

Agenda

Eau Claire County
Committee on Judiciary and Law Enforcement
Wednesday, June 24, 2020 – 3:00 PM
Virtual Meeting via Cisco Webex

Public Access Participation Information:

Dial In: 1-415-655-0001
Access Code: 920 751 770

Notice Regarding Public Comment: *Members of the public wishing to make comments must email Eric Huse at Eric.Huse@dc.wi.gov at least 30 minutes prior to the start of the meeting. You will be called on during the Public Comment session to make your comments.*

1. Call to Order
2. Confirmation of Public Meeting Notice
3. Call of the Roll
4. Public Comment
 - a. Jim Wilson provided written comments (page 2)
5. Approve Minutes from May 27, 2020 Meeting – discussion/action (page 3)
6. Register in Probate/Clerk of Juvenile Court 1st Quarter Fiscal Update – discussion (page 8)
7. Court Process & Treatment Court Overview – discussion
8. Criminal Justice Collaborating Council Update – discussion
 - a. [Dashboard Link](#)*
 - b. Report from Supervisor Russell
9. Stop & Think Program Presentation – discussion (page10)
10. Eau Claire County Sheriff's Office Updates – discussion
 - a. Jail Population, Staffing, & COVID-19 Response
 - b. High Intensity Drug Trafficking Area (HIDTA) Grant
11. Set Future Meeting Date(s) – discussion/action
12. Set Future Agenda Item(s) – discussion/action
 - a. Sentence Modifications & COVID-19
 - b. Eau Claire County Sheriff's Office
 - i. Statistics, Data, & Information
 1. Minority Incidents vs. General Population
 2. Defense and Arrest Tactics (DAAT), Restraint Practices, & Historical Usage
13. Adjourn

*<https://app.powerbigov.us/view?r=eyJrIjojYTEzZDEwYzctZDAzYi00YmQ1LTg4M2ltNWMyZGUzMjNjZTI3liwidCI6ImFjMmI3YWU3LTZlZDQtNDI0Ny05YjhmLWJiMjIjM2JlNGlzZS>

Posted: 06/19/2020

Note: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters, or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 715-839-6945, (FAX) 715-839-1669, or (TDD) 715-839-4735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703

Huse, Eric

From: Jim Wilson [REDACTED]
Sent: Wednesday, May 27, 2020 12:01 PM
To: Huse, Eric
Subject: Contact Tracing

Attn: Eau Claire County Board

May 27, 2020

Eau Claire County Board

To whom it may concern,

The people of Wisconsin will be forced to pay enormous court fees and settlements if our counties continue with their proposed plans for COVID Contact Tracing.

I watch the county meetings because it is important to me to know what my government is doing with the COVID-19 situation. Recently, counties across Wisconsin have been speaking to medical professionals and data scientists about Contact Tracing. The methods our counties propose to employ should be genuinely concerning to every taxpayer. The main mechanism under consideration for Contact Tracing is to use cellphone GPS data to trace individuals and groups to a particular location. Data scientists are submitting reports to show how cell phone data monitoring would work to allow the government to track people through their cell phone GPS. These are not cell phones our governments will be tracking, they are people.

In addition to the cell phone tracking, our counties are also considering using infrared technology to "look" inside private homes and buildings to determine the number of people who are gathered. These infrared devices are so precise they can identify a single person in a home. This activity is more suitable to a George Orwell novel than for elected representatives tasked with protecting people's rights.

Every data scientist must admit the data provided to our counties will contain specific, private, and personal information. Once provided, it will be completely up to the county officials, through their policies, to determine how much of that information they will use and how our personal information will be stored. I am personally not comforted by the thought that our counties will determine the limits to their own authority over our personal and private information.

If this sounds disturbing to you, it should. The good news is that the Supreme Court of the United States agrees with us. The use of cell phones by government entities to geo track people is not a new nor an unsettled issue. Although it may be legal for a hospital or university to purchase such data from a cell phone provider for research purposes, it is NOT lawful for the government to use the data from data scientists to track individuals without a warrant - even though that data comes from a third party. In *Carpenter v. U.S.*, the Supreme Court held that a government entity MUST have a warrant to use cell data to geo track someone, even when that data comes from a third party.

Additionally, the Supreme Court held in *Kyllo v U.S.* that a government entity must have a warrant to use infrared technology to look inside a private building and to do so without a warrant is a violation of our rights to privacy.

For government officers to use cell data or infrared technology to track people, they must have either express permission from each person or a warrant for every single individual or that tracking will be an unlawful search and seizure. If our officials use this technology for contact tracing without warrants, regardless of where the data comes from, it will be tantamount to legal negligence. Given the recency of these Supreme Court cases it is highly likely that the counties would lose a civil rights challenge and the taxpayers will foot the bill.

