

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
on August 2nd, 2023
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: Chairman Brian Bashaw, Zack Rodriguez, Erin Decker, John Franco, Jeff Wamboldt, YIG Michael Babu

Members Excused: Laura Belsky, Mark Nordigian

Others Present: DA Michael Gravely, ADA Carli McNeill, Cpt. Eric Klinkhammer,

Meeting Called to Order: 6:00 p.m. by Chairman Bashaw

Citizen Comments: 6:00: None.

Supervisor Comments: 6:00: Supervisor Comments were bypassed.

Chairman Comments:

6:01: Chairman Bashaw stated that he had been inviting each of the different departments or areas of oversight to come and speak with the committee. Today the District Attorney's Office will be speaking. Next month will be the Circuit Court and DARE program. They are starting a tempo and want to keep it moving. Chairman Bashaw stated that three of the resolutions are virtually similar and would entertain a motion to combine them together.

Approval of the Minutes from May 3rd, 2023: 6:37

Motion by: Decker **Seconded by:** Rodriguez **Approved:** unanimously

Discussion from the District Attorney's Office:

6:02: District Attorney Michael Gravely of the Kenosha County District Attorney's Office presented. District Attorney (DA) Gravely stated that the DA's Office had two independent jury trials that national coverage and discussions. The first was the Jensen Trial, a repeat trial, and the second was the Zachariah Anderson trial, the 5th bodyless homicide to be prosecuted in Wisconsin. Last year the County Board budgeted \$70,000 for the Jensen Trial, knowing that there would be an enormous number of experts, many of whom were retired. The successful verdict was brought in by Deputy DA Carli McNeill who did the opening and closing statements, and DA Bob Jambois, who was a lend-lease from Portage County's DA Office, for them to get the trial. Only \$40,000 of the budgeted \$70,000 was spent, just a little more than half of the money allotted for a successful verdict. On the Zachariah Anderson trial they were able to use police department experts, Kenosha Police Department, and state crime. There was no charge to the county, so there were no experts. DA Gravely and Jessica Krejcarek from Kenosha County DA's Office prosecuted the case. There were zero additional costs to the County for the prosecution of a massive national trial, which also ended up in a guilty verdict on all charges. DA Gravely stated, to provide a comparison, that a jail phone call was intercepted, and Zachariah Anderson was heard complaining to his defense team after the verdict, that he spent \$400,000 on his criminal offense.

DA Gravely provided a budget update on the Termination of Parental Rights (TPR) and specifically project permanency, which many on the County Board have been huge supporters of. This was in partnership with the Department of Social Services and the DA's Office, working together with the County Board, through support and funding. This added additional resources to deal with crisis in terms of foster care and children in need of TPR. TPR is only sought in Kenosha County if a person has been unsuccessfully placed in foster care for two years, with parents getting directed guidance by the courts and social services, and they are unable to get themselves in compliance. In other words, they are not able to satisfy first the department and finally a jury that the parents can adequately care for their children, even though they have tried to work with them for two years. They only pursue TPR when there is an adoptive resource ready and willing the moment the TPR occurs, to be able to be in a permanent home for the child.

In 2019 it was identified that that there were going to be 52 extra children beyond the normal numbers that would be seeking TPR. Typically, there are around 50 so this number would double the normal

population. The DA's Office did not have the resources, nor in the court system or Social Services, to handle that number. The DA's Office came to the County Board with a proposal where all three of these different areas of government are combined on a plan. The Department of Social Services changed and streamlined many of their policies for the better, which is the result of this additional funding and particular experiment. Over a two-and-a-half-year period the County Board funded more than \$100,000 in professional services for the DA's Office to hire a part-time person as an additional TPR Prosecutor. They had a full-time prosecutor already this allowed them to have another 20 hours of professional time per week. The DA's Office was able to use that money to now get permanent homes in all 52 of the additional cases, including two of those children back to their actual parents. DA Gravely stated that when he went to the County Board for the additional funding, the County Board opted to increase the additional funding to complete the project and make sure the hours were appropriate and because of that they were able to accomplish their goal.

