

Minutes
Eau Claire County
Committee on Judiciary and Law Enforcement
Wednesday, October 28, 2020 – 3:00 PM
Virtual Meeting via Cisco Webex

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

Others Present: Danielle Powers, Dave Riewestahl, Cory Schalinske, Ron Cramer, Tiana Glenna, Gary King, Donald Mowry, Kimberly Cronk, David Carlson, Ryan Patterson, Travis Quella, 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

- Dr. Susan Wolfram's public comments were read by Kimberly Cronk as Dr. Wolfram was unable to attend. The comments were centered around jail procedures and programs. A transcript of the comments are included in these minutes.
- Kimberly Cronk made public comments regarding jail procedures, programs, and data. A transcript of the comments are included in these minutes.
- Christine Varnavas was unable to attend the meeting. At her request, and with the Chairperson's permission, the Clerk read the comments. The comments related to a recent experience with the Eau Claire County Sheriff's Office. A transcript of the comments are included in these minutes.
- David Carlson made comments in support of Varnavas's comments. Written public comments from Mr. Carlson were also submitted and are included in these minutes.

Approve Minutes from September 23, 2020 Meeting

Supervisor Janssen moved to approve the minutes from the September 23, 2020 meeting. The minutes were adopted as published in the meeting materials via 5-0 voice vote.

Criminal Justice Collaborating Council Dashboard Update

- **Dashboard Review**
 - 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.
- **Report from Supervisor Russell**
 - Supervisor Russell provided a brief report from the October 21, 2020 meeting CJCC meeting. The CJCC heard public comments that were similar to those shared at this meeting. There was discussion about the addition of an Equity, Diversity, and Inclusion professional with the City and County. Eau Claire Police Department Chief Matt Rokus described changes and initiatives in his department to address mental health responses.

3rd Quarter Fiscal Updates & 2021 Budget Recommendations Update

- **Criminal Justice Collaborating Council**
 - Criminal Justice Director Tiana Glenna reviewed the 3rd quarter narrative and financial reports. The Department has experienced some savings in supplies, training dollars and treatment placements due to COVID-19.

- **District Attorney**
 - District Attorney Gary King reviewed the 3rd quarter narrative and financial reports. The department recently added two Assistant District Attorneys and are now fully staffed. The department is on target for end of year financials.
- **TRY Mediation**
 - Director Travis Quella reviewed the 3rd quarter report submitted. Currently, the department is under budget and are expecting a similar end of year result. Director Quella expressed thanks for the recommendation made to restore the funding from the County to 2020 levels rather than 5% reduction. Director Quella stated they are still looking for ways to increase revenues in the future.

Eau Claire County Sheriff's Office Updates

- **3rd Quarter Fiscal Update & 2021 Budget Recommendations Update**
 - Administrative Division Manager Danielle Powers reviewed the 3rd quarter narrative and financial reports. Revenues are lagging in some areas but expenses are also down in some areas. It was noted the Fund 212 account title incorrectly labels the account as a grant fund. The account is fully funded by Federal forfeiture proceeds and is a re-imbursment based account. Lt. Schalinske reviewed upcoming national trainings all Sheriff's Office staff will be participating including implicit bias training de-escalation and force mitigation training. It was noted that the 2nd floor security screening was added back into the 2021 budget request.
- **Jail Population, Staffing, & COVID-19 Response**
 - Jail population is holding steady. Lieutenant Travis Holbrook was promoted to fill the vacant jail lieutenant position. Sergeant John Gunderson was promoted to be the new bailiff sergeant. There are currently three vacant correctional officer positions but two new staff are in training netting one vacancy with high quality applicants in the interview process. COVID-19 remains a significant concern especially with increased community spread.
- **2nd Floor Security Screening in 2020**
 - This agenda item was discussed as part of the 3rd quarter fiscal and 2021 budget recommendations update.
- **Response to Questions re: Forfeiture funds, HIDTA funding, and Transparency**
 - Sheriff Cramer spoke to this agenda item. Sheriff Cramer reviewed the current expenditures of the HIDTA grant including intelligence training and the replacement of digital tracking equipment. Neither the Sheriff's Office nor the County completed or submitted the grant application. The Sheriff's Office will look into obtaining the application and the ability for them to distribute it.

