

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
February 20, 2008
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: William Michel II, Joseph D. Clark, Bob Haas, David Arrington

Others Present: Dana Sorensen, Supr. Gabe Nudo, Sheriff David Beth, Chief Deputy Charles Smith, Capt. Larry Apker, Lt. Paul Falduto, District Attorney Robert Zapf, Ben Schliesman, Bethany Lofgren, T. Flores

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

Citizen Comments: DA Robert Zapf distributed information and a brochure about a new “Kenosha County Underage Drinking and Responsibility Program.” The goal is to create an effective and meaningful community-wide educational, treatment referral, and diversionary court program to address the underage drinking problem in Kenosha County. Statistics show that the average age for boys to try alcohol is 11 and girls is 13. Wisconsin has the highest number of occurrences in the country. This program was designed for Kenosha County from programs other District Attorneys in Wisconsin have. The program is designed for first offender underage drinkers. Coordination with law enforcement would be essential. This program gives the offender the opportunity to get education. The 12-hour program addresses the problem and treatment needs are determined. A certificate is granted if the course is completed. The certificate is given to the District Attorney along with a recommendation to dismiss the charge. Although approval is not required from the Judges, Zapf said they are receptive of the program.

Last year around the time of Country Thunder, the Sheriff’s Dept. began giving brochures to offenders. The program is voluntary and offered at the time of Pre-Trial. Referral is to the Alcohol & Drug Council. The cost for 17+ years is \$150.00. Under 17 is \$100.00. A parent must attend one session. Offenders 17+ get \$50 back if a parent comes. Statistics from this pilot program will be examined. 35-40 people entered the program last year and more are expected this year. There is a loss of revenue when charges are dismissed, however, the help is expected to be more advantageous. The DA can only make a recommendation for this program, the decision is the Judges’. This program could prevent a negative impact on the young offender’s life and career.

Supr. Michel asked how we would know if an offender had offenses in other states. Especially during Country Thunder, many offenses are by Illinois residents. He also expressed concern that offenders may think it is worth coming here to drink if they will only get a slap on the wrist. Zapf said that Wisconsin can track out of state, however, this would be hard. If the offender comes to the program they require truth and disclosure. If the offender provides false information they are rejected from the program and the fine is imposed. If an offender receives more than one ticket in one night they could still go through the program. Once they go through the program they are no longer a first offender. Michel asked if the Sheriff’s Dept. would have any authority to disallow the program for an individual. Zapf said that if an offender is uncooperative this is noted in the report. Difficult offenders could be denied access to the program. If during the program the person displays a bad attitude or their demeanor is not acceptable, the offender would be discharged from the program.

Supervisor Comments: None

Chairman Comments: None

Minutes Read for Approval: January 8, 2008

Motion by: Clark

Seconded by: Arrington

Approved: unanimously

Update from The Office of the District Attorney on the Expenditures that are Accumulating for the Jensen Trial and the Potential Effect to their 2008 Budget:

District Attorney Zapf reported that the jury for the Jensen Trial was deliberating at the time of this meeting. He reported that the 2008 budgets were formulated before the expenses of the Jensen trial. Zapf distributed a handout reporting expenses to date and remaining estimated expenses. The costs are already a drain on the 2008 budget. He asked the Committee how they would like affected departments to handle the costs; whether to allocate now or wait until year-end. Clark said that this needs to be discussed with Al Swartz or Dave Geertsen. He would expect there would be some budget modifications and/or transfers from reserves. There was some benefit having the case tried in Walworth County because the jury did not have to be sequestered. Zapf said he should have final numbers in a couple months and would ask to further address this in about June.

Zapf also commented that the Ezequiel Lopez trial would soon be starting in Racine.

Update from the Clerk of Courts Regarding the Jensen Trial:

Bethany Lofgren provided the update. Rebecca Matosta-Mentink was still in Walworth County. Lofgren reported that they do not have final numbers yet because they don't have the totals from Walworth County. Estimates were distributed. They have segregated costs relating to the Jensen trial so they can easily identify them when needed. There was a significant cost saving due to not having to sequester the jury. Another cost saving was due to the established working relationship our Sheriff has with the Walworth Co. Sheriff. The costs of housing the defendant, as well as other inmate witnesses associated with the prosecution of this case, were not charged back to Kenosha. There are significant and uncommon costs for this trial to date. These are associated with jury selection, about \$2,500; juror and bailiff costs roughly totaling \$26,000 through 2/13/08; and Kenosha staff costs for travel of about \$1,000. Overtime costs have not yet been determined. Estimated costs relating to courthouse security, including courtroom deputies and front screener, were near \$7,300. These amounts are all estimates, they will have more information next month. Lofgren said they were very happy with Walworth County and the people.

