

Agenda
Eau Claire County
Committee on Judiciary and Law Enforcement
Thursday, December 06, 2018 – 4:00 PM
Courthouse – Room 1273

1. Call to Order
2. Public Comment
3. Approve Minutes from November 01, 2018 Meeting – discussion/action Page 2
4. 2018 3rd Quarter Fiscal Updates – discussion
 - a. Circuit Court Page 8
 - b. Clerk of Courts Page 9
 - c. Criminal Justice Collaborating Council Page 10
 - d. District Attorney Page 11
 - e. Register in Probate/Clerk of Juvenile Court Page 12
5. Sheriff's Office Updates
 - a. 3rd Quarter Fiscal Update – discussion Page 14
 - b. Jail Population Update – discussion
6. File No. 18-19/078 Resolution Urging Increase for State Public Defender Compensation Rate -discussion/action Page 15
7. File No. 18-19/082 Resolution Directing CJCC to Complete Jail Population Study -discussion/action Page 18
8. Set Future Meeting Date(s) – discussion/action
 - a. January 03, 2019 at 4:00 PM
9. Set Future Agenda Item(s) – discussion/action
 - a. Sheriff's Office
 - i. Protective Status Legislation
 - ii. Jail Population
 - b. Homelessness/Affordable Transitional Housing
10. Adjourn

Posted: 12/03/18

Copy: Committee Members
Media

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Minutes
Eau Claire County
Committee on Judiciary and Law Enforcement
Thursday, November 01, 2018 – 4:00 PM
Courthouse – Room 1273

Members Present: Brandon Buchanan*, Sue Miller, Sandra McKinney, Gerald Wilkie, and Stella Pagonis⁺

Others Present: Sheriff Ron Cramer, Dianne Hughes, Tiana Glenna, Todd Tollefson, Eric Huse

Call to Order

The meeting was called to order by Chairperson Sue Miller at 4:00 PM.

Public Comment

No public comment was made.

Approve Minutes from October 04, 2018 Meeting

Vice-Chairperson Wilkie moved to approve the minutes from the October 04, 2018 meeting. The minutes were adopted as published in the meeting materials via a 3-0 voice vote.

TRY Mediation 3rd Quarter Update

Todd Tollefson was present to speak on this topic. The fiscal portion was not included with the meeting packet and was distributed at the meeting. Todd offered to return next month to discuss the financials in more depth. Closed case reporting is becoming difficult to represent because of the addition of temporary agreements thereby leaving some cases open for extended period of time. Small claims have been down but are still exceeding the desired close rate. Fiscal situation still looks okay.

**Supervisor Buchanan arrived during the TRY Mediation update.*

Criminal Justice Collaborating Council – General Updates

Tiana Glenna was present. General discussion regarding statewide legislative council work on pre-trial release and Eau Claire County pre-trial screening assessment and implications on jail population. Chairperson Miller, Administrator Schauf, and Tiana met last week to discuss how best to address two main questions: How to educate the whole county board about the judicial system & how to handle the current jail overcrowding?

A draft resolution directing the CJCC to do a comprehensive jail population study was handed out. There was general agreement with the content of the draft and discussion about a timeline.

This item will be added to the December 04, 2018 meeting for the committee to consider prior to the full Board Meeting.

**Supervisor Pagonis arrived during the CJCC update.*

State Public Defender Compensation Rate Resolution 18-19/078

Attorney Laurie Osberg, State Public Defender Eau Claire Trial Office Managing Attorney, requested the County Board consider a resolution urging the State to increase the compensation rate for non-staff Public Defender appointed attorneys. The fact sheet was distributed at the meeting. Vice-Chairperson Wilkie moved to approve. Supervisor Buchanan moved to amend the resolution to add “Be it further resolved the Eau Claire County Board of Supervisors directs the County Clerk to forward this resolution to the Attorney General of Wisconsin, Governor of Wisconsin, Wisconsin Supreme Court, Wisconsin State Bar Association, Wisconsin Counties Association, and Office of State Public Defender.” After discussion, Vice-Chairperson Wilkie withdrew his motion in order to correct the resolution before taking action on it. This item will be added to the December 04, 2018 meeting for the committee to consider prior to the full Board Meeting.

