

Agenda
Eau Claire County
Committee on Judiciary and Law Enforcement
Wednesday, March 24, 2021 – 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@da.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
5. Approve Minutes from February 24, 2021 Meeting – discussion/action pg. 2
6. Criminal Justice Collaborating Council Update – discussion
 - a. [Dashboard Link](#)*
7. 6th Circuit Court Branch Update – discussion
8. Eau Claire County Sheriff's Office Updates – discussion
 - a. Jail Population, Staffing, & COVID-19 Response
9. Eau Claire County Policy & Procedure for Citizen Complaints – discussion pg. 5
10. State Legislative Topics – discussion/action
 - a. Reimbursement for holding State prison inmates; Closure of correction facilities & impact to county jails; Proposed elimination of Qualified Immunity; Protective Status for Correctional Officers; Loss of benefits (Medicare, Social Security, etc.) after 48 hours of incarceration; Inmate voting on election day.
 - b. Other department or Committee topics
11. Set Future Meeting Date(s) – discussion/action
 - a. The next regularly scheduled meeting is April 28, 2021 at 3:00 PM
12. Set Future Agenda Item(s) – discussion/action
 - a. Eau Claire County Sheriff's Office
 - i. Jail Population, Staffing, & COVID-19 Response
 - ii. Audio/Visual Recording Equipment
 - b. Procedures/Policies for the Proper Execution of Search Warrants
 - c. Procedures/Policies for Officer Involved Critical Incidents
 - d. Appropriate System-Wide Criminal Justice Language Presentation
13. Adjourn

*<https://app.powerbigov.us/view?r=eyJrljoiYTEzZDEwYzctZDAzYi00YmQ1LTg4M2ltNWMyZGUzMjNjZTI3liwidCI6ImFjMmI3YWU3LTZlZDQ0NDI0Ny05YjhmLWJmMjM2JINGIzZS>

Posted: 03/18/2021

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

Minutes
Eau Claire County
Committee on Judiciary and Law Enforcement
Wednesday, February 24, 2021 – 3:00 PM
Virtual Meeting via Cisco Webex

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

Ex-Officio Member Present: Nick Smiar

Others Present: County Administrator Kathryn Schauf, Clerk of Court Susan Schaffer, TRY Mediation Director Travis Quella, Criminal Justice Director Tiana Glenna, Register in Probate/Clerk of Juvenile Court Susan Warner, Captain Joel Brettingen, Captain Dave Riewestahl, Lieutenant Cory Schalinske, District Attorney Gary King, Ryan Patterson, 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

No public comment was made.

Approve Minutes from December 23, 2020 Meeting

Vice-Chairperson Russell moved to approve the minutes from the December 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 did not specifically review the information in detail.
- **Report from Vice-Chairperson Russell**
 - The Criminal Justice Collaborating Council met on February 17, 2021. Vice-Chairperson Russell provided highlights from the meeting:
 - Grant funds increased to allow for the hiring of a limited term employee for pre-trial assessment. The individual will work with clients on pre-trial supervision and help improve the program as a whole.
 - There has been work with Sojourner House & Positive Avenues to improve services for substance abuse & mental health.
 - The CJCC updated 2021 focuses & goals and reviewed current trends. One of the key points in 2021 is improving public awareness.
 - The CJCC received other updates from Judge Michael Schumacher, Attorney Dana Smetana, and Public Defender Regional Attorney Manager Laurie Osberg.

4th Quarter/End of Year Fiscal Updates

- **Clerk of Courts**
 - Clerk of Court Susan Schaffer presented the Clerk of Courts Office update. Staff worked mostly remotely in 2020. Small claims cases being held remotely has had a positive impact on appearance rate. Collections were down as a result of COVID-19 & State Debt Collection stopping collections until July 2020. Looking forward, Clerk of Court Office lobby area remodel is near completion. Jury trials are slowly starting up again, first one is scheduled for

beginning of March. Schaffer advised the Committee that the department will end year over budget.

- **Circuit Court**

- Clerk of Court Susan Schaffer presented the Circuit Court update. The courts saw significant cost savings in interpreter expenses as a result of Zoom court appearances & reduction in overall hearings. Use of Zoom appearances for interpreters will likely be extended as much as possible into the future. The department will end year with a surplus, though it will be less than what was published in the meeting materials due to outstanding invoices that will be paid.