The taxpayers of Wisconsin should not be forced to waste precious tax dollars to defend their county's actions when those actions are so clearly established to be unconstitutional by the Supreme Court of the United States. Our elected representatives ought to have a greater respect for the privacy and civil rights of the people. The people of Wisconsin must demand our counties refuse to use this technology for any form of COVID Contact Tracing and spare the taxpayers from paying for the inevitable lawsuits.

Sincerely
James D Wilson
844 Broadview Blvd
Eau Claire, WI, 54703

Minutes
Eau Claire County
Committee on Judiciary and Law Enforcement
Wednesday, May 27, 2020 – 3:00 PM
Virtual Meeting via Cisco Webex

Members Present: Melissa Janssen, Sandra McKinney, Zoe Roberts, Connie Russell, and Gerald Wilkie.

Others Present: Criminal Justice Director Tiana Glenna, Clerk of Circuit Court Susan Schaffer, Sheriff Ron Cramer, Captain Joel Brettingen, Lieutenant Cory Schalinske, Captain Dan Bresina, Lieutenant Dave Riewestahl, Admin. Services Div. Manager Danielle Powers, Director Travis Quella, District Attorney Gary King, Kimberly Cronk, and Eric Huse.

Call to Order

The meeting was called to order by Chairperson Wilkie at 3:00 PM.

Call of the Roll

The Clerk called the roll. Attendance was noted above.

Confirmation of Public Meeting Notice

The Clerk confirmed this meeting was properly noticed to the public.

Public Comment

Kayla Rick provided written comments that were provided in the meeting materials. The committee reviewed the comments and discussed the desire for more information regarding the topic.

Dr. Susan Wolfgram spoke on behalf of the ACLU Smart Justice – Rights for All Campaign about the Jail COVID-19 response and made a call to action for transparency. A written transcript of the comments have been included with these minutes.

Approve Minutes from March 11, 2020 Meeting

Supervisor McKinney moved to approve the minutes from the May 14, 2020 meeting. The minutes were adopted as published in the meeting materials via 5-0 voice vote.

Criminal Justice Collaborating Council Dashboard Update

A link to the dashboard website was included in the meeting materials. The data is completely refreshed monthly on the website with additional data being added periodically. The committee reviewed the information.

1st Quarter Fiscal Updates

- **Clerk of Courts**

- Clerk of Court Susan Schaffer presented the 1st quarter fiscal update for the Clerk of Courts Office. There have been staffing changes this year. A Clerk Supervisor resigned, an internal promotion of a Court Clerk filled that vacancy. An additional internal promotion of a Docket Clerk filled a separate Court Clerk vacancy. The new hire for the Docket Clerk position started just before COVID-19. There is still one Court Clerk position vacant. Schaffer reported there is no new State legislation pending that would affect operations. There has been an overall reduction in case filings, primarily driven by the reduction in filing of small claims, evictions, and other related civil matters. Evictions were also frozen through May 26, 2020 by State order. State Debt Collection is not collecting/accepting new debts during COVID-19 so there may some decrease in revenues from that source. The committee discussed the possibility of leaving the Court Clerk position vacant through the end of the year. The department did experience a surplus in Quarter 1.

- **Circuit Court**
 - Clerk of Court Susan Schaffer presented the 1st quarter fiscal update for the Circuit Court. Much of what was reported in the Clerk of Courts update applies to the Circuit Court. They are in the process of reviewing the interpreter procedure/protocol. This is partly due to the increased utilization of Zoom for court appearances and the possibility that interpreters could appear by those means with greater frequency. The department also experienced a surplus in Quarter 1 in large part due to debts collected by State Debt Collection prior to the COVID-19 pandemic freezing collections.
- **Criminal Justice Collaborating Council**
 - Criminal Justice Director Tiana Glenna presented the 1st quarter fiscal update for the Criminal Justice Collaborating Council. Glenna highlighted the number jail bed days diverted through use of testing at the Community Transition Center. Glenna and other criminal justice partners were invited to participate in the Peer Learning Network through the National Association of Counties. The Criminal Justice Collaborating Council strategic planning has been delayed due to COVID-19 but they are eager to continue work on it soon. Community Service surcharges are down; however, there are other areas of reduction that can help cover some of those decreased revenues.
- **District Attorney**
 - District Attorney Gary King and Office Manager Eric Huse presented the 1st quarter fiscal update for the District Attorney's Office. Court filings are consistent with the increases seen in the last several years. DA King discussed COVID-19 protocols in the office including staff working from home as much as possible. On the financial side, grant funding is reliable and stable and the department is working to reduce costs as much as possible.
- **Register in Probate/Clerk of Juvenile Court**
 - Register in Probate/Clerk of Juvenile Court Jean Gay was unable to attend this meeting. This agenda item will be carried over to the June 24, 2020 meeting.
- **TRY Mediation**
 - Director Travis Quella presented the 1st quarter fiscal update for TRY Mediation. The department is slightly up in revenue despite decreases in mediations. This is due to an increase in Families in Transition program revenue. The department is experiencing some different-than-usual expenses as a result of COVID-19. They have had to procure cellular phones and laptops to continue services. Quella is confident that TRY Mediation will come in at or under budget.

