

**PROCEEDINGS OF THE BROWN COUNTY
PUBLIC SAFETY COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Public Safety Committee** was held on June 29, 2021 at the Brown County Sheriff's Department, 2684 Development Drive, Green Bay, Wisconsin.

Present: Chair Deneys, Supervisor Lund, Supervisor Kaster, Supervisor Schultz, Supervisor Coenen
Also Present: Honorable Tammy Jo Hock, Director of Public Safety Communications Cullen Peltier, Sheriff Todd Delain

I. Call meeting to order.

The meeting was called to order by Chair Deneys at 6:00 pm.

II. Approve/Modify Agenda.

Motion made by Supervisor Kaster, seconded by Supervisor Lund to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/Modify Minutes of May 25, 2021 Public Safety Committee/Planning, Development & Transportation Committee Joint Meeting.

Motion made by Supervisor Schultz, seconded by Supervisor Coenen to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

IV. Approve/Modify Minutes of June 1, 2021.

Motion made by Supervisor Kaster, seconded by Supervisor Schultz to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Comments from the Public – None.

1. Review Minutes of:

- a) **Fire Investigation Task Force (March 9, 2021).**

Motion made by Supervisor Lund, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Public Safety Communications

2. Director's Report.

- a) **COVID-19 Update – *Standing Item*.**

Director of Public Safety Communications Cullen Peltier talked about staffing in his department and informed they are currently down two positions, but they have one offer out and another person in the background check process. There are also still a number of candidates to test which will hopefully lead to some interviews. They are keeping their heads above water, but there has been a lot of overtime in the department.

Regarding the CAD project, Peltier informed they continue to meet weekly. There will be an upgrade in two weeks which should hopefully take care of most of the remaining high priority issues and they can then start knocking off the smaller issues after that.

Peltier continued that they participated in the internal AAR following the recent incident at the Oneida Casino/Radisson and they also participated in Oneida's AAR. They are working on some of the issues that were

discussed, including working with the Sheriff's Department and Police Department on some updates to the tactical work policy. Mandatory training will start on the updated policy in August.

Peltier also talked about the Cofrin Library at UWGB that he brought up last month. He recently found out that the Republicans included funding for a new Cofrin Research Center in their version of the budget and he feels confident it will go through. Peltier has discussed temporary placement of equipment with Facilities at UWGB on either Wood Hall or the Lab Sciences Building. He noted that Wood Hall is 55 feet above ground level while Cofrin is at 131 feet so Peltier does not know if this is going to work and added that Baycom and Motorola engineers will have to look at that. The new building is expected to be at 75 feet, so approximately 50 feet will be lost. The next step will be to do an engineering study and then when that information comes in, they can start making decisions. There are many moving parts to this and Peltier is keeping on top of it the best he can and will keep the Committee updated.

Peltier concluded by talking about the large fire over the weekend at Chicago Street Pub and the adjoining church in Ledgeview. It was a five-alarm fire and then they went on to strike teams. Staff did pretty well and they did not have to call in additional help, but the Communication Specialist did come in to assist the new supervisor as it was the new supervisor's first night on his own. Strike teams came in from Shawano County and Manitowoc County as well as tenders from a number of agencies.

Motion made by Supervisor Lund, seconded by Supervisor Schultz to receive and place on file. Vote taken.

MOTION CARRIED UNANIMOUSLY

Emergency Management

3. Director's Report.

a) COVID-19 Update – *Standing Item.*

Peltier covered the Emergency Management report as Emergency Management Director Lauri Maki was unable to attend. EM has been working on a number of projects and Peltier outlined those for the Committee. They recently participated in the Safety Town program and also continue to work with the Chamber on the PIO planning process. There are two post-disaster damage assessment training sessions scheduled for tomorrow with WEM in the EOC. EM is also working with Outagamie County on a cross-jurisdictional agreement for the IPAWS program through FEMA to be sure that everyone in areas that lie in multiple counties receive alerts. EM will be ending their COVID response at the end of the month. Peltier also informed EM sent out several Code Reds recently regarding missing persons as well as one asking people to stay away from the fire in Ledgeview.

Peltier concluded by informing that the GB Fire Department recently got a new Hazmat rig which means Brown County no longer needs their rig so it was auctioned off for \$36,000 for the trailer and tow vehicle. Those funds will be applied to the ongoing maintenance program for the sirens that Maki has talked about in the past.

