

**PROCEEDINGS OF THE BROWN COUNTY
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on Tuesday, December 10, 2019 at 8 am in the Karen H. Dorau Memorial Conference Room at the Brown County Law Enforcement Center, 300 East Walnut Street, Green Bay, Wisconsin.

Members Present: Judge Tammy Hock
District Attorney Dave Lasee
Citizen Rep. Tim McNulty
Health and Human Svcs. Exec. Dir. Erik Pritzl
Probation and Parole Rep. Jennifer Hornacek
Sheriff Todd Delain
Criminal Justice Manager Mark Vanden Hoogen
Human Services Committee Rep. Joan Brusky
Citizen Rep. Robert Srenaski
Public Defender Rep. Tara Teesch
Jail Captain Heidi Michel
Public Safety Committee Rep. Pat Buckley
Clerk of Courts John Vander Leest

Others Present: District Court Administrator Tom Schappa
Corporation Counsel Dave Hemery
Supervisor for Criminal Justice Services, Laura Hettmann

1. **Call Meeting to Order.**

The meeting was called to order by Chair Tammy Jo Hock at 8:03 am.

2. **Approve/modify Agenda.**

Motion made by John Vander Leest, seconded by Todd Delain to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. **Approve/modify minutes of September 10, 2019.**

Motion made by John Vander Leest, seconded by Todd Delain to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. **Jail population numbers (Sheriff).**

Jail Captain Heidi Michel informed the jail is currently at 96% capacity and, in addition, there are 19 inmates shipped out. There are 86 individuals on the EMP program and 199 inmates in the downtown facility, 60 of which are Huber inmates. Public Defender Rep. Tara Teesch asked if that means that people who want Huber are not getting it. Michel responded that it is more likely that there are just not people who are Huber eligible. Sheriff Delain added that if it gets to the point where someone can go out on EMP, they will not keep them in the jail. They try to get as many people as possible out on EMP, but it has been getting the right candidates lately that has been a challenge. There are also currently 8 juveniles in the facility and they have a capacity to house 15; however, if there is a 1 female, the capacity is then 5 females and 10 males, assuming they can all be housed together. Michel added that they do have notification out to other counties that Brown County does have juvenile space available and she noted that they did recently take in some juveniles from Door County.

5. **Discussion and possible action regarding enacting CJCJ By-Laws (D. Hemery).**

Motion made by John Vander Leest, seconded by Erik Pritzl to hold this Item until Corporation Counsel Dave Hemery arrives. Vote taken. MOTION CARRIED UNANIMOUSLY

At this time, the Board moved on to Item 6 and came back to this Item later in the meeting.

Corporation Counsel Dave Hemery informed that before a work group is established, the by-laws of this Board should be put into place. He has reviewed the by-laws from several other CJCBS as well as the various resolutions that have been put into place creating this Board and he also looked at by-laws he received from Joan Brusky that Eau Claire uses. He outlined the information in the proposed by-laws that were included in the agenda packet. Section B – Officers outlines the proposed procedures for a Chair, Vice Chair and Secretary. He noted that the statutes currently control who takes minutes and keeps the official records of the proceedings and it directs that the County Clerk take minutes of standing committees, but typically for sub and ad hoc committees, someone on those committees take the minutes. When it comes to Boards, Commissions and other various bodies, the statutes are not clear as to if that is a Clerk duty or not. Once a new County Clerk comes on board, the new Clerk may not be as agreeable to sending staff to these meetings to take minutes unless it is the duty of the Clerk. If that is the case, it may be a good idea to appoint a Secretary so there is someone in place to take the minutes.

The rest of the by-laws are pretty boilerplate and Hemery reiterated he modeled these proposed by-laws from what other counties do. For anything that there is not a rule on, Article V states that Robert's Rules of Order shall be the default.

Judge Hock asked about the mission statement and Hemery responded that what is in the by-laws is a summary of another mission statement he reviewed. Hock said the mission statement is something we may want to review and make some changes to it so it is the same as what the resolutions creating this Board contained.

Brusky provided copies of the by-laws from the Eau Claire Criminal Justice Collaborating Counsel, a copy of which is attached, and informed that theirs are longer than what is being proposed here. Eau Claire is constantly looking at the mission statement and how their Board functions and she feels some of the things Eau Claire uses may be of interest to this Board. Brusky said Eau Claire County is a leader in the state and across the country with their involvement with NIC. She referenced the last page of the handout which sets out how they were chosen from counties across the country to improve the public safety through the application of research of criminal justice decision making processes.