Eau Claire County Sheriff's Office Updates

- **1st Quarter Fiscal Update**
 - Administrative Division Manager Danielle Powers presented the 1st quarter fiscal update for the Sheriff's Office. They have not experienced any significant differences in cases, bookings, and inmates from same time last year. Currently, the department is planning for 2020 festivals around the County with uncertainty if they will or will not be held. The department is funded through two separate funds: Fund 212-Anti-Drug Grant Fund & 100-Sheriff General Fund. Fund 212 is not funded by tax levy. The department budget is on track for the year after 1st quarter even with a slight decrease in public charges for services as a result of COVID-19.
- **Jail Population, Staffing, & COVID-19 Response**
 - Lieutenant Riewestahl provided an overview of the jail population. There has been a reduction in inmates in the jail, both secure & Huber inmates, as a result of collaboration across all system players. Bookings are down significantly. They typically average 100 bookings per week; last week there were 28 bookings.
 - Lieutenant Riewestahl provided an overview of staffing. They were notified of one Correctional Officer resigning. There was no mandatory order-in to work in the month of

- April. The perception is that morale is at a good level, has increased, and will continue to get better. The addition of four correction officers was very helpful to aide in morale.
- Captain Bresina reviewed the timeline of the Sheriff's Office response from the very beginning of the COVID-19 pandemic, even before CDC guidelines were published to continued updates in policies and procedures. Outlined those procedures across the divisions from patrol to courthouse security to jail.

Future Meeting Date

The next committee meeting is scheduled for Wednesday, June 24, 2020 at 3:00 PM.

Future Agenda Items

- Stop & Think Program Presentation
- Court Process & Treatment Courts Overview
- Sentence Modifications & COVID-19
- Register in Probate/Clerk of Juvenile Court 1st Quarter Fiscal Update

Adjourn

The meeting was adjourned by Chairperson Wilkie at 5:29 PM.

Respectfully Submitted:

Eric Huse
Committee Clerk

5.27.20 Judiciary & Law Enforcement Committee Meeting

3-5pm

“Good afternoon Chairman Wilke and Judiciary & Law Enforcement Committee Members-my name is Susan Wolfgram and I am offering public comment on Agenda Item #8B, the Sheriff’s Office report. I speak today on the behalf of our ACLU Collaborative Under The Rights For All Campaign group: David Carlson-Regional Organizer, Kim Cronk, Anthony Ledford, and myself. On May 14th we presented to you the ACLU’s Smart Justice objectives related to COVID-19 care and prevention in our Jail and Juvenile Detention Center. This afternoon, I will again highlight our primary concerns and request for action.

On May 21st, David Carlson sent a letter to Marisa Stanley, Captain Bresina, Sheriff Cramer, Chairman Jerry Wilke and others alerting to our being aware of two positive COVID-19 cases at the Jail. On May 22nd, Marisa replied with a standard response. We were waiting for Captain Bresina to update during a Public Health Briefing releasing this information and advising the public of the testing plan and prevention of community spread; we have not seen an update unless it is happening this afternoon during the 3:30pm Public Health Briefing.

We all know that when we are not transparent to the public with accurate information, we set in motion a process of misinformation which is not in our community’s best interest. At the Public Health briefing on April 8th, Captain Bresina stated that he would inform the public if matters arose concerning COVID-19 in the jail. Lieske Giese stated in her April 26th COVID-Care in the Jail Evaluation and Recommendations to Sheriff Cramer that, I quote, “Please consider regular reporting to the public of the measures you are taking including provision of this report. This is helpful for the community to be assured that our most at-risk populations are being protected.” On May 14th, Lieske Giese stated in the Leader-Telegram: “If we get a case in a larger site where there’s lots of close contact, we know that that will likely result in a public health investigation”. The County Strategic Plan Objectives states under Communication, “To develop an effective, modern, and accessible communications system, including internal, external, and advocacy to better serve and engage the citizens of Eau Claire County”. This would also include the Jail COVID-Care Action Plan being on the Sheriff’s Dept. website; it does not need to include any security related information. San Francisco Sheriff Paul Miyamoto is a good example of transparency on their website

including their COVID-19 Response and Action Plan (I can provide the link at your request). We would expect that County departments would follow their own strategic plan objectives.

