

**MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE**  
**July, 11, 2007**  
**KCAB 2<sup>ND</sup> FLOOR COUNTY BOARD COMMITTEE ROOM**

**Members Present:** William Michel II, David Arrington, Ruth Booth

**Others Present:** Terry Rose, Anita Faraone, Sheriff David Beth, Chief Deputy Charles Smith, Capt. Gary Preston, Lt. Paul Falduto, Bob Riedl, Nancy Otis, Emily Ayshford

**Meeting Called to Order:** 7:00 p.m. by Chairman William Michel II

**Citizen Comments:** None

**Supervisor Comments:** None

**Chairman Comments:** Supr. Michel reported that he researched the ordinances relating to drug paraphernalia and then had Corporation Counsel review them. These were also sent to the Sheriff and District Attorney.

The Committee will tour County Thunder 7/18/07. Michel believes it is important for supervisors to know what goes on at Country Thunder so they can answer questions.

**Minutes Read for Approval:** June 13, 2007

**Motion by:** Booth

**Seconded by:** Arrington

**Approved:** unanimously

**Resolutions from the Office of the Corporation Counsel:**

1) An Ordinance to Amend Chapter 9 of the Municipal Code of Kenosha County Entitled "Public Peace and Good Order"

**Motion by:** Arrington

**Seconded by:** Booth

**Approved:** unanimously

Michel reported that currently Kenosha County does not have an ordinance regarding drug paraphernalia. This will allow officers to write a citation for civil forfeiture instead of bringing a State charge. A State charge can result in a substantial jail term and the loss of a driver's license. He found during his investigation and speaking with deputies that they feel this would be a useful tool in law enforcement. Other municipalities including Pleasant Prairie and the City of Kenosha have this. Supr. Arrington asked the Sheriff's Dept. for a definition of drug paraphernalia and if it included clothing. Sheriff replied items such as pipes and roach clips, not strictly a T-shirt or emblem. Michel said the ordinance is phrased the same as the State Statute, however, gives discretion for the Sheriff or District Attorney to charge as an ordinance. Sheriff added that this also allows the revenue to come to the County.

2) An Ordinance to Amend Section 3.60 of the Municipal Code of Kenosha County Entitled "Uniform Citation Ordinance"

**Motion by:** Arrington

**Seconded by:** Booth

**Approved:** unanimously

This is the second part needed to amend the Code for the drug paraphernalia ordinance.

**Resolutions from the Kenosha Co. Sheriff's Department:**

1) FY07 Law Enforcement Justice Assistance Grant (JAG)

**Motion by:** Arrington

**Seconded by:** Booth

**Approved:** unanimously

Lt. Paul Falduto presented the resolution. The total grant from the US Dept. of Justice is \$43,814.00. A formula for distribution is then agreed upon between the Sheriff and the Kenosha Police Dept.; \$17,526 was allocated to Kenosha County for equipment. Funds will be used to purchase a new Canine (Patrol/Drug Detection), defibrillators and electronic flares. Michel asked if radios would also be purchased. Falduto responded that these were purchased in the past but not this year. Supr. Booth asked if there would be any effect on the grant and/or distribution if Joint Services dissolves. Falduto replied no.

2) Authorize Increase in Correctional/Direct Supervision Officer FTE's

**Resolution Tabled**

Sheriff Beth presented the resolution to add 10 Correction/Direct Supervision Officer FTE's beginning in the fall of 2007. Budgeted federal inmate revenue for 2007 was projected at 127 inmates per day. We have been doing 30-50% better than this each month. Much of this is due to an agreement with US Marshall Milwaukee. Our local numbers are up. Emails have come from the federal government asking us to take 40 inmates and we can take 4. KCDC construction is running on schedule and indicators show we should have plenty of inmates to fill this area. It takes 4 to 6 months for a Correctional/Direct Supervision Officer to be on their own. The 2007 cost of the added staff including uniforms would be \$116,884. This would be 100% covered by revenue with no tax levy increase needed. Sheriff would like to open the 118-bed expansion at KCDC right away but would need staff to do this. Staff was not increased in the past with additions of other areas including a medical unit. The past Friday, Sheriff declared an emergency for Correctional Officers at the Pre-Trial because of the burden of overtime on low-seniority officers. Officers right off probation were immediately on double shifts every day. KCDC policy for overtime was implemented. Additional officers are needed to cover positions that are filled 100% by overtime with straight time.