Pritzl liked Section B in the Eau Claire model regarding authority of the council, which would be the Board in Brown County, and asked Hemery if he had any thoughts on this. Pritzl feels it is nice to state clearly and cleanly what the authority of the Coordinating Board is because this has come up in the past. He would like to see something like that incorporated in our by-laws. Lasee agreed with Pritzl and said this Board does not really have decision making authority over the individual players in the system, but we make recommendations and he feels it would be helpful to have that spelled out so we know what we can and cannot do. Hemery is happy to add that into the proposed by-laws and said that is also something that could be worked into the mission statement.

Judge Hock asked about Brusky's request to have a Vice Chair position. Brusky explained that at a meeting in the past the Chair had to leave early which left the Board to continue the meeting with no Chair and she feels having a Vice Chair would alleviate that situation from happening again. She also noted that there were instances that meeting dates were set and then those dates slid by with no meetings so items were held another month. If the Chair is not able to meet, a Vice Chair would still allow meetings to be held. Judge Hock pointed out that the proposed by-laws cover this and she did not hear anyone objecting to this concept.

Delain said having subcommittees or work groups that meet independent of this Board to come up with ways to improve the overall system and process is a good thing because then we would not be tying up individuals who are not needed for a specific conversation at these Board meetings. Having subcommittees would get more work done and then those groups can report back to this Board with recommendations. If there is a small group that can get something accomplished and bring it back here and this Board can take action on it, and move it forward, Delain is in favor of that. Hemery said the proposed by-laws contain language that would allow the formation of sub or ad hoc committees that would report to the CJC.B.

Before the next meeting, Judge Hock feels if there is a desire to create a work group, there should be an identification of who would be on the group and what the goals and purposes are so at the next meeting we can be prepared to vote on the by-laws and move forward. Hemery will put the revisions we discussed today together in the by-laws and have them distributed to this group prior to the next meeting for review. Judge Hock said then at the next meeting we should be able to vote on both the by-laws and the creation of a work group. Judge Hock asked Hemery to send out the proposed by laws and include for discussion purposes the 1992 mission statement which is very specific and possibly needs to be revised along with the Eau Claire mission statement and then perhaps Board members can look them over and be prepared to discuss what our mission statement should be and then also move forward with the other issues of the subcommittee including what the subcommittee wants to accomplish, who the members of the subcommittee should be, how often they meet, who will take the minutes, etc. Delain agreed and feels it is critical to have this information ready for the next meeting.

Lasee does not want to wait a long period of time before getting this up and running and he asked about interest in the room today from anyone wanting to be on the work group and what thoughts are with regard to how big the group should be and if we are legally okay to propose those things today; are we significantly secure with the status of this group to agree to form a work group today. Hemery pointed out the Board currently does not have by-laws and there is nothing on the agenda about creating a work group so this is probably something that should wait. Lasee asked if we could have another meeting in January to establish the by-laws and create a work group. This was discussed and it was agreed by those present that a meeting in January would be a good idea. Judge Hock said we need to be cognizant that we are asking Hemery to do a number of things at a very busy time of the year. Lasee volunteered to take the lead on the efficiency work group and Teesch indicated she would also be interested in working on it and getting Jeff Cano involved as well. Judge Hock informed there should be someone from the court system on the group as well. Lasee is agreeable to the next meeting being held early in February as long as he can work on contacting people about this in the meantime. February 4, 2020 at 8:00 am was set as the next meeting date and the two agenda items will be to approve the by-laws and creation of an ad hoc committee.

6. Vice Chair Position (J. Brusky).

Brusky asked that this Item also be held until the arrival of Dave Hemery.

Motion made by Joan Brusky, seconded by Todd Delain to hold this Item until Corporation Counsel Dave Hemery arrives. Vote taken. MOTION CARRIED UNANIMOUSLY

At this time, the Board moved on to Item 7.

Discussion on this Item was incorporated in the discussion on Item 5 above.

