

Minutes

Law Enforcement/Emergency Management Committee

May 3, 2010

Members present: Rob Reichwein, Dick Miller, Olin Fimreite, David Suchla and John Aasen.

Also present: Emergency Management Director Dan Schreiner, Sheriff Richard Anderson, Chief Deputy Brian Puent, Jail Administrator Tonya Niederkorn, Director of Human Resources Jami Kabus, and Director of Health, Human Services Jeff McIntyre, Judge John Damon and Corporation Counsel Laverne Michalak.

The meeting was called to order by Reichwein at 2:33 p.m. stating proper posting and notification has met open meeting requirements. Motion by Miller and seconded by Aasen. Motion carried 5-0.

Motion by Suchla and seconded by Aasen to accept the March 17, 2010 meeting minutes as submitted. Motion carried 5-0.

Intro to Emergency Management

Schreiner advised that he was going to provide the committee with a brief overview of the responsibilities of the Emergency Management Director. Schreiner provided committee members with a copy of the 2010 Plan of Work for Trempealeau County which outlines the requirements that need to be completed during the 2010 fiscal year. The Plan of Work includes planning, training, exercising, outreach, Local Emergency Planning Committee (LEPC) administrative requirements, POW and disaster grant administration and local initiatives.

There are currently 23 facilities within Trempealeau County that require off-site plans because of the hazardous chemicals stored at the facility. Schreiner advised he updates a minimum of three plans every six months.

Schreiner is attempting to get the Environmental Protection Agency to return to Trempealeau County for a full-scale exercise of an ammonia spill at Gold'n Plump. A recent table top exercise identified some potential issues regarding response to an ammonia spill at Gold'n Plump.

Schreiner advised an important part of his position is to act as a liaison between the different emergency response agencies within Trempealeau County. He is currently working with the Trempealeau County Fire Association regarding an equipment grant that was received by the group and ensuring that all requirements are met in conjunction with that grant.

Suchla asked Schreiner what his number one priority is. Schreiner advised attempting to determine what the main problem is for response to public emergencies. Schreiner advised the largest problem for responding to emergencies is the communication system utilized by emergency response agencies. Schreiner advised there is a guarantee in the contract for the new communication system that Trempealeau County does not pay for the system unless it meets the standards indicated in the proposal. It was discussed that testing phase for the communication system would be a good time to plan a training exercise in order to test the communication system. The communication project is expected to be completed within 18 to 24 months. Schreiner further advised that there is a lot of work left in this project but he feels it is an exciting time and Trempealeau County will be better off when the project is completed.

Schreiner advised it is also important that he meets the requirements outlined in the Plan of Work in order to ensure State funding for Trempealeau County.

E911 Signs

Schreiner advised he is currently working with Martin Goettl to replace all of the remaining red 911 signs with blue 911 signs. Schreiner advised in order to improve accuracy townships are not longer able to order the signs themselves. They also called in all the signs that were previously stored at town shops and found that there were 73 duplicates. Currently the only way to order a new sign is through a permit for new building or through Goettl's office. The signs will be delivered to Goettl's office and Schreiner will then install the signs. The reason for the change was a guarantee from the manufacture that the blue signs will not fade at the same rate as the red signs, many of which had become unreadable from fading. Schreiner advised that this project has been ongoing for many years but they are currently working on completion of this transition. The sign is crucial in ensuring that emergency services are able to respond to the correct location.

Schreiner further advised that through attrition they will be changing from the wide sided signs to a banner style sign with the address on both sides.

Future Vehicle

Schreiner advised he would like the committee to consider the next time that Land Management is ready to trade a four-wheel drive vehicle that his department be able to obtain it. He further advised that he is often required to transport equipment and sign posts which are difficult to fit into the Ford Taurus that he is currently utilizing. Schreiner advised that there may also be times when he will need to tow a boat to respond to emergency situations.

The committee advised Schreiner to inquire with Land Management to determine if he can utilize one of the Land Management vehicles when they are not being utilized by that department. Suchla further advised that he will bring this up with the Executive/Finance Committee.

State Criminal Alien Assistance Program (SCAAP) Grant

Lt. Niederkorn and Chief Deputy Puent advised the committee about the SCAAP Grant. This is a grant given to County Jails through the Bureau of Justice Assistance. The grant reimburses some fees based on the number of aliens housed in the county jail through a particular time period. The grant has been submitted for review but the grant reward amount is not yet known.

There were approximately 29 inmates that met the criteria for the grant. Inmates must be in-custody for at least four days. They must have a felony or at least two misdemeanor convictions. The grant application requested total bed days for inmates that met the criteria plus the wages for correctional personnel. The grant monies are specific, requiring that funds be applied for correctional purposes.

