

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 Tuesday, March 7, 2023 at the Brown County Sheriff's Office, 2684 Development Drive, Green Bay, WI

Present: Chair Deneys, Supervisor Schultz, Supervisor Coenen, Supervisor Kaster, Supervisor Nicholson
Also Present: Public Safety Communications Assistant Director Amy Shannon, Emergency Management Director Lauri Maki, District Attorney David Lasee, Sheriff Todd Delain, Director of Administration Chad Weininger, Board Chair Patrick Buckley, Clerk of Courts John Vander Leest, Medical Examiner Director of Operations Petra Schwab, Supervisor Dan Theno

I. **Call meeting to order.**

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

II. **Approve/Modify Agenda.**

Motion made by Supervisor Nicholson, seconded by Supervisor Coenen to take Items 10, 11, 14, 15 and 16 following Consent Agenda Items. Vote taken. MOTION CARRIED UNANIMOUSLY

III. **Approve/Modify Minutes of January 31 and special February 15, 2023.**

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

Comments from the Public. None.

Consent Agenda

1. **Minutes of Security and Facilities Committee (November 8, 2022).**
2. **Public Safety Communications Staffing Report.**
3. **Audit of the bills.**

Motion made by Supervisor Kaster, seconded by Supervisor Nicholson to approve Consent Agenda Items. Vote taken. MOTION CARRIED UNANIMOUSLY

Although shown in the proper format here, Items 10, 11, 14, 15 and 16 were taken at this time.

Circuit Courts, Commissioners, Probate.

4. **Director's Report.**

No report; no action required.

District Attorney.

5. **District Attorney's Report.**

District Attorney David Lasee reported his office has been extremely busy with a number of high level jury trials, including three homicide cases. Staffing continues to be a bit of an issue. They are allotted 18 positions but only have 16 on staff. An offer has been made to a law student that will be graduating in May. The temporary ARPA positions are also still open, but they are not getting applicants for those. Lasee is hopeful some of the proposals in the Governor's budget will help with recruiting and retention. Several retirees have been brought back to help with court appearances and issuing backlogged cases.

No action required.

Public Safety Communications.

6. Director's Report.

- a. PSC Supervisor Temporary Work Rule – Emergency Pay for Supervisors.**
- b. PSC Telecommunicator Temporary Work Rule – Emergency Pay.**

Public Safety Communications Assistant Director Amy Shannon informed they are currently down 10.5 telecommunicator positions. They have several offers out and there is a new group starting mid to late April. The supervisor position is still open and there has been difficulty getting qualified applicants.

Shannon also provided updates on several projects. The Cofrin tower is on hold until weather allows work to begin again. Console replacement will start in the Comm Center soon and should take six weeks. Work continues with the Highway Department on radios. The final connection with Oneida fiber was done on March 1 and the final step is for Motorola to connect the system and then add a microwave passthrough for Oneida between the Flintville and Greenleaf towers. Equipment for the airport radio consoles is arriving at Baycomm and they are looking at an early August completion. Shannon also talked about the law radio encryption and noted they are starting to get agencies together to make sure their radios are encrypted.

Shannon continued that there was concern in February about 911 response to Green Bay Schools. Cullen Peltier met with a group from several school districts and that group will continue to meet quarterly. A new mapping program that includes an app that brings up school maps was discussed and there was also discussion regarding school districts giving the Comm Center access to their cameras when there are large events.

The new Prepared Live program was also discussed. This program allows telecommunicators to share a link with a caller who can then click on the link to allow the telecommunicator to see what the caller's camera is seeing. Shannon noted Brown County is one of the centers in the state to adopt this.

Shannon also noted National Telecommunicators Week is April 9 – 15 and more information will be provided on this in April.

The GBPD recently sent an e mail to the Comm Center advising them they may not have a Shift Commander at the desk at all times, particularly on nights and weekends. In these instances, the Road Sergeant would be acting as Shift Commander and they could be either in their car or at the desk. Chair Deneys expressed concern with this as this could shift calls back to the Comm Center and he would like Cullen Peltier to update the Committee on this at the next meeting.

a. PSC Supervisor Temporary Work Rule – Emergency Pay for Supervisors.