At least four other counties in WI have demonstrated transparency to the public regarding positive COVID -19 cases in their Jail and then committing to testing all incarcerated people and staff; these include: Trempealeau County, Fond du Lac County, Kenosha County, and Dane County. Congregate settings, considered “hot spots” for infection and spread include nursing homes and jails/prisons. Since mid-March, the CDC has prioritized these “hot spots” for testing and the National Guard has performed much of this testing. In a few weeks, Eau Claire County has the opportunity for the National Guard to return and test; we recommend that our priority be testing everyone at our Jail, if testing cannot be done sooner.

In conclusion, correctional health IS public health. We are asking that Captain Bresina update the public as soon as possible regarding the positive cases of COVID-19 in our Jail and commit to testing all incarcerated people and staff. We also ask that the COVID-19 Jail Action Plan be posted on the Jail or Sheriff’s Dept. website.

As the WI Epidemiologists wrote on April 3rd and we shared with you on May 14th, “All it takes is one asymptomatic correctional officer to infect an entire facility, and then community spread”.

We appreciate you hearing our concerns and call to action.

Register in Probate/Clerk of Juvenile Court

SELECTED PERFORMANCE MEASURES	
Filing of accounting/reports for guardianships	Out of 842 annual accountings and reports sent to guardians, 771 guardians have filed their annual paperwork.
Probate filing fees	Filing fees collected: 7,783.11 (22%) out of \$36,000 budgeted Fees collected and deposited in the Circuit Court Budget: \$28,362.111
SUMMARY OF CURRENT ACTIVITIES	
<ul style="list-style-type: none"> Assist guardians filing their annual accountings and reports. 	
ISSUES ON THE HORIZON AND SIGNIFICANT TRENDS	
<ul style="list-style-type: none"> Wis. Stats. 48.9795 proposed guardianships, 2019 Assembly Bill 47 	
CURRENT COLLABORATIONS (INTERNAL AND EXTERNAL)	
<ul style="list-style-type: none"> Working with attorneys and non party filers regarding case filings 	
GOALS FOR NEXT QUARTER	
<ul style="list-style-type: none"> COVID - 19 Key staff member will be out of the office, staffing the court and office with current staff will be a challenge. 	

Eau Claire County - Register of Probate

Quarterly Department Report - Summary

For Period Ending: Q1, 2020

Page: 1/1

Date Ran: 4/21/20

03 - Register of Probate

Fund	Revenue:	Orig Budget 2020	Adj Budget 2020	Q1 2020	Q2 2020	Q3 2020	Q4 2020	YTD 2020	% of Budget
100	01-Tax Levy	241,827	241,827	60,457	0	0	0	60,457	25.00%
	06-Public Charges for Services	36,000	36,000	5,190	0	0	0	5,190	14.42%

Total Revenue - Register of Probate

\$277,827	\$277,827	\$65,647	\$0	\$0	\$0	\$65,647	23.63%
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Fund	Expenditures:	Orig Budget 2020	Adj Budget 2020	Q1 2020	Q2 2020	Q3 2020	Q4 2020	YTD 2020	% of Budget
100	01-Regular Wages	-206,687	-206,687	-41,457	0	0	0	-41,457	20.06%
	03-Payroll Benefits	-59,485	-59,485	-12,323	0	0	0	-12,323	20.72%
	04-Contracted Services	-960	-960	-240	0	0	0	-240	25.00%
	05-Supplies & Expenses	-10,695	-10,695	-1,080	0	0	0	-1,080	10.10%

Total Expense - Register of Probate

-\$277,827	-\$277,827	-\$55,100	\$0	\$0	\$0	-\$55,100	19.83%
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Net Surplus/(-Deficit) - Register of Probate

\$0	\$0	\$10,547	\$0	\$0	\$0	\$10,547
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Stop and Think Program Analysis (2010-2019)

STOP AND THINK PROGRAM DESCRIPTION

Stop and Think was developed by Dr. Susan Wolfgram for incarcerated males in the Eau Claire County Jail in 2010 as a “starting point” for continued follow-up treatment in the community or in prison upon release. It is an integrated program linking Cognitive-Behavioral Therapy, a Trauma-Informed Approach, and Substance Abuse Education. The program duration originally was 12 weeks, twice per week; however, with increasing shortened stays in the jail, Dr. Wolfgram revised the program to 6 weeks, twice per week, 36 hours total. The program is voluntary; participation is determined by COMPAS risk assessment and appropriate “fit” between the program and criminogenic needs of the participant.

Stop and Think utilizes multiple modalities including: a group format while also addressing individual needs, 1:1’s at the beginning and end of the program, a structured curriculum, role-play, thought records, meditation for stress reduction and other coping mechanisms, prosocial behavior strategies, and reentry needs are assessed with appropriate referrals to the Jail Reentry Social Worker.

Upon completion, the men participate in a graduation ceremony attended by community members, receive a certificate of completion and a letter outlining the participant’s strengths demonstrated throughout the program, as well as a possible sentence reduction.

