

Agenda
Eau Claire County
Committee on Judiciary and Law Enforcement
Wednesday, June 23, 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 May 26, 2021 Meeting – discussion/action pg. 2
6. Criminal Justice Collaborating Council Update – discussion
 - a. [Dashboard Link](#)*
7. Eau Claire County Sheriff's Office Updates – discussion
 - a. Jail Population, Staffing, & COVID-19 Response
8. Appropriate System-Wide Criminal Justice Language/Person First Language – discussion pg. 6
9. Ordinance 21-22/010 – *Creating Section 9.85.030 of the County Code: Forfeiture; Amending Section 1.50.020 of the Code: Schedule of Deposits* (as amended at the May 26, 2021 Committee on Judiciary and Law Enforcement meeting) – discussion/action pg. 11
10. Set Future Meeting Date(s) – discussion/action
 - a. Joint meetings with the Committee on Finance and Budget to review 2022 department budget requests are scheduled for July 28, 2021 at 3:00 PM (also a regularly scheduled meeting) and July 29, 2021 at 3:00 PM.
11. 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
 - iii. Training Opportunities for Staff
 - iv. Training & Standards Legislation at State Level
 - b. Procedures/Policies for the Proper Execution of Search Warrants
 - c. Procedures/Policies for Officer Involved Critical Incidents

12. Adjourn

*<https://app.powerbigov.us/view?r=eyJrljoiYTEzZDEwYzctZDAzYi00YmQ1LTg4M2ltNWMyZGUzMjNjZTI3liwidCI6ImFjMmI3YWU3LTZlZDQ0NDI0Ny05YjhmLWJiMiliM2JlNGIzZS>

Posted: 06/21/2021

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, May 26, 2021 – 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, TRY Mediation Director Travis Quella, Todd Johnson, Sheriff Ron Cramer, Captain Dave Riewestahl, Captain Joel Brettingen, Lieutenant Travis Holbrook, Lieutenant Cory Schalinske, Admin. Division Manager Danielle Powers, Register in Probate/Clerk of Juvenile Court Susan Warner, Clerk of Circuit Court Susan Schaffer, Chris Buske, Kim Cronk, 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

Chris Buske made public comment in support of Resolution 21-22/009 and Ordinance 21-22-010.

Approve Minutes from April 28, 2021 Meeting

Supervisor Roberts moved to approve the minutes from the April 28, 2021 meeting. A minor grammatical correction was noted in the Report of Wisconsin State Assembly Speaker's Task Force Subcommittee on Law Enforcement Policies and Standards section and corrected. The minutes were adopted 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 dashboard.

1st Quarter Fiscal Updates & COVID-19 Impact

- **Clerk of Court**
 - Clerk of Circuit Court Susan Schaffer presented an update. Revenues are still behind but expenditures are also down. Both can be attributed to on-going operational changes due to COVID-19. New Clerk of Courts lobby area is open; Clerk Schaffer noted that facilities staff did a great job helping with the construction and the transition. Construction of the sixth courtroom will begin in June with a new judge expected to take the bench in August 2022. Clerk Schaffer noted that her department will be requesting two new staff members to accommodate the new circuit court branch: one position starting in August 2022 and another in January 2023. Moving forward, staff are slowly coming back to the office full time while court hearings are expected to remain a combination of virtual and in-person. Clerk Schaffer noted the most significant issue on the horizon is lack of civilian jury bailiffs to staff jury trials.
- **Circuit Court**
 - Clerk of Circuit Court Susan Schaffer presented an update. The Circuit Court budget is largely on track for revenue and expenditures are down for the first quarter. Clerk Schaffer noted the benchmark for state certified interpreters was missed in the first quarter as they were required to find interpreters for languages that have a small number of state certified interpreters or none at all. Circuit Court stakeholders continue to meet to discuss COVID-19

