

**Agenda**  
Eau Claire County  
Committee on Judiciary and Law Enforcement  
Wednesday, May 18, 2022 – 4:00 PM  
County Courthouse, Room 1273  
721 Oxford Avenue, Eau Claire, WI 54703

1. Call to Order
2. Confirmation of Public Meeting Notice
3. Public Comment
4. Approve Minutes from May 04, 2022 Meeting – discussion/action pg. 2
5. Department Introductions and Presentations – discussion
  - a. TRY Mediation
  - b. Register in Probate/Clerk of Juvenile Court pg. 4
  - c. Sheriff's Office pg. 10
6. American Rescue Plan Fund Proposals – discussion/action
  - a. Sheriff's Office pg. 15
  - b. District Attorney pg. 16
7. Set Future Meeting Date(s) – discussion/action
  - a. June 22, 2022 at 3:00 PM
8. Set Future Agenda Item(s) – discussion/action
  - a. Department introductions and presentations
    - i. Criminal Justice Services
  - b. 1<sup>st</sup> quarter department fiscal update
  - c. Marsy's Law overview
  - d. Sheriff's Office
    - i. Jail population, staffing, & COVID-19 response
    - ii. Update on DHS investigation
    - iii. Communications network / Digital radios
  - e. Policies/procedures for proper execution of search warrants
9. Adjourn

Posted: 05/16/2022

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Note: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters, remote access, or other auxiliary aids. Contact the clerk of the committee or County Administration for assistance (715-839-5106). For additional information on ADA requests, contact the County ADA Coordinator at 715-839-6945, (FAX) 715-839-1669, or 715-839-4735, TTY: use Relay (711) 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 04, 2022 – 3:00 PM  
County Courthouse, Room 1273  
721 Oxford Avenue, Eau Claire, WI 54703

**Members Present:** Brett Geboy, Allen Myren, Stella Pagonis, Connie Russell, and Gerald Wilkie.

**Others Present:** Clerk of Court Susan Schaffer, Captain Dave Riewestahl, District Attorney Peter Rindal, and Eric Huse.

**Call to Order**

The meeting was called to order by Chairperson *pro tempore* Wilkie at 4:00 PM.

**Confirmation of Public Meeting Notice**

The Clerk confirmed the meeting was properly noticed to the public.

**Public Comment**

Brief introductions were made by all those present.

**Election of Committee Officers**

Chairperson *pro tempore* Wilkie opened nominations for Committee Chairperson. Supervisor Pagonis nominated Supervisor Wilkie, seconded by Supervisor Geboy. After three calls for additional nominations by Chairperson *pro tempore* Wilkie, Supervisor Pagonis moved to close nominations and to cast a unanimous ballot. Approved via 5-0 voice vote. Supervisor Wilkie was elected Committee Chairperson.

Chairperson Wilkie opened nominations for Committee Vice-chairperson. Supervisor Myren nominated Supervisor Pagonis. After three calls for additional nominations, Chairperson closed nominations. Supervisor Russell moved to cast a unanimous ballot. Approved via 5-0 voice vote. Supervisor Pagonis was elected Committee Vice-chairperson

**Appointment of Committee Clerk**

Chairperson Wilkie, with consent of the Committee, appointed Eric Huse as Committee Clerk.

**Appointment of Committee Representative to Criminal Justice Collaborating Council**

Chairperson Wilkie, with consent of the Committee, appointed Vice-chairperson Pagonis to the Criminal Justice Collaborating Council as the Committee representative.

**Approval of Minutes from March 23, 2022 Meeting**

Supervisor Russell moved to approve the minutes from the March 23, 2022 meeting, noting a scrivener's error in the "Jail Population, Staffing, & COVID-19 Response" section. The minutes were approved as corrected via 5-0 voice vote.