Clerk of Courts will also segregate costs relating to the Ezequiel Lopez trial. Costs in Racine will be less due to the closer proximity and an expected shorter trial.

Memo from the Sheriff's Department "Adjustment in Quantity of XTL 5000 Radios Purchased with 2008 Budget Dollars":

Lt. Falduto reported that thanks to a reduction in the cost per radio that was budgeted in 2008, there is enough reserve to purchase three more XTL 5000 Mobile Digital Radios. The radios are the same quality, just a lower price. Additional radios will be purchased next year and this will reduce the number that will need to be purchased the final year.

Resolutions from the Kenosha County Sheriff's Department:

1) Cabaret License – Dave's Saloon

Motion by: Arrington

Seconded by: Clark

Approved: Unanimously

Capt. Apker reported that this is a conversion from a Probationary Cabaret License to a regular Cabaret License. There have been no significant calls since the probationary was granted on 8/21/07 and no violations.

2) Cabaret License – The Sly Fox

Motion by: Haas

Seconded by: Arrington

Approved: Unanimously

Capt. Apker reported that this is also a conversion to a regular license. The probationary was granted 8/21/07. There have been a couple of fights but nothing of major significance. When KSD responded for an incident, they also performed a tavern check and found no violations. This is a busier establishment. Supr. Haas commented that there will be some management changes and that the Town feels there are no unusual problems. Arrington asked if the business has adequate security. Haas said that sometimes security guards cause more problems.

3) Cabaret License – Somers House

Motion by: Haas

Seconded by: Arrington

Approved: Unanimously

Capt. Apker reported that this is also a conversion to a regular license. There was a noise complaint. A bartender was cited for a cabaret violation, however, Apker does not know specifics. He doesn't understand how there could have been a violation when a probationary license was in effect. The incident could not have been of any significance because it was not brought to his attention.

4) Sheriff's 2008 S.E.A.D.O.G. Multi Jurisdictional Drug Enforcement Task Force Grant Modification

Motion by: Clark

Seconded by: Haas

Approved: Unanimously

Sheriff Beth reported that Kenosha County had been awarded a continuation grant through the WI Office of Justice Assistance in the amount of \$124,636 for the 5 county drug task force named South East Area Drug Operations. Additional funding totaling \$86,067 was awarded by the State of WI through the WI Penalty Assessment. Kenosha County's portion of these two funding sources is \$53,519. Another \$58,029 will be utilized to fund Kenosha County's program utilizing the Sheriff's Federal Forfeiture Fund program income which brings the total funding sources for Kenosha County to \$111,548. When preparing the 2008 Sheriff's budget the total revenue sources were estimated at \$107,456, therefore, an adjustment of \$4,092 is required to equal the exact revenue expectations for this year's program. These funds will be used to fund personnel costs to afford 1.0 FTE Office Associate position and .40 FTE of a Sheriff's Detective assigned part time to the Sheriff's Drug Task Force. The grant program award will not require any additional tax levy dollars.

5) Providing Policing Services to the Town of Bristol

Motion by: Haas

Seconded by: Arrington

Approved: Unanimously

Sheriff Beth explained that the resolution for providing policing services to Bristol was passed last fall. This is to address a \$3,000 shortfall. Billing will be done on a monthly basis. The program will probably not begin as soon as originally planned so additional tax levy will probably not be needed. Bristol is excited about the service. 16 hours/day of service will be provided. Michel asked if Bristol would have their own car and who would pay for it. Sheriff replied that KSD will provide the car, however, Bristol will pay for it.

Resolution from the Division of Personnel Services:

1) Resolution to Approve the Appointment of Paul Trombino to Serve on the Civil Service

Commission

Motion by: Clark

Seconded by: Arrington

Approved: Unanimously

This resolution is for a re-appointment. Michel commented that he knows Mr. Trombino personally and that he does a good job for the community.