Federal inmates require more work. There are more regulations and privileges for these inmates.

Transportation is immense. 2008 budget will ask for more than 10 new employees. Michel asked if the initial 10 new FTE's is strictly for KCDC. Sheriff replied that they would be distributed among both facilities as the Captain sees fit. Michel asked that if the KCDC expansion is completed in October, could the area be fully staffed with the addition of 10 officers. Sheriff responded no but they would be getting there and would be in the process to train. He would like to see one-half open in October then have full use in 2008. Michel asked how many employees would be needed to fully staff. Capt. Preston replied that the numbers would include 13 Direct Supervision Officers, 2 Correctional Officers and booking clerks. They are currently running into a crunch with officers quitting due to overtime. They will be perpetually in the hole with all the resignations.

Supr. Rose commented that he believes this resolution is premature. This has to be examined in the entire budget process. Last fall he asked if budgeting revenue based on 127 inmates was too low and he was told no. The purpose of revenue is the reduction of overall county costs, this is a profit making business. You have to stick with about what is planned and budgeted for. If it is in the budget you know what real costs are going to be. It is not good planning to change in mid-year. Last session it was determined for departments to keep increases for 2008 to within 2.5 to 3%. How can this be done with these numbers? Numbers look like about 30 people will be needed. He doesn't want the increases to come in increments to minimize the bottom line. He urged the Committee to take no action on this resolution and wait for budget time.

Supr. Arrington commented that we have officers quitting because of overtime so they cannot even maintain staff. They won't have any staff if they do not increase staff. He asked how many

have resigned in the last three years. Sheriff replied that based on information from Correctional Officers, 18 have left and 3 stayed. Supr. Faraone commented that the department has been understaffed for many years. The problem is with low seniority staff getting the overtime. This needs to be negotiated with the Union Contract. In the long run people will be needed but you have to respect the budget process. She asked what we get and what we make; is it worth taking extra inmates. Sheriff replied that we receive \$70/day and the ballpark expense is \$10/day. Transportation is reimbursed. Faraone asked how much of the \$60 is spent on personnel. Sheriff said this is currently included in the \$10, however, opening the dorm will increase this some. Sheriff said this started as a business and has offset \$3.5 million. They need personnel to cover the work. They could have said no to the additional inmates coming in but Administration said yes to take them because it is helping the County. Arrington asked if attempts are being made to replace the 18 that quit and if these 10 would be added to the 18. Sheriff said they are currently down about 9 and testing was being done that weekend. They hope to hire 19 to 20 people by year-end. Sheriff said that it is not beneficial to send the message that we are understaffed in Kenosha County. You are setting up to fail if you work people so hard that they can't work well and make mistakes.

Michel asked if the 118 new beds could open without the addition of personnel. Sheriff replied no. Michel asked if federal administrators would go somewhere else if we cannot take the inmates. Sheriff replied that this is a possibility, Racine is hoping to take some inmates. Sheriff would like to stay on top of this, train officers, and eliminate positions covered by overtime. Michel asked that if the Federal government pulls inmates out of Kenosha, would the new positions be eliminated. Sheriff responded yes. Rose said everything comes up at budget; you underestimate numbers then come in and say you are understaffed. He would be more sympathetic if coming in at budget time. You need to live with staff proposed. If new construction is needed, new/additional vehicles, as well as gas, profit can not stay at \$60/day. He may support this at budget time when they can look at this as a whole. If we're already 9 short, how would 10 new positions help? Faraone said the Sheriff had a point when he said we are a business. With the turnaround, if positions had to be eliminated because of the loss of federal inmates this would happen quickly. She has great respect for the Sheriff's Dept. and the budget process. She respects bringing the numbers up to increase revenues. She has heard conflicting schedules on the completion of the expansion project at KCDC. Sheriff said the only information he received was a projected completion date the end of October, he doesn't know what other information Faraone referred to. Faraone asked why this wasn't brought forth when asking for the expansion project, especially when it takes 4-6 months to train. Sheriff explained that when the expansion resolution was presented, it was brought up that additional staff would be needed. They already have the revenue to cover these new positions so they are bringing this forth now. He encouraged the Committee to pass this resolution today to allow revenue to increase. Rose said that as an outsider he sees the Sheriff is doing a good job, he doesn't have complaints. However, you're getting on with existing staff. More employees result in decreased profit. He sees difficulty maintaining new employees; need to work on this. Possibly going to a larger geographical area would help. There seems to be a problem with the union contract that the County Board is not a part of negotiating. Contracts come to the County Board settled. Sheriff explained that the overtime language for Downtown was in place before he came to office and it is hard to change. People are going on Accident & Sickness (A & S) because they need time off. Rose said that possibly this should be checked on; a doctor's excuse would be needed. Sheriff said overtime is time and a half. Costs would be less in the end if this limits A & S and resignation. Michel commented that if we want to open 118 beds in October or November we need this or we should get out of the business. We may be competing with Racine. When they voted on the expansion, he believes all Supervisors knew additional employees would be needed. He does understand where Supervisors Rose & Farone are coming from because we have budgets