**Criminal Justice Collaborating Council (CJCC) Report from Supervisor Russell**

Supervisor Russell and Vice-chairperson Pagonis provided a brief overview of the CJCC. Supervisor Russell then reported on the April 20, 2022 CJCC meeting:

- Kelly Mahoney was appointed to CJCC as the lived experience member.
- The new data analyst, Crystal Ruzicka, is beginning to explore and collect data related to 17 year old offenders.
- The City/County Health Department and Court Ordered Community Service Program gave presentations and the CJCC heard brief updates from the Juvenile Justice Collaborating Council (JJCC), the Evidence Based Decision Making (EBDM) Policy Team, and Treatment Courts. It was noted that Treatment Courts have seen a decrease in participation numbers due to the COVID-19 pandemic but they are taking action to increase referrals.

## **Department Introductions and Presentations**

- **Clerk of Court**
  - Clerk of Court Susan Schaffer introduced her department, providing an overview of their role and responsibilities. The Committee engaged in general discussion.
- **Circuit Court**
  - Clerk of Court Susan Schaffer provided an overview of the Circuit Court and their role and functions. The Committee engaged in general discussion.
- **District Attorney**
  - District Attorney Peter Rindal introduced his department and provided an overview of their role and responsibilities. The Committee engaged in general discussion.

## **Future Meeting Dates**

The next meeting will be on May 18, 2022 at 4:00 PM.

Regular meetings will be held on the fourth Wednesday of every month at 3:00 PM.

November and December meetings will be scheduled for the 2<sup>nd</sup> Wednesday at 3:00 PM.

## **Future Agenda Items**

- Department introductions and presentations
  - Register in Probate/Clerk of Juvenile Court
  - Criminal Justice Services
  - Sheriff's Office
  - TRY Mediation
- Sheriff's Office
  - Jail population, staffing, & COVID-19 response
  - Update on DHS Investigation
- District Attorney's Office
  - American Rescue Plan fund proposal
  - Marsy's Law overview
- 1<sup>st</sup> quarter department fiscal update
- Policies/procedures for proper execution of search warrants

## **Adjournment**

The meeting was adjourned by Chairperson Wilkie at 6:01 PM.

Respectfully Submitted:

Eric Huse  
Committee Clerk

# Introduction to the Register in Probate & Clerk of Juvenile Court Office



Presented by Susan Warner

# WHAT DO WE DO?

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- Provide services to the Court, attorneys, and general public to facilitate court proceedings for:
  - Probates
  - Guardianships
  - Civil Mental Commitments
  - Juvenile-type cases
- All but probate proceedings are confidential
- Required by Wisconsin Statutes



# WHAT IS PROBATE?

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- The court-supervised process for administering a deceased person's assets
- Often occurs when there is a lack of estate planning

# SERVICES PROVIDED

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- Maintain court files
- Clerk hearings
- Assist public with opening cases and court procedures
  - Special Note: Annual Accounts for Guardianships
- Seek reimbursement for attorney, guardian ad litem, and medical expert fees
- Cannot provide legal advice



# BUDGET

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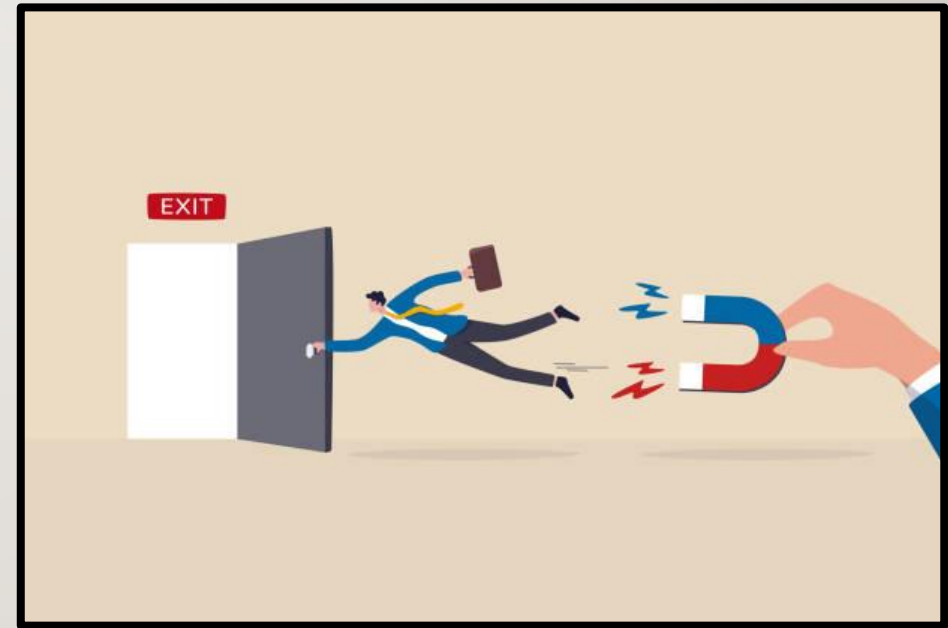
- Small: RIP 2022 tax levy is only .64% of total levy
- Funding received strictly from:
  - County Tax Levy
  - Public Charges for Fees (copy costs, certification costs, filing fees, etc.)
- Fees collected for attorneys, guardian ad litem, and medical experts are deposited into the Court's budget.