- **Criminal Justice Collaborating Council**

- Criminal Justice Director Tiana Glenna provided an update. CJCC is working, as result of grants, to improve services for homeless and mental health concerns in the community. The Pre-Trial Services Assessment launched in December and are CJCC is working through implementation/ironing out details with other criminal justice system departments. CJCC is also exploring diversity trainings for system stakeholders. One rather significant issue on the horizon is the likely need to pay for CCAP data that data analyst uses beginning in 2021. The department will end year under budget. There will be some changes to final fiscal report as grant funds are added to line items. The Committee engaged in clarifying discussions with Glenna about the department budget.

- **District Attorney**

- District Attorney Gary King provided an update. Despite cancellation of various hearings, case closure rate for all of 2020 was still 98%. Jury trials were down from average due to mass cancellation. The department will end the year under budget as additional grant funds are forthcoming. Looking to 2021, there will be a significant jury trial backlog. The Committee clarified that revenue is still outstanding.

- **Register in Probate/Clerk of Juvenile Court**

- The Committee welcomed Susan Warner as the new Register in Probate/Clerk of Juvenile Court, who provided an update. Ms. Warner was sworn in after the retirement of Jean Gay.
- The department is under budget due to an increase in filing fee revenue. On the horizon, Warner is filling the now-vacant legal specialist position. She will be evaluating the potential need for an additional clerk as result of 6th circuit court branch addition.

- **TRY Mediation**

- Director Travis Quella provided an update. Zoom mediations will remain post-COVID-19 pandemic restriction due to the overall success that has been experienced. The department is looking to expand some programming to increase revenues based on early success with them. The department saw decreased revenues in 2020 but there was also a decrease in expenses.

Eau Claire County Sheriff's Office Updates

- **4th Quarter/End of Year Fiscal Update**

- Captain Brettingen provided an update. Cases handled and bookings for the department were down in 2020 due to COVID-19 protocols. All staff participated in various trainings in the fourth quarter. Alongside the Eau Claire Police Department, they are testing new audio-visual systems to replace the soon-to-be not-supported equipment. An anonymous donor has come forward to fund the new system which will support squad car and body cameras. Body cameras are anticipated to be on jail staff as well. The department is working through a complete update of the policy/procedure manual with the help of an outside contractor.
- As to the budget, there is outstanding grant revenue that will be added to final year-end report. Public charges were down in 2020 due to COVID-19. The department is currently under budget.

- **Jail Population, Staffing, & COVID-19 Response**
 - Captain Riewestahl provided an update. Jail bookings have been steady over the last few months. Seven jail staff ended employment in the 4th quarter. There are now eight total vacancies with five of those positions at various stages of recruitment. COVID-19 statistics for the jail are posted on the County's website. The jail has been managing through the pandemic thanks to the dedication of jail staff.
 - Beginning March 1, 2021 the WI Department of Health Services priority 1b group vaccinations will start. Congregate living settings are included in this group which includes the jail population. Jail staff were included in priority 1a group and have been offered vaccinations already. Inmates that qualify under priority 1a group have also been offered vaccinations.

Future Meeting Date

The next regularly scheduled committee meeting is scheduled for Wednesday, March 24, 2021 at 3:00 PM.

Future Agenda Items

- Eau Claire County Sheriff's Office
 - Jail Population, Staffing, & COVID-19 Response
 - Audio/Visual Recording Equipment
- Procedures/Policies for the Proper Execution of Search Warrants
- Procedures/Policies for Officer Involved Critical Incidents
- Procedures for Citizen Complaints for Eau Claire County
- Appropriate System-Wide Criminal Justice Language Presentation

Adjourn

The meeting was adjourned by Chairperson Wilkie at 4:41 PM.

Respectfully Submitted:

Eric Huse
Committee Clerk

POLICY 203 CONCERNS OR COMPLAINTS

1. Purpose.

To provide a process to address concerns outside the realm of formal grievance procedures.

2. Policy.

2.1 The Concerns or Complaints procedure should be used to address concerns that are not covered by a formal grievance procedure. These concerns may involve, but are not limited to, such issues as public and department policy; compliance with state, federal or local law; and potential or perceived conflicts of interest. It is the desire of the County, when practicable, to address concerns informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise.

2.2 The filing of a complaint or concern does not substantiate allegations. Employees identified in a complaint are presumed innocent unless the allegations are substantiated in the complaint process.

2.3 No adverse or disciplinary action will be taken when the conduct was justified or if the allegations are unsubstantiated.