Review of Winnebago County Resolution to Support Pending Legislation to Amend Hearing Timelines for Juveniles Taken into Custody

This resolution was received from Winnebago County after passage by their County Board. The Committee reviewed the resolution and requested that a formal resolution be presented at the next regular meeting.

Future Meeting Date

The next regular meeting is scheduled for November 25, 2020 at 3:00 PM.

Future Agenda Items

- 3rd Quarter Fiscal Update
 - Register in Probate/Clerk of Juvenile Court
 - Circuit Court
 - Clerk of Courts
- Eau Claire County Sheriff's Office
 - Jail Population, Staffing, & COVID-19 Response
 - Jail Voting Report
 - Procedures/Policies for the Proper Execution of Search Warrants
 - Procedures for Citizen Complaints for Eau Claire County

- Resolution to Support Pending Legislation to Amend Hearing Timelines for Juveniles Taken into Custody
- Appropriate System-Wide Criminal Justice Language

Adjourn

The meeting was adjourned by Chairperson Wilkie at 4:50 PM.

Respectfully Submitted:

Eric Huse

Eric Huse
Committee Clerk

October 28th, 2020

Good afternoon Chairperson Wilke and members of the Committee on Judiciary & Law Enforcement. My name is Susan Wolfgram; I have been before you a number of times with my colleagues David Carlson and Kim Cronk. I regret not being able to share my comments with you personally; however, I have a previous commitment. I appreciate you allowing Kim to share them on my behalf.

Agenda Item #8: Eau Claire County Sheriff's Department-COVID 19 Response

Following up on the September 2nd meeting, I want to begin by acknowledging the progressive practices that Captain Dave Riewestahl has demonstrated commitment to in our Jail.

1. It was not lost on me when I heard Captain Riewestahl reference incarcerated people as “incarcerated people”, not as “inmates” or “offenders”. Those of us in the criminal justice reform/transform movement have been recommending this language change for a long time. In Stop & Think, we start with two things:
 - One, “you are more than the worst thing you have ever done”
 - And Two, you must stop thinking of yourself as a “criminal, offender, or inmate”. Yes, you have done criminal acts, but you yourself, are not identified as that label. If one hopes to change, a person must see themselves as the unique human being that they are who has made some very bad mistakes.
2. The second very progressive practice was Captain Riewestahl embracing the ACLU Voting Toolkit process and partnering with Chippewa Valley Votes. Our Eau Claire County Jail joins approximately 30/61 counties that have a process in place. It is our hope that Captain Riewestahl institutionalizes this policy, joining only Kenosha County in adopting a detailed policy. https://www.aclu-wi.org/sites/default/files/field_documents/aclu-av1-2020_jail-voting-access-report-final-07012020.pdf

“Our democracy works best when everyone participates,” the authors write. “Especially in the midst of a global pandemic, it is critical that all eligible voters have a say in who represents our interests.”

What I am requesting today in the best interest of our incarcerated neighbors and staff:

- A commitment to a change in the Jail's broad-based testing strategy, and to take more time, thoughtfully applying the CDC 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).

- Captain Riewestahl only spoke about how he was not able to “force” staff or incarcerated people in his care to be tested; we are aware of that. We had very low numbers which defeat the purpose of broad-based testing. It was stated by Captain Riewestahl that “we have a lot to learn”...yes, we agree and spending time with these critically important guidelines is what we hope occurs.
- Have there been any updates from our Public Health Director, Lieske Giese, to her April 26th memo outlining COVID 19 Jail Guidelines? We are now at the end of October, six months later; have more preventative guidelines been enacted?
 - We have asked a number of times that these Public Health Guidelines be posted on the Sheriff’s website for transparency purposes. They have not been posted; only the same list of COVID resources.
 - 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.

In closing, we are in an emergency situation in our County with 178 cases reported Monday and a 31.5% positivity rate over the past 7-day period, rampant and out of control community spread. It can be easy to “forget” about our incarcerated neighbors. My hope is that you place these items on the next Judiciary & Law November agenda.

I appreciate you taking my comments into consideration and respectfully request that they be added to the Minutes.