Shannon informed this is advisory only and both of these temporary work rules are due to low staffing. Most overtime is happening on overnight hours and a temporary rule was put in place last year that added \$3 per hour to any time worked after 40 hours a week. They would like to keep the \$3 in place for the 6 am to 6 pm shift and increase pay by \$6 per hour for hours worked over 40 during the hours of 6 pm to 6 am.

b. PSC Telecommunicator Temporary Work Rule – Emergency Pay.

This temporary work rule applies to the supervisor position that has been open for almost three years and would provide for an additional \$360 for those covering a 12 hour shift, \$180 for a six hour shift and \$120 for covering a four hour shift.

No action required.

Emergency Management.

7. Director's Report.

Emergency Management Director Lauri Maki updated the Committee on a number of things going on in his department. Assistant Director Sam Martin recently taught several classes. A workshop with numerous community partners and the East River Resiliency Coalition was held in January. Based on feedback they are trying to put together ideas to get funding for river gauges and the associated annual fee.

Maki and his Assistant Director recently attended the Governor's Conference and both received Certified Emergency Manager certifications which was the result of a lot of training and passing a state issued exam. Maki continued that he is on the WEMA board and through that position he is working on trying to increase membership across other sectors. He is also on the state LEPC committee and they recently held their first meeting where they discussed the importance of a guidance document and they are looking at putting something together outlining what an LEPC should be doing and what their goals should be to reinvigorate the LEPCs.

Maki continued that he is working on scheduling Purple Angel training which teaches people how to handle individuals with dementia. He has also been working with Green Bay Fire regarding personal preparedness and the importance of go kits. Planning for Safety Town is also underway and work is continuing on the Austin Straubel exercise which will be held in August.

A walkthrough was done recently with Camera Corner for the EOC project. This project originally came in over budget but adjustments have been made and the proposal is now under the allotted ARPA funds.

Supervisor Nicholson questioned the bidding process for the Camera Corner project as well as the price of the project. Maki responded the current quote is \$141,000 and there was \$150,000 allocated, \$3,000 of which has already been spent upgrading the Wi-Fi in the EOC. Director of Administration Chad Weininger added that the EOC project piggy backed another project being done by Camera Corner for the county which means the vendor had already been vetted for the lowest price.

No action required.

Clerk of Courts.

8. Clerk of Courts Report.

Clerk of Courts John Vander Leest informed a Criminal Justice Coordinating Board (CJCB) meeting was held earlier in the day and there was discussion at that meeting regarding items in the proposed state budget that impact the justice system. The general consensus was to have a letter from the CJCB and its members sent to Madison supporting some of the proposed changes that would help the DA's Office, Public Defender's Office and indirectly the Clerk of Courts. Vander Leest talked about ongoing issues with the Public Defender's Office not being able to appoint attorneys which results in the county having to appoint attorneys at the county's expense. One of the items he is working on is trying to get the ability to be reimbursed for the cases the county is appointing on. Vander Leest noted they will miss the budget in 2022 by about \$200,000 and most of that is due to attorney bills on the public defender cases. Unless there is some corrective action, this is not likely to change. As Legislative Chair of the Clerk of Courts Association, Vander Leest is working on getting numbers from other counties as to how much they pay out for public defender cases.

Supervisor Schultz asked if the state has been billed for the expenses of court appointed attorneys. Vander Leest responded the counties have billed the Public Defender's Office, but they have declined to pay the bills.

No action required.

Medical Examiner

9. Medical Examiner's Report.

Medical Examiner Director of Operations Petra Schwab reported operations are running smoothly. They are fully staffed and have posted for the second Forensic Pathologist position on the county website as well as on the National Association of Medical Examiners website. Schwab noted it is a very competitive market but they hope to see interest soon. She continued that she attended the American Academy of Forensic Science Conference recently and this was a good opportunity to make contacts and sell Brown County. She also was able to see a lot of technology, some of which may be helpful to Brown County in the future. The contract with Versiti has been finalized which makes Brown County a facility that can offer donation services to surrounding counties.

