

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
October 8, 2008
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: William Michel II, James Huff, Bob Haas, Ronald Johnson, Roger Johnson

Others Present: Asma Kadri, Mark Modory, Dayrin Hallmon, Sheriff David Beth, Chief Deputy Charles Smith, Nancy Otis, Mary Beier, Judge Mary Wagner-Malloy, Rebecca Matoska-Mentink, Bethany Lofgren, Ben Schliesman, Robert Zapf, Kathy Kemen, Joe Potente, Jeff Cassity

Meeting Called to Order: 6:00 p.m. by Chairman William Michel II

Citizen Comments: Jeff Cassity, president of LULAC Council 320, commented that he was concerned about a policy of the Sheriff's Dept. to refer any person booked that was born in another country to immigration. He reported that his request of the Sheriff for a letter or legal justification of this policy was not answered. His opinion is that it is racial profiling to assume someone born outside the United States is illegal. He would like this procedure stopped and believes that the Sheriff is out of his jurisdiction doing this. He reports that what is most troubling to him is that at a function he was considered unprofessional and disrespectful to the Sheriff's Dept.

Supr. Haas commented that it was inappropriate to denounce the Sheriff especially without him present. He is not deemed by law to write a policy. Possibly this should go to the Corporation Counsel. Supr. Michel said that he would speak with the Sheriff as well as check with Corporation Counsel to see what has to be shared.

Supervisor Comments: None

Chairman Comments: Supr. Michel thanked the Committee for meeting to accept budgets so soon after receiving them.

Minutes Read for Approval: August 13, 2008 and September 10, 2008:

Motion by: Ronald Johnson **Seconded by:** Huff

Approved: unanimously

Resolution from the Division of Emergency Management:

1) SE WI Mutual Aid Compact for County Emergency Management Assistance

Motion by: Haas

Seconded by: Roger Johnson

Approved: unanimously

Ben Schliesman explained that this is a mutual aid compact that all Emergency Management Departments Heads in Southeast Wisconsin are being asked to sign. The Compact will allow for the exchange of Emergency Management personnel during a disaster and the rendering of assistance is completely discretionary. Assistance may be refused or terminated at any time. There will be no charges between counties for the first 48 hours of assistance but if assistance is required beyond that time, the assisting county will invoice the requesting county for all expenses incurred on their behalf beyond the initial 48 hours.

Michel asked if we used this type of service for the tornado. Schliesman replied no, in Schliesman's absence Lt. VanTine stepped in. This would have been a circumstance whereby this compact could have been utilized.

Acceptance of the Division of Emergency Management 2009 Budget:

Motion by: Haas ***Seconded by:*** Roger Johnson ***Approved:*** unanimously

Schliesman distributed a handout detailing changes from the 2008 budget. He said this is the second year in a row that his request for money from the tax levy has decreased. The increase of \$9,750 under Other Professional Services is an increase of \$6,500 for Reverse Calling System and \$3,250 to purchase 911 Data Base. The current database for reverse calling is from credit card bureaus and white pages. The 911 database is additional and more extensive. Michel commented that when Deputy Fabiano was shot, the system was used to call neighbors and there were pockets that did not receive calls. Schliesman explained that this was due to them not being in the current database or only having cell phones. Amber alerts can be done for no cost with this system. This is the only new thing in the budget. The \$2,000 increase for equipment was needed for the bi-annual maintenance for sirens. Other changes are minimal. The new copier has resulted in a decrease in maintenance cost.

More grant money is the reason for decreases in tax levy.

Michel and Haas commented on the Department's response and excellent management.

Acceptance of Juvenile Intake 2009 Budget:

Motion by: Ronald Johnson ***Seconded by:*** Huff ***Approved:*** unanimously

Mary Beier distributed handouts detailing budget changes with explanations and a 2008 Secure Detention Population Report. The overall request is for \$1,298,870. The requested levy increase for 2009 is 2.45%. There are only 3 changes from 2008: \$10,000 for wages and benefits; \$174 for a projected increase in Public Liability Insurance; and \$20,856 for the contractual increase with Racine Co. for use of their juvenile detention facility. Michel asked when the contract with Racine Co. expires and what they should be looking for. Beier said that we are in the 2nd of a 3-year contract. The early part of next year negotiations including Jim Kreuser, Dennis Schultz and her will begin with Racine Co. We pay for beds whether we use them or not. Racine decides how much they have to get from Kenosha and then works backwards with rates and beds. Some days our daily usage has exceeded 20 beds. Michel commented that there are no other reasonable alternatives. Beier explained that for it to be cost effective for Kenosha to have their own facility we would need to house 20 to 25 juveniles per day and we are not close to that. Before we had a contract with Racine they did refuse us beds. This causes a great problem because there are only 14 facilities in Wisconsin and transportation costs become very excessive transporting the juveniles back and forth. Supr. Huff asked if the increase was expected. Beier replied yes, the cost is according to contract.