Dr. Susan Wolfgram’s Selected Bio:

- BSW, UWEC; MSSW, UW-Madison; PhD, UMN
- Licensed Independent Clinical Social Worker
- Psychotherapist, Mayo Health Systems (1990-2004)
- Professor Emeritus, UW-Stout, Human Development & Family Studies (2000-2015)
- Eau Claire County Step-Up Initiative (2016-present)
- JONAH Criminal Justice Advocate (2016-present)
- JONAH Affordable Housing Task Force Co-Chair (2018-present)

Stop and Think Program Analysis (2010-2019)

STOP AND THINK PROGRAM OUTCOMES

Based on the historical data of the Eau Claire County Jail, we release 70% (53% within 0-2 days) of the those booking into the county jail within 10 days. Those remaining are persons on high cash bond or probation. This fact limits the number of persons that can voluntarily attend the program. The overall goal of any county-based program is to interrupt the thought process and future criminal behavior when possible. One measure of this is to look at the person's continued involvement with the criminal justice system. This is measured by using the term recidivism. Recidivism refers broadly to re-offending, with the most common measurements including re-arrest, re-charge, re-conviction, and/or re-incarceration. Recidivism rates measure the frequency with which individuals re-engage with the criminal justice system within a defined time period.

The primary outcome of Stop and Think is a reduction in criminal thinking as evidenced with significant changes in pre-post scores on the TCU-CTS. The current version of the TCU CTS measures six scales: Entitlement, Justification, Personal Irresponsibility, Power Orientation, Cold Heartedness, and Criminal Rationalization. Research has consistently found significant associations between criminal thinking (e.g., antisocial attitudes) and criminal behavior. Since 2013, when the TCU-CTS was utilized, there have been significant changes in criminal thinking for participants across the six scales.

There are many other positive outcomes that cannot be “quantified” from participating in Stop and Think, including but not limited to:

- Engagement in the program of men of color (26%). This is significant since research shows that African American adult males generally are not likely to utilize program services given cultural mistrust and mental health stigma.
- Stress-reduction and coping strategies
- Substance use education
- Relationship skill building
- Understanding how adverse childhood experiences and other trauma have impacted your beliefs and thinking
- Reentry resources and referral

Stop and Think Program Analysis (Data from 2013-2019)

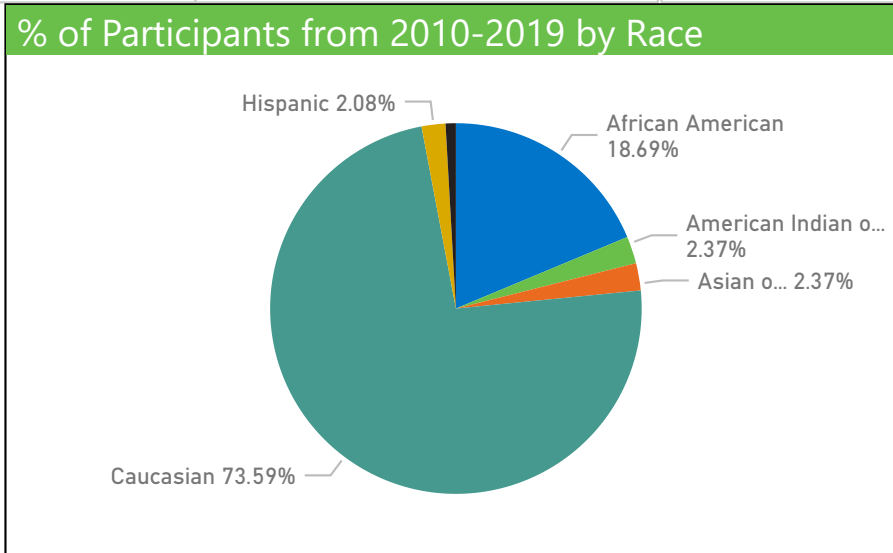
Though the program started in 2010, increased data collection on the participants did not start until 2013. Unless noted, the data used for analysis in this report comes from the years 2013-2019.

Statistics about the Program (2013-2019)

Number of Sessions Per Year		Average Number of Participants Per Session	
3		12.40	
Total Number of Program Participants	Number of Program Completions	Completion Rate of the Program	
261	176	67%	

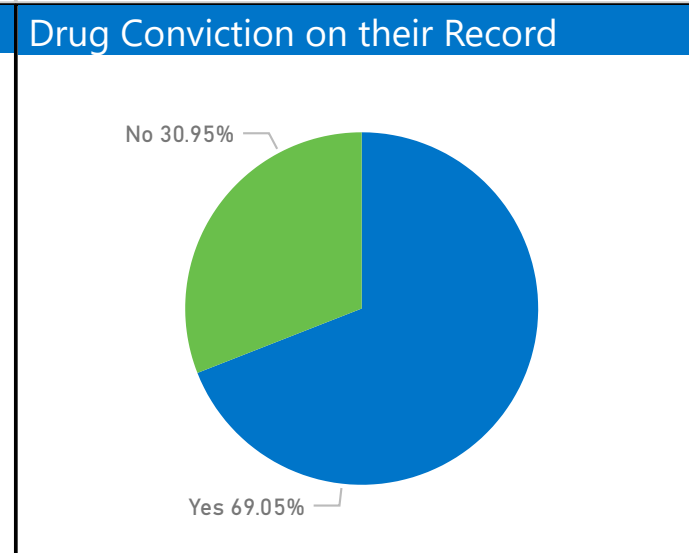
Statistics about the Participants (2013-2019)