# CHALLENGES ON THE HORIZON

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- Employee Retention
- Hiring New Staff
- Office Access and Capacity





# SHERIFF'S OFFICE

In 2022

- 122 employees – FTE
- \$14,028,130.00 budget

**Sheriff Ron D. Cramer**

Administrative Services Division

- Manager Katrina Ranallo

Field Services Division

- Captain Cory Schalinske

Security Services Division

- Captain Dave Riewestahl

# Administrative Services Division



The Administrative Services Division staff manage the central administrative functions of the entire Sheriff's Office.

- Jail warrants & transports
- Financial reporting
- Personnel administration
- Law enforcement center front desk
- Civil process
- Information system administration
- Purchasing
- Records
- Sheriff's Sale Auctions

## 8.0 FTE

- 1–Division Manager
- 4.5–Admin Specialist III
- 0.5–Fiscal Associate
- 1–Computer Support Tech.
- 1–Civil Process Coordinator

# Field Services Division



The Field Services Division is comprised of patrol, detectives & drug investigators, and civil process with various subcategories of responsibilities under each unit.

- Patrol (2021 numbers)
  - 7,409 calls of service
  - 708 Mutual Aid responses
  - 460 Traffic crashes
- Detectives & Drug Investigators
  - 39 Death investigations
  - Regional Computer Forensic Lab
  - Drug Endangered Children (DEC) Program
    - \$13K donated in 2021
- Civil Process (2021 numbers)
  - 1,464 civil process served
- Regional Tactical Team
  - 12 High Risk calls for service
- Regional Special Events Team

## 35 FTE

1–Captain  
1–Lieutenant  
1–Detective Sergeant  
4–Detectives  
2–WCDTF Detectives  
1–Computer Forensic Detective  
2–Civil Process  
19–Patrol Deputies



# Security Services Division



## 78 FTE

1–Captain  
1–Lieutenant  
1–Bailiff Sergeant  
6–Bailiffs  
4–Jail Sergeants  
2–Jail Corporals  
63–Correctional Officers

**The Security Services Division is responsible for jail operations and courthouse security.**

- Jail
  - 418 bed facility (258 secure, 160 Huber)
  - About 5K bookings pre COVID, over 2.5K now
  - 75% of the population is released in 10 days
  - 4,258 video visits took place
- Courthouse Security (2021 numbers)
  - Bailiff in courtrooms
  - 343 incidents requiring deputy intervention
  - 225 warrants served
  - 38,450 people screened
  - 40,100 bags screened
  - 1,279 pieces of contraband identified
- Warrants & Transports
  - >1,400 new warrants entered
  - In & out of state transports

# Upcoming Challenges & Opportunities

## Challenges

- Recruiting & retaining employees in all divisions.
  - Correctional Officer - “Protected Status”
  - Need additional supervisors for the jail
  - Patrol has not had a new Patrol Deputy position since 1991
- Jail population
- Safe and appropriate response to calls of service
- Proactive patrol (community connections) and traffic safety

## Opportunities

- Continue to utilize CJCC, Data, and Evidence Based practices to reduce recidivism
- Mental Health Response-collaborate with DHS for MH Liaison, CIT Training
- MAT program in the jail
- Partnerships to address the abuse of illicit drugs to include opioids and methamphetamine

# EAU CLAIRE COUNTY SHERIFF'S OFFICE

## AMERICAN RESCUE PLAN ACT (ARPA) FUNDS – REQUEST

The Eau Claire County Administrator has asked all departments to review the comprehensive ARPA guidance and think broadly about uses as it related to each of our departments.

