

**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 virtually on Tuesday, October 13, 2020 in Green Bay, Wisconsin.

Members Present: Judge Tammy Jo Hock
District Attorney David Lasee
Jail Captain Heidi Michel
Criminal Justice Mgr. Mark Vanden Hoogen
Clerk of Courts John Vander Leest
Citizen Rep. Tim Mc Nulty
County Executive Troy Streckenbach
Green Bay Chief of Police Andrew Smith

Human Services Cmte. Rep. Joan Brusky
Citizen Rep. Robert Srenaski
Sheriff Todd Delain
Probation and Parole Rep. Aaron Sabel
Public Safety Cmte. Rep. Keith Deneys

Others Present: District Court Administrator Tom Schappa
Family Services Rep. Angela Stueck
Corporation Counsel David Hemery

1. Call Meeting to Order.

The meeting was called to order by Chair Tammy Jo Hock at 12:00 pm.

2. Approve/modify Agenda.

Motion made by David Lasee, seconded by Troy Streckenbach to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Approve/modify minutes of August 4, 2020.

Motion made by Troy Streckenbach seconded by Mark Vanden Hoogen to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. Jail population numbers (Sheriff).

Jail Captain Heidi Michel informed the jail is currently operating at 76% capacity and there are not any inmates being shipped out at this time There are currently 87 individuals on the EMP program. The huber center downtown is currently not being operated and floors four and five remain closed. Floors one, two and three of the downtown facility are being used for quarantining incoming inmates.

Sheriff Todd Delain informed there had been an issue recently in the jail and explained that the treatment courts requested a COVID test of an inmate before the inmate was placed out. The inmate was asymptomatic and had been in the jail about 16 days prior to the test being done and had also cleared the 14-day quarantine process and had been moved to the general population two days before the COVID test was taken. The COVID test came back positive. Delain spoke with Dr. Rai and was advised that either the inmate contracted COVID while in the jail or the inmate could have had COVID at any time in the last 12 weeks. Dr. Rai informed Delain that there is a possibility that a person will test positive for as long as 12 weeks after an initial positive test. The issue here is whether or not the inmate is contagious. Most people know that if you have contact with someone with COVID, you would typically come down with symptoms within two weeks of that contact. A person with COVID is contagious for a two to three-day shedding period during the time they have the virus

Delain continued that the inmate was surprised when the test came back positive as he had no symptoms at all. Now the rest of the 60 inmates who were in the same pod have to be tested and quarantined and

kept separate from everyone else for 14 days which is making them very unhappy. Delain feels this could have been avoided because the jail should not have done the COVID test at the request of the Criminal Justice Division after the inmate was cleared. Moving forward, inmates will only be tested for COVID-19 if they are showing symptoms or if there is reason to believe they may have it. The jail will not be testing inmates who may be going out to treatment court or things of that nature and Delain has addressed this with Criminal Justice Manager Mark Vanden Hoogen. Delain acknowledged this is not anyone's fault; the goal was to try to do the right thing and prevent someone from having contact with someone who may have had COVID.

Judge Hock asked why the person was being transported out from the jail. Vanden Hoogen indicated the person was tested because they were being moved to residential placement and the facility asked for the test. Delain feels the logic of the residential treatment facility was that if the person is tested and found to be negative, they would be able to come into the treatment facility. He does not feel they understood the consequences and impact on the jail in the event the test came back positive. The problem is that the inmate had already done the two-week quarantine period and was two days into the general population when the test was done. He feels one solution would be to have a COVID test completed when an inmate is in the initial quarantine time and then wait for the results to come back before the inmate is moved into the general population.

Judge Hock asked if the treatment facility would take the inmate given the positive test result. Vanden Hoogen responded that the treatment facility denied the inmate due to the positive test result. Michel advised that the Department of Corrections has inmates tested before they are admitted and suggested that Probation and Parole Representative Aaron Sabel let his staff know how this could affect Probation and Parole. Sabel responded that he was unaware that someone could test positive up to 12 weeks after experiencing symptoms of COVID. Judge Hock added that she also was unaware that someone could test positive for up to 12 weeks. She checked the CDC website which indicated this was new information but did not indicate how new. She feels this new information changes a lot. Delain was shocked as well and said he is grateful he has the ability to consult with Dr. Rai who can explain things to him. Delain noted they cannot make the general population inmates take a COVID test and inmates who choose not to be tested will be treated as if they are positive. The jail staff will have to inquire of all inmates if they have had a COVID test and if they have tested positive within the last 12 weeks. If they have, they will not be given a test.