This is the first time the Sheriff's Office has submitted for this grant. Aasen questioned why the grant application was not previously completed. Lt. Niederkorn advised that the grant requires that a lot of information be gathered and there is a very short window for completion of the application.

The committee requested more research on what the grant monies could be utilized for, specifically if the grant funds could be utilized to off-set the jail's portion of the county levy.

Jail Discussion

Size / Double Bunking – Lt. Niederkorn advised that double-bunking is currently utilized in C, D, E, and F-blocks. There are currently three inmates being housed in C and F-blocks and seven inmates being housed in D and E blocks. Suchla advised that this topic for discussion is to determine how many inmates can be housed in each cellblock, based on DOC standards.

Suchla further requested to measure the square footage area of each cellblock. It was also determined that it may be a good idea for the entire committee to tour the jail facility.

Criminal Justice Coordinating Council

Justice Sanctions Discussion – Suchla questioned how the CJCC was established and who was put on that committee. Miller advised that he has discussed this with the new County Board chair who would appoint this committee. Miller was previously requested to chair that committee and the County Board Chair has asked him to continue to chair the committee. The committee consisted of the Executive/Finance Committee, community members and representatives from each entity within the justice system.

Suchla advised he would like to see a committee developed for Justice Sanctions. Suchla advised that he spoke with La Crosse County and they advised it was very critical when they setup their committee that only one individual from each area of the justice system be appointed to that committee. Suchla questioned if Justice Sanctions should continue to be reviewed under the CJCC or another committee. Miller advised that the CJCC does not have one sole purpose but rather was established to review and evaluate the entire Criminal Justice System.

Judge Damon advised that a sub-committee could be developed to conduct further research on Justice Sanctions or other alternative programs. This sub-committee could then report back to the entire CJCC.

Suchla suggested that Fimreite contact La Crosse County to determine how their committee was setup.

Suchla further advised that in his opinion the problem with the current alternative programs is that they are all "loose" and he feels that it would be beneficial if they were all brought together.

Miller advised he would like the CJCC to evaluate what we are doing, what services are being provided and the dollars that are being sent.

Suchla advised that Rock, Bayfield and Marathon County each have one individual running their alternative programs and the other services are being contracted through outside agencies.

Fimreite advised he thinks Jane Klekamp has a good program in La Crosse County. He advised that the Justice Sanctions program is treating people rather than just keeping them in a brick house where they will not get better. Sheriff Anderson advised he agrees that inmates need treatment. He further advised it is his understanding that cost of the Justice Sanctions Program has increased substantially.

Department Efficiency Comparisons

How to Compare – Suchla advised that there was some discussion before the election to look at the Sheriff's Department in terms of efficiencies. He further advised that he realizes it is not inherently an office to operate efficiently because anytime you are dealing with emergency services there will be some down time. Suchla advised that he would like to do a comparison with eight other counties, taking into consideration differing factors between these counties. The eight counties would be those used by arbitrators.

Reichwein advised his opinion is that anytime you don't evaluate something you don't make it any better. He further advised he is not against a comparison.

Miller questioned what type of instrument will be utilized to conduct this comparison. The committee was advised that there are a lot of factors to take into consideration when evaluating this information and that not all agencies operate the same way.

Miller suggested a special meeting to discuss the parameters of this type of evaluation. Suchla suggested speaking with someone from UW-Extension to conduct this system.

Motion by Miller and seconded by Fimreite to contact a representative of the UW-Extension office to discuss the parameters and evaluation tool for this comparison. Motion carried 5-0.

Hiring Resolution

The committee was advised that they each have a copy of the resolution in their packets. Motion by Suchla and seconded by Aasen to approve the Hiring Resolution as submitted. (See discussion and subsequent motion before there was a vote on this motion).

Miller questioned the reasoning behind this resolution. Suchla advised that he has received some complaints. Miller questioned if Suchla could tell him about the complaint and Suchla advised that he could not at this time. Sheriff Anderson asked for clarification on what the resolution states. Suchla advised that when the Sheriff and Human Resources have completed the hiring process it comes back to the committee for their final approval, to determine if this is a good hire or not a good hire.

