

Waukesha County Board of Supervisors

**Minutes of the Judiciary & Law Enforcement Committee
Friday, December 10, 2021**

Chair Wolff called the meeting to order at 8:30 a.m.

Present: Supervisors Peter Wolff, Christine Howard, Mike Crowley, Darlene Johnson, Jacob LaFontain, and Larry Nelson. LaFontain left the meeting at 10:29 a.m. **Absent:** Tyler Foti.

Also Present: Legislative Policy Advisor Alex Ignatowski, Chief of Staff Sarah Spaeth, Administrative Specialist Mary Pedersen, Medical Examiner Dr. Lynda Biedrzycki, Departmental Executive Assistant Nicole Bauer, Senior Financial Analyst Stephanie Hall, Sheriff Eric Severson, Inspector Jim Gumm, Deputy Inspector Patrick Esser, Business Manager Josh Joost, Financial Analyst Kathy Kienast, Jail Administrator Angela Wollenhaupt, and Citizen John Schuster.

Approve Minutes of November 12, 2021

MOTION: Johnson moved, second by Crowley to approve the minutes of November 12. Motion carried 6-0.

Next Meeting Date

- January 15, 2022

Review Correspondence

Wolff distributed copies of fund transfer requests from the Sheriff, Emergency Preparedness, and District Attorney. These will be considered by the Finance Committee.

Ordinance 176-O-091 Authorize the Medical Examiner's Office to Establish a Transport Fee

Biedrzycki discussed this ordinance which authorizes the Medical Examiner's Office to establish a transport fee to recover the cost of transporting decedents from death scenes or health care facilities to the Waukesha County morgue. This fee would be set at \$204 per transport beginning on January 1, 2022 and with an estimated 400 transports, this would generate about \$81,600 in revenue. The transport fees charged by other counties range from \$153 to \$267 per transport. Future increases in the transport fee would be limited to the annual percentage change in the U.S. consumer price index for the 12 months ending on December 31, per state statute 59.365. Any future Medical Examiner fee changes will be included in the department's annual budget request or through separate ordinance.

According to state statute, section 59.36, this fee cannot "exceed an amount that is reasonably related to the actual and necessary cost of providing the service." The proposed fee is based on estimated staff time, vehicle costs, supply costs, management supervision, and indirect cost recovery. These revenues would reimburse the County which are already included in the base budget and funded with tax levy. This ordinance would free up additional tax levy resources to fund other needs in the Medical Examiner's budget to meet increasing caseloads. The budget modification associated

with the establishment of this fee is included in a separate ordinance for County Board consideration during the December 2021 ordinance cycle. This ordinance produces a favorable tax levy impact by generating a new revenue source to cover ongoing costs that were previously funded with tax levy.

MOTION: Howard moved, second by Johnson to approve Ordinance 176-O-091. Motion carried 6-0.

Ordinance 176-O-092 Modify the 2022 Medical Examiner Budget for Additional Transport Fee Revenues to Recover the Cost of Decedent Transportation and Increase Personnel Costs for Temporary Extra Help Pathologist Support

Biedrzycki discussed this ordinance which increases the charges for service revenue budget by \$81,600 to account for a new transport fee being considered by the County Board during the December 2021 ordinance cycle for implementation beginning on January 1, 2022. This new revenue source would recover the cost of transporting decedents from death scenes or health care facilities to the Waukesha County morgue. Because these transport costs are already included in the base budget and covered with tax levy, this new revenue source frees up base tax levy resources to fund additional temporary extra help pathologist support that the department indicates is needed due to increasing caseloads.

This ordinance increases the personnel cost budget by \$81,600 for the additional temporary extra help, estimated to cover 0.28 FTE in pathologist support coverage. This additional staffing will be filled with a temporary, non-benefited position and does not require County Board action for the creation of a regular part-time position. This ordinance would not result in a direct tax levy impact overall.

MOTION: Crowley moved, second by Howard to approve Ordinance 176-O-092. Motion carried 6-0.

Ordinance 176-O-093 Modify the Medical Examiner's 2021 Budget to Appropriate Additional Operating Expenses and Increase Fines and Licenses Revenue

Biedrzycki discussed this ordinance which modifies the 2021 Medical Examiner's budget by increasing operating expenditure appropriations by \$52,000 to cover additional costs for medical testing and livery services due to the department experiencing a significant increase in examination cases. In addition, the fines and licenses budget is increased by \$52,000 for cremation permit fees. This ordinance results in no direct additional tax levy impact.

MOTION: Johnson moved, second by Nelson to approve Ordinance 176-O-093. Motion carried 6-0.

Ordinance 176-O-094 Modify the 2021 Sheriff's Department Budget to Appropriate Expenditures for Personnel and Increase Charges for Services Revenue

Severson, Gumm, and Joost were present to discuss this ordinance which modifies the 2021 Sheriff's Department budget by appropriating personnel expenditures of \$400,000 for overtime caused by greater than anticipated demand for services due to the court tower construction delays, significantly increased turnover in the department, and large retirement payouts.