TPR's are now back to their normal numbers, similar to what was reflected before 2017. The DA's Office was able to manage the blip in the large increase in population. According to Social Services, they were able to reduce the amount of time children were in foster care, without permanent homes in the program, by about six months per child. This has an impact on life getting a child into a permanent home six months earlier and it comes with huge savings. DA Gravely referred to the report provided to the Committee from the Department of Social Services, that reported the County Board funded the program with the additional \$100,00 and \$978,120 was saved. DA Gravely stated that, by rounding up, \$1 million was saved by Kenosha County due to forward leadership and thought process by everyone and the County Executives are to be credited as well as the County Board.

DA Gravely spoke about an increase of revenue that will be seen on the budget for next year. There is funding of the State budget that passed with the legislature and was signed by the Governor, with an increase in what is called the Victim Witness Formula. There are costs shared with the State in terms of funding the county's Victim Witness services, where the State pays a percentage portion. DA Gravely used an example of 42% funding in the past, and because of the increase of budget contribution that percentage will be between 49-51% funding, which is substantial increase. DA Gravely said he could not be held to these exact numbers as the County Executive's Office are the ones who decide this, but he anticipates the revenue column in the budget next year to see something around \$90,000. DA Gravely stated that due to the contribution of from the State Budget he would discuss future issues next.

DA Gravely spoke about the crisis of case backlogs and the prosecutors being assigned a large number of cases. Earlier this year in March 2023, Kenosha County Criminal Courts had 3,833 cases pending from a five-year period earlier. That is a 125% increase from 2017 so twice as many cases, some pending and given a snapshot moment on a given day in Kenosha County. Supervisor Rodriguez asked if these are all criminal type cases. DA Gravely responded that they were criminal type cases. They had no comparable change in the number of prosecutors to do those cases, so everyone's caseloads went up. The number of Judges has hardly changed and everyone in the court system is severely strained. The Public Defender's Office has staffing issues and they have a caseload limit. They are on a point system, so they never have more cases when more cases come in. It delays the cases because they take time to assign cases, but they never have more prosecutors. The DA's Office has had previous conversations with the County Board regarding this and they have gone to the County Executive, who gave advice. Then, DA Gravely spoke to Representative Nedweske, State Senator Van Wanggaard and Representative Tip McGuire. DA Gravely stated that they need these two grant positions, which is the only way they are covering the current backlog, to be permanent positions. They increased the courts from three to four branches, which increased a branch of court handling criminal cases. The divorces and civil cases will take slightly longer, but the criminal cases will no longer be absurdly long. With the two extra positions, that were previously grant positions, they were able to get it down from 3,833 closer to 3,000 cases pending. It is a substantial contribution having two extra prosecutors and the extra branch of court.

At this point the grant was due to expire in six months. DA Gravely went to the legislator and Governor who funded two permanent Kenosha County prosecutors, when a total of three were granted across the whole State. The fact there was a case backlog, and they had a plan that was working but was going to fail and fall apart unless they were able to get the staffing. Based on that budget DA Gravely was able to hire a law clerk who has now been working with them for a year, highly competent, and would've taken a job elsewhere where she had a permanent job otherwise. DA Gravely was also able to hire a very experienced prosecutor who used to work in Racine. DA Gravely was in a position where the jobs were made, determined by the legislature, and bale to actively recruit and get first choice persons to fill those positions. These positions had

an end date due to the grant. They had to hire at minimum salary of \$27.80 an hour, compare that to the jail where they make a little under \$32 an hour.

Supervisor Rodriguez clarified that in in the budget last year the County Board funded support staff for those positions. DA Gravely said that they did. Supervisor Rodriguez asked if they should expect that to be in the budget increases for this year. DA Gravely stated that they already identified \$70,000 in the Jensen Trial that is not going to be asked for or the \$28,000 for TPR prosecutors, which adds up to \$98,000 in revenue. What the DA's Office is going to ask for is the support positions, which had a shelf life of six more months due to being Grant supported. Now that there are two more prosecutors they will not be able to complete their work and get cases will get blocked up if they do not have adequate support positions. There is a Paralegal and Victim Witness person that has been funded for the last two and half years as temporary employees with a shelf life. DA Gravely will be asking for those to permanent which will be about \$78,000 each.