Delain continued that his concern is they will test the 60+ inmates and get a percentage that will test positive but are asymptomatic and were never tested previously for one reason or another. They will then have to make arrangements to separate the positive from the negative in a different pod just in case they are contagious. This will be a substantial amount of work for the jail division over the next several weeks. Judge Hock said it is unfortunate and asked for suggestions as to how to handle this in the future. Joan Brusky asked if quarantined individuals are kept together as a group. Delain explained that inmates are in individual cells in a pod, but they move about as a core group. For example, if 10 inmates come in on the same day, a few bond out, and then you are down to seven, that whole group of seven stays together in a pod for the quarantine period of 14 days. New inmates cannot be brought into that pod until the last group of inmates has cleared their 14-day quarantine period. This is somewhat of a nightmare for the classification process and the Jail Captain because there are pods of quarantine individuals who have to stay together through their entire quarantine time.

Given this new information that an individual can test positive for up to 12 weeks, Keith Deneys asked if it has been considered to add a question regarding whether someone has tested positive for COVID within the last 12 weeks during the booking process. He feels that would be advantageous to have in the booking records in case a similar situation arises in the future. Michel responded that she would be more than happy to have that question included as part of the booking process.

5. Efficiency Report (DA Lasee).

District Attorney David Lasee reported not much progress has been made on this as his office has been swamped during COVID. Judge Hock understands and said everyone is in a similar situation. COVID has forced all parties of the system to learn new things, create new efficiencies and make adjustments to the

way things had been done in the past. Lasee added that there has been a change to the lockup procedure which he feels will create some efficiencies in the long term.

6. Review of Bylaws regarding Secretary position.

Judge Hock informed the bylaws include a chair, vice chair and secretary position, but nobody really wants the secretary position. One of the things that was discussed previously was having someone other than the secretary do the minutes and the question then arose if a secretary is needed at all. Corporation Counsel David Hemery informed that the County Clerk's office takes minutes for quite a few committees, however, by statute, they are only required to take minutes at the County Board meeting and the six standing committees. Staff from the Clerk's office is currently taking minutes at ad hoc and subcommittees as well as the County Board and standing committees and this is getting to be too much for County Clerk staff. He feels it makes sense for ad hoc and subcommittees to have a secretary to take their minutes. Judge Hock said what they are thinking of is for someone from the DA's office staff or the Court's staff take the minutes of these meetings without becoming a member of this Board. This may result in someone stepping forward to fill the secretary role or, alternatively, a discussion could be had regarding eliminating the secretary position in the bylaws.

Hemery said if they are looking at having a county employee take minutes without being on the committee, they would need to be doing the minutes off the clock, but this is something they could work through with HR. The most common thing is to just have a secretary on the committee take the minutes. The minutes really only need to contain the motions and actions taken. Hemery has never had an issue with a committee not being able to have a secretary in the past. County Executive Troy Streckenbach said this Board is created by statute and therefore the County Board Office or County Clerk's Office has the responsibility for providing staff and doing the minutes and bringing them forward. In the multiple years he has been on this Board he has not seen the reason behind the secretary position. He feels having a vice chair makes sense, but this body has no authority in budgetary matters and there is nothing to keep records of from a treasury standpoint. The question is who is recording the minutes and what the recommendations of the Board are. Streckenbach's suggestion is to eliminate the secretary position from the bylaws and then contact the County Clerk's office and ask them to continue providing someone to do the record keeping of the recommendations being made by this body.

