

**MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE**  
**November 14, 2007**  
**KCAB 2<sup>ND</sup> FLOOR COUNTY BOARD COMMITTEE ROOM**

**Members Present:** William Michel II, Joseph Clark, Bob Haas, and David Arrington

**Others Present:** Sheriff David Beth, Chief Deputy Charles Smith, Capt. Larry Apker, Lt. Paul Falduto, Nancy Otis, Bob Zapf, Kathy Kemen, Sally Shumaker, Dana Sorensen, Gina Sulaj, Rick Pierangeli, Emily Ayshford

**Meeting Called to Order:** 7:00 p.m. by Chairman William Michel II

**Citizen Comments:** None

**Supervisor Comments:** Supr. Clark introduced the two Youth in Governance (YIG) students assigned to the Judiciary & Law Enforcement Committee, Sally Shumaker and Dana Sorensen. He reported that it was decided at the Finance meeting including YIG students that they would vote at the same time as Committee/County Board members.

**Chairman Comments:** Supr. Michel commented that an individual can be placed in custody for ordinance citations when a judgement is entered because a municipality has an individual that hasn't paid a fine. He stated that currently there is a Sheriff's Dept. policy that if someone is serving time for a criminal matter that allows Huber privileges for work release, and there are outstanding judgements, the individual will not be allowed to leave because that time is consecutive. He would like to invite to the next JLEC meeting Circuit Court Judges, Municipal Judges, Sheriff, Corporation Counsel, and the District Attorney to discuss this. He would like to look at a policy change allowing individuals to leave the jail, for work purposes only, so they may continue earning income to pay child support, fines, etc. He would like to be sure that this policy to run sentences consecutively is legal. He is concerned that Circuit Court Judge orders are not being granted due to the fact that people have fines and citations.

Michel also reported that a resolution went to Building & Grounds and Finance regarding a request for an additional \$200,000 for additional costs relating to the Kenosha Co. Detention Center expansion. He asked for an explanation. Sheriff Beth responded that Fred Patrie would have to be consulted about this because he is the one that brought this forward. Chief Deputy Smith added that Patrie is responsible for the project. Michel said that the resolution was worded such that there is lost revenue due to not starting on time and additional costs. Chief Deputy explained that the Dept. of Commerce kept changing requirements and consequently modifications needed to be made.

**Minutes Read for Approval:** March 8, 2007

**Motion by:** Arrington      **Seconded by:** Haas      **Approved:** 3 ayes/Clark abstained

Supr. Clark asked for these minutes to be addressed separately because he was not in attendance for this meeting.

**Minutes Read for Approval:** September 13, 2007 and October 10, 2007

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

**Resolution from the Office of the District Attorney:**

1) Budget Modification to Appropriate Funds from the General Fund for District Attorney's Trial Related Expenditures

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

Kathy Kemen distributed a breakdown of expenditures totaling \$26,500 needing additional money for 2007. District Attorney Zapf explained that these expenses are partly related to the Mark Jensen case and other general operating expenses. Earlier this year a resolution to add money to a contingency account for the Jensen trial was withdrawn because the Jensen case was postponed until January 2008. Michel asked if the expenses relating to the Jensen case have already been incurred and/or are related to expert witnesses. Kathy Kemen said that most of the expenses relating to the expert witnesses have already been paid for the forfeiture portion of the trial. Expenses such as airfare have been paid. All is not attributed to the Jensen case; they have had other cases that have needed expert witnesses. Michel asked if expenses would be duplicated in 2008 due to the postponement. Kemen said they were able to receive some refunds and/or credits that can be used in 2008.

Zapf reported that there have been 1,300 felony cases filed to date and 2,233 misdemeanor cases to date. Projections are that the number of 2007 cases will surpass last year. Caseload has increased. They have no control over the number of cases submitted.

***Resolutions from the Kenosha County Sheriff's Department:***

**1) Probationary Cabaret License – El Fracazo Tavern**

**Motion by:** Arrington                      **Seconded by:** Haas                      **Approved:** 3 ayes/Clark abstained

Apker explained that this resolution came to the Committee on 8/8 and was tabled for 90 days at the Committee's recommendation to track calls for service. In the past 90 days there has been only one call of any significance and no charges resulted in that case. Gina Sulaj, owner of El Fracazo, attended the meeting. Apker reported that he checked the video recording system and it will record back five days. Everything was working properly indoors and out. Haas commented about the drastic improvement. Michel asked what the outcome was of the incident on 9/30/07. Apker replied nothing remarkable, no injury, just OWI.

