

**Minutes**  
Eau Claire County  
Committee on Judiciary and Law Enforcement  
Wednesday, November 25, 2020 – 3:00 PM  
Virtual Meeting via Cisco Webex

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

**Ex-Officio Members Present:** Nick Smiar

**Others Present:** Kimberly Cronk, Jean Gay, Ron Cramer, Joel Brettingen, Dave Riewestahl, Danielle Powers, Ryan Patterson, 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 Wolfgram submitted written comments that are included in these minutes.
- Kimberly Cronk made public comments regarding transparency of law enforcement in Eau Claire County. A written transcript of the comments are included in these minutes.

**Approve Minutes from October 28, 2020 Meeting**

Supervisor McKinney moved to approve the minutes from the October 28, 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.

**3<sup>rd</sup> Quarter Fiscal Updates**

- **Register in Probate/Clerk of Juvenile Court**
  - Register in Probate/Clerk of Juvenile Court Jean Gay noted there is nothing of great significance to report. She has seen an uptick in some case filings. On target for end of year, will likely be right on budget. Things are going well overall in the department.
- **Circuit Court**
  - Clerk of Circuit Court Susan Schaffer provided an update. Zoom court appearances have been going well and have resulted in a direct impact on the budget as interpreters no longer need to travel. A few Jury Trials were held in 3<sup>rd</sup> Quarter but had to stop again as COVID-19 flared up. A sixth courtroom will be built next year in anticipation of a sixth circuit court judge being added in August 2022.

- **Clerk of Courts**
  - Clerk of Circuit Court Susan Schaffer provided an update. Revenues are down significantly this year largely as a result of State Debt Collection pausing collections due to COVID-19. Some expense are down this year as well due to no jury trials.

### **Eau Claire County Sheriff's Office Updates**

- **Jail Population, Staffing, & COVID-19 Response**
  - Captain Dave Riewestahl provided an update. Jail population is down slightly over the last month. The prison system is limiting the number of inmates they can receive which has caused some inmates to remain in the county jail longer than would be normal. Staff turnover this year is consistent with the 10 year of 12% average; as a result, some staff have had to be ordered-in to ensure safe operation of the jail. The Committee engaged in discussion regarding the turnover rate and how to reduce that.
  - Captain Riewestahl noted that COVID-19 has impacted every aspect of their operations and staffing. Fortunately, PPE, cleaning supplies, and related materials have become more available. The jail will be receiving a significant donation of masks as well. Captain Riewestahl has requested another mass testing event for all inmates and staff which will occur on Tuesday, December 01, 2020. The jail recently purchased computers and video conference system to keep up with video court appearances in our county, other counties, and probation/parole. Testing information is being posted on Sheriff's Office website. The jail currently has 1 positive inmate.
- **Jail Voting Report**
  - Captain Riewestahl informed the Committee that 12 inmates participated in voter registration during the last election cycle. Chippewa Valley Votes assisted with the registration and information distributed to inmates. Captain Riewestahl is finalizing a voter information packet for all inmates. The voting guide will be shared with the Committee when completed. The most significant obstacle that was experienced for inmates was the lack of valid ID to vote.
- **Memorandum from Sgt. Andrew Falk Regarding Asset Forfeitures**
  - Sheriff Cramer introduced this topic and provided basic background information. The Clerk, at the direction of the Chair, read the memorandum. The Committee reviewed the memorandum and discussed its content.

### **File No. 20-21/089 - Resolution to Support Pending Legislation to Amend Hearing Timelines for Juveniles Taken Into Custody Under Wisconsin Statutes Chapter 938 to Coincide With Hearing Timelines for Children Taken Into Custody Under Wisconsin Statutes Chapter 48**

Chairperson Wilkie introduced the file. Supervisor Russell moved to approve the resolution and forward to the full County Board for consideration. **Approved** via 5-0 voice vote.

### **Appropriate System-Wide Criminal Justice Language**

This agenda topic was added to have an initial discussion about what is appropriate language to use when describing or discussion criminal justice language and who may be able to provide additional information on this topic. The Committee had a preliminary discussion of what the intent is and will revisit after additional information or resources are gathered by committee members.

### **Future Meeting Date**

The next regular meeting is scheduled for December 23, 2020 at 3:00 PM.

### **Future Agenda Items**

- Eau Claire County Sheriff's Office
  - Jail Population, Staffing, & COVID-19 Response
  - Audio/Visual Recording Equipment
  - Protective Status for Employees

- Procedures/Policies for the Proper Execution of Search Warrants
- Procedures for Citizen Complaints for Eau Claire County
- Appropriate System-Wide Criminal Justice Language Presentation

**Adjourn**

The meeting was adjourned by Chairperson Wilkie at 4:33 PM.