Schwab concluded that they had a meeting today with one of the new overdose investigators and she feels the program is going to be very beneficial to the county.

No action required.

Sheriff

10. Sheriff's Report.

Sheriff Todd Delain talked about staffing and informed they are down to 29 openings for Correctional Officers which is far better than the 40 positions they were down at the beginning of the year. Six Correctional Officers will be starting in April. Delain feels the action of the Public Safety Committee and County Board in terms of wages has really paid off and helped with staffing issues. He also noted overtime in the jail is down and forced overtime is way down. On the sworn side, there have been some retirements recently with several more coming up, but Delain is not overly concerned about openings in patrol.

No action required.

a. Public Notice of Controlled Items that may be requested through the U.S. Department of Defense Law Enforcement Support Office (LESO) program.

This is related to the 1033 Program the Sheriff's Office has been participating in for a number of years. Delain is a strong supporter of this program and noted the Sheriff's Office has received a number of items through the program including armored vehicles, weapon sighting systems and less lethal launchers. The program requires a public notice related to controlled items and items the Sheriff's Office. Delain is requesting approval of his decision to get these items if they become available.

Motion made by Supervisor Schultz, seconded by Supervisor Nicholson to approve public notice and controlled item list. Vote taken. MOTION CARRIED UNANIMOUSLY

11. Courthouse Secure Entrance update – *Standing Item.*

Delain informed he met with Facilities and has designated representatives who will be the point of contact. The project continues to move forward and they are working on getting the county's representative identified which will happen through the regular administrative process.

No action required.

Action Items Including Proposed Resolutions, Ordinances and Budget Adjustments.

12. Emergency Management – Discussion and possible action re: State of Wisconsin Department of Military Affairs Division of Emergency Management Funding Consent Agreement.

Maki informed he needs Committee approval to sign this Agreement. The purpose of the agreement is to ensure the state is spending SHSP funding in ways that benefit local communities. There is no

cost or liability to the county for signing this Agreement and it can be terminated by either party with 60 days' written notice.

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

- 13. Public Safety Communications – Budget Adjustment Request (23-075): Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation.**

This Budget Adjustment is to eliminate the non-supervisory portion of Employee Clothing Allowance and increase regular earnings by \$17,360 for Public Safety. This adjustment will fund an increase for on-call pay to employees who are requested to be scheduled for four on-call weeks during the year. Currently, compensation for an on-call week is at \$50 for the week. This Budget Adjustment will increase their on-call compensation to \$120 per week.

Motion made by Supervisor Nicholson, seconded by Supervisor Schultz to approve Budget Adjustment 23-075 in the amount of \$17,360. Vote taken. MOTION CARRIED UNANIMOUSLY

- 14. Sheriff – Budget Adjustment Request (23-081): Any increase in expenses with an offsetting increase in revenue.**

This Budget Adjustment is to increase federal grant revenue to fund SWAT Team members to travel in order to evaluate other area ALERT SWAT Teams tactics, equipment and leadership and ultimately their ability to provide a mission capable response wherever and whenever needed in the State of Wisconsin in accordance with ALERT.

Motion made by Supervisor Kaster, seconded by Supervisor Nicholson to approve Budget Adjustment 23-081 in the amount of \$3,500.00. Vote taken. MOTION CARRIED UNANIMOUSLY

- 15. Sheriff – Budget Adjustment Request (23-082): Any increase in expenses with an offsetting increase in revenue.**

This Budget Adjustment is to recognize new revenue from the State of Wisconsin – Local Law Agency Grant to be used to fund three years of operation and installation of license plate readers in Brown County, as well as fund the outlay (X-Ray Scanning Device), equipment, non-outlay, and supply items needed for the Single Point Entrance addition to the Courthouse.

