehicles fall under IRS tax regulations, however, these regulations do not apply to the Sheriff's Department. Taking cars home is at the Sheriff's discretion. Vehicles must be available for use at all times. Sheriff Beth reported that there are less take-home cars today than with any other administration.

Top brass officials need these because they are obligated to respond 24/7. Chief Deputy added that these positions are in charge of special units and also must attend meetings. When they are in the cars they monitor the radio and respond possibly even as City of Kenosha backup. In twenty years they have never neglected to respond when needed. If they have a part time job they would have to leave that job. Currently there is only one captain with a part-time job. There is a Kenosha County residence requirement to be able to take a car home. There are limits on personal use. Chief Deputy affirmed Esposito's remark that all officers are aware that the vehicles are not to be used in performing another job. Supr. Anita Johnson added that the Sheriff must approve any additional employment so the issue is completely covered.

Supr. Noble commented about the Kenosha County policy reference, including non-sworn employees, to minimal travel. He believes that the Sheriff's Department should also follow the de minimus policy. He asked for limitations. If a car is out of the county, how can they respond? He also has concerns about the second job. Why would they be allowed to go to another job and not fishing? There would be standards of employment by the other employer. Noble asked if they are under Workers Compensation and other on-duty employment regulations while they are in the vehicle. Chief Deputy Smith gave assurance that the vehicles are never used outside the county for any purpose and that all know this. These are hypothetical situations and cars are not abused. They are not used for entertainment purposes. A requirement of taking a second job is that the employer knows they must leave if called.

Supr. Arrington stated that he was offended at the process used of sending a letter anonymously. There are many venues that can be used to bring this forth professionally. We cannot communicate with them to discuss or respond. This can be construed as a personal vendetta without proof. A valid way to respond is necessary. His inclination is to disregard this letter because he cannot do his job with an anonymous letter.

Supr. Montemurro stated that she believes the author is someone who works for the department and is afraid to bring this forth. She believes that anonymous is the only way to bring this forth without being targeted. She believes this should be looked into. If the vehicles go out very limited times she feels it is not appropriate that we pay for the vehicle. If they need to respond they should use their own vehicle and we pay mileage. She believes they should not have County-owned vehicles. She would like to make a motion to look into and/or change this.

Supr. Anita Johnson interjected that when Deputy Fabiano was shot, response was made including leaving a second job. The cars are kind of like mobile command units. She does not want anyone to have to wait until someone can secure an official vehicle before responding. There are many inaccuracies within the letter that would suggest that the writer is not involved. Her inclination is also to disregard this letter due to this. The Sheriff was elected to run the Department for the County. He is not coming to us asking for new vehicles. He is operating within budget. She does not believe action should be taken.

Capt. Weyker offered that his department-owned vehicle was currently on location and that anyone was welcome to inspect the vehicle. Vehicle is strictly official department equipped and completely void of personal items.

Supr. Frederick feels that the issue was not researched by the writer. The Sheriff would have to come a long way to get a vehicle that would be equipped to respond to a situation. These six officials need to have equipped vehicles at all times.

Noble stated that his response was not to the letter but to the Sheriff's response that seemed to give some validity. His only problem is with the second job. Viroglio added that he believes response or consideration should be given to all letters whether signed or anonymous. As servants

of the public, all need to be looked at. It sounds like the cars are serving the public interest because they can respond.

Arrington asked if response can be made with a personal vehicle. Chief Deputy responded yes, however, they would not have lights, sirens, radio and communication equipment, etc. Arrington explained to Youth In Governance members that we are an elected body and must uphold the office but to respond thoroughly we must have details and it is helpful to at least have an email address to contact. Citizen Comments at meetings allow for people to speak. He hopes that the anonymity is not due to fear of intimidation or this would need to be discussed in a different venue. He thinks the Sheriff's Department does a good job to protect the county.

Supr. Ronald Johnson expressed that he also does not like the anonymous approach, or going to the newspaper, however, we still have the responsibility to look into issues. Esposito agrees, which is why he did forward the letter on to the Sheriff to assure giving the appropriate attention. Esposito and A. Johnson stated that these are vehicles for sworn personnel that provide a public service, not perks for a private company.

Chief Deputy offered one final emotional rebuttal. The cars are not always being driven because command staff does leave the county. Responders go into dangerous situations knowing that they may not be going home that night. These are not perks. It is very upsetting when anything else is implied. He was upset by Montemurro's comments including previous ones made about "cushy county jobs." He stated that this comes up cyclically. Montemurro stated that she did not understand before.

Chairman Esposito abruptly ended the conversation at this point. Montemurro asked if that meant without option for a motion. Esposito replied yes.

Meeting Adjourned:

7:33 p.m. on motion by Arrington, seconded by A. Johnson.

Respectfully Submitted,

Donna L. DeBree