Michel asked about the employees changing from non-represented to represented. Beier explained that Intake Workers have been accreted to the Professional Union but that this is not reflected in this budget.

Acceptance of District Attorney 2009 Budget:

Motion by: Roger Johnson ***Seconded by:*** Huff ***Approved:*** unanimously

Robert Zapf distributed handouts and reported that the greatest increase is personnel related. This includes an additional paralegal effective July 1, 2009 to assist the two new Assistant District Attorneys (ADA's).

Michel asked if the new 8th Branch would be a criminal court. If a criminal branch, another Sheriff's Deputy would be needed for transport. Zapf replied that the judges have not yet decided. They will decide based on workload. He reported that what mostly goes through the courts is criminal. They now have 3.5 branches for criminal. Zapf expects that they will at least go to 4 criminal branches. This is why they were given 2 ADA's.

Kathy Kemen reported that the overall increase of tax levy is 7.5% with 7.2% for salaries. Zapf added that decreases in many areas helped offset this.

Haas asked why the projection for ordinance fine revenue decreased. Zapf replied that this could be due to a lack of cases referred. Michel questioned if this was also due to loss of revenue because of the diversionary program. Zapf explained that the revenue is based on a distribution formula between the Sheriff, Clerk of Courts, and District Attorney. Caseloads are not as high as expected and they have no control over this. Misdemeanors are dismissed and changed to County Ordinances. This year arrests for underage drinking are down. Handouts included comparison numbers for 2006 – 2008. Country Thunder does impact these numbers. Michel commented that 313 underage drinking citations to date seemed to not include Country Thunder because he recalls the Sheriff reporting about 300 citations from Country Thunder alone.

Michel asked if the decrease under Victim/Witness for a Social Worker IV to Social Worker I is a one-time savings. Kemen replied yes. Kemen also confirmed that Michel understood correctly that the only increase in staff was for the additional paralegal.

Acceptance of Clerk of Courts 2009 Budget:

Motion by: Ronald Johnson ***Seconded by:*** Huff

Approved: unanimously

Rebecca Matoska-Mentink reported that an 8th Branch of Court is being added starting 8/1/09. Associated costs are in this budget. Three-quarters of a legal secretary is being added to be the Judge's Clerk beginning April 1 to allow time for training. An Office Associate will also start July 1. The Department is still allowed to move money from one line to another within budget parameters. Matoska brought forth her concern for the amount budgeted for jury expense. 2008 projected expense is \$158,000 and only \$136,000 is budgeted for 2009. The trend for Kenosha has been more jury trials and there will be an additional Branch. She also expressed concerns about the transcript budget amount being inadequate.

Guardian ad Litem positions are being increased by half a position. This is being offset by revenue because these positions make money for the Courts. Even with the additional person, the program will show a profit. These services are billed to the clients. Judge Mary Wagner added that we do collect more than the contracts cost, however, this does not include time for clerks, filing, accounting and collections. Overall it probably comes out about even. Bethany Lofgren also added that some of the collections are for older debt. Revenue figures are supplied by Finance based on revenue to date and expectations. They will not meet 2008's expectations largely due the Traffic Interdiction Unit not being up and running yet. When charges are reduced from Misdemeanors to County Ordinances, money still goes to the State because that is where the original charge came from. Money only stays in the county if the charge was originally a County Ordinance. Judge Wagner explained that judges do not reduce charges so the County gets the money. Michel asked if it matters whether the officer issuing the charge is Sheriff or State Patrol. Wagner replied no, all that matters is if it was a State charge at onset. Lofgren said that if a County Ordinance Violation is issued by the Sheriff's Dept., the fine portion stays with the County.

Huff asked about the distribution of citation revenue for overweight trucks. Matoska replied that the County does get some revenue, however, she does not know the percentage. Huff commented that as well as a security issue, it could possibly be financially beneficial to staff the stations. Matoska said they are looking into this. For 2008 they are projecting a shortfall because it has not been staffed. Haas commented that discussion last year to push for County Ordinances did not seem to come to fruition.

Michel asked about the court interpreter expense being moved from the District Attorney budget to Clerk of Courts. Matoska explained that the Clerks of Court are now responsible for ordering all interpreters. Prior to this year the DA was responsible for scheduling his own interpreters. Michel asked if video conferencing was in this budget to help save money. Matoska replied that this would be in Information Systems' budget. Wagner added that the biggest savings with video conferencing is transportation, which is not a savings for the Clerk of Courts.