Average Number of Convictions per Participant		Average Number of Eau Claire Jail Bookings per Participant	
8.92		9.70	
Median Number of Days Spent in the ECC Jail per Participant		Median Number of Days Sentenced to Jail/Prison per Participant	
436		2,735	



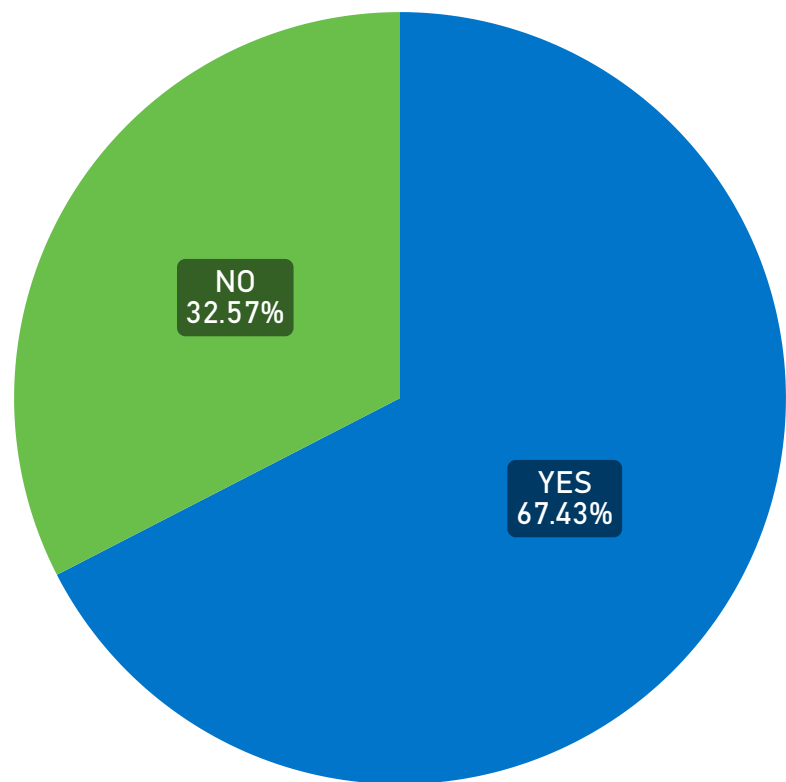
PROXY: Score Frequency by Year

Year	0	2	3	4	5	6
2013			1	3	2	
2014					1	
2015		1		2	6	2
2016				2	5	4
2017		2	1	5	1	5
2018	2	3	4	4	9	5
2019			1	15	6	5
Total	2	6	7	31	30	21



Completion Rates for 2013-2019

A total of 261 individuals participated in the Stop and Think Program since 2013. It was only since 2013 that the success and failure rates of the program were recorded. A total of 85 participants did not complete the program. The other 176 participants were successful in the program.