Hemery reiterated that the County Clerk's office is required to take minutes for the County Board meetings and the six standing committees but not the sub or ad hoc committees. This has been an issue with other sub and ad hoc committees as well. Streckenbach questioned why an ad hoc committee that is created by statute would have to provide their own secretary. Hemery responded that it is up to the committee if they even want to take minutes, although he has not heard of a committee that does not take minutes. He feels the best practice would be to have minutes taken and this comes down to who does it. Last year the County Board implemented a procedure to go through to start a new sub or ad hoc committee because so many were popping up and staff could not keep up with the minutes of all the different meetings. If the County Clerk wants to volunteer a staff member to take the minutes of these minutes, that is up to her, however, there is not a requirement of the Clerk's office to take minutes of every sub or ad hoc or Supreme Court Rule created committee; only the County Board and the six standing committees. Hemery also pointed out that there would be a new County Clerk coming in January 2021. Hemery informed he would be happy to talk to the County Clerk about this to see if she is willing to volunteer staff to continue taking minutes of this Board, but he wanted to be sure everyone knew what the statutory requirements are. He understands the concerns of the Clerk and in reading the statutes as well as an AG opinion, Hemery's take is that County Clerk staff must take minutes at the six standing committees of the County Board as well as the County Board, but not sub, ad hoc and other created committees.

Judge Hock would like someone to reach out to the County Clerk and see what agreement can be made with the Clerk. She suggested this issue be tabled until the next meeting to see the best way to resolve this. Judge Hock said she or Lasee can reach out to the County Clerk before the next meeting.

7. Future Agenda Items, if any.

It was suggested that the next agenda include an item related to COVID and how it has affected the stakeholders in this group.

Streckenbach said he would like to see a summary report as to how the Criminal Justice Division has operated since it was created.

Streckenbach also noted that a second clinician is included in the 2021 budget to accompany law enforcement. He asked Green Bay Police Chief Andrew Smith how the first clinician has impacted the Police Department and he would also like to hear from Vanden Hoogen as to how many individuals were able to get the resources they need and if the clinicians are able to get people back on solid ground without having law enforcement tied up for extended lengths of time. Streckenbach would also like to have a report on the day report center and how many people are being served there and how it is working out as there had been some concern about people not showing up for their court hearings.

Delain would like to have a report on the progress that is being made with the mental health social worker assigned to the jail. There seems to only be minimal production out of that position and he feels we need to take a look at ways to change up what is being done or not being done because in speaking with jail staff, Delain gets the impression the jail is not getting much out of the position. Vanden Hoogen said that position falls under his department and he can provide an update at the next meeting. Delain feels they need to get more out of the position than they currently are because the position provides an opportunity to make connections while the person is a captive audience and get them some help and resources to help them on their way out the door from the jail. Vanden Hoogen said he will provide updates at the next meeting for what Streckenbach is asking for as well as information on the officer clinician and an update on the position Delain is talking about.

Lasee would like to have an agenda item regarding the tremendous inability of getting public defenders appointed in a timely manner. His office has concerns about this and he noted that they have had cases where people are sitting for a year with no lawyer, sometimes in custody. This has put a tremendous amount of strain on the system and has caused some significant delays. Lasee would like to see some sort of system-wide response to this. He noted there seems to be a growing lack of SPD attorneys available and this has put a lot of delay on the system. This not only affects efficiency, but also creates delays that may affect the ability to proceed with some cases. Judge Hock agreed that this is an important issue to address and having Tara Teesch or Jeff Cano at the next meeting to discuss this would be quite helpful. The DA staff has put a list together of cases that are most egregious, and they have started writing letters to the Judges asking them to appoint because there are concerns. This affects the county budget and also affects the individuals as they should not have to pay for an appointed attorney when they are entitled to a public defender by statute. Judge Hock said she will reach out to Tara Teesch, Paul Burke and Jeff Cano to be available for the next meeting to discuss this.

Judge Hock pointed out that a lot of these suggested agenda items are substantial issues and she does not know if we can be ready to address everything at the next meeting or if there will be enough time to discuss all of these. Streckenbach said he can get the information he is asking for through a report from Vanden Hoogen that can be sent to the group. He would rather see time spent on an upfront discussion regarding the public defender issue. Judge Hock agreed as the public defender issue affects not only the budget, but also a lot of other areas. With regard to the mental health social worker at the jail, Streckenbach indicated he would like to speak to Delain about this before it becomes an agenda item as it may be more of a personnel issue. Delain is not opposed to that and informed that 2020 has been a crazy year which may be contributing to some of this. He does support the position and feels Vanden Hoogen is doing a great job but there may be some opportunities to make the position more successful with input from everyone.

8. Other such matters as authorized by law.

The next meeting was scheduled for December 8, 2020 at 12:00 pm and will be held via Zoom.

9. Adjourn.

Motion made by Troy Streckenbach, seconded by Mark Vanden Hoogen to adjourn at 12:54 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Administrative Specialist