

Minutes

Joint Meeting - Eau Claire County
Committee on Judiciary and Law Enforcement | Committee on Finance and Budget
Wednesday, September 02, 2020 – 3:00 PM
Virtual Meeting via Cisco Webex

Members Present: Melissa Janssen, Sandra McKinney, Connie Russell, Gerald Wilkie, Jim Dunning, Robin Leary, Steve Chilson and Stella Pagonis*.

Members Absent: Zoe Roberts

Others Present: Kathryn Schauf, Norb Kirk, Amy Weiss, Erika Gullerud, Travis Quella, Ron Cramer, Dave Riewestahl, Dan Bresina, Joel Brettingen, Cory Schalinske, Danielle Powers, Gary King, Tiana Glenna, Janet Loomis, Ryan Patterson, Dr. Susan Wolfram, David Carlson, Kim Cronk, Jonathan Fortier, and Eric Huse.

Call to Order

The meeting was called to order by Chairperson Wilkie and Vice-Chairperson Chilson at 3:01 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

- Dr. Wolfram spoke on behalf of the ALCU Rights for All Campaign regarding COVID-19 testing in the Eau Claire County Jail. A transcript of Dr. Wolfram's comments are included in these minutes.
- Kim Cronk spoke regarding policing practices and policies in Eau Claire County. A transcript of Cronk's comments are included in these minutes.
- David Carlson's public comment regarding inmate voting in the Eau Claire County Jail was read by the Clerk at Carlson's request. A transcript of Carlson's comments are included in these minutes.

*Supervisor Pagonis arrived during the Public Comment

2021 Department Budget Presentations

- **TRY Mediation**
 - Director Travis Quella presented the 2021 TRY Mediation budget request. The request includes a 5% reduction in County support. The Committees asked questions regarding the other funding sources. The Committees also requested performance measures be included in future requests and updates.
 - Supervisor McKinney, of the Committee on Judiciary and Law Enforcement, moved to support the budget proposal as presented. **Approved** by the Committee on Judiciary and Law Enforcement 4-0 via voice vote.
- **District Attorney**
 - District Attorney Gary King and Office Manager Eric Huse presented the 2021 District Attorney's Office budget request. Huse reviewed The request includes a 5% reduction in tax levy. The Committees inquired about any upcoming "high profile" or high costs trials.
 - Supervisor Russell moved to support the budget proposal as presented. **Approved** 4-0 via voice vote.
- **Sheriff's Office**
 - Administrative Services Division Manager Danielle Powers presented the 2021 Sheriff's Office budget request. The Committee requested the 7th and 8th bullet points under Trends and Issues on the Horizon section of budget narrative submitted be modified. The

Department is expecting a lower revenue due to a reduction in jail population. Powers noted some of the revenue reduction is able to be offset by changes in contracted services. The Committees asked general questions about the budget request.

- Supervisor McKinney, of the Committee on Judiciary and Law Enforcement, moved to support the budget proposal as presented, with the understanding, on information from the Finance Director, that there may be a change to personnel expenditures.
 - Chairperson Wilkie moved to amend the budget proposal by reducing the Tax Levy allocation \$53,512, for a total allocation of \$12,352,518. The amendment was **approved** 4-0 via voice vote.
- The Chair called for roll call vote on the main motion, to support the budget proposal, as amended: JANSSEN aye; MCKINNEY aye; RUSSELL aye; WILKIE aye. The motion, as amended was **approved** by the Committee on Judiciary and Law Enforcement by a vote of 4-0.

Future Meeting Date

The next meeting for the Committee on Judiciary and Law Enforcement is scheduled for September 23, 2020 at 3:00 PM. Jud & Law Meeting

The Committee on Finance and Budget will next meet:

September 03, 2020 at 6:15 AM (Joint meeting with Highway Committee)

September 14, 2020 at 4:00 PM (Regular meeting)

September 14, 2020 at 5:00 PM (Joint meeting with Fin & Budget; 5PM parks & forest joint meeting)

Future Agenda Items

Future Agenda Items for Committee on Judiciary & Law Enforcement

- Ensuring Eligible Voters can Vote in Eau Claire County Jail
- Eau Claire County Jail Population, Staffing, & COVID-19 Response
- Criminal Justice Collaborating Council Report from Supervisor Russell
- 3rd Quarter Reports from Departments

Adjourn

The meeting was adjourned by Chairpersons Wilkie and Pagonis at 4:52 PM.