Eau Claire County Sheriff's Office Updates

- a. Jail Population Update
 - a. \$176,000 in out of county housing costs year-to-date. The Jail is still diligently tracking and monitoring out of county housing.
- b. ICE & Federal Detainer Policies
 - a. Sheriffs around the state have discussed this and had conversations with the ACLU. Residency status cannot be asked of arrestees- it may be revealed when a criminal background check is performed, however. Because the ICE detainers are not signed by a federal magistrate, it does not have the same authority as a warrant. Space is provided in the sally-port for ICE, if requested. The ECCJ will notify ICE when someone is going to be released if a detainer has been lodged.

2019 County Budget Discussion

There was general discussion regarding the Sheriff's Office budget modifications after budget and finance review and Sheriff's Office review.

Future Meeting Dates

The committee will meet on Thursday, December 04 at 6:45 PM and Thursday, December 06, 2018 at 4:00 PM.

Future Agenda Items

- Sheriff's Office
 - ECCJ Population Update
 - Protective Status Legislation
- Homelessness/Affordable Transitional Housing

Adjourn

The meeting was adjourned by Chairperson Miller at 5:51 PM.

Respectfully Submitted:

Eric Huse
Committee Clerk

TRY MEDIATION, INC.
Profit & Loss Budget vs. Actual
July through September 2018

	Jul - Sep 18	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
Inkind Rent/County Revenue	750.00	750.00	0.00
County - Revenue			
County - Buffalo	750.00	750.00	0.00
County - Chippewa	6,249.99	6,249.99	0.00
County - Eau Claire	33,404.76	33,404.76	0.00
County - Pepin	1,050.00	1,050.00	0.00
County Dunn	4,249.98	4,250.01	-0.03
Total County - Revenue	45,704.73	45,704.76	-0.03
Intake Fees	50.00		
Interest Income	49.60	75.00	-25.40
Mediation Fees			
Mediation Fees - Buffalo	450.00	351.00	99.00
Mediation Fees - Chippewa	1,095.00	234.00	861.00
Mediation Fees - Dunn	250.00	129.00	121.00
Mediation Fees - Eau Claire	2,380.00	1,734.00	646.00
Mediation Fees - Pepin	125.00	45.00	80.00
Total Mediation Fees	4,300.00	2,493.00	1,807.00
Other Income			
Refunds and Miscellaneous	120.00		
Total Other Income	120.00		
Parent Education	3,865.00	3,750.00	115.00
Total Revenue	54,089.33	52,022.76	2,066.57
Total Income	54,839.33	52,772.76	2,066.57
Gross Profit	54,839.33	52,772.76	2,066.57
Expense			
Advertising/Public Information	0.00	0.00	0.00
Assistant's compensation	7,802.11	7,642.11	160.00
Bank Service Fee	0.00	16.20	-16.20
Client Refunds	60.00	75.00	-15.00
Credit Card Fees	329.39	405.00	-75.61
Director's compensation	12,913.67	12,913.70	-0.03
Equipment and Furniture(expense)	841.76	573.00	268.76
FICA - Employer's Share	2,638.94	2,673.43	-34.49
In-Kind Rent Expense-E.C.	750.00	750.00	0.00
Insurance - Liability	0.00	0.00	0.00

TRY MEDIATION, INC.
Profit & Loss Budget vs. Actual
July through September 2018

	Jul - Sep 18	Budget	\$ Over Budget
Insurance - Malpractice	0.00	0.00	0.00
Insurance - Workman's Comp.	0.00	0.00	0.00
Mediator Training	0.00	312.00	-312.00
Medicare Tax -Employer's Share	617.17	625.12	-7.95
Membership Dues	0.00	0.00	0.00
Miscellaneous Expense	0.00	300.00	-300.00
Postage	354.00	300.00	54.00
Printed Material	0.00	300.00	-300.00
Professional Fees	2,000.00	2,000.00	0.00
Recognition	0.00	0.00	0.00
Salaries -			
Salaries-Dunn	5,265.00	4,576.94	688.06
Salaries - Chippewa	910.00	1,076.94	-166.94
Salaries - Eau Claire	11,173.05	11,688.62	-515.57
Total Salaries -	17,348.05	17,342.50	5.55
SEP Retirement			
Health Insurance Reimbursement	4,500.00	4,500.00	0.00
SEP Retirement - Other	1,720.66	3,847.32	-2,126.66
Total SEP Retirement	6,220.66	8,347.32	-2,126.66
State Unemployment	49.56	70.00	-20.44
Supplies	1,270.53	306.00	964.53
Telephone	0.00	300.00	-300.00
Travel and Conference	777.55	883.42	-105.87
Total Expense	53,973.39	56,134.80	-2,161.41
Net Ordinary Income	865.94	-3,362.04	4,227.98
Net Income	865.94	-3,362.04	4,227.98