Respectfully Submitted:

*Eric Huse*

Eric Huse  
Committee Clerk

November 25<sup>th</sup>, 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 today.

**Agenda Item #8A: Eau Claire County Sheriff's Department-COVID 19 Response, following up on my October 28<sup>th</sup> comments:**

- **Have there been any updates from our Public Health Director, Lieske Giese, to her April 26<sup>th</sup> memo outlining COVID 19 Jail Guidelines?** We are now at the end of November, seven 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.
- **What is the current process for testing all staff, which includes those who are asymptomatic and can account for 40% plus of cases?** Staff present the greatest risk to COVID spread within a facility as they are moving in and out in our community with an almost 20% case positivity rate.
  - When Lieske gives Jail updates, she should be including the # of staff who have tested positive and/or recovered
  - **As of 11/20 per COVID Dashboard:**
    - ✓ Our case activity level is “critically high burden and growing”
    - ✓ Our community spread is “critically high” at 32%
    - ✓ Our case positivity rate is almost 20% (19.7)
    - ✓ We are at 93% capacity in Northwest Region for ICU beds

**Agenda Item #10: Appropriate System-Wide Criminal Justice Language, following up on my October 28<sup>th</sup> comments:**

- I called for consideration of “Person-First Language” (PFL), “incarcerated people”, “incarcerated person”, being adopted in our county criminal justice system and refer you to the National Institute of Health article below as well as two others.
  - In November of 2019, our City Council voted to adopt PFL for all ordinances:<https://wqow.com/2019/11/26/eau-claire-city-council-to-change-ordinance-language-to-people-first/>
  - **Basic summary from the NIH article about the purpose of PFL in criminal justice:**
    - Background**
    - Words matter when describing people involved in the criminal justice system because language can have a significant impact upon health, wellbeing, and access to health information and services. However, terminology used in policies,

programs, and research publications is often derogatory, stigmatizing, and dehumanizing.

### **Discussion**

In response, health experts from Europe, the United States, and Australia recommend that healthcare professionals, researchers, and policy makers working with people in detention follow key principles that foster constructive and humanizing language. These principles include: engage people and respect their preferences; use stigma-free and accurate language; prioritize individuals over their characteristics; and cultivate self-awareness. The article offers examples of problematic terms to be avoided because they do not convey respect for incarcerated people and propose preferred wording which requires contextualization to local language, culture, and environment.

### **Conclusion**

The use of respectful and appropriate language is a cornerstone of reducing harm and suffering when working with people involved in the criminal justice system; the use of stigmatizing and dehumanizing language must therefore come to an end.

Words Matter: a call for humanizing and respectful language to describe people who experience incarceration

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6240232/>

The Language of Incarceration, Cox, 2020

<https://journals.sagepub.com/doi/full/10.1177/2632666320940859>

Language: Prison Studies Project

<https://prisonstudiesproject.org/language/>

I appreciate your consideration of my comments.

Susan

11/25/20

Good afternoon Chair Wilke and members of the Judiciary and Law Enforcement Committee. Thank you for allowing me to speak to you today. I wanted to start out with an excerpt from an article by the writer Jeffery Young in the Minnesota Spokesman Recorder from 2012. It is as follows:

“Police!” The shout from outside the front door was followed by the house shaking violently from a stampede of police exploding through the door. I was a terrified four-year-old in Spiderman pajamas staring at high-powered assault rifles aimed at me and my mother.

After ransacking our home, the police soon realized that they had raided the wrong apartment. It was 1982, the year President Reagan declared a “War on Drugs.” The war became a tool of a discriminatory and oppressive social control system.

Michelle Alexander’s *The New Jim Crow* (New Press, 2010) is a compelling analysis of how the war on drugs resulted in the mass incarceration of African Americans, which led to second-class citizenship. “Like Jim Crow and slavery, mass incarceration operates as a tightly networked system of laws, policies, customs and institutions that operate collectively to ensure the subordinate status of a group defined largely by race,” the book states.

<https://spokesman-recorder.com/2012/10/17/we-must-challenge-and-change-our-system-of-mass-incarceration/>

In a recent letter, Jeffery wrote, “My Mom could have been Breonna Taylor; I could have been Breonna Taylor”. Another letter I received described a man’s brutal interaction with the SWAT Team in Minneapolis as he was trying to exit the scene of a raid and was beaten. Again, nothing was found. I ask you today to imagine if these were some of *your* first experiences with law enforcement.