Respectfully Submitted:

Eric Huse
Committee Clerk
Committee on Judiciary and Law Enforcement

September 2nd, 2020

Good afternoon Chairman Wilke and members of the Committee on Judiciary & Law Enforcement. My name is Susan Wolfgram; I am a member of the *ACLU Collaborative Under the Rights for All Campaign* group: David Carlson-Regional Organizer, Kim Cronk, and myself. **I am speaking to you today following up on the National Guard Testing that was done in our Jail on August 11th.**

A bit of context:

- **On May 14th and again on the 27th,** we came before you expressing the “urgency of now” to test everyone in the Eau Claire County Jail, those incarcerated and all staff. Per DHS, facility-wide testing allows for the identification of silent, asymptomatic infections early to limit the spread of COVID-19. We also encouraged increased transparency to the public on the Jail website, such as posting Lieske Giese’s April 26th COVID-19 Evaluation and Recommendations for the Jail. To date, it is not posted, only COVID resources. I refer you to the minutes of these meetings for a review of the full comments.
- **On June 26th,** we sent an email to Public Health, Jail Officials, and members of this Committee, that it was clear to our group that we were at an impasse in prioritizing the testing.
- **On July 12th,** after media had reached out to us, in the Leader Telegram, (https://www.leadertelegram.com/covid-19/advocates-are-calling-for-mass-covid-19-testing-in-the-eau-claire-county-jail/article_08f2f675-a4da-5a39-81f2-70bcceb53535.html) we again urged Public Health and Jail Officials, including this oversight committee, to conduct mass testing in the best interest of incarcerated people, staff, and our entire community, for all of the reasons and evidence we provided to date.

We learned from an email dated Friday, August 7th, after 4pm, from Lieutenant Dave Riewestahl to staff, that testing would occur on the following Tuesday, August 11th and what the protocol would be. I was very concerned with this extremely short timeline and also sending out an email late on a Friday afternoon is not a strategy to meet with success. **On August 10th,** David Carlson was asked to craft a message to those incarcerated to encourage them to participate in voluntary National Guard Testing that was going to happen that next day.

Total numbers tested went from 49 out of 193 incarcerated individuals along with 31 staff, a total of 80, to a total of 133 reported out at the August 24th briefing with no breakdown between staff and those incarcerated. **On August 14th,** David sent an email to Lieutenant and Sheriff Cramer expressing our concern regarding this apparent lack of preparation for mass testing, evidenced by the short timeline and low numbers.

We question the manner in which this testing was conducted, and the manner by which the necessity to test was communicated to individuals in the jail. At the Center for Disease Control and Prevention website there are recommended guidelines for successfully conducting Broad-Based Testing: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/broad-based-testing.html>. The CDC website emphasizes the importance of planning ahead for all considerations when it comes to testing in congregate living facilities, especially in detention

centers (please see the website for specific recommendations including providing for language and mobility barriers, issues of distrust, how to communicate the importance of participating, etc).

The question that community members have been asking us is “What happened” given that other facilities in our state were able to successfully test everyone? What we ASK:

- That a detailed description of what process the Jail followed in assisting the National Guard be made available to the public.
- How did our process differ from those facilities who succeeded in testing everyone and why? Did our Jail officials contact others who successfully completed mass testing in their facilities?
- **The virus’ plan is not changing**-it will infect as many people as it can where it sees an opening. What is our COVID-19 plan moving forward with admissions increasing, to take into consideration upwards of 40% of those being booked into our Jail and staff moving in and out, being asymptomatic? All incarcerated people at minimum should be tested before they are released into the general population after quarantine; staff need a plan of regular and ongoing testing.

Lack of transparency to the public is what fuels misinformation; it is always better to overcommunicate and all public officials have a responsibility to be accountable to the public. Correctional health is public health.

I appreciate you taking my comments into consideration.

