

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
October 9, 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, YIG Nicole Hyatt, YIG Michael Viroglio

Others Present: Jeff Gentz, Sheriff David Beth, Chief Deputy Charles Smith, Capt. Larry Apker, Capt. Ken Weyker, Lt. Gil Benn, Lt. Tom Gilley, Nancy Otis, Tom Genthner, Cheryl McCrary, Mary Beier, District Attorney Robert Zapf, Laura McMillan, Judge Mary K. Wagner, Rebecca Matoska-Mentink, Bethany Lofgren, Marcy Gilbertson, Mary Jonker, Terry Flores

Meeting Called to Order: 6:03 p.m. by Chairman Daniel Esposito. Attendance taken with all supervisors and YIG present with Supr. Arrington arriving at 7:15 p.m.

Citizen Comments: 6:03: None

Supervisor Comments: 6:03: None

Chairman Comments: 6:03: With budget presentations being tonight, Chairman Esposito asked that supervisors be ready with questions. He would try to keep the meeting on schedule.

Minutes Read: 6:04: September 11, 2013 Meeting

Motion by: Frederick

Seconded by: A. Johnson

Approved: unanimously

Presentation of 2014 Budgets:

1) Juvenile Intake

Motion by: A. Johnson

Seconded by: Arrington

Approved: unanimously

6:05: Mary Beier began the presentation with distribution of a handout detailing changes from 2013 to 2014. In summation, the budget yields a \$1,100 decrease in tax levy. Six areas see changes: Personnel Costs decrease by \$14,269; Juvenile Detentions increases by \$6,948 for an allowance should rates or placements increase; Pager Service increase of \$485 is due to rate/upgrade increase; Machine Equipment Maintenance decreases by \$375; Office Supplies decreases by \$106; Decrease of Secure Detention Revenue of \$6,217. Esposito asked Beier to elaborate on the Detention Revenue decreases that have been occurring over the past five years. Beier explained that placements have dropped so correspondingly revenue drops. She does not expect this to go much lower. Esposito asked for insight into the decreasing placements. Beier attributes this to more programs available and the understanding that often incarceration is not the best alternative for youths. They transport juveniles to Washington for their lesser rate. Esposito asked if this is looked at annually. Beier replied yes and that Racine would like Kenosha placements back, however, Racine's care is also not as good. Supr. Gentz asked if rates have gone up. Beier replied no, they are the same. YIG Viroglio asked what other options are available. Beier stated that detention placement is the most severe. Other options include: shelter care; placement with relatives; and electronic monitoring. Viroglio asked if these other programs are as successful as a deterrent. Beier responded that she believes so. If violations occur, juveniles progress to the next severe step.

Supr. Noble asked why medical insurance costs are down. Beier replied that her only guess is that one employee went from family coverage to single coverage. Noble commented that the trend seems to be down. Noble asked what budget covers conveyance. Beier replied the Sheriff's Department.

2) District Attorney

Motion by: A. Johnson **Seconded by:** Arrington **Approved:** unanimously

6:15: District Attorney Bob Zapf and Laura McMillan attended to present the budget. DA Zapf explained that his is a bifurcated budget. Attorneys are employees of, and funded by, the State. Clerical is funded by the County. Handouts were distributed detailing budget changes. Personnel are stable and they have no control over those costs. Under "Other Professional Services", they are asking \$40,000 for a contracted DA investigator. He explained that in the past, bad check complaints were handled by the Sheriff's Department to recover funds. Six to eight months ago this was referred to the District Attorney. They have been trying to handle the increase but need a dedicated person to do this thoroughly. A surcharge could be added as allowed by State Statutes. This would keep many worthless check cases out of the court system. Several other areas with increasing offenses, such as identity theft, mortgage fraud, and elder abuse, could be enhanced by this new position. This would be a modest relief but would help. Supr. Montemurro asked who he would hire. Zapf replied that the person would be appointed by the District Attorney and approved by the County Board. Esposito asked if this would be temporary or permanent. Zapf replied that it would be considered annually, subject to County Board approval. Supr. A. Johnson asked if this person is already included in the budget proposed. Zapf replied yes and that the County Executive has already approved this. Viroglio asked about the handling of these cases by the Sheriff's Department; the extent of the crimes; and if someone could be secured at this rate. Zapf explained that the Sheriff's Department can handle these cases; however, this person would help. Crimes have been increasing substantially. They would look at retired law enforcement first; such as a retired detective.

Supr. Frederick asked what the other \$10,000 for Professional Services represents. Zapf explained that reimbursement for the IV-E prosecutor in the past has been consistently short so they are adding the cost up front.

