

# BOARD OF SUPERVISORS

## Brown County



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**SUPERVISED RELEASE COMMITTEE**

### SUPERVISED RELEASE COMMITTEE

Formed Pursuant to Wis. Stats. Sec. 980.08

#### Meeting Minutes from:

Friday, April 16, 2021

3:00 PM

ROOM 200, NORTHERN BUILDING

***The Public may Attend this Meeting IN-PERSON by going to Room 200 of the Brown County Northern Building, located at 305 E Walnut St, Green Bay, WI 54301. Social distancing will be practiced, and masks will be available.***

***Committee Members may Attend this Committee Meeting VIRTUALLY by utilizing Microsoft WebEx (this provides two-way Audio and Video Access). PLEASE LOG-IN 15 MINUTES EARLY! NOTE: Committee members may Virtually Attend this meeting in any location they desire that has sufficient internet access, and any Committee Member that wishes to may go to Room 200 of the Brown County Northern Building, located at 305 E Walnut St, Green Bay, WI 54301, where they may Virtually log-in to this Virtual Meeting. Internet access will be available, and social distancing will be practiced, in Room 200. NOTE: Technical Support will no longer be provided in Room 200. Committee Members needing Technical Support should call the Brown County Department of Technology Services Help Line at (920) 448-4030.***

### **NOTICE IS HEREBY GIVEN THAT THE COMMITTEE MAY TAKE ACTION ON ANY ITEM LISTED ON THE AGENDA**

- I. Call Meeting to Order. At 3.23pm
  - II. Roll Call and Establishment of Quorum: Quorum present,
  - III. Approve/Modify Agenda. Motion to approve the agenda by Ian Agar and 2<sup>nd</sup> by Mick Chase. Approved.
  - IV. Approve/Modify Minutes of Last Meeting (Attached). Motion to approve minutes from last meeting by Devin Yoder and 2<sup>nd</sup> by Alyssa Liebergen. Approved.
  - V. Public Comment: Mr. Trabert made comment and left a copy of his comments for entry into the record.
1. Closed Session – Discussion of Specific Supervised Release Cases, as follows:
    - a. **OPEN SESSION:** Motion and Recorded Vote pursuant to Wis. Stats. Sec. 19.85(1), regarding going into closed session pursuant to: 1. Wis. Stats. Sec. 19.85(1)(g), i.e. conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; and 2. Wis. Stats. Sec. 19.85(1)(f), i.e. considering financial, medical, social or personal histories of specific persons, which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, in particular, to discuss and apply confidential information and statutory factors to specific offender cases to develop potential placements for supervised release per Wis. Stat. Sec. 980.08(4)(dm). Motion to go into closed session made by Ian Agar and 2<sup>nd</sup> by Mick

Chase. Approved.

- b. CONVENE INTO CLOSED SESSION: Pursuant to Wis. Stats. Sec. 19.85(1)(g), the Supervised Release Committee shall convene into closed session to discuss Specific Supervised Release Cases, including discussing and applying confidential information and statutory factors to Specific Supervised Release cases to develop potential placements for supervised release per Wis. Stat. Sec. 980.08(4)(dm). Motion to return to open session made by Mick CAHSE AND 2<sup>ND</sup> BY Devin Yoder. Approved.
  - c. RECONVENE INTO OPEN SESSION: The Supervised Release Committee shall reconvene into open session for possible voting and/or other action resulting from discussing and applying confidential information and statutory factors to Specific Supervised Release cases to develop potential placements for supervised release per Wis. Stat. Sec. 980.08(4)(dm).
2. Identification of Properties Meeting Statutory Placement Criteria. A motion to Table this item was made by Ian Agar and 2<sup>nd</sup> by Devin Yoder. Approved.
  3. Discussion of Items for Next Agenda. None noted. Motion to adjourn by Ian Agar and 2<sup>nd</sup> by Alyssa Liebergen. Approved
  4. Adjourn. Next meeting set for 4-30-2021 at 9am.

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda. Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

For Public Comment to Brown County Supervised Release Committee meeting 4/16/21 3:00 pm

The posted agenda for this meeting includes "Item IV. Approve/Modify Minutes of Last Meeting (Attached)", yet there are no attachments online. Please explain and correct this omission. The minutes of this Committee's March 26, 2021 meeting must include the presented written Public Comment and its referenced attachments, which were also submitted in person in writing during Public Comments at the March 26, 2021 meeting for complete and accurate inclusion in those meeting minutes.

The first agenda item for this meeting is a Closed Session for "Discussion of Specific Supervised Release Cases", which is not a statutory objective of this Committee. The Supervised Release Committee's (SRC) evaluation of specific properties to identify an appropriate residential option according to Wisconsin Statutes Section 980.08(4)(dm) does not require application of any confidential information nor details of any individual's Supervised Release Treatment Plan. Thus, this topic does not qualify for the stated exemption from Wisconsin Open Meetings law. This is further explained in a letter from Brown County Corporate Council Attorney David Hemery, which we presented with Public Comment in this Committee's March 26, 2021 meeting. It should thus be included in this Committee's March 26, 2021 meeting minutes just now approved and soon to be posted publicly.

Quoting Corporate Council Attorney Hemery:

"We note here that the statutory obligation of the SRC is to identify locations that meet statutory criteria, as opposed to actually placing an individual in any specific location (placement is a court determination, and the SRC is not a party to the court action where that determination is made). Once the SRC identifies location(s) that meet statutory criteria, the SRC submits its Report to the DHS which is a party to the court proceeding where the placement determination is made for use in said court proceeding."

Addresses of properties under consideration <sup>BY THIS COMMITTEE</sup> have in the past been discussed and communicated with some members of the public, even prior to their approval. Unfortunately, this has usually been for the purpose of engaging a select member of the public to secretly purchase a potential property for lease to the Wisconsin Department of Health Services (DHS).

We respectfully request that this committee identify, in open session of this public meeting, by legal addresses, any and all properties under consideration as potential residence options for satisfying this committee's statutory objectives.

We further request that the addresses of these properties be clearly identified in the minutes of this meeting.

Door County is pursuing an approach that is open to the public and which addresses both the objective of identifying statutory locations and of protecting the public safety.

Has this Committee considered that approach?

If so, what progress has been made?

If not, why not?

WE RESPECTFULLY REQUEST ANSWERS TO OUR REQUESTS AND THESE QUESTIONS IN OPEN  
Submitted in writing for complete and accurate inclusion this meeting's minutes, <sup>SESSION OF THIS MEETING</sup>  
Barb & John Trabert <sup>AND IN ITS MINUTES.</sup>

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