

**MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE**

**October 21, 2009**

**KCAB 2<sup>ND</sup> FLOOR COUNTY BOARD COMMITTEE ROOM**

**Members Present:** William Michel II, James Huff, Bob Haas, Ronald Johnson

**Others Present:** Neel Kaur, Gisel Romero, Mark Modory, Ed Kubicki,, Mary Beier, Ben Schliesman, Robert Zapf, Kathy Kemen, Rebecca Matoska-Mentink, Bethany Lofgren, Hunter Johnson, Chief Deputy Charles Smith, Capt. Larry Apker, Capt. Gary Preston, Nancy Otis, Kathy Fon, Lori Thornton, Joe Potente

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

**Citizen Comments:** Kathy Fon and Lori Thornton from Intake Court expressed concerns about tape recording initial appearances. If the system goes down there is expense to repair it. If it goes down with a busy court calendar, how will the cases get done? They have worked without holiday pay and benefits for nine and twelve years. Discs are played in the courtroom now that are video and those have to be stopped. How will identities be determined from a tape recording? Problems can arise if tapes are inaudible. They believe this system will compromise the integrity of reports. If not present, tapes can be misunderstood.

Supr. Michel stated that this is the first he heard of this. This would be part of the Clerk of Courts budget and could be discussed during that portion of the meeting.

**Supervisor Comments:** None

**Chairman Comments:** None

**Acceptance of the Juvenile Intake 2010 Budget:**

**Motion by:** Haas                      **Seconded by:** Ronald Johnson                      **Approved:** unanimously

Mary Beier presented the budget. She distributed handouts highlighting changes from 2009 to 2010 and an 11-year history of Secure Detention Data. The 2010 budget results in a requested levy decrease for 2010 of 17%. The most significant change is a decrease of \$247,150 under Other Professional Services. The current juvenile housing contract sunsets 12/31/09. They expect to only need 12 beds/month instead of the current 18 beds/month and have budgeted based on \$140/day. Additional dollars were included to assist the Sheriff's Dept. (if necessary) with added transportation costs should Kenosha travel further than Racine in 2010. Kenosha County's administration is negotiating with surrounding counties to secure the best rate alternatives available. Washington County charges \$115/day. In 1998 an average of 15 beds were being used per day, this year that number is below 10 so they feel they can safely project for 12/day. Michel asked if this decrease in number of beds was discussed with the District Attorney. Beier replied that this was discussed with the Sheriff's Dept. Other counties have been seeing the same trend of decreased detentions of juveniles. At this time they do not want to get into a 3 or 5 year contract, they want a 1 year contract. Racine has been used exclusively since 1996. Michel asked if video conferencing was still being looked at. Beier responded that there is objection from the Public Defender's Office on this.

**Acceptance of the Division of Emergency Management 2010 Budget:**

**Motion by:** Haas                      **Seconded by:** Ronald Johnson                      **Approved:** unanimously

Ben Schliesman presented the budget. He distributed a handout highlighting changes. He stated that if not for sirens his budget would also have gone down for 2010. Total personnel expense

went up \$2,691.00. Other Professional Services decreased by \$3,250 because the cost to update 911 Database for Reverse Calling System is every other year. Building/Equipment maintenance increased by \$13,800; \$12,000 for Siren Maintenance and \$1,800 for AVI System Service Maintenance. \$500 increase is for a fax machine; both of their fax machines failed within a week of each other. They need two due to their high volume of faxes. The overhaul of the Siren Warning System will be done in phases over three years: \$47,000 bonded money and \$8,300 to upgrade electrical. Their two revenue grants have gone up. Haas commented that the Committee was told last year about the sirens so this is no surprise. He said it is good they are being phased in. Schliesman said there are 14 small sirens and 21 large. They are replacing the small ones first with re-built sirens that have a 10 to 15 year life expectancy. After replacement there should only be the occasional fuses to be replaced.

Michel asked what the total increase was. Schliesman replied \$8,470, which is more than the 3%, however, they have the smallest budget so the cost of the sirens caused this.

**Acceptance of the District Attorney 2010 Budget:**

**Motion by:** Ron Johnson      **Seconded by:** Huff      **Approved:** unanimously

Robert Zapf distributed handouts. There is a total 2010 increase of \$53,017 or 4.9%. He explained that the DA budget is unique in that the attorney costs are paid by the State. This budget is the County portion for clerical, paralegals and operations. Personnel costs are provided by Finance.