3. Procedure.

3.1 Employees are encouraged to share complaints and concerns. Best practice is to bring your concern through your chain of command; however, in some instances, this may not be the most appropriate approach. Employees may also file a complaint or share their concerns by contacting the Director or the County Administrator.

3.2 The Director or the County Administrator will meet with the employee to discuss the concern as needed to identify appropriate next steps. This may require the Director or the County Administrator to initiate a report to be counter-signed by the employee.

3.3 Eau Claire County will not tolerate retaliation or harassment of an employee who shares a concern or complaint if the complaint is truthful and is made in good faith.

POLICY 203 CONCERNS AND COMPLAINTS

Effective Date: January 1, 2012

Revised Date: January 2012; May 2018; February 2021

Eau Claire County
Employee Policy Manual

- 3.4 If the complaint is deemed to be covered by a formal grievance procedure, it will be referred to the Director to proceed accordingly under the applicable grievance procedure.
- 3.5 The County Administrator or his/her designee will normally meet with the employee, department head and all interested parties within fifteen (15) working days of receipt of the complaint and attempt to reach a solution to the problem. Information concerning a complaint will be shared on a “need to know” basis. While efforts will be made to maintain the confidentiality of each complaint, no guarantee of confidentiality can be assured. Follow-up actions and/or referrals taken will be documented.

4. Formal Grievance Procedures.

- 4.1 Employees are expected to follow the formal grievance procedure that are in place for the following matters:
 - 4.1.1 Disputes concerning Employee Discipline, Workplace Safety, or discrimination;
 - 4.1.2 Sexual Harassment Complaints as set forth in Eau Claire County’s “Policy for Investigation of Allegations Sexual harassment and Other Unwelcome Conduct”.

5. Anonymous Reporting.

5.1 Eau Claire County contracts with a vendor to provide an anonymous ethics and compliance hotline. The purpose of the service is to ensure that any employee wishing to submit a report anonymously can do so. Employees are encouraged to use the hotline service in cases where anonymity is desired.

5.2 Reports may cover, but are not limited to the following topics:

- | | |
|----------------------------------|---------------------------|
| Bribery and Kickbacks | Fraud |
| Conduct Violations | Internal Controls |
| Conflict of Interest | Misuse of County Property |
| Ethical Violations | Theft and Embezzlement |
| Falsification of Reports/Records | Threats |

5.3 The information provided by the reporter may be the basis of an internal and/or external investigation into the issue being reported. Anonymity will be protected to the extent possible by law and by the vendor; however, the reporter’s identity may become known during the course of an investigation-.