Motion made by Supervisor Schultz, seconded by Supervisor Kaster to approve Budget Adjustment 23-082 in the amount of \$262,606. Vote taken. MOTION CARRIED UNANIMOUSLY

- 16. Sheriff – ARPA Project Reallocation Request.**

Delain informed the price of the inmate transport vehicle came in \$43,453 over what was allocated. There is \$143,845 leftover from the firing range remodel and Delain would like to take the \$43,453 for the transport vehicle from the funds left from the firing range project. He noted the firing range work has been completed and the range is now operational.

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

- 17. Resolution Approving Budget Carryover Request from 2022 Budget to 2023 Budget.**

Weininger informed all carryovers are items that have already been approved through the budget process but they have not been carried out yet so they are being carried over to 2023.

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

Communications

- 18. Communication from Chairman Buckley: Request the Brown County judges to work with the Sheriff on a list of standard court procedures that can be conducted via zoom (zoom like) to cut down on unnecessary transports for safety and manpower. Motion at January 31 meeting: To hold for one month.**

Deneys informed Zoom hearings were discussed earlier at the CJC meeting. Part of the problem is that there are certain hearings that can be done by Zoom and others that cannot be done by Zoom. Further, it is up to each judge to allow Zoom hearings. Supervisor Coenen added that people have a right to be present in court if they wish.

Buckley's concern is transportation costs associated with bringing defendants to in-person hearings. He would like a list of what types of hearing can be done virtually and what types require attendance in person. He commented that at some point the courts are going to want more staff members or to give their staff raises, but if they are not willing to cooperate by cutting costs, Buckley will not vote for increases. Lasee responded that if a judge is going to engage in a plea or sentencing, they like the defendant to be there in person, but there are a lot of things like status conferences and scheduling conferences that can be done virtually.

Coenen asked if there is an issue with the quality of virtual meetings in any of the courtrooms from a technology standpoint. Lasee responded there are not technology issues, but there are times when prison staff do not make a defendant available for a hearing for various reasons. Coenen does not think it is a bad idea to show the judges respect and just ask them about this rather than going right to the purse strings.

Deneys is aware Judge Hock has brought this up at judges' meetings, but at this time we do not have information as to costs. He asked Vander Leest for information as to which judges are doing Zoom and which are not. Vander Leest responded the majority of judges are doing status conferences by Zoom and noted there is not an easy way to extract the data Deneys is looking for.

Buckley suggested we direct the Sheriff to put together a cost impact study as to what transport costs, are including transport, gas, mileage, staff, etc. from the Brown County Jail and other facilities and then do a formal request by letter to the judges that hearings that can be done virtually be done virtually and if they do not want to agree, ask them to provide the reasons why.

Coenen would like to have the Clerk of Courts office provide information for the next month as to how many status conferences are being done by Zoom and how many are not. Vander Leest thinks there is only one branch that is not doing Zoom. Coenen would like information for each branch as to what percentage of hearings they are doing via Zoom so we have the appropriate information to send in a letter to the judges.

Motion made by Supervisor Coenen, seconded by Supervisor Nicholson to direct Clerk of Courts to compile data on which branches are doing Zoom hearings and which are doing in-person hearings for all hearing types. Motion withdrawn; no vote taken.

Lasee noted the data being requested is not readily available as CCAP does not break down in custody hearings. Vander Leest does not feel it is worth his time or his staff's time to attempt to compile the data, because he knows that seven of the eight branches are doing Zoom.

Supervisor Kaster feels the information being requested has to be available someplace. Vander Leest does not feel the information is going to be of value as he already knows seven of the eight branches are doing Zoom. Coenen noted she has to report back to her constituents and she needs concrete data to do so.

Schultz feels an easier way to get the information may be to ask the Sheriff's Department to compile the number of transports to each branch.

At this time, Coenen withdrew her earlier motion.