4 -DIRECTING THE CRIMINAL JUSTICE COORDINATING COUNCIL TO DO A
5 COMPREHENSIVE STUDY OF THE EAU CLAIRE COUNTY JAIL POPULATION AND
6 PROVIDE A REPORT TO THE COUNTY BOARD ON OR BEFORE _____, 2019
7 ANALYZING THE INCREASE IN JAIL POPULATION AND RECOMMENDING THE BEST
8 ALTERNATIVES -

9 WHEREAS, on September 13, 2006 the Eau Claire County Board of Supervisors adopted
10 Resolution File No. 06-07/075 establishing an Eau Claire Criminal Justice Coordinating Council
11 (CJCC) in order to provide a coordinated leadership necessary to establish and foster innovative,
12 effective corrections programs for adult and juvenile offenders and to effectively qualify for state
13 and federal grants to fund such programs; and,

14
15 WHEREAS, the CJCC is uniquely qualified to analyze the reasons for and potential solutions
16 to the increasing jail population based on its use of Evidence Based Decision Making (EDBM) and
17 report its findings to the county board; and,

18
19 WHEREAS, the analysis should include:

- 20
21 1. A review of the jail population as it relates to the increase in the population over the
22 last 5 years.
23 2. A cost benefit analysis.
24 3. Researching changes in EBDM.
25

26 WHEREAS, CJCC will evaluate changes in county demographics, State level EDBM efforts,
27 process changes in prisoner classification and engage the Department of Corrections (DOC) in
28 process discussions that impact the jail population.

29
30 NOW THEREFORE BE IT RESOLVED by the Eau Claire County Board of Supervisors
31 that the CJCC is directed to do a comprehensive study of the Eau Claire County jail population
32 and provide a report to the county board on or before _____, 2019, analyzing the increase in jail
33 population and recommending alternatives.

34
35 BE IT FURTHER RESOLVED,

36 _____
37 _____
38 _____
39 _____
40 _____
41 _____
42 _____
43 _____
44 _____
45 _____

46 KRZ/yk

Committee on Judiciary and Law Enforcement

47
48 Dated this _____ day of _____, 2018.

FACT SHEET

TO FILE NO. 18-19/078

This resolution urges the State of Wisconsin to increase compensation for defense counsel assigned by the State Public Defender (SPD) from \$40 per hour, in effect since 1995 to \$70 per hour which is the same rate paid for attorneys appointed by the county. This disparity will increase in 2020 when Wisconsin Supreme Court Rule will increase the hourly rate paid for attorneys appointed by counties \$100 per hour.

As a result of the low pay private attorneys are more frequently declining to take SPD appointments which can result in judges appointing attorneys at the county rate which acts as a further disincentive for attorneys to accept SPD appointments. It can also mean people are being held in jail longer pending appointment of counsel, delaying justice for victims, causing inefficiency for courts and law enforcement agencies and increasing the county's cost of incarceration. The clerk of court has estimated the increased use of private attorneys may cost the County an additional \$116,000 annually.

Fiscal Impact: None.