Motion made by Supervisor Coenen, seconded by Supervisor Kaster to receive and place on file. Vote taken.

MOTION CARRIED UNANIMOUSLY

Circuit Courts, Commissioners, Probate

4. Budget Status Financial Report for May 2021 - Unaudited.

Motion made by Supervisor Schultz, seconded by Supervisor Coenen to receive and place on file. Vote taken.

MOTION CARRIED UNANIMOUSLY

5. Director's Report.

a) COVID-19 Update – *Standing Item.*

Presiding Judge Tammy Jo Hock reported that most of the COVID protocols at the courthouse have ended, with the exception of some procedures that remain in place for jury trials. The procedures that are still in place will likely end at the end of July unless something comes up that deems it appropriate to keep them in place and Judge Hock also noted they are starting to do more in-person hearings.

Regarding the Public Defender issue that has been brought up in the past, Judge Hock informed there really has not been any improvement, although the Public Defender's Office has added more staff which will hopefully eventually result in them being able to take more cases. The real issue is that this is state funded and there are not enough available attorneys to take the cases. Judge Hock also mentioned that the Court of Appeals has accepted another case from Brown County on the issue of not having attorneys for people charged with crimes, whether they are in custody or not.

Judge Hock continued that the Commissioners recently approached the Judges about this ongoing problem and asked at what point the Judges would like to be notified and they agreed on 60 days. So, at 60 days the Commissioners will let the Judges know if there is a case pending and there is no attorney. At the most-recent judges meeting it was indicated by many of the judges that they are likely to appoint at the county's expense at that point. These are cases that should be represented through the Public Defender's Office and therefore paid by the state. Back when the Public Defender rate was \$40 an hour, the county asked the state if the state would pay the first \$40 and then the county would pay the difference between that rate and the appointed rate but the state would not agree to that. Judge Hock wanted to update the Committee on this issue as it is likely to lead to a large increase in costs to the county.

Supervisor Schultz asked what the best move would be to get this fixed. Chair Deneys responded that he followed up with some of the representatives that were involved in the legislative phone call and the one who said they would take the lead on this never returned Deneys's call and Deneys was not able to get through to the other one. He has had conversations with Administration on this and one of the thoughts is to sue the state and Deneys also feels it would be a good idea to start sending invoices to the state.

Supervisor Lund questioned if changing the jurisdiction on these cases to a county that has enough Public Defender attorneys would be possible. Judge Hock responded that they do try that, but the problem is that they do not pay the Public Defenders enough. They are only paid \$70 an hour, and less for travel time, so attorneys do not want to take cases where they will have to travel to court.

Judge Hock's biggest concern is that if at 60 days the county is going to start appointing attorneys at the county's expense of \$100 an hour, they will not get Public Defenders to take these cases in the first 60 days at \$70 an hour. It will not take long for the Public Defenders to learn to hold off until they are appointed by the court for more money. Lund asked if it is the more complicated cases that they are having problems getting Public Defenders to take. Judge Hock responded that it is a challenge for any case. What is especially challenging is when a Public Defender wants to withdraw from a case. She does not allow withdrawals very easily because once an attorney withdraws it will be extremely difficult to find a replacement. Judge Hock also mentioned there are many cases that have conflicts of interest when there are a number of defendants.

Supervisor Kaster noted that he has talked to several representatives about this and they all informed him that the rate for Public Defenders had just been raised. Judge Hock confirmed that the rate was increased, but only to the break-even point of \$70 an hour and also noted this was the first increase in about 25 years. Kaster informed he will contact representatives again and Deneys said that would be a good thing for all Committee members to do.

Schultz questioned if there could be a requirement that private attorneys have to take a certain number of Public Defendant cases per year. Judge Hock responded that attorneys in Wisconsin are supposed to do pro bono work, but there is not a requirement that private attorneys have to do Public Defender work. In addition, there are a lot of civil attorneys that do not do any criminal work and therefore would not have the appropriate insurance for it or the experience to do criminal cases.