There are four areas that are eligible for use of ARPA funds:

1. Public Health and Economic Impacts
2. Premium Pay for Essential Workers
3. Revenue Replacement for Government Services
4. Investments in Infrastructure

**Utilizing these eligible areas, the Eau Claire County Sheriff's Office will be making the following requests:**

- Public Health and Economic Impacts Usages:
  - A broad range of services and programming can be used to contain the spread of the virus:
    - Support for prevention, mitigation and other services in congregate living settings.
    - Ventilation improvements in congregate living settings.
    - Capital investments in public facilities to meet pandemic operational needs, such as physical plan improvements to public buildings to implement COVID-19 mitigation tactics.
  - December 18, 2018: Eau Claire County Board passed a resolution directing the Eau Claire County Criminal Justice Collaborating Council (CJCC) to complete a comprehensive study of the Eau Claire County Jail population and provide a report to the County Board by June 2019 analyzing the increase in the jail population and recommending the best alternatives ([Final Report](#)).

Infrastructure Options	Construction Cost	Annual Operating Cost	Annual Debt Service Cost	Additional Beds	Build Time	Cost Timeframe-Notes
Option 1 - Remodel Booking Area	\$1,463,000	\$500,000	\$106,000	14	1 year	2021 and assume 10% annual increase
Option 2 - Compete Fourth Pod	\$4,752,000	\$2,391,495	\$340,000	100	2 years	2021 and assume 10% annual increase

- **The Booking area remodel will aid the Eau Claire County Jail in implementing COVID-19 mitigation strategies by allowing more housing areas for the 14-day quarantine period.**
- **The Fourth Pod will focus on the needs of those with mental health concerns, Transgender housing, AODA needs, increased programming, and community re-entry needs. This will allow us to utilize a current housing pod for COVID-19 mitigation strategies.**
- Premium Pay for Essential Work Usages:
  - To be eligible for premium pay, employees must be engaged in essential work
    - Our staff is essential and can NOT work remote. On a continuous basis our staff must have in person interactions with people.
  - **The Sheriff's Office is requesting that every Sheriff's Office employee be compensated in a "one-time bonus" in the amount of \$5,000 dollars.**
    - **Must still be employee of the Eau Claire County Sheriff's Office**
      - **100% bonus: employed prior to 3/12/2020** (Gov. Evers Emergency Order #1)
      - **75% bonus: employed from 3/13/2020-3/11/2021**
      - **50% bonus: employed after 3/12/2021**

# **Proposal for Use of American Rescue Plan (ARP) Funds**

Peter J. Rindal  
District Attorney  
Eau Claire County, WI





**OFFICE OF DISTRICT ATTORNEY  
EAU CLAIRE COUNTY, WISCONSIN  
PETER J. RINDAL, DISTRICT ATTORNEY  
ANGELA L. BERANEK, DEPUTY DISTRICT ATTORNEY**



May 02, 2022

Kathryn Schauf  
County Administrator  
Eau Claire County, WI  
721 Oxford Ave, Suite 3520  
Eau Claire, WI 54703

**Re: *Proposal for Use of American Rescue Plan (ARP) Funds***

Dear County Administrator Schauf:

Please consider this letter as my request for the use of Eau Claire County American Rescue Plan (ARP) funds to support the creation of two full-time Assistant District Attorney positions for a limited term of three years in the District Attorney's Office. I believe these additional positions are desperately needed to address significant consequences of the COVID-19 pandemic. Without these additional positions, I fear that the Eau Claire County justice system will be in a state of crisis for years to come and that as a consequence, public safety will be jeopardized.