7. System Inefficiencies & Review of System Map (J. Vander Leest and D. Lasee).

DA Lasee referenced 2 different documents and he will have them forwarded to the Board membership following this meeting. He recalled that at the end of 2014 there was a system map prepared. There were extra funds in the TAD grant that needed to be used so an outside agency was brought in to conduct an evaluation of our program and several on this Board were involved in the process. After meeting with several of the key stakeholders a system map was prepared and a series of suggestions were outlined. Lasee said the system map was quite similar to the document prepared by the National Institution of Corrections (NIC) in 2017 when they did a jail and justice system assessment. The NIC report comes from a place of reducing jail population and they had a lot of the same recommendations that were outlined in the system map and Lasee said there is a lot of overlap in the 2 documents. Some of the suggestions in the documents have been implemented and he noted that at the time of the NIC document the number of people in the jail in pre-conviction status was 79% which is alarmingly high. The suggestion that came out of both documents was that we need to do a better job as a system in taking a wide approach and Lasee feels this Board is important in doing that. He would like to come out of today's meeting with a plan for 2020 and how we want to be more active as a group in addressing system wide issues and look at efficiencies that can make the system operate better. One of the things he has heard complaints about is that criminal complaints are coming over too late and he noted that there are a number of things that factor into that; the Clerk's office is involved, the Public Defender's Office is involved. The result was that the Court Commissioner put a 2:00 pm deadline on getting complaints filed, but Lasee pointed out the result is when the Court Commissioner wants to cut someone loose who has a serious crime, Lasee will call the jail and tell them to hold the person on PC because it hasn't been 48 hours, he will draft the complaint late, and bring it to the Commissioner's office to have them sign a warrant on the same person whose case they could have just handled. That is just an example of how the system could work better as a whole.

Lasee continued that he proposed to the Court Commissioner that a work group be started to talk about how this can be done more efficiency because he does not like the way lock ups work either. Rather than everyone complaining, he feels a work group would allow more conversation on how to more efficiently manage the case load. There are a lot of people on the Monday lockup list that probably should not have been locked up, or they were locked up on a municipal warrant. Then one of his attorneys spends time hammering out those cases when they should really be focusing on more serious things that require more time. Lasee feels there are a little things that can be done to make the system run much smoother and he would advocate that we put together an active working group. He noted that this Board has everyone we need on it and we have good attendance. He would like to see a work group be formed to look at system efficiencies and take a deeper dive at the 2 documents and have another look at having someone come in to provide the technical assistance we may need. There are grant opportunities for someone to come in to provide technical assistance at little to no cost to the County and help a work group get up and running. Lasee feels there are ways to make cases move through the system quicker, share data through various programs and systems. Both the system map and the NIC study indicated that collaboration was lacking and both the NIC study and the system map people said they found a very cooperative and collaborative group who wants to work together to make the system function better.

Clerk of Courts John Vander Leest agreed with Lasee with regard to creation of a work group and noted that some of the topics have been talked about in the past, but never made it to the next step to analyze and decide on recommendations. There were a few things that were taken care of right away, but he feels there are more things that can be done and a work group is a good way to go about getting some suggestions that can then be brought back for implementation.

Tara Teesch asked if what is being proposed is a work group that meets beyond these Board meetings. She felt a smaller work group that meets more frequently would help address the issues as they pop up. Lasee said that is what he was thinking, but he understands that everyone is busy and he knows this is a big ask. People seem to want to effectuate change, but the day to day activities also have to be handled. Having a regular schedule for a work group to meet would be beneficial and this is something he advocates for. Delain added that he feels there are things on his end that would be beneficial. The jail has the ability to obtain a lot of information, some of it is being collected now, but some is probably not being collected in a timely manner which then causes serious issues with analyzing the data. As we move into 2020 and 2021 one of the things the jail will be looking at is analyzing the jail's records management system. He referenced the current CAD system that has been in place for a significant time and noted they are in the middle of changes. The Sheriff's Office is looking at an overall records management change which would benefit the DA's office and everyone else, but, with that, Delain is considering creating a records management system that is written by our own people that is more consistent with the appropriate data that is helpful and meaningful. There is specific data that should be collected automatically and available but he does not have the staff currently to do this manually. If a records management system is created with the staff he currently has, Delain feels they would be able to gather all the information they want and see it right away. He also sees value in creating a work group as Lasee suggested and one of the things he would like the work group to look at and identify is what kind of information they would like collected from the jail.

Citizen Representative Bob Srenaski said the problem is that the systems do not talk to each other. He mentioned a long time about about a new system created in Colorado that covered all of the systems and picks out the data to be able to track someone all the way through the system. He feels this is a good time to have Technology Services look at the overall systems in Brown County and see how they can get the different systems to all talk together. Delain is confident there is people to get that done internally, but it is going to take some time. He also wants to be sure we are writing a new system to capture the data we really want and that is going to be helpful. Michel said there is some good reports in the system and she can supply the reports instead of just reporting the jail population. She can provide breakdowns of sentenced vs. non sentenced or the average length of stay. Michel will provide those reports for the next meeting and the Board can decide at that time whether they wish her to continue providing that information. Delain explained that there are occasionally situations where numbers may be skewed a little and several other questions were answered by Michel as to how the numbers are generated. Judge Hock feels this conversation is a very good example of how the numbers may not necessarily meet all of our purposes so it is important to remember when numbers are provided that there could be variables and that better reports with better information is a good goal.