Supervisor Coenen asked when the 60-day notification process will start. Judge Hock responded that the meeting was a week ago and was long overdue. The reason they agreed on 60 days is because they did not really have a consistent policy and it is too hard for the Commissioner to monitor things for eight different judges without a consistent policy in place. Judge Hock understands that 60 days is not enough time for the Public Defender's Office to find attorneys, especially for someone that is in jail. She just received information from Commissioner Burke that some people who are not in custody have been waiting for an attorney anywhere from four months to over a year. These cases have not gotten to the preliminary hearing stage yet, but a preliminary hearing is supposed to be held within 20 days for someone who is not in custody, so this is very concerning. Judge Hock also talked about the Lee

case that was discussed at earlier meetings where the defendant did not have his preliminary hearing in the time allowed and noted that the case has been dismissed by the Court of Appeals without prejudice. Judge Hock concluded that there are more and more crimes being committed and more and more cases coming in and less and less attorneys.

Deneys reiterated that the general sense he got from Administration is to file a lawsuit and the Committee agreed. Schultz feels this is at a crisis level. Judge Hock feels it would be useful to get some input from Corporation Counsel on this as to how to set up the order such that it will keep that option open because it has to be clear that the County is appointing an attorney because the Public Defender's Office has been unable to appoint and now it is a county expense rather than a State of Wisconsin expense. Kaster feels we should let the representatives know that a lawsuit is being considered so they know this is serious. Deneys said he can also ask Deputy Executive Jeff Flynt to set up another phone call with our representatives. Judge Hock added that she would be happy to speak with the representatives if they need information.

**Motion made by Supervisor Coenen, seconded by Supervisor Schultz to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY**

District Attorney

6. **District Attorney Report.**
 - a) **COVID-19 Update – *Standing Item.***

No report; no action taken.

Medical Examiner

7. **Medical Examiner's Report.**
 - a) **COVID-19 Update – *Standing Item.***

Medical Examiner Director of Operations Barry Irmen provided his report via speaker phone. He talked about the new Medical Examiner facility and noted that they discovered on a walkthrough last Thursday that the doorways into the morgue and lab areas do not have the required clearance. Solutions for this are being worked on with the vendors they were going to use and with other potential vendors and depending on what they find as options, it could take 12 – 16 weeks to order the doors, have them fabricated, delivered and installed. The doors could impact many things such as the terrazzo flooring, paint and a number of other things. There has been some talk about possibly getting partial occupancy so the office can move into the building but still use the Duck Creek facility for the decedents, but it is not known at this time whether the building inspector would grant partial occupancy.

Schultz asked for clarification as to what the problem with the doors is. Irmen explained the doors in the lab and autopsy area are supposed to have a 60" minimum open space so decedents can be moved on carts into those spaces. Some carts are 44.5" wide and they do not steer straight all the time. The downside to accepting something that is smaller than 60" is that if the carts hit a door, it will damage the stainless and eventually compromise the opening system which will result in repair costs. Having 60" openings will prevent those subsequent repairs. Irmen continued that the doors were ordered at 60" but there were some communication problems between the architects and the vendor. Schultz asked if there is any sort of temporary fix that could be used until the proper doors arrive. Irmen responded that would affect several things. He explained that the autopsy spaces are negative pressure so when the doors open they have to balance the room so the air changes occur as they are supposed to. Hanging a door that is narrower would impact the wall and the terrazzo and they would then have to take those out to put the proper ones in which would impact the terrazzo and drywall further, resulting in significant expense. Hanging something like a tarp would not allow the air exchanges to occur as they are supposed to.

Lund asked who is paying for the change order and how the wrong doors were ordered. Irmen responded that the 60" width has always been the width, from the planning stages early on. He believes it was in the architectural plans and does not believe this is a county problem to solve or pay for. Irmen also noted that even if partial occupancy was granted, there is not a doctor to put there anyway.

Coenen asked when we would know if partial occupancy would be granted by the inspector. Irmen responded that we would have to give Venture Architects a few weeks to work on what the potential solutions look like and get a timeline for when that work can be completed and then we can cross the bridge of partial occupancy.

**Motion made by Supervisor Lund, seconded by Supervisor Schultz to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY**

Clerk of Courts

8. Clerk of Courts Report.
a) **COVID-19 Update – *Standing Item.***

Deneys noted that he has been informed by Clerk of Courts John Vander Leest that interviews for the position that was approved at the last meeting have been done and a selection will be made in the next few days.

No report; no action taken.