- operating plan. Additionally, jury trials are being held again with few restrictions and process adjustments. Clerk Schaffer noted that the Circuit Court will be requesting an additional judicial assistant to accommodate the sixth circuit branch. The requested start date for the new position would be August 2022. Clerk Schaffer expects continued utilization of Zoom video conferencing for various hearings and case types in the future.
- **Criminal Justice Collaborating Council**
 - Criminal Justice Director Tiana Glenna presented an update. The department is on target fiscally and is experiencing some savings as a staff member has resigned. Director Glenna advised she is waiting to fill the position as she explores potential changes in the job description and duties. Director Glenna noted that medical assistance will now pay for residential treatment which may have an impact on her budget and treatment options for clients. Director Glenna stated that COVID-19 has not made a significant fiscal impact for her department. She and her staff continue to work remotely and have developed online delivery methods for programming. The department also updated software to better assist with the delivery of the community service programming.
 - **District Attorney**
 - Office Manager Eric Huse presented an update. The department is on track fiscally. Manager Huse noted that revenues have the appearance of being behind due to the delay in reimbursement from grants and state payments. Manager Huse did caution the Committee that expenses in some areas may see a sharp increase this year as there are likely to be more costs associated with trials as they resume from the long COVID-19 break. Overall, cases are down through the first quarter. As to operational changes due to COVID-19, Manager Huse noted that there are some silver linings. Specifically with delivery model changes to the Diversion programs. The pre-charge Diversion program now has a fully online delivery model which makes it more accessible for clients.
 - **Register in Probate/Clerk of Juvenile Court**
 - Register in Probate/Clerk of Juvenile Court Susan Warner presented an update. Clerk Warner noted that the first quarter focus was guardianship annual reports. Also in the first quarter, she hired new legal specialist who is going through training. Clerk Warner was able to obtain a Zoom license from the State to conduct hearings virtually now and into the future. Clerk Warner advised that the payroll benefits item in the fiscal report includes a lump sum payout for retirement but otherwise the department is under budget. Clerk Warner advised there has not been a significant fiscal impact to her department due to COVID-19. Moving forward, Zoom hearings will continue for cases as it is appropriate.
 - **TRY Mediation**
 - Director Travis Quella presented an update. Director Quella announced he will be resigning and will be replaced by Todd Johnson. Mr. Johnson introduced himself to Committee. Mr. Johnson will begin in mid-June.
 - Director Quella noted that TRY Mediation is currently under budget. Director Quella also noted that participation numbers have rebounded since the onset of COVID-19. The Families in Transition class has seen increase in participants and virtual mediation has been a significant benefit. Director Quella is currently exploring permanently implementing virtual mediations and other changes that came out of COVID-19.

Eau Claire County Sheriff's Office Updates

- **1st Quarter Fiscal Update**
 - Admin. Division Manager Danielle Powers presented an update. Manager Powers indicated that revenue is lagging due to a lack of payment from Board of Prisoners reimbursement and lack of Huber inmates as the Huber Center is still closed. Expenses are largely on track for the first quarter. Manager Powers noted that cases, bookings, and total inmates are down for the quarter. In lieu of in-person trainings cancelled as a result of COVID-19, online trainings have been utilized for staff. The Sheriff's Office is now preparing for summer festivals and events.

- **Jail Population, Staffing, & COVID-19 Response**

- Captain Dave Riewestahl provided an update. Jail population has remained relatively flat month-to-month. Captain Riewestahl advised he has received two additional Correctional Officer (CO) resignations for a total of five current vacancies. Two CO staff are slated to start in June while other candidates are in the background investigation phase of recruitment. Captain Riewestahl advised the Committee that he is seeing fewer applicants and fewer interviews than previously which is compounding the issue of lack of staff.
- Captain Riewestahl noted other staffing concerns with the Special Deputy positions. He noted he received three resignations in the last month with another forthcoming. They are currently recruiting to fill those vacancies.
- As to COVID-19, Captain Riewestahl indicated that information and data is still being posted on website. Testing and vaccination is also still happening through partnership with the City/County Health Department. Captain Riewestahl advised that the jail is still adhering to rather strict COVID-19 protocols though they have had to compromise the quarantine period in some instances to 10 days rather than 14 days due to increases in bookings. Onsite video visitation will begin again likely in June. Moving forward the jail will be implementing other incremental changes and slowly phasing out some COVID-19 practices as it becomes appropriate.

Resolution 21-22/019 – Abolishing One (1.0 FTE) Administrative Associate III and Creating One (1.0 FTE) Administrative Specialist III in the Sheriff’s Office

Danielle Powers presented the resolution. Supervisor Janssen moved to adopt and present to the full County Board for consideration. The resolution was **approved** via voice vote 5-0.