Common Reasons for not Completing the Program

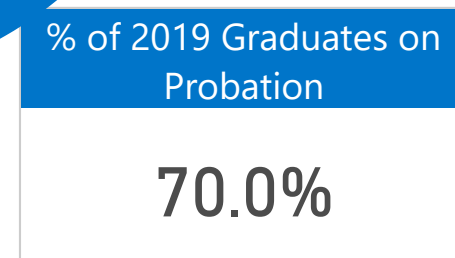
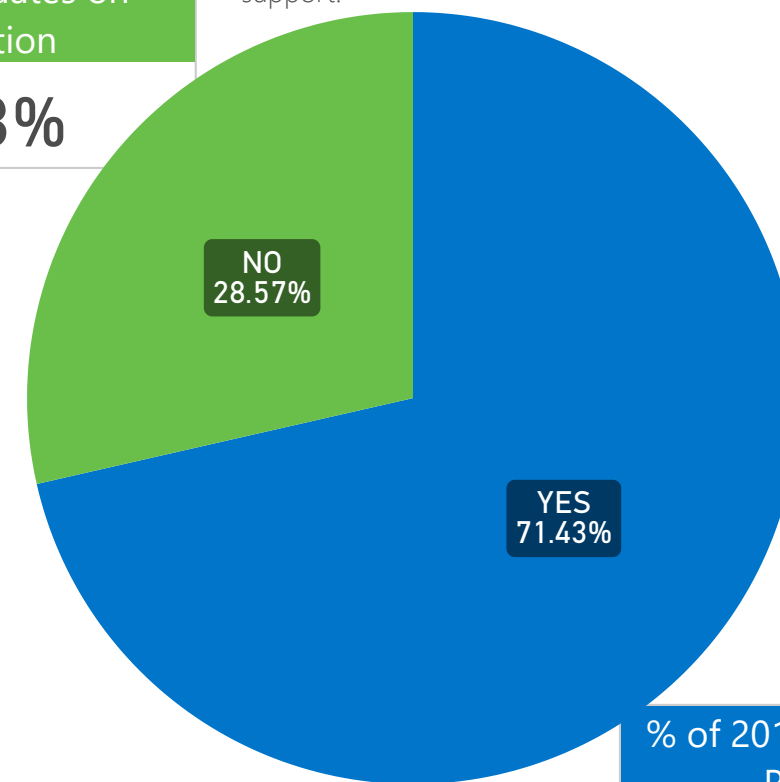
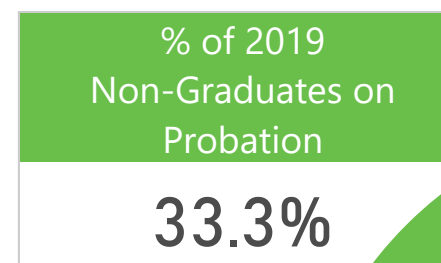
Guideline violation - in most cases the individual conduct issue in the jail || Opted out - participant opted to stop the program

Released - individual was released before completion || Sent to Prison - individual was sent to prison before completion

To Huber - individual's sentence changed to allow Huber release || Other - includes transfers to other jails and other unique situations

Completion Rates and Probation Rates for 2019

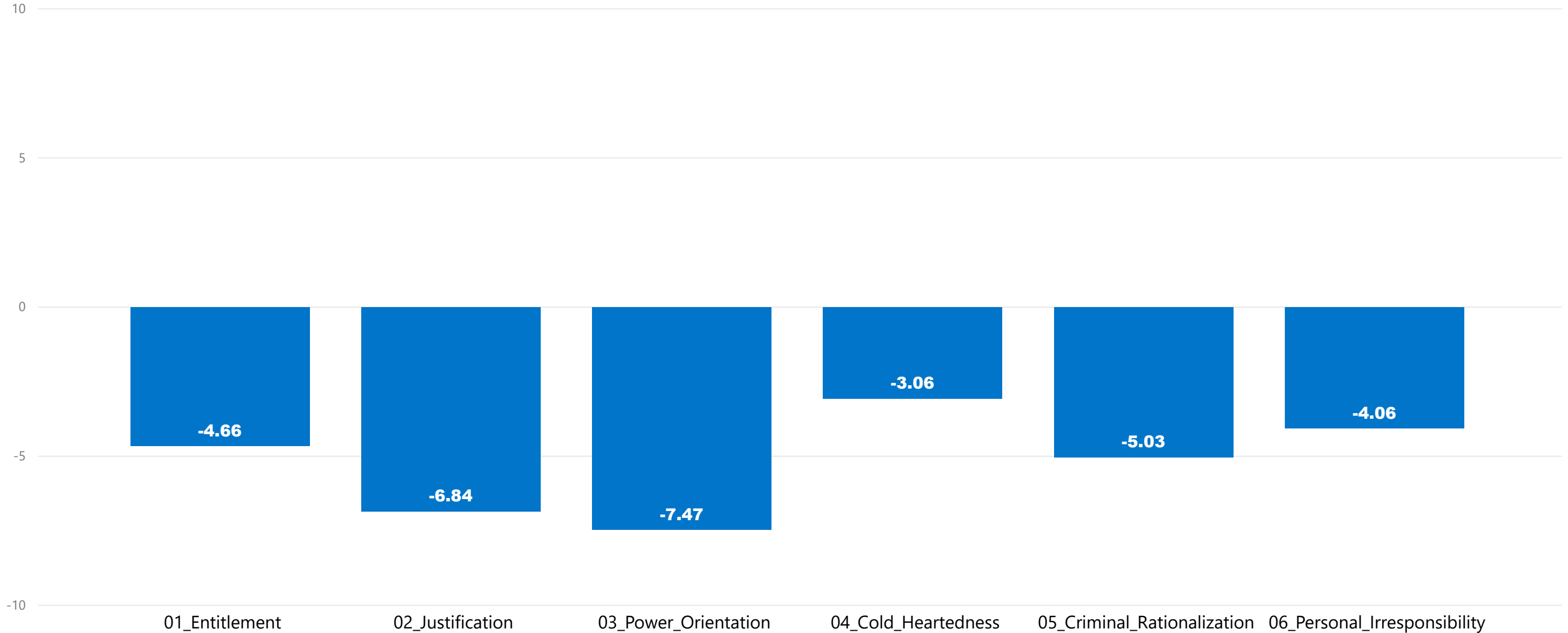
This chart only looks at the 42 participants in 2019. The call out boxes show the percentage of individuals on probation. Future County work may be to work with Probation officers to help find additional support.