Respectfully Submitted,

Keith R. Zehms
Corporation Counsel

KZ/yk

Ordinance/18-19/078 Fact

Circuit Court

Variable Column Report - 2018 Q3

Budget to Actuals: Revenue/Expense

	<u>Original Budget</u>	<u>Adjusted Budget</u>	<u>Revenue</u>	<u>Expenditure</u>	<u>Encumbered</u>	<u>Available</u>	<u>% Used</u>
02 COURTS							
100 GENERAL FUND							
0 REVENUE	\$ 923,193.00	\$ 923,193.00	\$ 821,120.00	\$ -	\$ -	\$ 102,073.00	89%
1 SALARIES AND BENEFITS	\$ 381,163.00	\$ 381,163.00		\$ 313,200.00		\$ 67,963.00	82%
2 NON-DISCRETIONARY	\$ 458,000.00	\$ 458,000.00		\$ 293,010.00		\$ 164,990.00	64%
3 SUPPLIES AND EXPENSES	\$ 84,030.00	\$ 84,030.00		\$ 57,330.00	\$ 1,059.00	\$ 25,641.00	68%
4 BUILDING MATERIALS							
7 GRANTS, CONTRIBUTIONS, OTHER							
8 OTHER							
405 OTHER CAPITAL PROJECTS							
8 OTHER							
02 COURTS	\$ 923,193.00	\$ 923,193.00	\$ 821,120.00	\$ 663,540.00	\$ 1,059.00	\$ 258,594.00	72%

Clerk of Courts

Variable Column Report - 2018 Q3

Budget to Actuals: Revenue/Expense

	<u>Original Budget</u>	<u>Adjusted Budget</u>	<u>Revenue</u>	<u>Expenditure</u>	<u>Encumbered</u>	<u>Available</u>	<u>% Used</u>
02 COURTS							
100 GENERAL FUND							
0 REVENUE	\$ 1,402,055.0	\$ 1,402,055.0	\$ 1,057,410.0	\$ -	\$ -	\$ 344,645.0	75%
1 SALARIES AND BENEFITS	\$ 1,293,355.0	\$ 1,293,355.0		\$ 891,100.00		\$ 402,255.0	69%
2 NON-DISCRETIONARY	\$ 47,200.0	\$ 47,200.0		\$ 33,350.00		\$ 13,850.0	71%
3 SUPPLIES AND EXPENSES	\$ 61,500.0	\$ 61,500.0		\$ 44,560.00		\$ 16,940.0	72%
4 BUILDING MATERIALS							
7 GRANTS, CONTRIBUTIONS, OTHER							
8 OTHER							
405 OTHER CAPITAL PROJECTS							
8 OTHER							
02 COURTS	\$ 1,402,055.0	\$ 1,402,055.0	\$ 1,057,410.0	\$ 969,010.0	\$ -	\$ 433,045.0	69%

CJCC

County of Eau Claire

Variable Column Report

Budget to Actuals: Revenue/Expense

Month End Summary

Run Date 11/27/18 10:12 AM

For 01/01/18 - 12/31/18

Periods 01 - 13

PY Periods 01 - 13

	<u>Original Budget</u>	<u>Adjusted Budget</u>	<u>Revenue</u>	<u>Expenditure</u>	<u>Encumbered</u>	<u>Available</u>
05 COUNTY ADMIN						
100 GENERAL FUND						
0 REVENUE	139,000.00	139,000.00	94,910.00	.00	.00	44,090.00
1 SALARIES AND BENEFITS	274,217.63	274,217.63	.00	240,860.28	.00	33,357.35
2 CONTRACTUAL SERVICES	639,980.00	639,980.00	.00	559,299.96	132,500.04	-51,820.00
3 SUPPLIES AND EXPENSES	58,412.00	58,412.00	.00	15,553.16	1,282.00	41,576.84
05 COUNTY ADMIN	1,111,609.63	1,111,609.63	94,910.00	815,713.40	133,782.04	67,204.19

District Attorney
 County of Eau Claire

For 01/01/18 - 12/31/18

Variable Column Report

FJEXS01S

Periods 01 - 13

Budget to Actuals: Revenue/Expense

Month End Summary

PY Periods 01 - 13

	<u>Original Budget</u>	<u>Adjusted Budget</u>	<u>Revenue</u>	<u>Expenditure</u>	<u>Encumbered</u>	<u>Available</u>
12 DISTRICT ATTORNEY						
100 GENERAL FUND						
0 REVENUE	1,078,871.00	1,078,871.00	858,666.85	.00	.00	220,204.15
1 SALARIES AND BENEFITS	907,784.84	907,784.84	.00	767,429.11	.00	140,355.73
2 CONTRACTUAL SERVICES	115,140.00	115,140.00	.00	77,549.28	20,686.01	16,904.71
3 SUPPLIES AND EXPENSES	54,310.00	54,310.00	.00	32,557.91	.00	21,752.09
8 OTHER	1,636.00	1,636.00	.00	204.05	.00	1,431.95
12 DISTRICT ATTORNEY	2,157,741.84	2,157,741.84	858,666.85	877,740.35	20,686.01	400,648.63