10/28/20

Good afternoon Judiciary and Law Enforcement Committee members,

Thank you for the opportunity to speak. My name is Kim Cronk and I have been a long-term resident of Eau Claire County. My comments today center within your agenda item number 8 (with subsets) in today's meeting. It is also a reflection on the way in which violence, brutality, and trauma can present in many forms, what we have learned during this pandemic and how we can ensure change. I join Dr. Wolfram and Mr. Carlson in continuing to address this body in the spirit of advocacy and action that we have consistently done since March, advocacy that we have each been doing in various areas and arenas long before spring or the presence of COVID. Something powerful can happen when there is an openness and willingness to engage in true collaboration, dialogue, and community centering that typically does not happen with only elected officials or the traditional decision-makers we have seen for far too long at the table.

We have seen the effectiveness of this collaboration with the now public information by the Health Department on COVID statistics within our incarcerated persons and staff in the jail. Please know this was not without consistent advocacy and as Dr. Wolfram noted in her comments, continued updates, testing, and supports are ongoing needs to ensure people who are in extremely vulnerable positions remain in good health. Correctional health IS public health and being in a congregate setting should not equal a potential death sentence as we see cases exponentially increase in our communities, prisons, and jails within our state and region. To not ensure these continued measures with ongoing improvements in practice and policy with continuous public updates is an extension of violence on vulnerable people and their loved ones.

We have additionally seen results from the collaboration of the ACLU Rights for All Campaign, Chippewa Valley Votes, volunteers, Captain Riewestahl, and jail staff around ensuring the continual quest to improve voter registration and voting accessibility for people who are incarcerated. Voting is still a right for people who are eligible, despite being incarcerated, and this collaboration and willingness to improve policy around the use of the ACLU Voting Toolkit is something I did not see or experience in my previous work in the jail. I believe we can all agree that any type of voter disenfranchisement is an extension of violence. I want to also publicly thank the aforementioned parties for the collaboration that I hope will be institutionalized in policy and that we will see well into the future. Captain Riewestahl, again, thank you for allowing the volunteers to come into the jail and ensuring COVID measures were followed so this work can be continued with safety and health in mind. We seek and look forward to continued collaborations.

I also want to reference the reports this Judiciary and Law Enforcement Committee reviews monthly around data and demographics of the people incarcerated in the jail. As you look at and study this data, I want to bring to your attention that this data was requested for six months during the County's Jail Population Study that commenced last year and was not received. For many in our community, it was advocated for long prior to this study. While we are grateful that it is there now with the goal of expanding, I want you to understand as with any change, this took requests, questioning, determination, and advocacy. We hear consistently that people interacting with the criminal-legal system need to be accountable. Accountability is a very active and action-oriented process and one that is also critical for each contact and decision-making point within our criminal legal system. Advocacy can be time consuming, wearing, difficult, increase one's vulnerability...and yet without it, things do not change.

While some may view advocacy as adversarial, it should be welcomed as we have highlighted some of the positive change it can and will continue to create.

The County Board unanimously passed the Racism as a Public Health Crisis Resolution on July 21st and it is up to each of us to follow through with actions. Each of us needs to educate ourselves and work to advocate to change policies, practices, codes, and our communities' culture to ensure we are working toward an anti-racist and anti-oppressive community. These values need to be reflected in our investments, both human and financial, and assuring historical and future generational repair occur within our budgets. For each of us to ensure anything less is a perpetuation of violence. I am attaching an article from the Executive Director and founder of Common Justice, Danielle Sered, for your review and reference. I urge you to read and know the work of Common Justice. I quote her as stating, "Most violence is not just a matter of individual pathology— it is created. Poverty drives violence. Inequity drives violence. Lack of opportunity drives violence. Shame and isolation drive violence. And like so many conditions known all too well to public health professionals, violence itself drives violence" (Serred, 2017).