POLICY 203 CONCERNS AND COMPLAINTS

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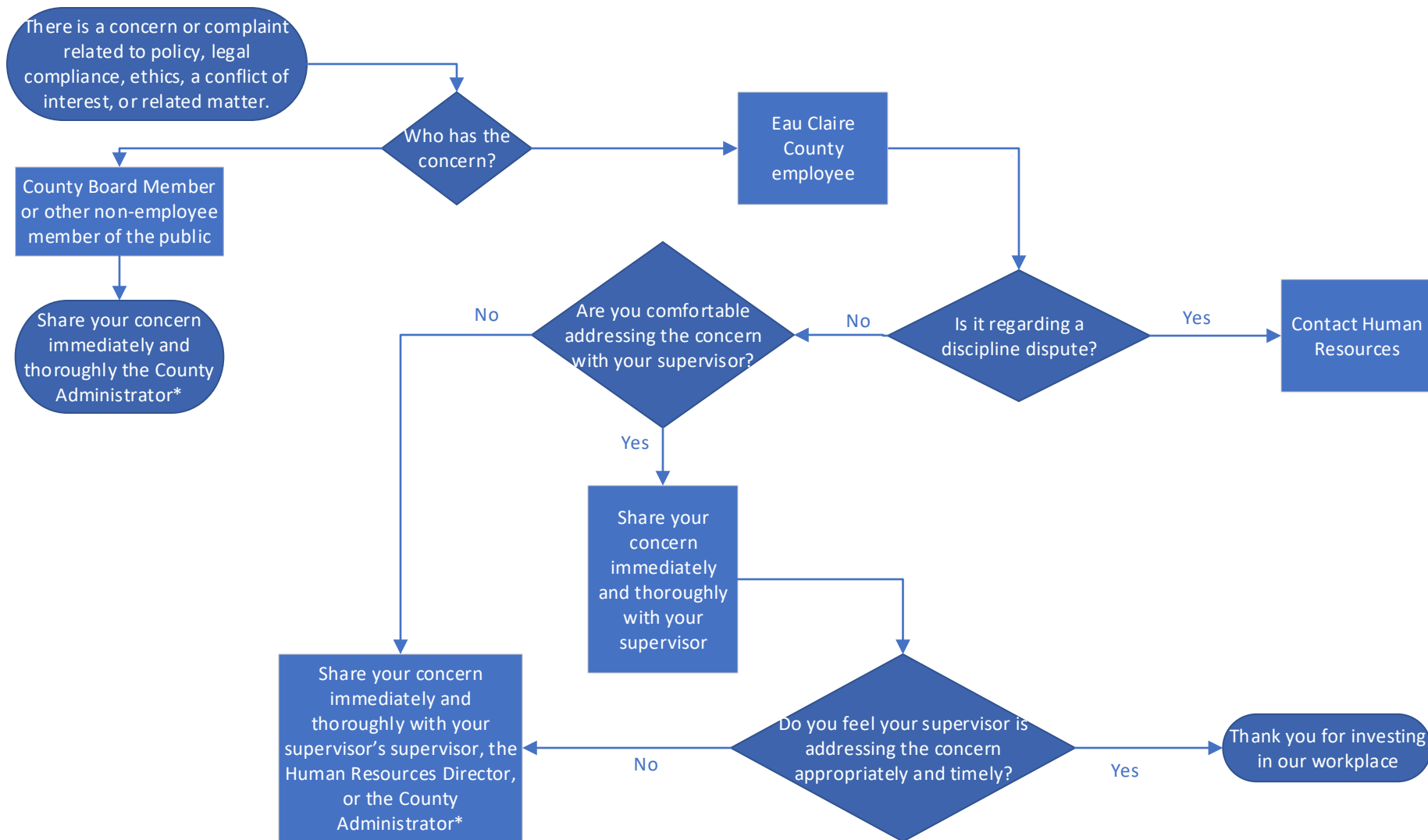
- 5.4 Any person accused in a report shall have the right to respond to the allegation.
- 5.5 If a complaint does not contain sufficient information for a complete follow through and investigation, it shall be dismissed as unfounded.

POLICY 203 CONCERNS AND COMPLAINTS

Effective Date: January 1, 2012

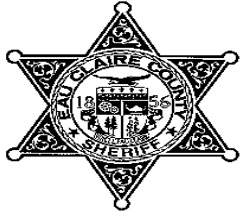
Revised Date: January 2012; May 2018; February 2021

Eau Claire County
Employee Policy Manual



*If you want to remain anonymous due to your involvement or the nature of the concern, you have the option to report through Lighthouse: (844) 600-0067, www.lighthouse-services.com/eaucleirecounty, or reports@lighthouse-services.com (must include "Eau Claire County" with report)

To understand what happens after you file a complaint, click [here](#).



Eau Claire County Sheriff's Office



Policy Manual

Subject: COMPLAINTS AGAINST PERSONNEL		Policy #: 2.3
Division: ALL	Effective Date: 11/01/2012	Pages: 4

PURPOSE

To maintain the confidence of the community in its police agency, the Office must have the ability to fairly and impartially investigate and dispose of complaints against its employees.

POLICY

To investigate complaints in a fair and open manner consistent with the rights of all concerned and aimed at determining the truth.

Personnel accused in complaints shall be presumed innocent unless the charges are substantiated in the complaint process; the mere filing of a complaint does not substantiate its allegations.

No disciplinary or other action adverse to an employee may be taken when there is a finding that the allegations were unsubstantiated or that the conduct complained of was justified.

PROCEDURE

Eau Claire County Employee Policy Manual, County Code, and the Sheriff's Office Policy Manual shall be utilized for non-union employees disciplinary and grievance procedures.

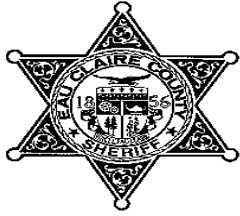
Additionally, Collective Bargaining Agreements shall be utilized for guidelines on disciplinary and grievance procedures to resolve matters for union members. However, if an employee believes that they have a grievance, they are encouraged to first discuss it with their supervisor and union steward. Most issues can be worked out in an informal manner. Union stewards can advise employees whether their complaint constitutes a valid grievance and can provide assistance with processing that grievance.

INFORMAL COMPLAINT PROCESS

When a complaint appears to be founded merely upon a misunderstanding, it will be referred to the supervisor of the employee complained against. The supervisor will attempt to informally mediate the dispute.