Last month in my public comment I wrote about accountability and how violence and brutality come in many forms. Who would these families have complained to? Where is the oversight? You may be thinking to yourself; these examples are from Minnesota and that you personally have not heard of issues like this locally. Just because you have not heard of something does not mean it does not exist. Remember that we have been now placed under a High Intensity Drug Trafficking Area Designation with the intentional expansion of intel to cities like St. Paul, Minneapolis, Milwaukee, Chicago and others. I believe we can all agree these examples of brutality and racism should not happen anywhere. These are two. Imagine how many more there are that we do not know about. How are you, as the oversight committee able to assure the public and our communities that these violent and senseless occurrences are not happening when we have no public or transparent information, despite repeated requests?

There have been many requests for public information, 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, how grants are used, and how those forfeiture funds or items are incurred, tracked and utilized. In detail. Public receipts. In addition, there have been multiple requests to

have the High Intensity Drug Trafficking Area Grant, the original grant proposal to be presented. While I appreciate the memorandum in Agenda Item 8 in your meeting packet today, it does not provide any of the in-depth information requested. I am asking you, as the oversight committee, why? As elected officials, who unanimously approved the Resolution Declaring Racism as a Public Health Crisis in July, this information should be ensured by you to present to the public. There have been many asks. We cannot confront or change issues that we refuse to address.

Thank you.

Kim Cronk

Eau Claire County resident

2  
3 SUPPORT PENDING LEGISLATION TO AMEND HEARING TIME FRAMES FOR  
4 JUVENILES TAKEN INTO CUSTODY UNDER WISCONSIN STATUTES CHAPTER 938  
5 TO COINCIDE WITH HEARING TIMELINES FOR CHILDREN TAKEN INTO CUSTODY  
6 UNDER WISCONSIN STATUTES CHAPTER 48  
7

8 WHEREAS, in Children in Need of Protection or Services (CHIPS) proceedings pursuant  
9 to Wisconsin Statutes Chapter 48, when a child is taken into custody and not immediately  
10 released to a parent, guardian or legal custodian, the judge or circuit court commissioner in the  
11 county where the child is being held must hold a detention hearing within 48 hours of the time in  
12 which the decision to hold the child was made (excluding Saturdays, Sundays, and legal  
13 holidays); and  
14

15 WHEREAS, in similar actions involving Juvenile Justice proceedings pursuant to  
16 Wisconsin Statutes Chapter 938, when a juvenile is taken into custody and held by a county, the  
17 circuit court must hold a detention hearing within 24 hours after the end of the day on which the  
18 decision to hold the juvenile was made (excluding Saturdays, Sundays, and legal holidays); and  
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20 WHEREAS, as a result of the discrepancy in the timelines between the Chapter 48 and  
21 Chapter 938 proceedings, in Chapter 938 cases county circuit court judges, commissioners,  
22 juvenile intake workers, and other courthouse staff need to be prepared to conduct hearings in  
23 circumstances in which the county courthouse may otherwise be closed, such as the Friday after  
24 Thanksgiving, extreme weather days, etc. Failing to meet the statutory deadlines places the  
25 county at risk of losing jurisdiction over the pending matter. Additionally, concerns may arise  
26 regarding transportation of juveniles and children on non-workdays in order to accommodate  
27 hearings.  
28

29 NOW, THEREFORE, BE IT RESOLVED by the Eau Claire County Board of  
30 Supervisors that it hereby supports legislation that would align the statutes that compute the  
31 detention hearing timelines for children in need of protection or services proceedings under  
32 Chapter 48 and juvenile delinquency proceedings under Chapter 938 by specifying that a day in  
33 which the Clerk of Circuit Courts Office is closed does not count toward the computation of the  
34 detention hearing timeline under Chapter 938. This will ensure county governments are in a  
35 better position to save limited resources and protect the safety of their employees and the public.  
36

37 THEREFORE BE IT FURTHER RESOLVED by the Eau Claire County Board of  
38 Supervisors that it hereby directs the Eau Claire County Clerk to forward a copy of this  
39 Resolution to all Wisconsin Counties, the Wisconsin Counties Association, and all state senators  
40 and assembly members representing Eau Claire County constituents.  
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42 I hereby certify that the foregoing correctly  
43 represents the action of the Committee on Judiciary  
44 and Law Enforcement on November 25, 2020, by a  
45 vote of 5 for, and 0 against.

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48 Gerald Wilkie, Chair  
49 Committee on Judiciary and Law Enforcement  
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