Supervisor Rodriguez asked if those positions would be part or full time, and would they hire the same people that are filling the positions now. DA Gravely responded they would keep the same employees they have been working with for the last two and half years as they do very good work. Supervisor Decker added that those positions were funded through the end of this budget, and does it cut off on July 1st. DA Gravely replied that they are funded through the end of June and that they go the entire year next year, and then in perpetuity. DA Gravely stated that in addition to the backlog the positions were absolutely necessary. Last year they filed 1,812 felonies, which they charge felony cases when a person goes to prison. These are not misdemeanors or criminal traffic. They also filed 1,800 misdemeanors and felonies are about 3,600 cases, 1,800 felonies, which is the most felonies they have ever charged in Kenosha County. It is a 40% increase in 2017 and there have been no changes in policies in the DA's Office to increase the number, they are not charging things they never used to, it reflects on the cases that are sent to them in the normal procedures and work.

Supervisor Rodriguez asked DA Gravely if had the demographics on who is getting charged or where they live in the county. DA Gravely replied he did not have demographics of that kind and is not aware of a way that it is quantified other than someone could hand count and go through every file. Supervisor Wamboldt asked if those 1,800 felony cases are repeats or if it is 1,800 people. DA Gravely replied that some, but not all, are repeats for example someone released on a bond and then charged again. Supervisor Wamboldt asked if DA Gravely knew the number of people they were talking about compared year to year. DA Gravely replied no, not off the top of his head. Supervisor Decker asked if someone who was charged with eight felonies, for example, would count as eight or one out of the total 1,800. DA Gravely replied only if they're charged it counts as one, but if they are charged an additional case two weeks later, that would be a second one, for example. They are counting cases not number of charges. Many of the 1,800 would have multiple felonies, probably the majority. DA Gravely said that last year, at the halfway point, they had 1,006 felonies so this year they will set a new record. It'll be over 2,000 unless something changes and it will be the first time it has happened in Kenosha County, and again in a five-year period looking at 40% more felonies. Without changes in the DA's Office in leadership or policies that explains the situation. Even though the backlog of COVID area cases is starting to evaporate, there are more cases coming in to replace them based on them making decisions that appropriate charges are being charged based on police.

Supervisor Rodriguez asked if there is a trend in police referrals on certain types of charges. DA Gravely responded that there is no science to back him up, but as the elected DA that some of things responsible for the increases include vehicle fleeing, car thefts and have trended up the last couple of years, and Methamphetamine has hit Kenosha County including possession which is a felony. Methamphetamine was not a drug Kenosha County never really saw in 2017, other than occasionally it would drift here from Minnesota at a traffic stop, but it is here now. DA Gravely added that the fentanyl epidemic has only increased and even possession of fentanyl is a felony and would be responsible for some increase. Based on the opioid crisis being at a high level, there are more child neglect type cases than traditionally, which are part and parcel of the same problem in many cases. Supervisor Rodriguez asked if there was an increase in homicides over the last year or just seemed that way in the media. DA Gravely replied that coming out of the COVID year there were 18 homicides in Kenosha, which was the highest they had ever seen. The numbers are back down to more typical of Kenosha now, estimating around seven to ten. DA Gravely said he would attribute some of that increase in large due to being a boarder county. Homicides that occurred in a year in Illinois had much more restrictive COVID rules. The bars and parks were closed in Illinois at that time but not in Wisconsin, so there was a large population transfer with feuds. The number of homicide related cases had something to do with a much larger group of people who have every bit of their orientation in Illinois here during that year.

Things are back to normal in those ways now, but those cases are still filtering through the courts because it takes about two years for a homicide to finish in Kenosha County from beginning to end.