At this time, the Board returned to Item 5 regarding By-Laws.

8. Future Agenda Items, if any.

Discussion regarding future agenda items was incorporated in the discussion of Item 5 above.

9. Other such matters as authorized by law.

Judge Hock introduced Kim Pansier to the group. Pansier informed she is the Victim Witness Coordinator for Brown County and she works out of this building. She wanted to bring some concerns forward with regard to the location of the criminal justice services program. She noted that check in is on the first floor of this building and they also work out of the basement of this building.

Her concern is on behalf of crime victims who have statutory and constitutional rights and she is concerned that they are not being treated with those rights which state that State shall treat crime victims as defined by law with fairness, dignity and respect for their privacy. At this time crime victims are coming in for services and the person that was charged with a crime comes in to check in for criminal justice systems and they can be in the lobby less than 10 feet away from each other and this is not treating the crime victims with dignity and privacy. There are other rights, specifically, reasonable protection from the accused throughout the criminal justice process and Pansier does not feel they have reasonable protection coming into the building for services and are then faced with the accuser. This is re-traumatizing for the victim. She noted that there was recently an incident where a domestic violence victim came in for services and was waiting for a staff member to come down and the defendant came in to check in for criminal justice services and they saw each other which affected the victim very much. This gives the victim ongoing safety concerns and the current system put her in that position.

Pansier realizes there are some options being looked at for the criminal justice services but she said it is a very time sensitive issue and she does not want something similar to what happened last week happen again. Srenaski asked Pansier if there was a situation to solve this problem. It was noted that a meeting was held recently with administration to talk about some options that are currently being looked at. They are looking at both existing space in a county building as well as other locations. Lasee said the issues brought forward by Pansier are a real concern and whether we are technically violating victim's rights or not, we are certainly not creating a healthy environment for victims so the best practice is to move them out of the building as soon as possible. He wants to keep this moving along as quickly as possible. Some of the areas that have been looked at were discussed and it was noted that they would like to get this resolved as quickly as possible.

10. Adjourn.

**Motion made by John Vander Leest, seconded by Joan Brusky to adjourn at 9:08 a.m. Vote taken.
MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio
Administrative Specialist

*Originally Adopted August 30, 2006
Amended and Adopted August 27, 2008
Amended and Adopted December 15, 2010
Amended and Adopted October 19, 2011
Amended and Adopted October 21, 2015*

EAU CLAIRE CRIMINAL JUSTICE COLLABORATING COUNCIL

BY-LAWS

Article I: Name

The name of this Council shall be the Eau Claire County Criminal Justice Collaborating Council. It will be referred to as the Council throughout these by-laws.

Article II: Creation

The Council is created by resolution as adopted by the Eau Claire County Board of Supervisors and signed by the County Administrator.

Article III: Mission

The principal mission of the Council is to improve the administration of justice and promote public safety through planning, research, education, and system-wide coordination of criminal justice initiatives.

Article IV: Structure

Section A: Membership:

There are sixteen voting members of the Council:

- Presiding Judge for Eau Claire County
- County Administrator
- County Board Chair
- Sheriff
- Chief of Police - Eau Claire
- District Attorney
- Clerk of Circuit Court
- State Public Defender
- Department of Corrections Supervisor for Eau Claire County
- Department of Human Services Director
- A representative of the Eau Claire City Attorney
- Member of Judiciary and Law Enforcement Committee
- Program Coordinator for Eau Claire County Restorative Justice Program
- Three Citizen Members

All circuit court judges are members and, except for the Presiding Judge, are non-voting. Council members may designate another competent person to represent them and vote at Council meetings. Any Council member, excluding the three citizen members, wishing

to appoint a designee is to identify the designee in writing addressed to the Chair of the Council. No more than three consecutive meetings shall be allowed for a member's designee to attend Council meetings. Designees can only be changed by notifying the Chair in writing.

Citizen members shall be elected to serve two-year terms commencing at the first meeting of 2012, with citizen member elections continuing at the first meeting in even-numbered years thereafter. Any citizen member may resign by submitting notice of resignation to the Chair. In the event of a vacancy of a citizen member, the Council may elect a new citizen member to serve the remaining term.