Sheriff

9. Update re: Jail Addition – *Standing Item.*

Sheriff Todd Delain informed he toured the jail addition yesterday and things are moving along very well. At this time things are still on place to get the keys in July and have inmates in there around September 1.

Standing item; no action taken.

10. Budget Status Financial Report for May 2021 – Unaudited.

Delain pointed out a typo in the *notes* section of the report in the agenda packet and said expenses should be at 40.7, not 40.8 and revenue should be at 40.8 and not 40.7. Delain pointed out that any time expenses are even one point of a percent greater than revenue he gets concerned. The Sheriff's Department is currently on budget, but Delain noted that it will be razor tight.

**Motion made by Supervisor Lund, seconded by Supervisor Coenen to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY**

11. Key Factor Report for May 2021 – Unaudited.

Delain referred to the report in the agenda packet and noted that the average monthly population between May 2020 and May 2021 indicates there are 32 more inmates per day in 2021 than there were last year, but this is not a surprise as numbers are trending back to normal. Last year numbers decreased due to COVID and they knew numbers would increase this year as things started to open back up. Overtime expenses have gone up but that was expected because staff is participating in grants that they did not participate in last year, however, some of that will be offset with revenue from the grants.

**Motion made by Supervisor Schultz, seconded by Supervisor Coenen to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY**

12. Budget Adjustment Request (21-048): Reallocation between two or more departments, regardless of amount.

This budget adjustment is to utilize contingency funds to replace the lighting control system in the jail. The current system is failing and it is not possible to find replacement parts, resulting in safety issues for staff and inmates. The product being proposed for this project is currently installed in many major sports stadiums without issues in the installation, operations, or replacement of the light panels. Quotes for parts and installation have been obtained but action must be taken soon as costs and availability of supplies cannot be guaranteed after July 1, 2021.

Delain explained that this micro light system would control all of the lights in each pod. There are 18 panels throughout the jail and Delain knew that they would start to go out so he included just short of \$10,000 in the budget to replace one of these panels. Since then, four additional panels have completely failed and one is in very, very poor condition which is resulting in some serious lighting issues in one of the pods that is almost resulting in safety issues. Delain explained how the micro panel works and said it controls every single light in a pod. With the jail being 20 years old, all of the panels are failing at the same time. There is a reset function in the panel and correctional officers had been able to go to the panel and reset it, but the problem now is that Facilities will not allow staff to go inside the boxes because they are afraid someone could be electrocuted or a fire could start.

Delain talked to Director of Administration Chad Weininger regarding this and was advised to go the route of a budget adjustment from the contingency fund. This budget adjustment will also go to Administration Committee for approval before moving on to the full County Board. Delain talked briefly about other things in the jail that will need to be replaced soon and informed that he will be meeting with Public Works Director Paul Fontecchio to come up with ways to address some of these issues in the 2022 budget.

Motion made by Supervisor Schultz, seconded by Supervisor Kaster to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

13. Sheriff's Report.

a) COVID-19 Update – *Standing Item.*

Delain talked briefly about COVID 19 and said because the CDC guidelines have not changed for jails, they are still doing exactly what they were six months ago. There have not been any issues with staff or inmates getting sick.

Delain also talked about staffing in the jail and said that as of today they are down 17 – 18 correctional officers. Two resigned earlier in the week, both of whom were young employees hired earlier this year. Both of them were certifiable to be police officers and both of them have taken jobs as police officers in other municipalities. Delain has hired in the neighborhood of 12 employees this year, but they are still 18 down and we are only six months into the year. This is the most hires he has ever seen in his 11 years in administration.

Delain continued that he has talked to the County Executive about this and let him know that the jail population is going up and there are likely to be some issues. If nothing changes by Friday, Delain will have to ship females out to any county that will take them to clear out some space to use for males. If they continue to lose correctional officers, the only option will be to shut down floors and ship inmates out. It will be more cost-effective to ship inmates than to pay three shifts of overtime 24/7. If they do not ship females and they stay on pace until the end of the week, that is the position they will be in by Friday. Opening the new pod will help because it is much more efficient; the pod can be run with less staff. Delain does not want to get in a pattern where he is forcing overtime because that will affect morale and he would likely lose more officers.