Lastly I want to ensure that our previous request from last month's meeting is addressed today in Agenda Item 8, regarding the quantitative and qualitative performance measures and metrics within the West Central Drug Task Force, including demographics of who they interact with, use of force data, no knock warrant data, what they actually seize, and how those forfeiture funds or items are tracked and utilized. In addition, there was a previous request to have the original High Intensity Drug Trafficking Area Grant proposal as part of the Criminal Justice Collaboration Council meeting packet. I have not seen that available to the public in any meeting information unless it was missed. To my understanding, the forfeiture information should be listed on the Wisconsin Department of Administration's Forfeiture page, however I am not seeing it so increased education in this area is welcomed. How often do these investigations or investigations of any kind that can perpetuate trauma and/or violence, result in nothing? These clarifications, along with demographics and other aforementioned requests do not appear to be part of this meeting's packet, however I am hopeful that again, in the spirit of advocacy, growth, collaboration, change, and the goal we share of creating the healthy and safe community(ies) we all deserve, that they will be part of this Committee's discussion today and in the future. Thank you for your time and consideration.

Citation:

Danielle Sered. Accounting for Violence: How to Increase Safety and Break Our Failed Reliance on Mass Incarceration. New York: Vera Institute of Justice, 2017.

<https://www.commonjustice.org/>

<https://d3n8a8pro7vhm.cloudfront.net/commonjustice/pages/82/attachments/original/1506608259/accounting-for-violence.pdf?1506608259>

Huse, Eric

From: Christine Varnavas [REDACTED]
Sent: Wednesday, October 28, 2020 2:27 PM
To: Huse, Eric
Subject: For Public Comment Today 10.28.20

Hello, I will not be able to attend. I would very much appreciate this being read.

PUBLIC COMMENT

I am a teacher and a wellness professional. I am currently a contractor with Eau Claire County CCS. I work with trauma survivors to help them achieve wellness, to lessen the effects of their trauma, how it impacts them and their community.

I was initially contacted by email in August by the Sheriff's Department asking for my records. I stated that I would comply. I later received a second email asking about the records. I responded by email that I had not had time.

The following happened to me on October 19th. As I was coming out of sedation from a procedure at Mayo, I was given permission to call for my ride home. I read a text from my 15-year old daughter who was home alone saying "the cops are here". I then spoke to my mother who explained to me what was happening at my house since she lives next door. When my mother and daughter arrived at Mayo to pick me up, my mother told me what she witnessed at my house. My 15-year old told me that two uniformed officers entered our house without permission, asking questions about me, my business and my home work space. She was told to leave the house and she would not be let back in. At this time, one of the officers remained alone in the house. One officer stayed outside guarding my door. The third officer left the house to get the search warrant. To the best of my knowledge no one wore a mask or gloves while in my home.

When we arrived in my mother's driveway next to my house, I saw five officers and four or five unmarked vehicles in my driveway. As I approached them, I was told I was not allowed in my house. They told me they were waiting for a search warrant. They told me they were going to go in my house and take my property as it relates to my work with CCS. I told them that I was willing to give them what they were asking for, but that I needed a few days to do so because I had just come out of the hospital. I am a single mother, self-employed and trying to keep my business afloat during the pandemic. I pleaded with them as I was crying that my computer is not only my work computer, but it is my personal computer as well. I also stated that the CCS files are HIPPA protected and that they have client names on them. They told me that the search warrant negated the HIPPA

regulations. They told me that I would get my property back within two to three weeks or never. They spoke to me in a condescending tone as if I were a child. My daughter was witnessing all of this. I firmly believe that this is a witch hunt about DHS and, sadly, my daughter and I have been caught in the crossfire.

The impact that this has had on my daughter and myself is tremendous. I feel victimized, violated and taken advantage of. This event may have a negative impact on my household income and my supplemental income as I do not have access to materials and documents that are on my computer. This will also negatively impact my clients and their health, because I no longer have access to documents that were a work-in-progress.

The following has taken place since Monday October 19th. I was contacted by the Sheriff's Department stating I could come pick up a few personal items. I was offered an explanation. I learned my personal checkbook was taken along with the other items. I met the detective at the Court House to retrieve my items. He was not wearing a mask, nor was the man with him. I was given an Evidence List, that did not include any of the items returned to me. I offered to listen to the explanation, however I stated I would not answer questions without an attorney present. The detective then stated he would not explain anything without his attorney present. I still have no idea what they are looking for.