Report from Emergency Management Regarding Tornado Response:

Ben Schliesman reported that the tornado hit the west-end from 4:02 p.m. to 4:17 p.m. with 150-160 m.p.h. winds affecting a distance of 10.8 miles and 2 miles wide. Sirens sounded three times. The tornado affected east City of Kenosha for about 4 minutes ending near Carthage College about 4:43 p.m. The city experienced 86-110 m.p.h. winds that stretched across 2.4 miles and 100 yards wide. At 4:15 the EOC (Emergency Operations Center) opened and remained open until 10:45. A command post was established at Hwys 50 & 83. The County Executive declared a countywide disaster. East and west-end shelters were opened. The Red Cross responded. Fire EMS' went door to door leaving marks on the doors. A volunteer and damage hotline was started. Donation sites were set up at the Town Hall for Wheatland and at Brookside for eastern Kenosha. There were numerous volunteer helpers. FEMA responded the next day. Temporary employees were used in the office to handle phone calls. Congressman Ryan and the Governor visited and updates were given continually. Human Services coordinated and met needs based on donations. Many companies brought donations. There was to be a meeting the next Monday at the Town Hall including and regarding the Dept. of Commerce, insurance and low interest loans. State representatives would be there. Senator Wirch said there would be free trees.

Schliesman reported calling the Mayor of the City of Kenosha and they refused to do anything so the Dept. of Aging and Disability Services stepped in trying to collect information from affected people. The city would not do this to match up people with donations. Information about underinsured amounts must be determined to get assistance. Michel asked about the Housing authority doing this. Schliesman replied that they wouldn't. The City said they had no staff even though they are the biggest entity.

Communications continued between all agencies. The Health Dept. offered free water test kits. Barricades were set up.

There were a total of 15 minor injuries reported; four from auto accidents. 34 homes were destroyed. 37 homes had major damage of 50% or more. 51 had minor damage of about 25%. To date the total private damage reported was \$21,632,400. We are currently getting disaster funds from the August floods and we expect to get money for this too.

Michel said he requested a report due to complaints he heard from the Somers Fire Chief that communications were not proper. Schliesman said there was not a lot of communication between the Fire Chief and the EOC, some due to technology. Some was a matter of not asking the correct questions. Sheriff Beth said there was not much need to communicate because everyone was using their own resources. After things calmed down communications started more. Chief Deputy commented that the EOC is the central point. Fire & rescue is suppose to report back to the EOC to determine what is needed. There was no contact liaison with EMS because they elected to go into dispatch. Supr. Haas said this was a learning experience for all, everyone did the best they could. He has heard nothing but good praise. Fire Departments have to take charge first for search and rescue.

Schliesman reported that the EOC had WE Energies there; trucks were all over. The Red Cross, Salvation Army, Dennis Schultz and Lt. VanTine ran the EOC because Schliesman was on leave.

Supr. Clark said he wanted to know who was where. Practice drills are performed all the time and part of this is follow-up. Interviewing players can determine how things can be done better. Even if services are never used, they have to be ready. Schliesman said that an After-Action Report

is being prepared; currently it is in draft and being sent to all contributors. Clark said that when this report comes out we will know who was where and there will be feedback from different governments. Next time we could be in an even better position.

Schliesman said there are still follow-up meetings going on. Donations are still coming in. Information needs to go the EOC to coordinate. Everyone did as well as they could. Some problems with communication were probably due to that representatives and people in charge should have been in the EOC, not dispatch. Resources were called in from Illinois and Milwaukee. The State has said we should have gone to Milwaukee first. They are working out the issues and meeting with the Fire Departments.

Sheriff Beth added that every fire & rescue department in Kenosha was there. Racine and Walworth brought equipment as well. They took care of 10.8 miles of destruction and protected the area. It was a miracle no one was killed. Supervisors and deputies came in to work. Correctional officers offered. Chief Deputy Smith went to the EOC and the Sheriff went to the scene. Randall put up lights. Sheriff said he was proud to have been a part of the clean up afterward. There were many volunteers.

Schliesman said they learned from the Stoughton tornado. Farm fields will be cleaned to prevent damage to farm implements.

Haas reported that residents were able to go back in the next day by 8:30 a.m. Gas & Electric were shut off. All power was restored by 4 p.m. the next day. Schliesman said WE Energies worked all night and brought in extra crews. Haas said he never say anything as organized as WE Energies crews.

Schliesman said the entire County Board would get a report in about 6 weeks.

Any Other Business Allowed by Law: None

Meeting Adjourned: 8:20 p.m. on motion by Arrington, seconded by Haas.

Respectfully Submitted,

Donna L. DeBree