**The Problem**

I. **The Source and Scope of the Trial Backlog**

At the outset of the COVID-19 pandemic in March 2020, the Eau Claire County Circuit Court suspended all in-person court appearances indefinitely. Eventually, the courts adapted many proceedings to be conducted by video and phone conferencing. I do not question the wisdom of that decision. However, this resulted in the indeterminate delay of proceedings that could not reasonably be conducted virtually. This most readily affected were cases set for jury trial—the cases that generally involve the most serious allegations, implicate the highest degree of personal victimization, pose the greatest risk to public safety, and are not reasonably expected to be resolved by plea agreement. Generally speaking, cases falling into this category involve charges of homicide, sexual assault (child and adult), serious domestic violence with injuries or stalking behavior, serious child abuse, and high-value property crimes.

Prior to the pandemic, the District Attorney's Office handled, on average, 31 criminal jury trials each year, most of which spanned multiple days. This generally represented the yearly criminal jury trial capacity of the five circuit branches. Due to the suspension of in-person proceedings however, only five criminal jury trials were conducted in 2020, three of which pre-dated the March 2020 lockdown. Over the following months, any cases on the trial calendar were postponed indefinitely, resulting in immediate delays for victims, defendants, witnesses, and criminal justice system personnel. Jury trials gradually resumed during the latter part of 2020, but at a much-reduced frequency given on-going COVID-19 mitigation practices. Only two more trials were held during this period, resulting in a total of only five trials be held in all of 2020. In 2021, the slow resumption of jury trial practice translated to only 17 criminal jury trials being conducted. It is crucial to note that the cases which would have been tried in 2020 and 2021 did not go anywhere—they remained unresolved and awaiting trial dates. The unavoidable consequence of this two-year interruption of jury trial practice is that untried cases were carried forward and added to the following year's expected jury trials. It is only expected that this problem will only worsen if a solution is not found.

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**ASSISTANT DISTRICT ATTORNEYS**

Kelly Ronquist | Andrew J. Gunderson | Afton B. Lewis | Robert Stoiber  
Tiffany M. Winter | Monica Fallon | Trenton J. Piltz | Matthew Z. Kirkpatrick | Lorelee Clark

Stated in more quantitative terms, based on the long-running average of 31 jury trial cases each year in Eau Claire County, 26 untried cases in 2020 were carried forward to 2021, increasing the total expected cases to be tried in 2021 to 57. However, since only 17 jury trials were held in 2021, the 40 untried cases were pushed to 2022, increasing the expected number of cases to be tried in 2022 to 71. This cycle continues year-on-year and when coupled with steady, often increasing case filings, it will be virtually impossible to catch-up given current court capacity and District Attorney staffing limitations. The result of this is a growing backlog of cases awaiting jury trial and prolonged delay of justice and closure for victims, defendants, and the public. Figure 1 represents the expected growth of the trial backlog, based on Eau Claire County's rolling yearly trial average combined with holdover cases which started in 2020 when the COVID-19 pandemic began.

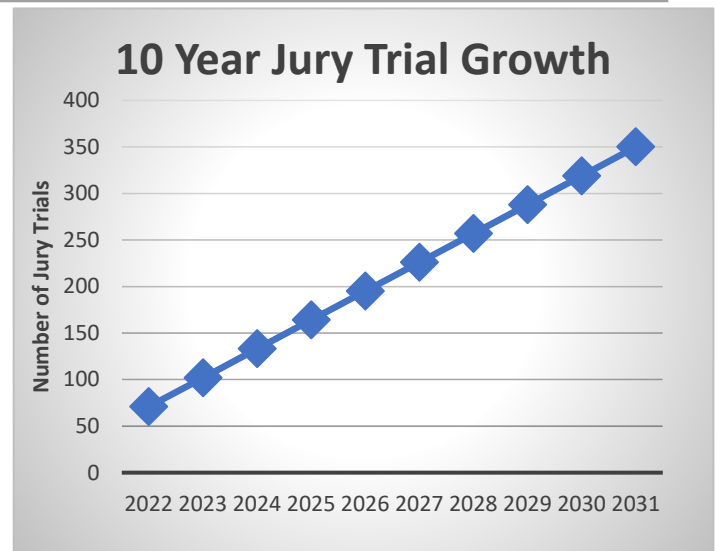


Figure 1.