Register in Probate/Clerk of Juvenile Court

County of Eau Claire

Variable Column Report

Budget to Actuals: Revenue/Expense

Page No 1

FJEXS01S

Run Date 11/08/18 02:00 PM

For 01/01/18 - 09/30/18

Periods 01 - 09

Month End

PY Periods 01 - 09

<u>Account No/Description</u>	<u>Original Budget</u>	<u>Adjusted Budget</u>	<u>Revenue</u>	<u>Expenditure</u>	<u>Encumbered</u>	<u>Available</u>	<u>% Used</u>
03 REGISTER OF PROBATE							
100 GENERAL FUND							
18-100-03-41110-000-000 COUNTY TAX LEVY	252,150.00	252,150.00	189,112.50	.00	.00	63,037.50	75.00
18-100-03-46145-000-000 PROBATE FEES	40,000.00	40,000.00	20,984.14	.00	.00	19,015.86	52.46
0 REVENUE	292,150.00	292,150.00	210,096.64	.00	.00	82,053.36	127.46
18-100-03-51230-111-000 REG PROB/ SAL PERM-REGULAR	197,080.79	197,080.79	.00	134,885.72	.00	62,195.07	68.44
18-100-03-51230-120-000 REG PROB/HEALTH INS INCENTI	7,000.00	7,000.00	.00	1,800.00	.00	5,200.00	25.71
18-100-03-51230-136-000 REG PROB/ PTO-ELB-LUMP SUM PAYOUT	.00	.00	.00	1,812.67	.00	-1,812.67	
18-100-03-51230-151-000 REG PROB/ SOCIAL SECURITY	15,076.68	15,076.68	.00	10,226.73	.00	4,849.95	67.83
18-100-03-51230-152-000 REG PROB/ RETIREMENT EMPLR	13,204.41	13,204.41	.00	9,037.36	.00	4,167.05	68.44
18-100-03-51230-154-000 REG PROB/ HOSP & HEALTH INS	47,148.83	47,148.83	.00	21,089.13	.00	26,059.70	44.73
18-100-03-51230-155-000 REG PROB/ LIFE INSURANCE	115.44	115.44	.00	68.51	.00	46.93	59.35
18-100-03-51930-154-001 DIFFERENCE CARD TRANSFERS	.00	.00	.00	6,610.00	.00	-6,610.00	
1 SALARIES AND BENEFITS	279,626.15	279,626.15	.00	185,530.12	.00	94,096.03	334.51
18-100-03-51230-225-000 REG PROB/ TELEPHONE&TELEGRA	1,395.00	1,395.00	.00	921.79	.00	473.21	66.08
2 CONTRACTUAL SERVICES	1,395.00	1,395.00	.00	921.79	.00	473.21	66.08
18-100-03-51230-310-000 REG PROB/ OFFICE SUPPLIES	2,905.00	2,905.00	.00	1,743.62	.00	1,161.38	60.02
18-100-03-51230-311-000 REG PROB/ POSTAGE AND BOX F	2,975.00	2,975.00	.00	1,654.97	.00	1,320.03	55.63
18-100-03-51230-313-000 REG PROB/ PRINTING & DUP	4,000.00	4,000.00	.00	2,361.81	.00	1,638.19	59.05
18-100-03-51230-324-000 REG PROB/ MEMBERSHIP DUES	115.00	115.00	.00	115.00	.00	.00	100.00
18-100-03-51230-340-000 REG PROB/ TRAVEL-TRAIN & CC	1,134.00	1,134.00	.00	756.60	.00	377.40	66.72
3 SUPPLIES AND EXPENSES	11,129.00	11,129.00	.00	6,632.00	.00	4,497.00	341.42
03 REGISTER OF PROBATE	584,300.15	584,300.15	210,096.64	193,083.91	.00	181,119.60	869.46