The ordinance increases the budget for Charges for Services by \$400,000 reflecting increased revenues received from the State of Wisconsin Department of Corrections for housing inmates longer

than anticipated due to COVID-19 precautions at state facilities. This ordinance results in no additional tax levy impact.

MOTION: Johnson moved, second by Crowley to approve Ordinance 176-O-094. Motion carried 6-0.

Presentation on Staffing and Overtime Issues

Gumm said staffing and overtime is regularly a concern and staff have been working with other departments on these challenges over the last several years. A plan is in place to begin, incrementally, to address this issue. Currently there are about 35 functional vacancies department wide. Gumm briefly discussed recruitment efforts. Historically, overtime has been budgeted at around \$2.0-\$2.5 million and there is usually an overage of about \$1.2 million at year-end. They have managed these overages using money from other budget areas, but that flexibility is gone so they are expecting new challenges. Gumm said this year the overage will be about \$2.0-\$2.2 million for overtime and Severson said it's likely that next year's overage will be even worse. Gumm said the reasons for this include turnover (about 26%), court tower delays, retirements (38% increase from 2019), use of sick time, increased mental health and stress issues, large scale investigations (Roundy's shooting, Waukesha Parade), and loss of federal dollars. Gumm noted since Severson's election, the department has returned about \$2.5 million back to the general fund and they have always ended the year in the black. Severson said if they had funds for more positions, overtime expenses would decrease. Joost said he is hopeful that future discussions with the Department of Administration will result in new ideas to help solve the overtime problem. LaFontain discussed potential solutions and Gumm said they are open to working with the County Board. Crowley proposed a "laser focus" on this issue starting next year involving the Sheriff's Department, County Board, Department of Administration and County Executive's Office. Not necessarily just the overtime, but the department overall. Severson stated that the issue has reached critical mass. This issue was discussed in length.

Presentation on the Use of Electronic Monitoring

Gumm said the Sheriff is limited on who can be on electronic monitoring (EM) but the judiciary also makes these decisions. They're position on EM as an alternative to sentencing is that it's risky, problematic, and challenging. Gumm indicated that the purpose of the statute is to address jail overcrowding and safety and should only be applied for this reason. Severson said he does not always support the judiciary when they allow EM. He said he supports the use of EM very sparingly, primarily when there are medical circumstances that makes it appropriate; however, the judiciary must authorize this. Gumm said they wholly disagree with EM as a policy but respects the judiciary's decision when they allow it. Wolff asked if the County would save money if it closed the Huber facility. Gumm said the main jail housing population and costs would increase but personnel and facility costs at Huber would decrease. Severson said the public expects incarceration and those in Huber are not first offense individuals and should be locked up. Wolff noted that if a judge orders Huber the Sheriff can decide to keep them in the main jail. Nelson suggested having CJCC be the venue to discuss evidence-based ideas to reduce the jail population without putting the public at risk and possibly eliminate Huber which would save money. Severson said the current Huber facility is aging and suggested the old Children's Center become the new Huber facility at some point. He noted that he was not looking to do any studies and he thought CJCC would not be an appropriate venue because they have no funding authority. LaFontain said he supports talks about saving money but errs on the side of keeping the Huber facility.

Before LaFontain left at 10:29, he discussed his support for the use of video conferencing.

Presentation of Use of Force Policy Regarding Tasers

Gumm advised taser training totals about 6 hours per year. Answering Wolff's question, Esser said their deputies are involved in about 6-12 deployments per year. The display of the taser alone by a deputy is useful for de-escalating some situations. Gumm indicated that funding would be needed in the near future to replace current tasers.

Presentation on Video Conferencing from the Jail

Gumm said they are not opposed to video conferencing and agree with the benefits. However, the jail is not set up to allow for video conferencing. There is no place for an attorney to have access to their client and they don't have the staff to oversee the inmate. Gumm discussed challenges for creating an area that would allow for this in the current jail. Wolff said there is video currently for visitations. Severson said there is no vendor to convert this for video conferencing, and again, they do not have the staff to oversee the inmate. Wollenhaupt also did not believe it would be in an inmate's best interest to have other inmates overhear court hearings, in some instances, for safety reasons. Wolff said this would be a trade-off because they would not need the staff for transport. Gumm disagreed and said some would still need to be transported which he discussed further. Severson said if staff are involved in video conferencing then they're not doing other duties which is dangerous. Wollenhaupt discussed other challenges including the possibility of lengthy delays. Wolff asked how many staff would they need? Severson said they did not know which he explained in detail. Wolff asked about transporting inmates to other counties. Severson said the County who is having the hearing is responsible for picking up the inmate from a different county. Wolf asked if there was one-time capital funding, would they support video conferencing. Gumm said no because there would be ongoing annual costs which wouldn't be budgeted for. Severson said the agencies who do great with video conferencing are those whose jail is not connected to their courthouse, unlike Waukesha County. In some counties, the jail is in a different city. This is when video conferencing creates efficiencies. Answering Wolff's question, Gumm said they need to fix the overtime issue before they can discuss staffing levels needed for video conferencing. This issue was discussed in length.

MOTION: Crowley moved, second by Nelson to adjourn at 11:24 a.m. Motion carried 5-0.

Respectfully submitted,

Michael A. Crowley

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Secretary