In the event of a vacancy of a Council member, excluding citizen members, the out-going Council member or his or her organization may designate a representative from his or her organization to act until such time as the position is filled.

Any member of the Council may recommend in writing to the Executive Committee removal of any member whom he or she believes is no longer appropriate for membership. Lack of attendance by a member may be cause for removal from the Council.

Section B: Authority of the Council:

The Council has no legal authority to order changes to Eau Claire County's criminal justice system, but it may bring about changes through consensus by the participating Agencies and Branches. The Council reviews policies, programs and budgets within the criminal justice system and makes final recommendations to all justice system partners, the Judiciary and Law Enforcement Committee, the Human Services Board and County Board.

Section C: Committees:

1. Executive Committee

The Executive Committee is composed of the chair, vice-chair, county board chair and county administrator. Any member of the Council may attend and participate in the Executive Committee meetings. The Executive Committee shall be responsible for the following:

- a. Develop Council meeting agendas and ensure matters are ready for Council meetings.
- b. Ensure assignments are completed and prepared for Council meetings.
- c. Propose to the Council the formation of Standing Committees, Subcommittees, and Ad Hoc Committees.
- d. Recommend to the Council individuals to serve as chairs and members of the above-listed committees.
- e. Coordinate and approve the membership of the Standing Committees, Subcommittees and Ad Hoc committees.
- f. Nominate citizen members for election.

2. Standing Committees

- a. Evidence Based Decision Making (EBDM)
 - Provide program analysis and recommendations to the CJCC
 - Conduct research using a variety of data sources to answer practical, timely questions about crime and the criminal justice system
 - Implement criminal justice policies and practices that are evidence-based to make efficient use of resources.
- b. Grant/Funding Committee
 - Seek out and identify funding sources for current and future corrections, treatment and support programs for adult and juvenile offenders
- c. Criminal Court Review Committee
 - Initiate communication and education among the courts, agencies, and departments involved in the criminal justice system
- d. Juvenile Justice Collaborating Committee
 - Initiate communication and education among the agencies and departments involved in serving children and youth in Eau Claire County.
 - Examine current processes and programs and provide recommendations to facilitate modification of current programs, creation of new and innovative programs.
 - Develop and terminate subcommittees as needed to adequately address the changing needs of children and youth.

3. Subcommittees and Ad Hoc Committees

The Council may authorize the formation of Subcommittees and Ad Hoc Committees, to deal with specific problems or issues. Standing Committees, Subcommittees and Ad Hoc Committees shall report their information and recommendations to the Council.

Section D: Meetings

1. Meetings of the Council shall be set by the Council, the chair, or upon petition by any four members of the Council. Notice of Council, Executive Committee, Standing Committee, Subcommittee and Ad Hoc Committee meeting times and locations shall be provided to all members and duly posted in compliance with open meetings statutes.
2. Minutes of the Council meetings shall be recorded and distributed to all members of the Council.
3. A quorum is a simple majority of the membership described in Section A.
4. Recommendations of the Council shall be made by consensus. If consensus cannot be reached, recommendations may be made by a 2/3 vote of Council members.

Article V: Officers

Section A: Officers

The Executive Committee shall recommend to the Council a chair and vice-chair. The Council shall elect at the first meeting of the year a chair and vice-chair for a term of one-year. The chair and vice-chair shall serve until the next election is held.

Section B: Duties of Officers

The chair shall preside at all meetings. The vice-chair shall preside in the absence of the chair.

Article VI: Change in By-Laws

Proposed amendments to the by-laws are to be included on the agenda of an Executive Committee meeting. The proposal will be forwarded to the Council for approval. Any action in response to the proposed change in the by-laws taken by the Council shall become effective immediately.

5

In 2010/2011 Eau Claire County, Wisconsin, along with six other counties across the USA, was chosen to participate in an early phase of an initiative of the National Institute of Corrections (NIC) to improve public safety through the application of research in the criminal justice decision-making process.

In 2014 Wisconsin was chosen as one of three states (along with Indiana and Virginia) to participate in a statewide expansion of this effort.

In 2016, six additional counties in Wisconsin (Chippewa, LaCrosse, Marathon, Outagamie, Rock and Waukesha) were chosen to continue this NIC initiative to use EBDM (Evidence Based Decision Making) to promote public safety and reduce pre-trial misconduct and recidivism. Eau Claire and Milwaukee counties, chosen to participate in the earlier phases, continued to be assisted.