Noble asked if the projected increase of 33% under County Ordinance is attributed to the new position. Zapf replied no. Noble made reference to the suggestion of "general police powers" and asked what this means. Zapf stated that this would be as allowed by State Statutes. He has spoken with Corporation Counsel Bernie Vash and he does not see any problems with liability for a contracted person. Noble asked how white collar crimes get to the District Attorney. Zapf replied that the complainant first goes to the Police/Sheriff's Department. White collar crimes are often not taken seriously. The public's perception is that everything goes to the District Attorney; however, this is not correct. They only get what is referred by law enforcement. Sometimes they do not think a case has merit. A citizen can come to the District Attorney directly but in turn they must say that they do not have a person to help them and refer them back to law enforcement. With this position, hopefully the District Attorney's Office can at least do a preliminary review and provide recommendations. Viroglio asked if this would open a new role for the District Attorney. Zapf explained that this would be an improvement or enhancement of what has been in effect. Montemurro asked if the position would be filled by one or several people. Zapf stated that this depends on money appropriated. They anticipate that based on \$40,000, this will be one person.

Noble asked why the Office Machine budget is now zero. Laura McMillan explained that the County is moving to a managed print program, removing this responsibility from the District Attorney.

Gentz stated that the budget proposes that the increased personnel expense is made up by revenue increases. He asked if these increases are realistic. He does not want the District Attorney to come to the County Board later stating that they are short. Things have been manipulated in the past to balance the budget. McMillan replied that this year's numbers are up. Numbers are provided by the Sheriff's Department and possibly they could give more insight. Zapf added that the creation of an Ordinance may also be possible to generate revenue from the screenings by the new position. Esposito asked if the percentage of revenue fluctuates. Zapf said this is determined by the State.

3) Clerk of Courts

Motion by: A. Johnson **Seconded by:** Arrington **Approved:** unanimously

6:41: Clerk of Courts Rebecca Matoska-Mentink, Judge Mary Wagner, Bethany Lofgren, and Marcy Gilbertson attended to present the budget. Matoska-Mentink reported that they receive some State Reimbursements; however, these are only a portion of what is needed to keep the office running efficiently. Traffic Interdiction has increased resulting in increased revenues. Three Office Associate positions were replaced by the new Clerical Support at a lower rate of pay so salaries are down. A one percent increase is proposed for bailiffs and guardian ad litem. There is also an increase for the Court Reporter at Intake Court. Staff is a dedicated support for the Courts. The Interpreter Expense line states reimburse at \$40/hour, however, this is often more. This does not include travel expenses that are statutorily mandated. The trend is for translators to require a minimum of four hours pay when sometimes they only need them for two. The State will only reimburse for actual hours. Some translators, especially for unusual languages, come from other states or further. Translators are needed for all types of cases including civil and family.

Noble asked why child support revenue is down. Matoska-Mentink stated that she has not seen the contract; this number is as provided by Human Services. Wagner added that this is also based on IV-E funding that was greater in the past. Federal funding to the Child Support Agency has decreased. Gentz stated that revenue for child support is based on a formula from Human Services. He will follow up to see what would make the revenue go down.

Noble asked about the two re-classes of about \$3,000 each. Matoska-Mentink expressed concerns about retaining the entry level \$13 per hour employees at this wage. To date they have been there for six months; when this budget goes into effect the first of the year, it will be nine months. Training takes so long. Noble asked if both get the same. Matoska-Mentink said yes and that Personnel is not opposed to this change. They consider this an "in-range adjustment" not a re-class. Esposito asked for the increase amount. Matoska-Mentink replied from \$13 to \$14/hour.

Supr. A. Johnson asked if it would be more cost effective to have an in-house interpreter. Judge Wagner responded that sometimes they need separate interpreters for multiple people involved. A. Johnson asked if it is up to the interpreter if they want to tap-out. Judge Wagner replied that for some, yes. They say they can't handle eight hours straight so they alternate between two.

Gentz asked if they were comfortable with the other revenue increases. Matoska-Mentink explained that they rely on numbers projected by other agencies. The economy is improving so hopefully there will be more collection potential.

Judge Wagner expressed her appreciation of the County Board's support of all of the specialty courts.

Sheriff's Department Request to Re-purpose 2013 Capital Bonding Back to the Property Carousel Project for KCDC:

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

Capt. Apker recounted that previously money was taken from the Carousel Project at the Detention Center to finance the purchase of a communication base station for the 45/50 tower. Milwaukee 2-Way determined that the loss was due to a lightning strike so reimbursement from the insurance company is expected for all but \$5,000. Noble recalled that mention was made back then as to possible insurance reimbursement, however, the equipment was needed immediately.