Run Date 11/08/18 02:03 PM

County of Eau Claire

Page No 1

For 01/01/18 - 09/30/18

Variable Column Report

FJEXS01S

Periods 01 - 09

Budget to Actuals: Revenue/Expense

Month End

PY Periods 01 - 09

	<u>Original Budget</u>	<u>Adjusted Budget</u>	<u>Revenue</u>	<u>Expenditure</u>	<u>Encumbered</u>	<u>Available</u>	<u>% Used</u>
03 REGISTER OF PROBATE							
100 GENERAL FUND							
0 REVENUE	292,150.00	292,150.00	210,096.64	.00	.00	82,053.36	127.46
1 SALARIES AND BENEFITS	279,626.15	279,626.15	.00	185,530.12	.00	94,096.03	334.51
2 CONTRACTUAL SERVICES	1,395.00	1,395.00	.00	921.79	.00	473.21	66.08
3 SUPPLIES AND EXPENSES	11,129.00	11,129.00	.00	6,632.00	.00	4,497.00	341.42
03 REGISTER OF PROBATE	584,300.15	584,300.15	210,096.64	193,083.91	.00	181,119.60	869.46

ECSO

County of Eau Claire

Variable Column Report

Budget to Actuals: Revenue/Expense

Month End Summary

Run Date 11/30/18 12:26 PM

For 01/01/18 - 12/31/18

Periods 01 - 13

PY Periods 01 - 13

	<u>Original Budget</u>	<u>Adjusted Budget</u>	<u>Revenue</u>	<u>Expenditure</u>	<u>Encumbered</u>	<u>Available</u>
17 SHERIFF						
100 GENERAL FUND						
0 REVENUE	13,518,493.00	13,542,790.00	12,341,600.68	.00	.00	1,201,189.32
1 SALARIES AND BENEFITS	9,823,783.00	9,823,783.00	.00	8,634,861.78	.00	1,188,921.22
2 CONTRACTUAL SERVICES	821,670.00	821,670.00	34,185.57	824,707.49	75,326.22	-112,549.28
3 SUPPLIES AND EXPENSES	892,360.00	892,360.00	.00	866,432.57	176,151.04	-150,223.61
5 FIXED CHARGES	249,440.00	249,440.00	.00	178,790.65	.00	70,649.35
7 GRANTS, CONTRIBUTIONS, OTHER	4,600.00	4,600.00	.00	5,385.28	2,500.00	-3,285.28
8 OTHER	89,200.00	113,497.00	.00	113,290.63	16,446.25	-16,239.88
9 OTHER	.00	.00	.00	-26,805.76	.00	26,805.76
212 ANTI-DRUG GRANT FUND						
0 REVENUE	227,937.00	232,937.00	199,084.71	.00	.00	33,852.29
1 SALARIES AND BENEFITS	45,807.00	45,807.00	.00	199,748.55	.00	-153,941.55
2 CONTRACTUAL SERVICES	25,440.00	30,440.00	.00	19,012.63	.00	11,427.37
3 SUPPLIES AND EXPENSES	40,790.00	40,790.00	.00	32,578.44	312.84	7,898.72
5 FIXED CHARGES	15,900.00	15,900.00	.00	13,596.32	.00	2,303.68
8 OTHER	100,000.00	100,000.00	.00	64,346.36	.00	35,653.64
405 OTHER CAPTIAL PROJECTS						
0 REVENUE	.00	.00	41,265.07	.00	.00	-41,265.07
8 OTHER	142,300.00	142,300.00	.00	242,828.55	173,407.52	-273,936.07
17 SHERIFF	25,997,720.00	26,056,314.00	12,616,136.03	11,168,773.49	444,143.87	1,827,260.61

FACT SHEET

TO FILE NO. 18-19/078

This resolution urges the State of Wisconsin to increase compensation for defense counsel assigned by the State Public Defender (SPD) from \$40 per hour, in effect since 1995 to \$70 per hour which is the same rate paid for attorneys appointed by the county. This disparity will increase in 2020 when Wisconsin Supreme Court Rule will increase the hourly rate paid for attorneys appointed by counties \$100 per hour.