## II. The Backlog Struck an Already Understaffed Office

This ever-expanding jury trial backlog is exacerbated by the fact that the Eau Claire County District Attorney's Office is already significantly understaffed. Currently, there are eleven prosecutors in Eau Claire County, one of which is a grant-funded position which carries only a 40% case load compared to full-time colleagues. According to pre-pandemic studies conducted by the Wisconsin Department of Administration (specifically, based on data from 2017 – 2019), the number of criminal cases filed by the Eau Claire County District Attorney's Office is commensurate with a staff of 18 prosecutors. Thus, per DOA workload analysis for 2017-2019, the Eau Claire County District Attorney's Office was understaffed by seven full-time prosecutor positions. In a much-appreciated attempt to address this issue, the legislature approved two new positions for Eau Claire County in 2019. While this has been of great benefit and has translated to our county seeing tangible improvement in prosecution outcomes, our office was still considered understaffed by five positions at the outset of the COVID-19 pandemic. To make matters more dire, we have been advised by the Department of Justice that as of October of 2022, our grant-funded prosecutor position will very likely cease to exist, thus causing an expected decrease in the total number of prosecutors working in our county just when we need them most. I cannot stress enough the negative impact this staffing shortage has on virtually all aspects of the criminal justice system. Our existing attorneys are unable to keep pace with new case referrals, are hard-pressed to find sufficient time to prepare for the significant uptick in cases now proceeding to trial as the courts attempt to address the significant backlog, and are significantly fatigued and demoralized, even considering career changes as there appears to be no help in sight. Any further departure of experienced prosecutors from this county would be disastrous to public safety.

## III. State-Level Assistance Has Been Insufficient

To be clear, the trial backlog issue exists statewide and there has been effort at the state level to provide assistance. In mid-March 2022, Governor Tony Evers announced the creation of 30 LTE prosecutor positions statewide. Eau Claire County is slated to receive one of these positions. While there is no doubt that the Governor's plan is well-intended, it was immediately clear statewide that these new positions will do little to address the problems being faced by District Attorney Offices. Funding allocated for these positions dictates that they are entry-level and will be compensated at \$26.70 per hour, which is profoundly uncompetitive compared even to other public-sector entry-level positions. To put this into local perspective, I would note that in Eau Claire County, our Corporation Counsel attorneys start at \$47.72 per hour. And even this rate frequently pales in comparison to offerings from the private sector. With this minimal level of compensation allocated for the state-created position, it will be virtually impossible to attract qualified and experienced candidates. Moreover, these positions will cease to exist after two years, meaning that even if Eau Claire County can attract a new law school graduate, which seems the most likely prospect given the nominal

compensation, the short-term nature of the position further undermines its appeal. Put into perspective, it seems clear to me that the new position being offered by Governor Evers will be extremely difficult, if not impossible to fill, and is virtually guaranteed not to attract trained attorneys with the technical skills and experience necessary to meaningfully address the backlog of complicated trial cases. Accordingly, I do not see the new state-created position as a realistic solution to the problems facing Eau Claire County.

**The Solution**

Against this somewhat bleak backdrop, it is clear to me that the only effective approach to reducing the backlog of complicated trial cases is to use county ARP funds to create additional prosecutor positions which are of sufficient number, compensation and term to attract qualified applicants. Thus, I propose that a portion of the Eau Claire County ARP funds be allocated to create two (2) full-time, LTE prosecutor positions in the Eau Claire County District Attorney’s Office, each with a term of three years. I firmly believe the three-year terms of these positions is the minimum necessary timeframe given the magnitude of the trial backlog and the protracted litigation typically involved in these serious cases. I request that these two positions be funded at paygrade T of the existing Eau Claire County salary index. This translates to a starting wage of \$40.92 per hour, which is still less than Eau Claire County offers starting Corporation Counsel attorneys. I believe this is the minimum appropriate starting wage because it is generally competitive in the marketplace and will be sufficient to attract attorneys with the skills and experience necessary to handle the serious cases which comprise the bulk of the trial backlog.