DA Gravely spoke on the Body Cam issue that would likely not be addressed in this year's budget but wanted the committee to start thinking about. DA Gravely stated that the mass amount of information that every prosecutor gets on every case and that is available needs to be stored and managed and with information technology there are logistical problems with this. There are enormous amounts of information coming from body and squad cameras, as well as the download of computers and phones. People committing crimes now have a computer on them all the time, which tells us their whereabouts and provides their intent. It is almost malfeasance does not go through a phone during a criminal investigation now, but it is an enormous amount of data. This is the same with drives and digital cameras that are out now. This includes all locations that never existed before, for example jail calls. DA Gravely stated that in his era a domestic violence case would be 8 pieces of paper, two cop witnesses, and would take 4 hours to prepare for trial. Today, four cops show up who have squad and body cameras each, not to mention obtaining phone data, and will take a prosecutor 20 hours to prepare, where it used to take 4 hours. This is true of misdemeanor domestic violence cases, not talking about major cases where they are at the mercy of officers who are often sleep deprived or busy with other things and at the mercy of whether they have properly tagged their body cams and then whether the people in charge of that have moved it to the right place and the DA's Office knows. As an example, if someone gets off shift or has something else they are supposed to do they don't bring their body camera in until days later, then someone has to accurately do all those prior things. In a recent homicide there were 128 different persons that had either body or squad cameras. The DA's Office went to see how many of those cameras had been accurately downloaded by the department and it came out to 50 of the 128. Now the DA's Office is responsible for the remaining 78 cameras that had important evidence which would cause the defense to say the criminal should be acquitted. Supervisor Rodriguez asked which department had not downloaded the cameras correctly and if it was the Kenosha County Sheriff's Department. DA Gravely replied it was not the Kenosha County Sheriff's Department. DA Gravely said that this was a description of what his world is right now and there is no one in the funding world to take care of that. Not only is it a capacity problem for storage, but the State is also not funding to store it. The departments are already struggling with how to store evidence in some cases and who is going to account for it. DA Gravely added that it was unknown who would go through all of that with a fine-tooth comb and make sure that the defense attorney gets the information because if it doesn't turn over it on the DA's Office and the case will be dismissed in a criminal courtroom unless it is figured out. DA Gravely stated that he did not have a proposal as of right now. Racine has just funded some additional employees at the DA's Office to handle some of their items. DA Gravely added that there needs to be more meetings with police departments involved to figure out how they can share the labor and money. Supervisor Wamboldt asked if the agency in question, regarding their body cameras not being uploaded properly if something was done to educate them. DA Gravely replied that there are a hundred different good reasons why it had occurred in this case. Supervisor Wamboldt asked if it had been addressed. DA Gravely replied that it had been addressed and will train about it.

Supervisor Decker asked with the future proposal if it was something where the DA's Office and Walworth or Racine can coordinate with new incentives with the State budget, to obtain grant funding. DA Gravely replied he did not know and will explore that. The problem is that all the information is proprietary, so you have to figure out how to allow people access in a limited way. Chairman Bashaw clarified that there is a data environment that needs to get under control, manage the storage, and have it ready for trial. DA Gravely replied yes, and to have it seamlessly be in the right place, right time, in a timely fashion. Chairman Bashaw asked if the headcount, instead of forensics, is more administrative, legal, paralegal, or administrator. DA Gravely replied that he is looking at what Racine is doing. They have had body cameras a little longer so DA Gravely asked how they were handling it. Racine replied that they went to their County Board and now two employees who review these cases to determine which officers were at the scene and then go back and find the body camera footage to bring that to the DA's Office can then do something with it for the case. There is a person who essentially doing the monitoring by taking the department's original information from the CAD report, which states every officer who was on the scene and what they did there, and whether they would've used a body camera there. Supervisor Franco asked if they reviewed the data themselves or if this was something another person would do. DA Gravely replied that they do some of it because they have to send it on to the defense attorneys, but really the person who prepares for trial will have to be the person who does a lot of that review. DA Gravely said of the 128 cameras on the recent homicide, likely 105 of them were not worthwhile to the actual presentation in the trial, but it's how to figure that out other than by watching them.

Then the question is how a paralegal does that, it needs to be a lawyer. Chairman Bashaw stated that another layer is going to be added as the 911 Call Center gets better and the ability to take in video. DA Gravely said that there has to be some way as technology gets better, there has to be a seamless way to do this they are just not there yet.

Supervisor Wamboldt asked if they had seen anything coming through in regard to human trafficking. DA Gravely replied that they just had a successful jury trial within the last year. It had been a while and law enforcement has really made it a priority in terms of investigative pieces. DA Gravely asked ADA Carli McNeill if she had seen any additional charges come through. ADA McNeill replied no, it was very difficult with people actually being willing to report. DA Gravely said that what is happening now is that the major departments are taking the approach that when they detect some activity occurring they are wanting every one of those cases to focus on the trafficking piece which is the beginning of that process, DA Gravely commented that he was saddened that there was a facility that was supposed to be built at 85th and 39th that was going to be a haven for trafficked folks, but it fell apart and it would've helped with cooperation.