Sheriff Anderson asked Kabus to explain the current hiring process. Once the personnel requisitions have gone through all of the committees the position is posted internally. If there is no internal interest the position is advertised through newspaper ads and WILENET (Law Enforcement websites). Kabus advised that before she came on board the hiring varied by office/department. The hiring process is now centralized and all recruitment goes through the Human Resources Department. Applications are submitted to and processed within the Human Resources Department. Initial applications are then reviewed to ensure that applicants have the necessary qualifications. For law enforcement positions, applicants are then required to complete a test, dependant on the position being filled. Based on test results, the first round of interviews are scheduled to narrow down the list of applicants. Based on the results of first round interviews the top applicants then complete a second round of interviews. Before an individual is hired for a position they must complete a personnel evaluation, background check and pre-employment physical and drug screening. Miller questioned the standard practice in the county in terms of filling positions. Kabus advised after the personnel requisitions are approved, advertisement and applications are received then the department head, immediate supervisor and Kabus typically participate in interviews and they hire from there. Miller questioned if it is consistent throughout the county and Kabus advised it is. Sheriff Anderson advised when going through the process with the initial interview he had asked the Law Enforcement/Emergency Management Chair at that time to sit in on the interviews but she chose not to.

There was continued discussion regarding the complaint that prompted this resolution. Suchla advised that he did not feel comfortable about providing details about the complaint. Sheriff Anderson further advised that he is open to asking the Law Enforcement / Emergency Management Committee Chair or Vice-Chair to sit on the interview process. There was discussion about going into closed session. There was further discussion about tabling this topic

until the June Law Enforcement/Emergency Management Meeting. Suchla advised if it is tabled until the next meeting it will be too late.

Motion by Miller and seconded by Fimreite to table this topic until the June Law Enforcement / Emergency Management meeting. Reichwein requested a voice vote. Reichwein advised he did not hear a vote. Aasen advised he abstained. Reichwein requested a roll-call vote Aasen, abstained; Miller, yes; Suchla, no; Fimreite, no; and Reichwein, yes. Motion failed.

The committee now returned to the original motion approving the resolution. There was continued discussion regarding going into closed session. Michalak advised the agenda does not contain anything about going into closed session. The committee could go into closed session but would not be able to come out of closed session to complete business on the agenda. Michalak advised that in order to go into closed session there has to be something that fits one of the exceptions to open meeting law. He further advised that to go into closed session it would need to be taken up as the last item because once the committee goes into closed session they cannot come back out into open session again because it is not on the agenda.

Suchla advised he feels this is a minor thing and would ask that the committee members vote in favor of the resolution. He further advised if anyone had any questions he would talk to them about it in closed session but stated he could not talk about it at this time.

Motion by Suchla and seconded by Aasen to approve the Hiring Resolution as submitted. Reichwein called for a voice vote but was unable to determine an outcome. Reichwein then called for a roll call vote. Aasen, yes; Miller, no; Suchla, yes; Fimreite, yes; and Reichwein, no.

Miller expressed his disappointment in the lack of discussion/information regarding the reason for this resolution.

Corporation Counsel Michalak reviewed information on going into closed session. Michalak advised he did not feel that this discussion would meet the requirements of going into closed session. Suchla advised his concern is retaliation. Michalak advised he can contact the Attorney General's Office regarding discussing this matter at the County Board Meeting.

Jail Addresses

Lt. Niederkorn advised she wanted to briefly review the function of the jail. In most states, the operation of the county jail is the Sheriff's responsibility. Statutes typically identify the Sheriff as the "keeper" of the jail. The Sheriff is ultimately responsible for securing resources for the jail and ensuring the jail is operated in a safe, secure, humane, and legal manner.

Purpose of the Jail

- To receive & process people arrested & taken into custody by law enforcement;
- To hold accused law violators to ensure their appearance at court;
- To hold offenders convicted of lesser offenses, usually misdemeanors, but also felons as a court ordered sanction;
- To hold individuals remanded by the Court for civil contempt;
- To hold offenders for other jurisdictions or those awaiting transfer to prison or other facilities

Function

Individuals who are not released after intake or following their initial court appearance generally are those charged with serious offenses, which represent a public safety risk. The jail houses pretrial population along with inmates sentenced to jail. Although the goal of incarceration is to discourage offenders from committing future criminal acts, rehabilitation and reintegration are sometimes considered secondary goals of incarceration, and within constraints of available resources, many jails do make an effort to provide inmates with opportunities for self-help and change to deter future criminal behavior.

Role in Criminal Justice System

Jails serve multiple law enforcement agencies in the community, including local law enforcement, state police, conservation officers, and federal authorities. Jails also serve prosecutors, the courts, and probation/parole. The jail serves these entities by holding the following groups in custody:

- New arrestees pending arraignment, trial, conviction, and sentencing;
- Offenders sentenced to jail time;

- Persons accused of probation, parole, or bail bond violations pending revocation proceedings;
- Offenders sentenced as a sanction for probation or parole violations;
- Convicted offenders awaiting transfer to state or federal institutions;
- Illegal immigrants pending transfer to federal authorities;
- Offenders in the armed services awaiting transfer to military authorities;
- Offenders held for violations of court ordered conditions such as failure to pay fines, contempt, failure to appear in court, violations of restraining orders, and failure to attend counseling;
- Detainees held under contract for other local, state, or federal jurisdictions;
- Witnesses for court;
- Offenders held for state or federal authorities under a contract agreement or because the state or federal facilities cannot accept new inmates because of overcrowding;
- Juveniles charged as adults.