and they are suppose to be stayed with, however, the County has become dependent on housing federal inmates. He feels this resolution is appropriate especially since the Sheriff had to impose an emergency. The public is benefiting from the revenue. Booth asked if any of the money that was given back last year could have been set aside for something like this. Sheriff said no, surplus goes to the general fund and cannot be held over. He is not asking for any past surplus anyway because they already have the revenue from this year to cover this. They can not hit numbers on the head when projecting revenue, they do the best they can. Last year at budget time they thought the numbers they proposed were high.

Rose said that this does impact the tax levy because the countywide budget counts on the revenue. A 2.5% increase is the goal for 2008. It will be \$500,000 less to use going into 2008. Sheriff agrees there is an impact, however, in a positive way. There is potential for \$2.5 million more revenue by adding beds. Faraone said that if everyone came in and asked for a change at this time we are bypassing the budget process. Family care will need about \$1 million in 2007. She would like an update on completion date of expansion and number of beds that could be used before the end of the year, by the Finance meeting the next night. The union contract needs to be amended or the problems will continue. Arrington said that he has heard everyone's opinions and understands Rose and Farone, however, believes we need to something now. The Sheriff needs their support. He realizes that they can't do this for everyone, however, dealing with law enforcement he believes what is being asked for is needed. The Sheriff wouldn't be here if it wasn't needed. The Union needs to be pushed, however, the Committee has no control over this. They do have control to add 10 officers. He approves and moved the resolution for approval. Booth said that if it takes 4 to 6 months the officers wouldn't be ready by October anyway. Michel said it wouldn't open until they get people and they won't be able to get additional revenue. He doesn't know too many departments that generate revenue. It takes money to make money. Rose said a certain opening date is needed. He doesn't think they will make more money in 2007 by adding 10 positions. This was not only proposed as a profit making area but an area to which prisoners could be moved while doing repairs, painting, etc. Arrington said the opening date would be prolonged by not hiring now and getting officers trained to work on their own. Sheriff said that these positions are needed to even maintain what they have now. Right now they have the money to cover costs. He hears conflicting statements; he is told they need KSD for revenue. Rose asked who said the end of October for expansion completion. Sheriff replied Fred Patrie. Sheriff asked Rose if he would approve if he got a date. Rose responded that he is not saying that but this information should be here tonight. He asked if the Sheriff could say the beds would be filled with federal inmates. Sheriff replied that as always, there is never a guarantee. Rose asked how long the overtime emergency is in effect. Sheriff said 90 days and that it can be extended. Rose said he does admire instating the emergency. Sheriff said he can not keep the emergency over their heads indefinitely, this needs to be addressed.

Michel said that as the Chairman he could not second the motion. He would try to contact the other supervisors and have another meeting before the County Board meeting.

***Any Other Business Allowed by Law:*** None

***Meeting Adjourned:*** 8:30 p.m. on motion by Booth, seconded by Arrington.

Respectfully Submitted,

Donna L. DeBree