Youth In Governance Michael Babu asked about the TPR cases, that it was mentioned in 2019 there were 52 extra children and if this was normal. DA Gravely replied that normally they have 50 cases at any given time, so they were faced with 102 cases instead of the normal 50. Chairman Bashaw stated that a part-time person was able to bring these cases down and accomplish it in a short period of time and was this due to the focus, the program, the cohesiveness, effort between departments, or how did it happen so quickly. DA Gravely replied that Judge Kerkman who does civil calendar, so non-criminal calendar, but was willing to take these cases. This means they were able to get front and center on calendar where you knew they had slots available to make the cases go and that was a huge help. Then because there was one and half prosecutors available, they were able to have a TPR prosecutor who could be scheduled to make sure the cases kept moving, even if another prosecutor was in the middle of a TPR trial or hearing. Most importantly, Social Services changed the way they did business. About a year in foster care, social services are going to continue, but if the parents look like they were not making substantial improvements and it looked like there was a possibility that a TPR was going to happen, they were going to begin what is called a dual path. They were still working to try and unify those children with their parents, but at the same time they were collecting information and starting the TPR process to be able to happen at the end of the two years. This did not happen previously; they would just wait until the two years were up before starting the process. Chairman Bashaw stated he appreciated getting kids out of the system in six months and into a stable environment. It's the instability of working through a process or procedure which is just that, it's a child at the end of that procedure.

Chairman Bashaw asked how they compare to other parts of the State and if we are seeing increases are they as well. DA Gravely replied he couldn't say what was happening in other areas of the State. The DA's Office made this pitch to legislators and other counties, and he thinks some of it their border county status. Chairman Bashaw said that Kenosha County is a buffer between Racine and so would think they would have a similar issue. DA Gravely said that he can say that a number of the shootings occurring in our town right now are armed conflict between Racine, Kenosha, and Northern Illinois residences, so they do share in terms of shots fired cases, as they are some of the same individuals.

Resolutions from the Kenosha County Sheriff's Department:

Resolution to Approve the Regular Cabaret License – Lily Lake Enterprises LLC (DBA: Lily Lake Resort)

Motion by: Rodriguez ***Seconded by:*** Decker ***Approved:*** unanimously

6:37: Cpt. Eric Klinkhammer of the Kenosha County Sheriff's Department presented. Cpt. Klinkhammer stated that there haven't been any issues since Lily Lake Resort got their temporary license. Chairman Bashaw asked if there had been any issues since last year when a provisional license was passed to today's permit cabaret license. Cpt. Klinkhammer responded he did not know historically if it was more or less, but it is average for most of the taverns in Kenosha County. Looking at it, there doesn't appear to be anything major other than a recent fight between two patrons.

Supervisor Rodriguez motioned to approve the resolution, seconded by Supervisor Decker. Motion passes unanimously with no further discussion.

Resolution in Support of Intergovernmental Agreement Between Kenosha County and the Town of Paris to Provide Law Enforcement Services

AND Resolution in Support of Intergovernmental Agreement Between Kenosha County and the Town of Randall to Provide Law Enforcement Services

AND Resolution in Support of Intergovernmental Agreement Between Kenosha County and the Town of Wheatland to Provide Law Enforcement Services

Motion for all by: Rodriguez **Seconded for all by:** Decker **Approved for all:** unanimously
6:39: Cpt. Eric Klinkhammer of the Kenosha County Sheriff's Department presented. Supervisor Rodriguez made a motion to combine all three resolutions together for approval, items numbered 9, 10, and 11 on the agenda. Alyssa Werfelmann commented that there was an additional item on the agenda as well, a Resolution to Approve the Cabaret License for BB's Pub. However, it was then determined that this item failed to upload to the online Agenda and would be tabled for next month's meeting. The motion to approve the combination of item numbers 9, 10 and 11 for approval passed unanimously.