Resolution 21-22/009 – Requesting the State of Wisconsin Decriminalize Recreational Cannabis

Supervisor Roberts presented the resolution. Supervisor Janssen moved to adopt and present to the full County Board for Consideration. The Committee engaged in discussion. The following friendly amendments were made to the resolution:

- At line 16, after states, insert “and”
- At line 17, after countries, insert a period
- At line 24, after Marquette, insert “Law School”

Chairperson Wilkie called for a roll call vote: JANSSEN aye; MCKINNEY aye; ROBERTS aye; RUSSEL aye; WILKIE aye. The resolution, as amended, was **approved** 5-0.

Ordinance 21-22/010 – Creating Section 9.85.030 of the County Code: Forfeiture; Amending Section 1.50.020 of the Code: Schedule of Deposits

Supervisor Roberts presented the resolution. Supervisor Roberts moved to adopt and present to the full County board for consideration.

Supervisor Russell moved to amend the ordinance as follows:

- At line 10 and 11, after 9.85.010, strike “or 9.85.020”
- At line 18 and 19, after Marijuana, strike “and Drug Paraphernalia”

The amendment was approved via voice vote.

Supervisor McKinney moved to table the matter to next meeting. Motion to table approved via voice vote.

Future Meeting Date

The next regularly scheduled committee meeting is Wednesday, June 23, 2021 at 3:00 PM.

Joint meetings with the Committee on Budget and Finance to review 2022 department budget requests are scheduled for July 28, 2021 at 3:00 PM (also a regularly scheduled meeting) and July 29, 2021 at 3:00 PM

Future Agenda Items

- Eau Claire County Sheriff’s Office
 - Jail Population, Staffing, & COVID-19 Response
 - Audio/Visual Recording Equipment
 - Training Opportunities for Staff
 - Training & Standards Legislation at State Level
- Procedures/Policies for the Proper Execution of Search Warrants

- Procedures/Policies for Officer Involved Critical Incidents
- Appropriate System-Wide Criminal Justice Language Presentation

Adjourn

The meeting was adjourned by Chairperson Wilkie at 5:19 PM.

Respectfully Submitted:

Eric Huse
Committee Clerk

Appropriate System-Wide Criminal Justice Language Information

Person first Language (Google) 11/2020

"What we need is a criminal justice policy for *people* who commit crime—incarcerated *people*, *people* with felony convictions, *people* on parole, even *people* who have caused great harm and should be held meaningfully accountable. Any truly effective policy solutions will make central the humanity of everyone directly impacted by crime—including those who commit it."

--Danielle Sered, Director, Common Justice, excerpted from The Marshall Project's **Inmate. Prisoner. Other. Discussed.**

For many years, Osborne has joined with fellow criminal justice organizations to promote the use of humanizing, neutral, person-first language for individuals involved in the criminal justice system. We are at a turning point in the national conversation on criminal justice. For individuals and organizations working to dismantle mass incarceration and support the people it affects, there is clear value in respecting and believing in human dignity: to offer opportunities that honor all of our capacities to change.

Yet this goal—and our mission to create a safer and more just world—is undermined when we use language that emphasizes incarceration over personhood. If we accept—as individuals, organizations, or passive consumers of media outlets that promote our work—the use of marginalizing language, we fail to uphold these values and miss the opportunity to align our thoughts, words, and actions for an impact toward safety and justice for all.

The Opportunity Agenda offers a creative framing of this call through their Tips for Talking Criminal Justice Reform Issues. **Their toolkit** includes a comic book personification of their mission—the superhero Helvetika Bold. Bold uses inspiring and hopeful stories to confront Mindset, a cartoon villain who embodies “the dominant narrative, which focuses people away from the true causes of inequality by laying blame on the people most affected by it.” Language that relegates people as “ex-cons,” “criminals,” or “felons” neatly serves Mindset’s work.

For many, it feels reasonable to accept “ex-con” or “inmate” as common parlance. And some formerly incarcerated people claim these words as their own and use them in their own speech, but we also know the effect that such language has, because we work with people every day who are rebuilding lives of responsibility and contribution. We ask you to join us in using thoughtful language when working with or speaking about people who have some prior criminal justice involvement. Here’s why: too often, people who come home from prison are all-too-accustomed to being called strongly negative terms that easily and often evoke precisely the dehumanizing and demoralizing effect desired by those who speak them. Words such as these negate the fuller identity of the person, who may be a child, a parent, a student, a teacher, an advocate, and more. They hurt the individuals who hear them and the families of people who

are in prison. Osborne joins with other organizations to say that this language is no longer acceptable in a society that believes in second chances.