Monday the 26th was the first day I was able to spend time in my home office. I still cannot work in there. I understand what it feels like to be victimized as I am a survivor of childhood sexual assault. My personal items are an extension of me. It feels similar.

As mental health is one of the top concerns in our community, I fail to see why anyone or any agency would try to undermine mental health services that are so desperately needed. I attended an Integrative Mental Health Conference in 2019, in San Francisco, hosted by Dr. Andrew Weil, the father of Integrative Medicine. The conference hosted global experts in mental health. Some of the "other/alternative" successful tools and methodologies being presented there are currently being offered by CCS in Eau Claire County. We should be proud of that. We should not diminish and foster fear about mental health.

I am a supporter of law enforcement; I have friends in law enforcement. However, I now feel unsafe, as does my daughter, in our own home due to a few who are positioned to protect.

Thank you for your time

Christine Varnavas, Anandaworks Wellness

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

I am giving public comment on a couple different items today, and I would like to begin with the voting event that occurred on October 6th. I thank Captain Riewestahl for the time and effort he put into making this event possible, along with Chippewa Valley Votes for being willing to use their expertise in all things voting, to pull off such an event. It was because of the willingness of all parties involved to collaborate, that Eau Claire County is one of the few counties in Wisconsin that has begun implementation of an effective voting process for eligible voters in jail.

It is refreshing to begin with a note of progress, because it has been seldom the case in my work over the last 8 months with the ACLU of Wisconsin, that I have had positive reports for this Judiciary and Law Enforcement Committee concerning actions of the Eau Claire County Sheriff's Department. It is unfortunate that I come before you again today with another concerning example of law enforcement overreach and callous behavior.

By now, some of you on this council are aware of the incident that occurred with an Eau Claire County Comprehensive Community Services Provider on October 21st. For those of you who are not, this provider's home office and business office were searched by force and under warrant, by Sheriff's Department detectives, as part of the investigation into Eau Claire County DHS. The same investigation this committee debated and declined to support the Sheriff's decision to fund with money from its operational budget. Initially, prior to a warrant being submitted to the owner of the home, the law enforcement personnel, entered the home of this provider with only her teenage daughter present. The trauma inflicted upon this family will continue to impact their daily lives long after this sheriff's department moves on to what it considers its next target within our community.

The ACLU of Wisconsin's Rights for All Campaign has presented to this committee many times over the last 7 months. Our first presentation was on the topic of the negligent handling of COVID 19 within the Jail facility and the lack of transparency concerning this virus in the jail. We then addressed the High Intensity Drug Trafficking Area Designation placed on Eau Claire County, and the strong likelihood that this designation would only increase the racially disparate outcomes that are reinforced by local law enforcement practices and legitimized by our criminal justice system. We have had months of debate, negotiation, and dispute, and at this point, it is clear where each concerned party stands on these matters. The Eau Claire City Police Department has made a commitment to reforming their policing practices to reverse years of systemic racism and discrimination—the Eau Claire County Sheriff's Department has not.

If there is to be a forensic audit of any Eau Claire County Department, it should be the Sheriff's Department. All monies from grants, the county, drug related seizures, and any other sources of funding should be categorized and made available to the public in an understandable and straight forward manner. This would include all money that is being channeled through the West Central Drug Task Force. This is the only way to distinguish what exactly is motivating the actions of this department, which seem to be incentivized more by its own expansion of authority and infrastructure, than by public safety. It is obvious that public safety is not the motivating factor with this department when it chooses to increase drug war operations while at the same time attack evidenced based treatment and recovery programming like Comprehensive Community Services.

In closing, at the October 21st CJCC meeting, the supervisor from the West Central Drug Task Force claimed that the targets of the HIDTA designation would be large scale distributors. Not 10 minutes later, when asked a question about money for prevention under this funding, the WCDF supervisor stated that the few thousand dollars each WCDF county would be getting would mainly be going towards undercover controlled buys. What large scale cartel drug organizations deal with plain clothes officers in increments of a few thousand dollars? It is time we begin scrutinizing what we are being told by this sheriff's department before our county is one of the next places that makes the national news.

Thank you for your time.

David Carlson

Rights for All Eau Claire

ACLU of Wisconsin