Delain has advised the County Executive and Director of Administration that they have to figure out something as a county to make the job one that people want to stay in. This is not just about hiring; it is about retaining. Delain said the new generation of employees seem to only be interested in working a Monday through Friday job during daytime hours. They do not want to work holidays, weekends or night shifts and they do not want to do overtime either and Delain has not seen this before in his career. Generations ago people were fighting for overtime and now when overtime is posted, it is hard to fill the slots. Delain does not think this is exclusive to Brown County; the same problem seems to exist at the mills and factories throughout Brown County and the state.

Delain feels the County Board is going to really have to look at the 24/7 operations in the county. He does not have the answer, but it is something that needs to be looked at. Information he gets from exit interviews is that they do not like the hours. Delain said one thing may be to incentivize night and weekend hours.

Kaster asked about staffing the new pod and how many fewer employees will be needed to staff it. Delain responded that the new pod can house 124 inmates and can be run by two officers. He added that the max capacity of the first three floors of the downtown is about 129 and it takes at least four officers to run it plus someone in master control. Kaster agreed with Delain's earlier comments regarding the current generation in the workforce and said it is especially hard at the jail due to the amount of training that needs to be done. Delain noted he has even looked at the potential of hiring retired sworn officers to work part-time, but for them to work in the

jail, they have to go to the jail academy to be certified which is a five week program and then there is still five weeks of training specific to Brown County. He does not feel that retired people are going to commit to two months of full-time training to get a part time job and then also do a minimum of 24 hours of training each year which is required by law.

Delain continued that he has recently hired some sworn officers that came from the jail and are still jail certified. The downside of having these deputies work in the jail is that they would need to be paid at time and a half at the deputy rate which is significantly higher than the pay for correctional officers which will create problems. Delain will only do this if he gets to the point where he cannot even force correctional officers to come in for overtime and it has to be done in order to prevent more officers from leaving.

Schultz believes that due to the expense of the constant background investigations and the training and retraining and the overtime to fill these open positions, the first step the county needs to take as soon as possible is to stop worrying about making them protective status. Delain said the downside to that is that they do not have collective bargaining and once you do that, collective bargaining would be created and that is what the holdup has been.

Kaster asked what the minimum requirement is for someone to become a correctional officer. Delain responded that the only requirement for corrections is a high school diploma. Delain wanted to make it crystal clear that the education requirement they had ten years ago has decreased, but what he absolutely will not compromise on is the standard of the character of the individuals they hire. To be a member of the Brown County Sheriff's Office they have to have good, sound character.

The other item Delain wanted to bring up with the Committee is the state pushing their issues onto the county for housing DOC inmates. The state has been paying recently, but Delain just received word that effective August 1, the DOC will be changing how they will be paying to house inmates. He explained that the jail always has a group of inmates waiting to go to prison and Brown County is allowed to transport inmates every week to prison. Delain mentioned that in the past it would be normal for the jail to house about eight DOC inmates at a time. The DOC cancelled the shipment of inmates in March 2020 which pushed the jail up to about 15 DOC inmates. The DOC has now indicated they will use pre-COVID numbers to determine how many DOC inmates they will pay for. For Brown County, Delain feels the number should be about eight and the DOC will pay for the number of inmates that is beyond the normal number in the jail pre-COVID. Pre-COVID the state did not pay anything to the county for housing inmates awaiting to go to prison. When COVID hit, the state said they would pay the county for housing DOC inmates beginning with the date they are sentenced, but the statutes do not allow that. The statutes say it is the county's responsibility to house DOC inmates until the DOC receives them.

Delain also learned that the DOC will be increasing the number of inmates they take in each week by 10 to decrease the backlog which, at one point, was over 1300 inmates. It is estimated that taking in 10 additional inmates each week will not clear the backlog until September 2022. Delain said the county can only ship the number the DOC will allow to be delivered. The DOC is stopping payment for anything outside the county's pre-COVID numbers. The Support Services Captain is currently extracting numbers from the computer system to get an accurate average to compare with what the DOC says.

**Motion made by Supervisor Lund, seconded by Supervisor Schultz to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY**

Other

14. Audit of bills.

Motion made by Supervisor Lund, seconded by Supervisor Schultz to pay the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

15. Such other matters as authorized by law.

Deneys informed the work group that was formed as a result of the recent joint Public Safety Committee and Planning, Development & Transportation Committee will be meeting on July 14.

16. Adjourn.

Motion made by Supervisor Lund, seconded by Supervisor Kaster to adjourn at 7:52 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Legislative Specialist