Michel asked Judge Wagner if she knew what type of court the 8th Branch would be. Wagner replied that nothing is definite yet but that it is not leaning towards a criminal court. Michel said that the District Attorney getting two more attorneys would generate more cases. Wagner said she would push the judges for a decision. This does not go into effect until August. Michel said he does not want an emergency last minute situation with the Sheriff as to their staffing needs for a criminal court.

Acceptance of Kenosha County Sheriff's Department 2009 Budget:

Motion by: Haas ***Seconded by:*** Roger Johnson ***Approved:*** unanimously

Sheriff David Beth, Chief Deputy Charles Smith, and Nancy Otis attended the meeting to present the budget. Sheriff Beth stated that this has probably been the toughest budget he has been involved with. He distributed a list of "Incident Impacts on 2008 Sheriff's Budget." Federal housing continues to generate millions of dollars. He has been warning all along that eventually the revenue would hit a wall and it has. Kenosha Co. housing capacity is 870 and we are at 820 today. Although the numbers this month have been a little low, most of the time they are up near 870. They can no longer increase the numbers. The number of federal inmates next year will have to decrease if local numbers go up. The number of federal inmates for 2009 has been budgeted as 230/day. Michel asked if we are up to staff with these numbers. Sheriff replied that we are always behind due to turnover, leave, etc.; however, they will not be coming back for additional personnel. Additional correctional staff was added beginning in October of last year.

The Special Investigative Unit disbanded this year with one detective going to the drug unit and the other changing to a deputy position. Approximately 20 new deputies were hired this year with some leaving or not making probation.

Overtime and the extreme incidents listed in the handout have greatly impacted the Sheriff's Dept. Overtime has decreased drastically and will even more so with the eight deputies that are about to be on their own. Corrections overtime is also coming down. Michel asked about page 2 stating correctional officers in 2007 being 57 and now 60 and asked if current numbers are sufficient staff. Sheriff explained that these are Correctional Officers; there are also Direct Supervision Officers. Correctional staff was increased by a total of 14 last year. There was a mid-budget addition. Sheriff said they will be OK and safe with these numbers.

Sheriff reported that the equipment budget is simple. There is no equipment except 50 chairs. Michel asked about the grant for cameras. Nancy Otis explained that this is the current year budget. Another big jump is fuel from \$352,000 to \$497,000. He believes this may be too modest an increase. Food jumped from \$760,000 to \$920,000. This will also be a close call. Food prices have increased drastically. Haas asked if the squad cars could run on the new E-85 gasoline that could generate a cost savings. Sheriff said he does not know and would check. He commented that at a conference he recently went to, he spoke with representatives from Ford and was disappointed to find that they had no changes planned that would increase gas mileage. They would like to get more economical cars at least for Administration. Huff asked why pagers are still needed with everyone having cell phones. Sheriff replied that they can do multiple notifications with pagers whereas cell phones would require individual calls. Information Services has not yet come up with an alternative but KSD would like to eliminate pagers.

Sheriff reported that the County is still growing. There is major development in Somers. The burden is greater than ever before. Past years they could cover shortfalls with federal revenue but no longer can. They will not be filling one detective and one deputy position in 2009. A second deputy position will not be filled in July 2009. Michel asked about the \$70,000 decrease in county ordinances and traffic fines. Sheriff said they will do the best they can with the TIU with the staff they have. Some deputies did not make the cut. Chief Deputy Smith added that they are running minimum squads with all the training. Deputies are in training for six months. Haas commented that

citations are also down because people are driving less and have slowed down to conserve fuel. KSD is working on approaching the federal government to increase the daily rate for housing inmates. McHenry County is receiving \$85/day. Sheriff said that if they can come up with additional revenue they will reinstate the positions. With the loss of the detective position they will no longer be able to do background checks for the County. Personnel will have to outsource this service. Michel asked what the bottom line increase was for the budget. Sheriff replied 2.9%. Haas commented that the population has increased more than 2.9%; the Sheriff's Dept. is doing an excellent job.

KSD is working with others to have Sheriff Dept. resources at the County Center. Michel asked how things were going with Bristol and Paddock Lake. Sheriff responded that Paddock Lake has done consistently well and Bristol is new and going well. They hope Somers will follow. Supr. Modory commented that the County drives Fords and the City drives Chevys, would there be a savings to use the same maker? Sheriff explained that this is a statewide bid. Some of our equipment would not fit in some cars.

Michel asked if there were any other increases not discussed. Sheriff said he believed all were discussed. Huff asked if the County Executive cut \$200,000. Nancy Otis said yes and then they decreased personnel. Modory added that video conferencing would probably not generate a cost savings in the end because the deputies would be used elsewhere such as on the road.

Any Other Business Allowed by Law: None

Meeting Adjourned: 8:05 p.m on motion by Roger Johnson, seconded by Ronald Johnson.

Respectfully Submitted,

Donna L. DeBree