Good afternoon members of the Judiciary and Law Enforcement Committee. My name is Kim Cronk and I live in Eau Claire, represent District 28, and have been an active volunteer with the ACLU Rights for All Campaign. I am speaking today on the many concerns I have heard and share surrounding the need to transform our law enforcement practices and policies, increase public transparency, ensure policies and practices are eliminating (not reducing) racial and ethnic disparate outcomes, and insisting on the need for community driven public safety. This requires that we draw on the leadership, expertise, and authority of people most impacted and that our budgets will be tools that produce racial equity and support community-led strategies. Strategies that prevent and address trauma and violence, create healthy communities, and help foster protection for everyone. The ask today is that each of us ensure community engagement, with community directives at the forefront is occurring, and that stakeholders from our County Law Enforcement, Eau Claire Police Department, District Attorney's Office, and others are present. We need to continue to have either virtual or large, socially distanced gatherings to allow diverse community members the opportunity for questions, answers, and input surrounding law enforcement policies, all contact point decision making practices (from initial contact to outcome), budgets, and what is important to our diverse community groups regarding law enforcement and our criminal-legal system.

There have been efforts by the Eau Claire Police Department to speak out publicly against the murder of George Floyd and the policing tactics that caused his death. They had presence at public forums including the virtual Juneteenth Celebration, the ACLU presentation on the High Intensity Drug Trafficking Area Designation (HIDTA) of Eau Claire County in Owen Park earlier this summer, presence during a listening session on July 22nd hosted by City Councilwomen, Mai Xiong to discuss the City's Capital Improvement Plan and have input from diverse community members regarding policing and the investments in these departments, at the peaceful protests throughout the summer, and other venues. The Eau Claire Police Department website has been updated with some information and statistics regarding their commitment to transparency in policing and most recently an addition of a Notable Case Log with calls for service by geographical area with some storyline notations. Although there is an incredible amount of work to be done to create equitable outcomes, this is a start. It has been noted repeatedly by our community that there has been no response from County Law Enforcement or representatives on the murder of George Floyd, the shooting of Jacob Blake, or updates on their practices, commitments to anti-racism or transparency of information on their website, or communicated in other ways to the public. The community is speaking and we need to listen. Our Sheriff was a participant in a virtual panel discussion recently at the Pablo Center, however many have stated that the conversation increased concerns and the need to have many more questions answered.

Some of the comments and questions from the virtual listening session on July 22nd were around the need for further community discussion on public de-escalation training, review of all laws, ordinances and codes, the decriminalization of "petty" things (which included possession of marijuana and other examples), cultural comprehension in our community, concern and opposition for the increasing militarization of our law enforcement, addressing what public safety looks like, and how to truly create an inclusive community. There has been talk of a Regional Anti-Racist Task Force and yet, we cannot wait. It is up to each of us to take on the work we committed to when the County Board unanimously approved the Resolution Declaring Racism as a Public Health Crisis on July 21st. We agreed to have people most impacted and underrepresented at decision making tables, and in fact, leading the work. We have committed to achieving equitable outcomes. We each have a responsibility and a commitment

to ensure this happens. There are many things we can do now. For example, to my knowledge, there is still not a justice-involved or formerly incarcerated person or family member serving on the Criminal Justice Collaborating Council. Why? And if not, what do we need to do to change the bylaws to reflect that if we truly want to be evidence-based and inclusive not just now, but well into the future.

At the most recent Criminal Justice Collaborating Council meeting there was to be a HIDTA presentation and there was public comment both on that day and in the various aforementioned community venues, rallies, and other spaces. There was not a full presentation addressing these community questions and concerns, perhaps due to lack of time, which affirms the need for further public engagement on this issue. It would be important to have a presentation to the County Board on this HIDTA designation, including from the perspective of the ACLU or other community partnerships, not just the “whys” from a law enforcement perspective. There is rightful public concern, locally and nationally, regarding the continued investment in or acceptance of investment in the militarization of law enforcement. The review of all policies is critical along with the understanding of what monies are being accepted for these efforts, including grants, and the actual outcomes and data to support these investments. As one example, I am hoping to gain more clarity on the reporting on any seizures or forfeitures obtained by the West Central WI Drug Task Force and/or the Sheriff’s Department and what is the outcome or use of these gains. From brief discussions via email with Corporation Counsel it is my understanding that by statute up to 50% can be retained by the department if expense receipts/accounting is provided to the Wisconsin Department of Administration and the other 50% goes into the School Fund. I do not however, see our County listed on their website for the years of 2018, 2019, or 2020 so far and I would like to further understand this accounting process and how or where the public can access this information. If I am misunderstanding or having trouble with locating or understanding the details, the public assuredly is as well. There are many other questions and answers that the public would like to engage in and this illustrates the need for more public forums and input.