FORMAL COMPLAINT PROCESS

The formal complaint process must be used whenever a complaint alleges criminal activity, excessive force, violation of a constitutional right, or violation of an Office Policy. It may be used in any other case. These rules shall be available to all persons concerned. If at any time in



Eau Claire County Sheriff's Office



Policy Manual

the process it becomes apparent that the complaint is in fact a complaint between employer and employee, the procedures in the labor agreement or county policy shall be followed.

The complaint shall be reduced to writing and signed by the complainant. It shall be reviewed by the Sheriff or designee to insure its sufficiency and revised, if necessary, by the complainant.

If the complaint involves an alleged criminal activity, the Sheriff shall consult with the District Attorney and may seek the services of an outside agency to conduct the criminal investigation. The Sheriff may appoint an investigative Officer who is senior to and of another work detail than employee complained against, to conduct an internal investigation for policy and work rule violations and who shall obtain statements from complainants and witnesses.

The investigative Officer shall:

Obtain statements from complainants and witnesses. This includes interviewing the complainant to obtain specifics of the matter.

In conformance with the Wisconsin Statute 66.0511, any person filing a complaint upon an Eau Claire County Sheriff's Office Employee will be advised of Wisconsin Statute 946.66, which prohibits the filing of False Complaints of Police Misconduct and provides for a penalty for any person who files a false complaint.

Advise complainants and witnesses that they may have to appear before a board of inquiry at a later date.

Request a detailed written report of the situation from the employee complained against. This includes interviewing the employee to obtain specifics of the matter.

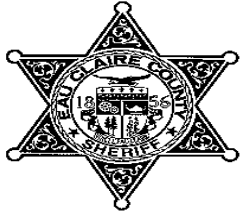
If appropriate, provide the employee complained against a copy of the complaint and explain the employee's rights to him/her.

Conclude the investigation as rapidly as possible and submit a final report within 30 days of his/her appointment as investigating Officer, unless the Sheriff or designee grants an extension in writing with notice to the employee complained against and to the complainant.

Make a written finding of facts and a recommendation to the Sheriff on what action, if any, should be taken.

Deputy Sheriff Complaints

In conformance with the Wisconsin Statute 164.02 if a law enforcement Officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, the interrogation shall comply with the following requirements:



Eau Claire County Sheriff's Office



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1. The law enforcement Officer under investigation shall be informed of the nature of the investigation prior to any interrogation.
2. At the request of any law enforcement Officer under interrogation, s/he may be represented by a representative of his or her choice who, at the discretion of the Officer, may be present at all times during the interrogation.
3. Evidence obtained during the course of any interrogation not conducted in accordance with the rules outlined in the preceding three paragraphs may not be utilized in any subsequent disciplinary proceeding against the law enforcement Officer.

The Law Enforcement Bill of Rights will be followed.

Notwithstanding the above-mentioned rules no employee may refuse to file a regular incident report. Refusal to file an incident report could result in a charge of insubordination.

GENERAL

Any person shall have the right to file a complaint.

Complaints may originate orally or in writing.

Anonymous complaints will not ordinarily initiate the complaint process. The employee complained upon may request the Office initiate the process. Anonymous complaints will be referred to the Sheriff or designee and if it is found the complaint alleges criminal conduct, the matter shall be investigated as if the complainant was not anonymous.

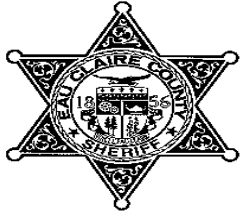
No employee may refuse to file a regular incident report; refusal to give his/her version of an incident will be taken to mean the complainant has stated a correct version and could result in insubordination.

Any person accused in a complaint shall have the right to respond to the allegation.

If a complaint does not contain a sufficient allegation of misuse of authority and facts to support, the complaint shall be dismissed as unfounded and that action reported to the complainant and the employee complained against.

Both the complainant and the alleged wrongdoer have the right to appeal. Unless there is an appeal to a court of law, the decision of the Sheriff will be final.

All persons who file complaints shall be informed of the final disposition of their complaints. Sensitivity to our employees may dictate only a general explanation to the complainant of the results.



Eau Claire County Sheriff's Office



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DEFINITIONS

Complaint: An allegation that an employee of the Office has misused his/her authority criminally and/or violated an Office Policy or State Law.

Complainant: Includes anyone who wants to file a complaint against an employee of this Office. This includes, but is not limited to all citizens, law enforcement agencies, and employees of this office.

Rev 10/94
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