Resolutions from the Kenosha County Sheriff's Department:

- 1) Resolution to Approve the Appointment of Lieutenant Gil Benn to the Position of Director of the Division of Emergency Management

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

7:03: Sheriff Beth reported that Lt. Ed VanTine retired last month. Lt. Benn has been Deputy Director and Acting Director. Frederick stated that this is the third person in this position during his term on the County Board. He is concerned as to the changeover. Sheriff explained that Ben Schliesmann

was director before the Division went under the Sheriff's Department. Lt. VanTine was then assigned the position offering a command presence and the ability to enforce. Esposito confirmed that this was brought up but these are high ranking officers that traditionally are a little higher in age. Frederick stated that his only concern is for things running smoothly.

Noble asked if certification is required. Lt. Benn replied that there are many requirements. He only has two classes yet to complete for requirements including state certification. Noble asked if Lt. Benn can take the position without already having completed courses. Lt. Benn replied that two years are allowed to meet certification requirements. Chief Deputy Smith added that there have always been one or two backup Sheriff's Department personnel for the Division, so there is always someone ready to go.

2) Request to Sell/Trade/Auction the Sheriff's Department's Two – 2003 Harley Motorcycles and Use Proceeds to Purchase Snowmobiles/Utility Terrain Vehicle

Motion by: Montemurro **Seconded by:** A. Johnson **Approved:** unanimously

7:09: Capt. Apker reported that two motorcycles were taken off duty due to injuries. They have only been used lately for parades and funerals. This limited use results in little experience. They want to trade for a Snowmobile Unit. They do not want to send only one snowmobile at a time. They would like to use trade instead of new money. Noble asked if we get enough snow to warrant a unit. Apker replied that trails are kept up by Snowmobile Alliance and they support the Sheriff's Department. This helps to patrol those trails. Viroglio asked if there is a plan for mechanical problems. Apker explained that they plan to put the units out in pairs and they will have radio contact. Lt. Gilley was present at the meeting and he will head the unit. Sheriff added that there are also tow straps.

3) Request to Sell Sheriff's Department Mako Boat and Trailer and Use the Proceeds to Purchase Equipment for a 2003 Defender Safe Boat

Motion by: A. Johnson **Seconded by:** Frederick **Approved:** unanimously

7:15: Capt. Apker reported that a few years ago, the Marine Unit secured a 26' Mako and motors from the Military Surplus Program. The only cost was towing it here. They had difficulty with the motors so they did get new motors. The replacement boat is an old Coast Guard boat that would be much more applicable for Lake Michigan. They originally thought of transferring the motors to the new boat with conversion kits, however, that would leave the Mako without motors. The Sheriff decided to purchase the boat with forfeiture drug money but they now need motors. The projected life of the boat is fifteen to twenty years. Sheriff stated that any expenses not covered would be reimbursed by the DNR. In the end the cost should only be \$3 - \$5,000. Esposito stated that there have been some issues with drug running on Lake Michigan so this boat offers more potential. Noble asked if putting new motors on would re-capture the investment. Apker replied that they got a government rate for the motors that only have one hundred hours on them. Esposito added that the motors do not depreciate at the rate of the boat; motors are the greatest value.

Presentation of 2014 Budgets:

4) Sheriff's Department

Motion by: A. Johnson **Seconded by:** Arrington **Approved:** unanimously

7:39: Tom Genthner presented first reporting that on September 18, the Joint Services Board approved their \$9.1 million dollar budget with a 2.9% increase. Tax levy is \$7.4 million. Proposal included three more dispatchers. There is a 0% increase in health and dental and a 1% increase in wages. Frederick asked what the wage increases were previous years. Genthner replied 2% last year and 0% the two years preceding that. A. Johnson asked Genthner to expand on the 2% increase. He replied that was given due to increases in insurance costs and co-pays. The State also required pension contributions. Genthner asked about the Public Safety Software. Genthner responded that a business needs assessment is in process; then RFP; and evaluation process by Sheriff/Fire. Delta will be meeting with the Board on the fifteenth and Genthner offered an invitation to attend the meeting. A. Johnson asked

for an explanation for the new dispatchers. Genthner explained that supervisors are also dispatchers so they are not available to help in a problem situation. Duties need to be separated for public safety also. A. Johnson stated that there have been near misses that could result in liability.

Esposito asked for an explanation of the \$200,000 increase in contractual expenses. Genthner replied that the Inter-Governmental Agreement determines these numbers and these are received from Finance. Montemurro stated that she heard about the City getting 3%; was this influenced by the 2% last year and 1% this year? Genthner replied that there is no relation to the City. Genthner stated that with the three additional dispatchers; all problems will be addressed. A supervisor could address immediately anything including unusual emergencies and disciplinary action.