As an example of what can be done, LaCrosse residents were invited to an open conversation about policing during a town hall forum on August 19th regarding law enforcement practices, how community views public safety, and how people want to be policed and protected. This forum included panelists from a variety of city commissions and departments along with area activist organizations, centering on ensuring that the voices of Black, Brown, and Indigenous community members were heard. Other panelists hoped to talk about general barriers between law enforcement and the people they serve. It was also a chance for top law enforcement to respond with steps they are taking to address issues. “Our police departments do not have very good relationships with us, especially in the Black community” a person stated. The event was not just to spark conversation, but to create action and lasting change. They will be having more forums in the upcoming months.

Addressing the harms of racism and the generational effects of racist policies, their outcomes in our past, present, and future needs to be reckoned with. We need to build antiracism, anti-oppression, and repair into our policies, practices, culture, and budgets. It is imperative each of us uses our spheres of influence to do so. I look forward to continuing to work with each of you and our community to follow through on our commitment as a County to work towards a more inclusive and equitable government, abolishing racism and dismantling any policies or practices that are creating disparate outcomes so that we can achieve our goal of equitable outcomes for all. This is critical so that our children and our children’s children do not have to continue declaring racism as a public health crisis and they can live in a healthy, safe, multicultural and multiethnic, equitable and thriving community. Thank you.

Members of Judiciary and Law Enforcement Committee-

My name is David Carlson and I live at 2212 Altoona Avenue, Eau Claire, WI 54701.

In every election, but particularly amidst the challenges of COVID-19, it is very important that every eligible voter in Wisconsin has an equal opportunity to register to vote, cast a ballot, and have that ballot counted. I am interested in understanding the Eau Claire County Sheriff Department's plan for ensuring that eligible voters in the Eau Claire County Jail's care do not face barriers in the upcoming election. I am also interested in the Judiciary and Law Enforcement Committee's plans to oversee this effort.

At any given moment, there are about 12,500 Wisconsin residents in county jails. More than half of those in jail have yet to be convicted of a crime but are forced to remain in jail because they are too poor to post cash bail.

In Wisconsin, most people who are involved in the criminal legal system do not lose their right to vote unless convicted and sentenced to a felony. Unless we take steps now to ensure that jails are making registration and voting accessible, thousands of Wisconsin residents will be disenfranchised in the November 3rd election.

Has the Eau Claire County Sheriff's Department designated a social worker or correctional officer to make sure every eligible voter in its care has an opportunity to register to vote and cast their ballot. Beyond that, I am wondering if this committee and the sheriff's department could answer a few questions. What policies are in place to ensure that voters in the Eau Claire County Jail can:

1. Access information on election dates and deadlines, candidates, and issues?
2. Check their voter eligibility?
3. Check their registration status?
4. Access documents that help them confirm proof of residence for the purpose of registering to vote, and proof of identity for the purpose of casting a ballot?
5. Register to vote?
6. Request their absentee ballot?
7. Vote at the polls on election day, specifically if they were jailed after the deadline by when they can request an absentee ballot?
8. Verify that their vote was counted?

Additionally, is there a policy and process in place for tracking voter registrations, ballot requests, and ballots returned? How many people have registered or voted from the Eau Claire County Jail in the past?

We have 61 days left until our national election. The ACLU of Wisconsin's Rights for All Campaign is willing to collaborate with this committee and the sheriff's department in this effort. This collaboration must begin now if we are to establish a precedent for anti-discrimination and re-enfranchisement for the years to come in this county.

I sincerely hope that the Eau Claire County Sheriff's Department, in unison with this Committee on Judiciary and Law Enforcement, is prepared to be a supporter of democracy, by being proactive and

transparent in this endeavor. Our democracy works best when all eligible voters participate. Ensuring the ability of each eligible voter to cast their ballot is not only service to our country, it is also patriotic.

Please refer to the ACLU of Wisconsin's Ballots for All Toolkit that has been provided to this committee to review the jail checklist on page 6. All necessary steps to ensure that every eligible voter in the Eau Claire County Jail's care has access to demonstrate their constitutional right to vote has been provided.

Thank you.

David Carlson

ACLU of Wisconsin Rights for All

Eau Claire County Regional Organizer

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