In his TED Talk, “We Need to Talk About an Injustice,” Bryan Stevenson, executive director of the Equal Justice Initiative, asserts there is a relationship between identity labels on human dignity, and its protection under law. He said:

“ultimately, our humanity depends on everyone's humanity... I've come to understand and to believe that each of us is more than the worst thing we've ever done. I believe that for every person on the planet. I think if somebody tells a lie, they're not just a liar. I think if somebody takes something that doesn't belong to them, they're not just a thief. I think even if you kill someone, you're not just a killer. And because of that there's this basic human dignity that must be respected by law.”

Creative resources like The Opportunity Agenda's **toolkit and comic book** build on work such as The Center for NuLeadership on Urban Solutions (CNUS) **Language Letter Campaign**, and there are now many communications resources available to inform the ongoing national dialogue. The Marshall Project's **public discussion on language** reveals how nuanced and personal our language preferences can be. The Advancement Project and The Opportunity Agenda's **Social Justice Phrase Guide** call for accurately and respectfully talking about people's identities, not only by dropping ableist and culturally inappropriate idioms, but by eliminating terms that label people by past or current convictions posed against them.

These resources—and several others from our community listed below—promote humanizing, neutral, person-first language for individuals involved in the criminal justice system. We encourage you to share the resources with your network, and to **let us know** if there are resources you have found helpful that we should include. The New York Initiative for Children of Incarcerated Parents is working to lift the voices of children affected by parental incarceration in this conversation, and you can get involved in their effort by emailing **ahollhian@osborneny.org**. We invite you to connect with us via **twitter** and **facebook** to amplify calls to action on social media.

Resources for Humanizing Language

Hashtags to watch: #WeArePeople, #LanguageMatters, #WordsMatter, #PersonFirst, #PeopleFirst, #ThePowerofLanguage, #HumanLanguage

Please **let us know** if there are other hashtags you or your organization use when promoting the importance of bias-free language.

The Language Letter Campaign

The Center for NuLeadership on Urban Solutions (CNUS)

Includes Downloadable Open Letter to Our Friends on the Question of Language authored by CNUS Founder and social justice leader Eddie Ellis, and 4 Easy Steps To Follow.

Language Guide for Communicating About Those Involved In The Carceral System

The **Underground Scholars Initiative at UC Berkeley** has created this language guide for talking about—and with—people involved in the carceral system.

The Social Justice Phrase Guide

The Advancement Project's Guidelines for Conscientious Communications to help advance a social justice agenda.

Language Matters

Excerpted from the Abolish the Box Student Organizing Toolkit, Education from the Inside Out Coalition. Includes points of reflection and a downloadable language diagram.

Words Matter Guide

Excerpted from The Fortune Society's Reentry Education Project Provider Kit

Includes guidance on language that is helpful and less-helpful in supporting health and well-being, as well as language to use when discussing criminal justice involvement, substance use and mental health, HIV/AIDS and reproductive health.

"Inmate. Prisoner. Other. Discussed. What to call incarcerated people: Your feedback"

The Marshall Project issued a call for responses asking the best way to refer to people behind bars. Here they share a sample of the responses which indicated that of the options they offered, 38 percent of respondents preferred "incarcerated person," 23 percent liked "prisoner" and nearly 10 percent supported use of the word inmate. Thirty percent selected "other" ("person in prison," "man or woman," "the person's name.").

Remembering Eddie Ellis and the power of language

Danielle Sered, Vera Institute of Justice

This blog honors Ellis' leadership around language sharing Common Justice program's use of the language "harmed party" and "responsible party," throughout their restorative justice practice.

"Names Do Hurt: The Case Against Using Derogatory Language to Describe People in Prison"

Victoria Law and Rachel Roth respond to the language used in RH Reality Check's investigative series, "Women, Incarcerated," referencing The Center for NuLeadership, open letter, and The Fortune Society's "Words Matter" guide.

"Talking Human Services"

A Frameworks MessageMemo

The Frameworks Institute with support from the Kresge and Annie E. Casey Foundations

created this resource to help communicators move beyond the outdated charity-based narrative about human services toward a building wellbeing narrative that emphasizes human services benefit us all.