Motion made by Supervisor Coenen, seconded by Supervisor Nicholson to direct the Sheriff's Department to compile the number of transports to each individual branch. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Coenen, seconded by Supervisor Nicholson to direct the Clerk of Courts to provide the total number of criminal cases per branch for the next month. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Nicholson, seconded by Supervisor Coenen to direct the Sheriff's Department to provide a breakdown of costs for local transports and out of county transports to the courthouse, including all expenses with possible action. Vote taken. MOTION CARRIED UNANIMOUSLY

- 19. Communication from Chairman Buckley: Review court costs incurred by Brown County due to the State Public Defender's Office not being able to assign attorneys in a timely manner and start billing the State of Wisconsin for re-imbursement as it relates to court appointed attorneys. Referred from February County Board.**

Buckley would like the Clerk of Courts to provide a breakdown for 2022 of the number of attorneys that were hired and paid by the county that should have been taken care of by the Public Defender's Office, broken down by the judges who assigned the private bar attorneys. He would also like an ongoing monthly report for 2023 of what it is costing the county per judge to hire these attorneys that should be paid through the Public Defender's Office and what the billing is for cases that should be covered by the Public Defender's Office. There are judges that work for the State of Wisconsin writing checks on behalf of Brown County instead of writing checks on behalf of the state.

Coenen feels billing the state would send a statement and she does not have a problem doing so.

Motion made by Supervisor Nicholson, seconded by Supervisor Schultz to have Clerk of Courts provide numbers from 2022 for all court appointed attorneys that should have been picked up by the Public Defender's Office by Judge and provide monthly totals for 2023 and use that information to bill the state. Vote taken. MOTION CARRIED UNANIMOUSLY

- 20. Communication from Chairman Buckley: Request for information why the City of Green Bay chose not to participate in the National Opioid Lawsuit. In which the City of Green Bay could have brought potentially over \$1,000,000 to help fight this crisis. Especially with the majority of the overdose deaths happening in the the City of Green Bay. Referred from February County Board.**

Buckley appreciates the county adding two officers to the DTF, but is frustrated that the City of Green Bay, where the majority of overdose deaths take place, did not opt into the opioid lawsuit which could have provided funds to help fight the opioid crisis. There were 33 overdose deaths in Green Bay in 2018 and 109 in 2022. Homicides have also been steadily increasing since 2017 with the majority being in the City and Buckley feels overdose deaths are technically homicides because someone provided these people with the drugs that killed them. For all the work the DTF, Medical Examiner's Office and Human Services is doing to try to combat this, the City is doing nothing.

Buckley continued that the county joined the opioid lawsuit in 2019 and the city chose to go a different way. In September 2022 the court ruled against the negotiating class the city was involved in and said it was not equitable to the opioid settlement. The city then had over nine months to join the same suit the county joined but they chose not to.

Buckley would like Corporation Counsel to draft a resolution or request to the City of Green Bay to either provide the county with a dollar amount to help fight the opioid crisis and/or a body from their Police Department to work with the DTF officers the county hired.

Supervisor Nicholson commented that the leadership at the city during the timeframe Buckley is talking about needs to be considered as they were more concerned with social issues than finances and leadership.

Kaster agrees this needs to go to all council members so they know about it. Schultz agrees with Buckley but questions the authority of Corporation Counsel to request staff from the city. Buckley feels as a resident of the city, it is his obligation to point this out. Coenen agrees with Buckley's position but is not optimistic anything is going to happen.

Motion made by Supervisor Nicholson, seconded by Supervisor Kaster to request Corporation Counsel draft a resolution or request to the Mayor and City Council members to provide a dollar amount of at least \$1,000,000.00 to help fight the opioid crisis and/or a body from their Police Department to work with the people Brown County hired to fight this opioid crisis. Vote taken. MOTION CARRIED UNANIMOUSLY

- 21. Communication from Supervisor Theno: Request the Public Safety Committee to seek input from the DA, the Sheriff, the Circuit Courts, the Public Defender's Office and the Clerk of Courts as to why there exists a continual backlog of nearly 4,000 cases in the Brown County judicial branch. Request further that the committee recommend actions that the county and the state can take to mitigate such backlogs now and in the future. Referred from February County Board.**

Supervisor Theno informed when he heard there was a continuous backlog of 4000 cases in the DA's office it raised questions as to where the problems and bottlenecks are. He feels there needs to be a coordinated effort to look at the problems and encouraged the committee to continue on with some of the discussions that occurred earlier in the day at the CJC meeting as this situation is costing the county money. The cost per day for an inmate in our jail is nearly \$60 and Theno believes some of those people should be adjudicated and others should be in the state prison system. He questions if this backlog is denying justice to people. Theno is willing to contribute what he can to help with this problem.