Cpt. Klinkhammer stated that the intergovernmental agreements were regarding an animal control contract between the Kenosha County Sheriff's Department and the towns of Randall, Wheatland, and Paris. Each of these townships had formerly contracted with a company called Paws and Claws that is now defunct. There are no other animal control contractors that can handle municipalities in the county. Cpt. Klinkhammer reached out to the townships because it's a huge problem and the Kenosha Sheriff's Department, which serves each township, does not have the resources. There is one humane officer in the Sheriff's Department but was not the job to be a dogcatcher. Cpt. Klinkhammer not only reached out to the three townships but also three villages that the Kenosha Sheriff's Department has a contract with, and the policing addendums are already completed with the villages, so these resolutions are for new contracts for the townships. Kenosha Sheriff's Department will provide animal control services and will track the time spent on these calls and the townships will be billed quarterly for the duties.

Supervisor Rodriguez asked if it would be whomever is working that evening to answer the calls. Cpt. Klinkhammer responded that if the dog is friendly and they can put it in the back of squad, any officer can do that. They would then take the dog to the Wisconsin Humane Society and bill for that. The issue is when the dog is not catchable or if it's another animal like a cow, horse, or pig for example. In the past they would tell dispatch to call Paws and Claws who would come out and handle it. Now there isn't that resource, so it is time to have a trained law enforcement officer who can handle those investigations and those calls for uncontrolled animals. Supervisor Rodriguez asked how many deputies were going to be trained. Cpt. Klinkhammer replied that Deputy Nicole Sorenson is currently trained, who is an animal lover and right in her wheelhouse. Deputy Sorenson does cruelty and neglect investigations. Deputy Josh Jacobs will be trained as a humane officer in a school in October, so there will be two trained humane officers who can do all the statutory tasks of a humane officer.

Supervisor Wamboldt asked about equipment, such as a trailer. Cpt. Klinkhammer responded that they determined the equipment they needed and already purchased it. The villages and townships agreed to split the cost six ways and it turned out to be about \$1,600. As soon as it is approved, they will be billed. Supervisors Rodriguez and Wamboldt asked what happens when it is a large animal and if a trailer is brought out, such as a horse trailer. Cpt. Klinkhammer responded that typically in the past, if there is a cow in the road they will try to figure out who's cow it is and block the road or get it out of the road. The priority for livestock is to keep the roads safe and make sure it doesn't damage cars or property and doesn't hurt people. Once the animal is contained an officer will start the investigation to figure out who's animal it is and knock on that person's door to come retrieve the animal. Cpt. Klinkhammer said if they are unable to figure out who's animal it is, typical a livestock animal is around farms so they will knock on a couple of doors, and the farmers work together out there, and ask if the farmer will put the animal in their barn until they figure out who it belongs to and most of the time the farmers will agree. Deputy Sorenson has resources of friends and people she knows who are willing to take in the animals until they can determine who it belongs to. If there is an incident and they have to call a humane officer in from their time off and pay overtime, these contracts state they will bill the township it occurred in the actual cost. There is a form to fill out for handling as a way to track it, then it will be billed to the township's court. Chairman Bashaw asked if each township had agreed and signed already. Cpt. Klinkhammer said they already approved of it as well as the villages. They are awaiting signatures until it is all done and approved. They will have the form implemented and the two trained officers that are not shift

deployment but PRN by need. Chairman Bashaw asked if they were deployed or only when on duty. Cpt. Klinkhammer replied if the trained officer is work they will use them if a humane officer is needed, if they are not they will be called in from off duty. Chairman Bashaw commented that in his experience a large animal doesn't tend to go far unless spooked. Cpt. Klinkhammer stated they typically don't need to impound a cow until they find out who it belongs to.

Supervisor Rodriguez motioned to approve the resolution, seconded by Supervisor Decker. Motion passes unanimously with no further discussion.

Any Other Business Allowed by Law: 6:49: None.

Meeting Adjourned: 6:49: on motion by Supervisor Rodriguez; seconded by Supervisor Decker.

A recording of the meeting is available online at kenoshacounty.org

Respectfully Submitted,

A handwritten signature in cursive script that reads "Alyssa Werfelmann".

Alyssa Werfelmann