"Criminal Justice Reform Phrase Guide"

The Opportunity Agenda's Five Tips for Language That Changes Hearts & Minds

"People first: Changing the way we talk about those touched by the criminal justice system"

The Urban Institute

This blog includes the Urban Institute's announcement of their commitment to using words that respect the dignity of all people, specifically people affected by the criminal justice system. The Urban Institute has provided economic and social policy research to "open minds, shape decisions, and offer solutions" since 1968.

"The Other F-word"

The Marshall Project

This blog by Bill Keller, editor-in-chief of The Marshall Project, discusses the evolution of language usage in mainstream media, specifically in reference to people who are incarcerated.

"Labels Like 'Felon' Are an Unfair Life Sentence"

The New York Times

The New York Times Editorial Board discusses how the stigmatizing way we speak about people who are formerly incarcerated presents a significant barrier when they are reentering their communities.

"Justice Dept. agency to alter its terminology for people who are released from prison or jail"

The Washington Post

Assistant Attorney General Karol Mason, who has headed the Office of Justice Programs since 2013, announces in a guest post for The Washington Post that her agency will no longer use words such as "felon" or "convict" to refer to people who are released from prison or jail.

"Pennsylvania Dept. of Corrections to discard terms 'offender,' 'felon' in describing formerly incarcerated people"

The Washington Post

The head of the Department of Corrections in Pennsylvania, Secretary John E. Wetzel announces his decision to join the movement to use people-first language when referring to people who are affected by the criminal justice system.

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.

FACT SHEET

TO FILE NOS. 21-22/009 & 21-22/010

Subject: Decriminalizing Possession of Marijuana and Establishing New Forfeiture Amount

These two pieces of legislation are related. Resolution 21-22/009 is a resolution asking the State of Wisconsin to either decriminalize or authorize the recreational use of marijuana for adults over the age of 21. Ordinance 21-22/010 is an ordinance that sets a forfeiture amount of \$1 for the County ordinance violations of possession of marijuana or drug paraphernalia.

Ordinance 21-22.010 creates Section 9.85.030 of the Eau Claire County Code that establishes a new forfeiture amount for violating Sections 9.85.010 (Possession of Marijuana) and 9.85.020 (Possession of Drug Paraphernalia) to \$1. Previously the City of Eau Claire modified their forfeiture for the possession of marijuana to \$1. This would make enforcement for this ordinance violation consistent in the City of Eau Claire throughout Eau Claire County.

Resolution 21-22/009 is requesting that the State of Wisconsin take action to decriminalize the possession of marijuana or in the alternative to pass legislation that will allow the recreational use of marijuana by adults over the age of 21.

Marijuana laws have a historically been applied in an unequal manner to African Americans and people of color within the State of Wisconsin. People of color are 4 times more likely to be arrested for possession of marijuana versus white people. Modifying these laws would taking to steps to achieve equity across all groups of people, by decriminalizing the possession of marijuana.

The decriminalization or making marijuana legal for recreational use will provide benefits to the state of Wisconsin in that it provides a cash crop for farmers, it will raise tax revenue, and it will bring Wisconsin in alignment with our neighboring states of Illinois, Minnesota and Michigan which have legalized marijuana in one form or another for either recreational or medicinal use.

Sincerely,



Zoe Roberts
Eau Claire County Board Supervisor - District 27

Resolution/21-22/009
Ordinance/21-22/010

2
3 CREATING SECTION 9.85.030 OF THE COUNTY CODE: FORFEITURE; AMENDING
4 SECTION 1.50.020 OF THE CODE: SCHEDULE OF DEPOSITS

5
6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

7
8 SECTION 1. That Section 9.85.030 of the code be created to read:

9
10 9.85.030 Forfeiture. Any person who has violated the provisions of Section 9.85.010 will
11 forfeit \$1.

12
13 SECTION 2. That Subsection A. of Section 1.50.020 of the code be amended to read:

<u>ORDINANCE</u>	<u>OFFENSE</u>	<u>DEPOSIT</u>
17 9.80.080	Hours prohibited in public	50.00
18 <u>9.85.030</u>	<u>Possession of Marijuana</u>	<u>1.00</u>
19 9.95.010	Truancy	50.00

20
21
22
23 ENACTED:

24
25 I hereby certify that the foregoing
26 correctly represents the action of the
27 Committee on Judiciary and Law
28 Enforcement on May ____, 2021, by a vote
29 of ___ for, and ____ against.

30
31
32
33 _____
34 Gerald Wilkie, Chair
35 Committee on Judiciary and Law
36 Enforcement

37 TJS:yk