Sheriff Beth was up next with his \$34 million dollar budget. Tax levy is 25.7 million or a 1.5% increase. Revenues decrease by \$536,000 due to a decrease in federal inmate revenue. Budget number was changed from 200/day to 190/day. Prisoner phone revenue decreases by \$100,000 due to lower use and FCC passing legislation decreasing what can be charged. Board of Prisoners for municipalities was decreased because they are not ordering holding due to our increased daily fees. State revenue has decreased. Expenditures overall decrease \$61,000; personnel costs are down \$275,000 due to a decrease in health insurance costs. Sheriff Deputies now pay their pensions.

A Jail Workgroup was formed because correctional officers took the biggest hit. Concensus the last three months was to keep the current schedule. Overtime input was asked for and two changes were put into effect per their recommendations. As of last week, all funded positions have been filled; however, they are in training and have to work with partners. They are trying to reduce overtime. The group is positive. In three meetings, they have eliminated the issues that were brought up originally. Moral is not the worst ever yet overtime is still a problem. The proposal to correctional officers is a 1% pay increase and one more PTO day. The cost is \$50,000 for one PTO day. They are re-funding one of the thirteen un-funded positions at the Detention Center. There is also a 1% increase for deputies and others.

The Sheriff then distributed an amendment proposal from the Sheriff's Department, not Finance. Within, they ask to change full-time Direct Supervision Officer to a Correctional Sergeant. To cover this expense increase, they propose increasing the federal inmate target to 191/day. This Sergeant would allow for an Electronic Monitoring Unit. The monitoring unit sells for \$2,300 with a rental fee of \$4.65/day/inmate. The base unit will go in the home. Another piece of equipment is a portable breath test that includes a camera and sends reading directly to a computer. An offender can be required to use the breath test at intervals. This can also be equipped with GPS. Ankle monitor sends information every four hours if nothing is wrong. With this program, Walworth County has decreased their population by one third. With population decrease comes decreases in laundry, bedding, and food. Closing dorms could follow. Four or five judges saw the presentation and are positive. Esposito stated that there are two separate pieces of equipment; would they be on both? Sheriff replied yes. Inmate pays the fee. There is a cost neutral effect because the inmate pays and operating costs go down. This amendment asks for \$34,000. Montemurro asked if the judge decides who goes on this program or the Sheriff. Sheriff explained that it is up to the Sheriff where he wants to put someone but the Judge would have to authorize Huber or Electronic Monitoring. Chief Deputy added that this is rented equipment only, no material gain. Viroglio asked if the inmate cannot afford to pay, would they go to general population. Sheriff replied yes. There is also a bracelet that determines alcohol level through the person's sweat. Frederick stated that over five to ten years this could be an alternative to compensate for reduction of federal inmates. YIG Nicole Hyatt asked what happens if the equipment is damaged. Sheriff stated that they can add an insurance payment of fifty cents per day and this is their intention.

Noble asked what will happen at night. Sheriff stated that correctional guards will eventually be trained along with deputy sheriffs. Every violation is followed up on. Hyatt asked how many they have now. Sheriff replied only the one. Inmates would be charged \$16/day. A. Johnson asked about the transmission. Sheriff stated that information is off satellites. Montemurro asked if there are any dead zones. Sheriff replied that none are expected; transmission can come off satellites and cellular. Hyatt

asked what the battery life is and if there is a low battery notification. Sheriff answered thirty six hours if within range otherwise eighteen hours. It takes thirty to forty five minutes to charge. The unit beeps and if they do not charge they are in violation and a deputy is sent. Gentz expressed concern of people on the street that should not be. He does not want violent offenders out. Sheriff said that only people approved, and that they want to be out, will be out.

Approval of the Amendment:

Motion by: A. Johnson

Seconded by: Noble

Approved: unanimously

Esposito asked for the number of federal inmates now. Sheriff replied 217. Esposito asserted the importance to target the revenue number responsibly.

Montemurro added that she is glad that the officers are happy and asked if the Work Group is being accepted by others. She wanted to know if they were going to be approached by officer again with the problems. Sheriff stated that they are happier. Frederick asked with the overtime how the budget goes down. Nancy Otis explained that this year will be about 2.4 million. They are hoping the overtime will go down. This will be taken from regular salaries.

Esposito thanked the Sheriff's Department for all their work and presenting new ideas and equipment. He said they do a great job.

AUDIO OF THIS MEETING IS AVAILABLE ON THE KENOSHA COUNTY WEBSITE

Any Other Business Allowed by Law:

8:39: None

Meeting Adjourned:

8:39 p.m. on motion by Montemurro, seconded by Frederick.

Respectfully Submitted,

Donna L. DeBree