El Fracazo's was granted a few Special Event Licenses and there were no incidents at those events. Supr. Arrington commented that he realizes some things are out of management's control. He commended the drastic improvement and stressed the need for safe and well-organized management.

Apker added that the probationary period for this resolution was set for nine months instead of the usual twelve.

**2) Probationary Cabaret License – 1146**

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

Owner, Rick Pierangeli attended the meeting. Apker reported that 1146 was formerly Red Olive. They are applying for a probationary license because approximately two years ago they had a major incident with law enforcement involved and gun shots fired. The Town of Somers suspended their liquor license for 90 days. They have since gotten their liquor license back and have only been granted Special Event Licenses. There have been no major incidents except one battery that involved a patron that was so intoxicated that he couldn't help with the case. The special event that resulted in the loss of license was a Hip-Hop event that got out of hand. Rick Pierangeli's son organized this event. When Rick P. heard about the event he was going to stop it but was threatened with lawsuits if the event did not proceed. KSD made sure that subsequent Special Event Licenses granted were not for similar Hip-Hop events.

**3) Recognizing Unanticipated Revenue Surplus to Fund Overtime, Food/Grocery and Capital Budgets**

**Motion by:** Clark                      **Seconded by:** Haas                      **Approved:** unanimously

Nancy Otis reported that this resolution adjusts expenses and increases capital by \$743,207, afforded by Federal Inmate revenue. Her handouts included overtime budget with a history of hours. New staff is in the process of hiring and training. \$40,000 is needed for food. \$100,000 is set aside for

communications to revamp a security program. There have been recent frequent glitches. They will go through the bid process for this service next year. Clark commented that there still might be a surplus of about \$236,000. Otis replied yes and possibly closer to \$300,000. Clark asked for an explanation of what the software does. Chief Deputy responded that it controls the security system in the PreTrial building including sally port, cells, doors, etc. A month ago nothing was working and they had to impose a lockdown. This is aging software that needs to be updated. They wanted to see if there would be surplus revenue to achieve this so that they would not need to request money from the general fund. This is needed for the safety of staff and inmates. Clark asked if this was foreseen in the past and should have been included in the 2008 budget process. Chief Deputy replied that they did not get a letter from SGTS, Inc. indicating the severity of the problem until after the budget was prepared. The software has to be designed for this system. Michel commented about the extensive delays involving the courts when this problem occurred.

***Contract Policing Update:***

Sheriff Beth reported that the Town of Bristol passed a contract for services with the Sheriff's Department. Beginning in January they will bring a resolution regarding expenses to be borne by Bristol including uniforms, weapons, etc. This will not be a tax burden to Kenosha County. Michel asked if the citations would be for the Town of Bristol. Sheriff replied yes and they would go to their Municipal Court. Michel asked if Bristol is aware of what our costs will be. Sheriff said yes. They provided Bristol with Paddock Lake's information because they will have similar services. They will not be full-force beginning 1/1/08, service will increase as staff is trained. Michel asked if Bristol would have their own squad. Sheriff replied yes, Town of Bristol would be on the squad. Clark asked if FTE's would need to be added. Sheriff replied yes, three, plus fuel and costs. This will be beneficial to the Sheriff and Bristol. The result will be another squad out there. Bristol will be able to target areas better and enforce town ordinances. There will be 16/hrs/day coverage, 2 shifts/day, same as Paddock Lake. They are leaning towards first and second shifts. Haas asked if Bristol would be able to change the hours if desired. Sheriff said the hours would have to be according to the deputies' contract.

***Any Other Business Allowed by Law:*** Lt. Falduto explained that a letter to Finance is needed for items valued under \$10,000 to be disposed of. This does not need to be approved by Judiciary & Law; however, he wanted this Committee to know as a courtesy due to KSD's affiliation with the Committee. In January they will bring a letter to dispose of four outboard motors and a 1975 Boston Whaler that were obtained from the 1033 Program. This will generate revenue to fund equipment to refurbish a new boat they will be getting from the 1033 Program. The 1033 Program is a federal program that allows law enforcement agencies to obtain surplus military equipment at no cost to the law enforcement agency. The Boston Whaler is only 21 feet long and will be replaced by a larger 1995 26' Maaco boat better suited for Lake Michigan. A resolution indicating the funds acquired from this sale and the expenses for the new boat will be brought forth at a later date. Michel said that he appreciates the courtesy and that KSD should be commended for the equipment they obtain through this program. Falduto added that these are not levy-funded items.

***Meeting Adjourned:***

7:50 p.m. on motion by Clark, seconded by Arrington.

Respectfully Submitted,

Donna L. DeBree