Jail Characteristics

Jails manage a broad cross section of people which include males, females, adults (17 years +), the dangerous, the vulnerable, the minor offender and the serious offender, the physically fragile and the mentally ill, and the chemically addicted.

Length of Stay

The jail has little control over the number or types of inmates it holds or how long they stay. The criminal justice agencies the jail services – law enforcement, prosecutors, courts, probation, etc. – and case processing will largely determine how long the person stays in custody. Laws, criminal penalties, and public attitude also influence the use of the jail. Currently, Trempealeau County’s average length of stay is approximately 17 days.

Jail Liability

The Sheriff has certain “affirmative duties” regarding the safety and well-being of the community and inmates in his/her custody. Deliberate indifference to these duties is typically basis of liability when conditions and/or practices are challenged in court. These duties include:

- Protecting the community from harm;
- Protecting incarcerated from harm;
- Providing “due care” to protect the incarcerated from conditions that could result in harm such as:
 1. Medical conditions;
 2. Mental health conditions;
 3. Self-harming behaviors;
 4. Inadequate confinement, security, or supervision;
 5. Environmental hazards.

Jail Standards

Jail Standards provide guidelines concerning jail operations and the treatment of inmates in an effort to reduce the County’s exposure to liability. These standards typically outline the requirements for both the construction and operation of local jails. American Correctional Association is perhaps the most widely recognized professional standards. Wisconsin Jails operate under the guidelines of DOC 350 along with State Statutes and have annual jail inspections monitoring compliance with the standards.

The Sheriff’s Department must also stay informed about issues, trends, and legislation that may have an impact on existing standards or creation of new standards affecting the jail.

Capacity and Jail Crowding

WI State Statute 302.36 requires jail to have an objective classification system in place to determine prisoner housing assignments, supervision, and programming. The criteria is based on the prisoner’s criminal offense record, gender, behavior, mental/medical condition and any other factor necessary to provide protection of the inmates, staff and public.

Jail overcrowding exists once the jail reaches approximately 80% of rated capacity. At that level, properly housing and managing jail population begins to become more difficult because it compromises the jail’s classification system which may lead to increases in violence, tension, and availability of contraband. Basic functions (security,

maintenance, sanitation, programs, recreation, etc.) begin to break down when they are stretched to their limit for extended periods of time. These conditions increase the jail's liability exposure and jeopardize the safety and well-being of both inmates and staff.

Trempealeau County has been experiencing overcrowding since 1982. In 1996, the Department of Corrections approved temporary double bunking raising the jail capacity from 26 to 34 beds. Trempealeau County is currently contracted with Chippewa County for bed space at a rate of \$42 per day, per inmate.

Alternatives to Incarceration

Trempealeau County has initiated several alternatives to incarceration which are monitored by various agencies, which include:

- Intoxicated Driver Intervention Program (IDIP)
- Teen Court
- OWI/Drug Court
- 1st Time Offender Diversion Program
- Community Service Program
- Electronic Monitor Program
- Underage Drinking Program
- Domestic Violence Court
- Payment Plans
- Signature bonds

Electronic Monitoring and Jail Census

Trempealeau County Average Jail Population = 28.10

Average Out-of-County Jail Population = 16.06

Average Electronic Monitoring Population = 4.23

Total Average Jail Population = 48.39

Discussion of General Operations

Chief Deputy Puent advised that the department recently completed the annual in-house recertification training. Recertification training is mandated by the state and by providing in-house training it results in a savings to the County. This allows training funds to be utilized for specialized training. The revised Policy & Procedure Manual has been implemented. One of the new policies implemented was random drug and alcohol testing of employees.

Questions Regarding Monthly Vouchers

Monthly vouchers were reviewed.

Sheriff Anderson further advised the committee that last fall a squad car was involved in a car/deer accident and the vehicle was totaled. The insurance company did cover the cost of replacement for the squad along with any equipment that was installed, i.e. radio, video camera, etc. The total amount received from the insurance company was \$37,756.47.

Set Next Meeting Date/Time

The monthly Law Enforcement/Emergency Management Committee meeting will be held on Wednesday, June 2, 2010 at 2:30 p.m. in the Tremplo Room.

Reichwein adjourned the meeting at 5:28 p.m.

Respectfully submitted,

John Aasen/rms Secretary, Law Enforcement/Emergency Management Committee