This graph looks at a total of 6 categories of thinking (listed on the bottom) as used in the TCU Criminal Thinking Scales assessment. The numbers on the graph represent the average change observed between the participant's pre-program score and their post-program score. More information about the assessment can be found at <https://ibr.tcu.edu/forms/tcu-criminal-thinking-scales/>. For all six categories, negative change in score is considered an improvement in thinking.

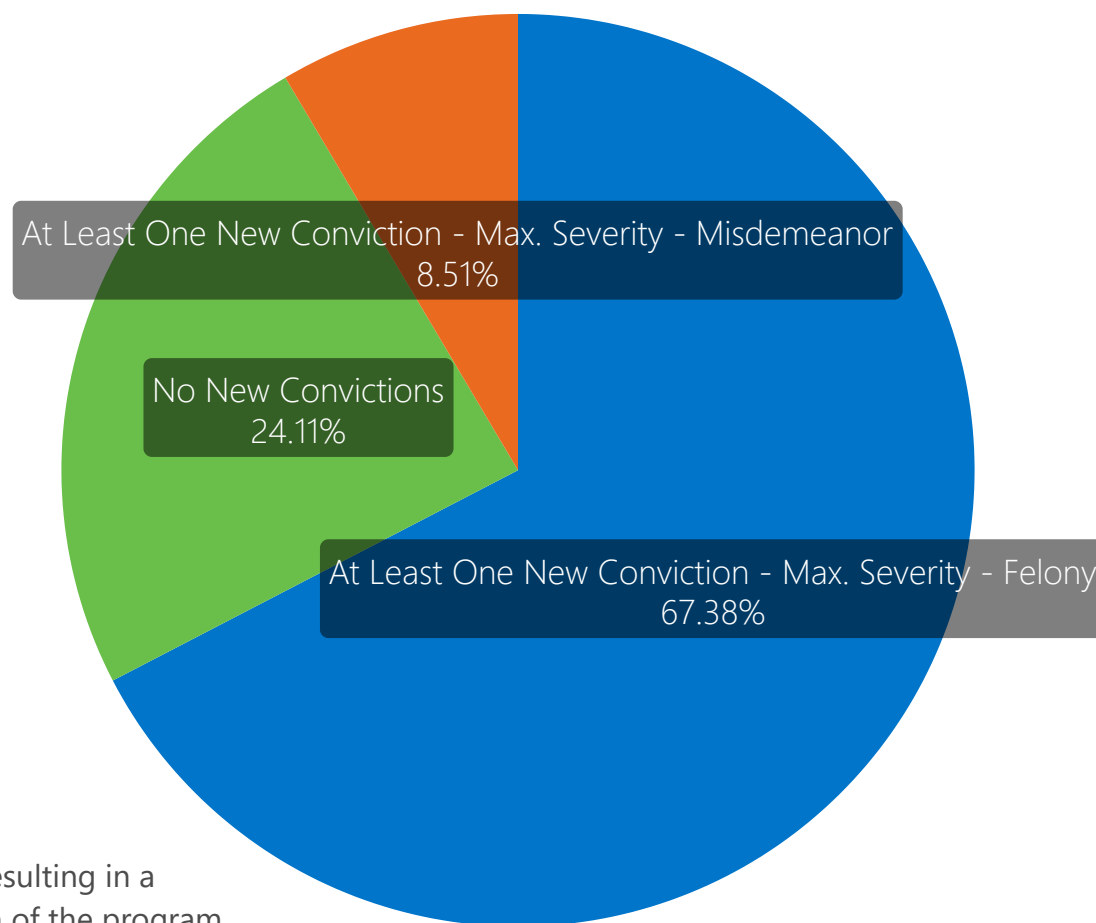


TCU Criminal Thinking Scales Analysis for 2010-2019



Of the 176 participants that completed the Stop and Think program, 141 individuals did not have prison sentence at the time of completing the program. The 3-year recidivism rate* of those individuals is shown on this graph. If you hover over the parts of the graph, you can see the counts of the individuals in each category. This slide is just for information. We do not have a good comparison group (a control group) to compare to the participants in the Stop and Think program so the interpretation of if these numbers as being "good" or "bad" is not something that can be done at this time. As a reminder, slide 2 in this dashboard discusses all of the outcomes looked at when reviewing the Stop & Think program.

3 Year Recidivism: No Prison Sentence at Time of Program Completion



*Recidivism on this chart is defined as a new offense resulting in a conviction during the 3 years following the completion of the program.