Nicholson informed there are a lot of moving parts to this. There are judges that could use some help, bonding is an issue and the lack of public defenders also plays into this. Schultz pointed out it this is complicated and many of the issues are with the state.

Buckley would like to know from Criminal Justice Services how many of the people that are getting non-cash bonds are reoffending and how many on the bracelet are reoffending. He feels we need to know how many defendants there are in the backlogged cases. More data is needed to help us go in the right direction.

Lasee noted the backlog when he took over was 3000 cases. The current backlog of 4000 cases consists of referrals that have been sent to the DA's office by law enforcement that there is no formal decision on in the system yet. His guess is that a decision has already been made on about 1000 of the cases but it has not been documented yet. There is also the backlog of existing cases in filed status. There is no room in the court system to pile in all of the backlogged cases.

Lasee continued that the CJC is supposed to be looking at this. Every part of the system is represented on the CJC, but nobody on that committee has the ability to take the lead on this as they all are doing their regular jobs with high caseloads.

Deneys informed the conversation at this morning's CJC meeting was similar to the conversation taking place here regarding not having enough attorneys to take public defender cases due to the low pay. It was decided at CJC that Deputy Executive Jeff Flynt would draft a letter to the state on behalf of the CJC to look at the positive points from both sides. This letter will likely address most, if not all of the issues being discussed tonight. Deneys suggested that committee direct Corporation Counsel to draft a resolution similar to the letter being drafted to be sent to the state. Lasee informed he has received a copy of the proposed letter from Flynt and it brings up some of the things that would be beneficial.

Lasee feels once Flynt's letter is finalized, sending a resolution to the state would be a good idea and making phone calls asking for support may also be helpful. Buckley added that he talked to legislators from the area at the recent Legislative Conference in Madison about this topic and he feels we also need to push WCA to make this a priority.

Motion made by Chair Deneys, seconded by Supervisor Coenen to direct Corporation Counsel to put together a resolution in support of the issues outlined in Jeff Flynt's letter. Vote taken.
MOTION CARRIED UNANIMOUSLY

Other

22. Such other matters as authorized by law.

Deneys reminded the next Public Safety Committee meeting will take place on March 27, 2023.

23. Adjourn.

Motion made by Supervisor Kaster, seconded by Supervisor Schultz to adjourn at 8:30 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Legislative Specialist

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Brown County

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Todd J. Delain
Sheriff

CONTROLLED ITEM – PUBLIC NOTICE

The Brown County Sheriff's Office is enrolled in the U.S. Department of Defense Law Enforcement Support Office (LESO) Program, formerly known as the 1033 Program. The program permits the Secretary of the Defense to transfer excess Department of Defense supplies and equipment to state and local law enforcement agencies for use in their law enforcement duties. This property is procured at no cost to the agency with the exception of shipping and transportation costs. The type of property available includes, but is not limited to; tactical gear, vehicles, watercraft, weapons, night vision, exercise equipment, office furniture, clothing, and other miscellaneous items. All equipment must be strictly accounted for.

CONTROLLED ITEMS REQUESTED

The Brown County Sheriff's Office must publicly submit a list of Controlled Property items requested for use. The following is a list of Controlled Property items we may request if the items become available:

- Armored Vehicle/SUV
- Specialized Firearms and Ammunition – Less Lethal Launchers, Shotguns, Rifles
- Breaching Apparatus
- Robotic Equipment/Surveillance/Unmanned Aerial Vehicle
- Night Vision/Thermal Imaging Equipment
- Weapon Sighting Systems

USE OF EQUIPMENT

The intended use of the controlled items include but are not limited to: disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief; dignitary escort protection.

A handwritten signature in black ink that reads "Todd J. Delain".

Sheriff Todd Delain
Brown County Sheriff's Office