Zapf stated that there are currently 26 homicide cases pending: 12 first degree; 6 vehicular by intoxicated use of a vehicle; and 8 other felony murders. He explained that although any defendant has the right to a trial, most homicides go to trial. Many carry over to subsequent years. The increase of \$7,000 for transcripts is due to transcribing audio/visual interviews. Transcripts are labor intensive and expensive. The number of Spanish translations has increased. There has been an increase in copying costs.

Zapf explained that revenue costs are fixed and controlled by a formula of percentages divided with the Clerk of Courts and Sheriff's Dept. The DA gets the least amount. The DA's Office is not a revenue producing department.

Michel asked if other cases are down similar to juvenile cases. Clerk of Circuit Court, Rebecca Matoska-Mentink answered this as follows:

Type of Offense	Total Offenses for 2008	Offenses through 6/30/09
Felonies	1,466	707
Misdemeanors	2,400	1,162
Criminal Traffic	1,200	700
Traffic	9,700	6,000
Ordinances	1,982	681
Juvenile Ordinances	186	58

Michel asked how homicide compares to last year. Zapf said he did not have that information at the meeting. Zapf commented about the increased costs when a change of venue occurs. Michel asked if the DA would probably be coming for more money in November 2010. Zapf replied that this could happen. Cases are unpredictable and uncontrollable.

Michel asked Zapf if he had an opinion about taping Intake Court instead of using Court Reporters. Matoska-Mentink stated that this would be for afternoon initial appearance cases. They would be using CCAP standard equipment that is used across the State. Two Courts are already using them. Zapf said that the equipment is known to work well but he doesn't really have an opinion. This is the first he heard of the change. There could be a problem if the people speaking do not speak clearly or the microphones are placed ineffectively.

Supr. Huff asked if the decrease in County Ordinance fees is due to the diversion program offered at Country Thunder. Kathy Kemen said there have been 80+ referrals from Country Thunder so far

with more expected. Huff asked if this program is effective. Kemen said that the feedback from the offenders is good and that they say they are re-thinking their behavior. Zapf added that they look for a future positive impact. The charge can effectuate difficulties getting grants and into colleges as well as employment. Zapf believes the program is good overall. Huff commented that he doubts the overall good of the program. Why not then give a break to offenders of other laws such as speeding because it will affect their insurance? Supr. Haas added that these young adults are old enough to know better. This seems to be a slap in Law Enforcement's face. Possibly this should be looked into again.

Haas asked how the turnover of District Attorneys has been. Zapf said this is a difficult subject. Assistant DA's do not get meaningful step increases to provide incentive for them to stay. This is a good option right out of law school but then after 3-5 years when the salary flattens there is no where to go. There are cases now where County Paralegals make more than some of the first and third year attorneys. He basically currently has a new staff. Kenosha County really doesn't have to be concerned about this; the problem is at the State level.

Michel stated that the increase of 5% is higher than they wanted. He asked if cuts could be made. Zapf said he doesn't know of any. They lost the Federal Gun Grant and the 8<sup>th</sup> Branch of Court was added. Additional prosecutors were approved so a paralegal was approved. This position is included in the budget, however, is not currently filled.

***Acceptance of the Clerk of Courts 2010 Budget:***

***Motion by:*** Haas                      ***Seconded by:*** Ronald Johnson                      ***Approved:*** unanimously

Rebecca Matoska-Mentink presented the budget. She stated that she has a 0% increase but can't take credit for this because it is due to Temporary Salaries being moved to Personnel's budget. Most line items are the same. They had proposed juror pay be increased from \$16/day to \$20/day; however, this did not follow through. Interpreters are high volume, overtime is used periodically. There was a grant that involved Circuit Court and Joint Services for electronic communication of data for restraining orders from Courts to Joint Services. This grant is nearing completion and they will soon start facilitating this. One of the things this grant did not take into consideration was the additional impact on Family Court staff. When the restraining order is signed by the Commissioner it must be scanned immediately into the file in addition to other procedures. At times this comes in late in the day and causes overtime. There are some frozen positions that temps are filling in for and temps do not work as well or quickly as regular employees. They also do not want to train these employees extensively. This puts burden on other employees. Her only major concern is the overtime line. In the past they have been able to move amounts among line items to help these situations.