IV. The Fiscal Scope of the Request

The expected fiscal implications of these positions are represented by the following charts:

- ONE prosecutor total:<sup>1</sup>
  - Starting at Paygrade T, Step 1 (\$40.92/hr)

	Salary	WRS	FICA	Insurance	HSA	TOTAL
Year 1	\$85,109	\$5,745	\$6,511	\$22,858	\$3,000	\$123,222
Year 2	\$88,099	\$5,947	\$6,740	\$25,143	\$3,000	\$128,929
Year 3	\$89,878	\$6,067	\$6,876	\$27,658	\$3,000	\$133,478
TOTAL	\$263,086	\$17,758	\$20,126	\$75,659	\$9,000	\$385,629

- TWO prosecutors total:
  - Starting at Paygrade T, Step 1 (\$40.92/hr)

	Salary	WRS	FICA	Insurance	HSA	TOTAL
Year 1	\$170,218	\$11,490	\$13,022	\$45,715	\$6,000	\$246,445
Year 2	\$176,198	\$11,893	\$13,479	\$50,287	\$6,000	\$257,857
Year 3	\$179,757	\$12,134	\$13,751	\$55,315	\$6,000	\$266,957
TOTAL	\$526,172	\$35,517	\$40,252	\$151,317	\$18,000	\$771,259

Thus, as indicated in the second chart the total payroll impact of these positions would be \$771,259 for two positions over a three-year period. When expected one-time peripheral costs (primarily, technology including laptop computers) of \$2,300 per position are added, the entire fiscal impact of these positions is estimated at **\$775,859.**

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<sup>1</sup> Assumptions:  
 1.5% COLA at January 1 in years two and three  
 Standard step increases in years two and three  
 No changes to WRS or FICA rates  
 Highest cost Insurance + HSA contribution  
 10% year-on-year increase to Insurance in years two and three  
 No changes to HSA rate

For this amount, citizens and victims of crime in Eau Claire County would receive the services of two experienced, skill prosecutors for a period of three years and there would be a realistic prospect of drastically reducing or even eliminating the case backlog caused by the COVID-19 pandemic.

V. A Unique Opportunity

The current circumstances in Eau Claire County offer a unique opportunity to take meaningful steps to address, and potentially solve, the problems discussed in this proposal. The addition of the new circuit court branch coupled with the availability of ARP funds by which to create new prosecutor positions is a golden opportunity for Eau Claire County. This fortuitous coincidence creates a new judicial forum in which to resolve backlogged trial cases and a new funding stream by which to secure experienced prosecutors capable of handling serious trial cases in the new courtroom, all without requiring additional funds drawn from county tax levy. But the addition of the new courtroom means little to the trial backlog without the simultaneous addition of experienced prosecutors to handle the cases in that courtroom. And time is of the essence. Indeed, without additional experienced prosecutors to staff the new courtroom, I genuinely do not know how the existing staff in the District Attorney's Office will be able to incorporate another branch into our scheduling demands. But by creating two competitively-funded prosecutor positions using ARP funds, Eau Claire County will show commitment to public safety by providing adequate prosecutor staffing to maximize the effectiveness of the new circuit court branch in resolving long-delayed, serious trial cases.

For all these reasons, I believe the creation of these two LTE prosecutor positions is entirely consistent with the original intent for which the ARP funds were disbursed to Eau Claire County. And the use of APR funds for this purpose will directly benefit not only crime victims and those facing charges in the criminal justice system, but all citizens of Eau Claire County. Thank you for any consideration this proposal receives.

Sincerely,



Peter J. Rindal  
District Attorney  
Eau Claire County, WI