Other Professional Services adjustment down of \$22,000 is for the cost a quarter-time Court Reporter in Intake Services. At the request of Board of Circuit Court Judges they put in the request for two digital audio recorders (FTR's). There will be one mobile unit purchased. There are upcoming furloughs for Court Reporters and there have been issues with Court Reporters not showing up due to snow storms. This will assist in these circumstances. The FTR that will be put in the Intake Building is also up to State Standards. If a person requests transcripts from the audio, this cost is born by the requestor, not the County.

Also included in Other Professional Services is the rate paid to Court Commissioners. The last increase was in 2001. Rate has been increased from \$130/session to \$150/session. There are no increases for Bailiffs, Guardian ad Litem, or Contracted Court Reporters.

***Acceptance of the Kenosha County Sheriff's Department 2010 Budget:***

***Motion by:*** Haas                      ***Seconded by:*** Huff                      ***Approved:*** unanimously

Chief Deputy Charles Smith presented the budget of \$35,000,000. \$8,000,000 is in department generated revenue. \$25.6 million is from tax levy. There is a 1.82% increase for

personnel. There is a 16% increase under Contracted Services primarily for medical. Michel asked for clarification that this is not for federal inmates because their expenses are paid by the federal government. Chief Deputy answered correct. Local inmate numbers are higher than federal inmate numbers. There is a 7% reduction for supplies, mainly for fuel costs. Total overall budget increase is 1.93%.

Budgeted revenue for federal inmates is projected based on 220/day, down from 230/day because federal inmate numbers have been decreasing. Michel asked about the effects of new Administration on our numbers. Chief Deputy explained that this has had an effect because they are no longer doing the sweeps that were previously done. 2010 training increased because our allotment increased due to the State no longer paying expenses directly. They now send money to us and we pay. County Ordinance revenue projections were decreased because the number of citations issued has decreased. Due to construction, traffic has decreased resulting in fewer tickets. There are also more Calls for Service that take deputies away from Traffic Control. In 2009 there were 2 unfunded deputies and 1 unfunded detective. In 2010 it looks like there will be 3 unfunded deputies and 1 unfunded detective.

Civil Process service is up drastically. There is a decrease in Huber Revenue because less people are working. Many inmates are being put on Workcrew, however, this generates no revenue. \$40,000 is expected from Federal Grant money for traffic interdiction. There is a carryover of \$53,000 of 2007 funds not used. \$35,000 of this will be used for the WCS program and the rest for furniture for the expansion project. One Office Associate position has been eliminated because the funding ended.

Generally, the budget is the same as 2009 with the exception of the biggest increase for medical.

Michel asked if not funding three deputies would result in excessive overtime. Chief Deputy said that they have been reducing overtime; however, this is a possibility. If the trend of decreasing the number of deputies continues, we will be in serious trouble. They try to use Patrol Deputies to supplement Conveyance to limit overtime. Special Units have been eliminated or decreased. Michel asked if it would be a problem to transport juveniles further than Racine. Chief Deputy said they were asked to do an analysis. It would be very expensive to go to Washington County. Michel asked if retired deputies could be used to transport juveniles as they do to Winnebago & Mendota. Chief Deputy replied that this would cause Labor Contract issues because Deputies have always provided this service. Michel asked about Video Conferencing and if it could be used if we house juveniles far away. Chief Deputy explained that Video Conferencing is moving along with the installation of equipment at St. Luke's. Attorneys and the Courts object to the use of video conferencing for juveniles.

Huff asked who is in charge of how many federal inmates we get. Chief Deputy responded Ricardo Long out of Chicago. We are one of sixty sites and are preferred. Huff asked that if Larry Zarletti gets the U.S. Marshall position, could this affect the number of U.S. Marshall Inmates we get. Capt. Preston responded yes and he would be contacted. Chief Deputy added that U.S. Marshall Inmates are traditionally tough inmates. They are pre-trial here on serious charges. This is not an easy chore for staff. Immigration inmates are much milder.

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

***Meeting Adjourned:*** 8:17 p.m on motion by Huff, seconded by Ronald Johnson.

Respectfully Submitted,

Donna L. DeBree