As a result of the low pay private attorneys are more frequently declining to take SPD appointments which can result in judges appointing attorneys at the county rate which acts as a further disincentive for attorneys to accept SPD appointments. It can also mean people are being held in jail longer pending appointment of counsel, delaying justice for victims, causing inefficiency for courts and law enforcement agencies and increasing the county's cost of incarceration. The clerk of court has estimated the increased use of private attorneys may cost the County an additional \$116,000 annually.

Fiscal Impact: None.

Respectfully Submitted,

Keith R. Zehms
Corporation Counsel

KZ/yk

Ordinance/18-19/078 Fact

4 - RESOLUTION URGING THE STATE OF WISCONSIN TO INCREASE COMPENSATION
5 FOR DEFENSE
6 COUNSEL ASSIGNED BY THE STATE PUBLIC DEFENDER -
7

8 WHEREAS, both the United States Constitution and the Wisconsin State Constitution
9 provide that persons accused of a crime have the right to counsel. In Wisconsin the Office of the
10 State Public Defender, SPD, provides counsel to those persons meeting income eligibility guidelines
11 for services. Where SPD is unable to provide representation, due to conflict or other reasons, the
12 SPD appoints private attorneys to provide representation. Almost 40% of all SPD cases are
13 appointed to private attorneys; and
14

15 WHEREAS, the compensation rate for private bar appointed attorneys in Wisconsin has not
16 been increased since 1995 and currently stands at \$40.00 per hour. It is the lowest in the nation,
17 failing to even cover an appointed attorney's overhead costs. As a result, private attorneys are
18 increasingly declining to accept SPD appointments, which is creating an increasing burden on the
19 courts and Wisconsin Counties. Costs to counties are increasing as circuit court judges are being
20 forced to appoint counsel at county expense and accused persons are being held in jail longer
21 pending appointment of counsel. These delays also lead to inefficiency for courts and law
22 enforcement agencies, and additional delay for obtaining justice for victims; and,
23

24 WHEREAS, in May of 2018 the Wisconsin Supreme Court authorized an increase in the
25 hourly rate from \$70.00/hr. to \$100.00/hr. for attorney's appointed by the county, this increase to go
26 into effect on January 1, 2020; and,
27

28 WHEREAS, the increase authorized to private attorneys, at county expense, may cost Eau
29 Claire County approximately \$116,000 annually depending on case load, and complexity; and,
30

31 WHEREAS, the disparity created between the two rates, SPD \$40.00/hr, County \$100.00/hr.,
32 will cause private attorneys to refuse SPD cases, and
33

34 WHEREAS, other counties in Wisconsin are passing resolutions similar to this one,
35 including, Dunn, Barron, Burnett and La Crosse; and
36

37 NOW THEREFORE BE IT RESOLVED that the Eau Claire County Board of
38 Supervisors does hereby urge the State of Wisconsin to provide sufficient resources to the Office
39 of the Public Defender to ensure the criminal justice system operates effectively and efficiently,
40 including increasing the rate of reimbursement for private attorneys appointed by the Public
41 Defender to a market rate that will ensure prompt appointment of counsel and that cases are
42 handled in a timely and efficient manner, by at minimum, increasing the hourly rate paid to SPD
43 appointed private attorney's to the same amount as those recently authorized by the Wisconsin
44 Supreme Court.
45
46
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50

1 BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the
2 county clerk to forward this resolution to the governor, assembly members and senators representing
3 Eau Claire County, the Wisconsin Bar Association, the Office of the Wisconsin Attorney General,
4 the Office of the State Public Defender, the Wisconsin Supreme Court and the Wisconsin Counties
5 Association.
6

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11 _____

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13 _____
14 Committee on Judiciary and Law

15 yk

16 Dated this _____ day of _____, 2018.

17 ORDINANC/18-19/078

FACT SHEET

TO FILE NO. 18-19/082

Researching and analyzing the reasons for and potential solutions to the increasing jail population, how to mitigate jail overcrowding and making a recommendation as to whether and when the 4th pod of the jail should be built out is within the mission of the Criminal Justice Collaborating Council (CJCC). The information provided as a result of the this CJCC effort will allow the county board to use evidence based decision making for determining future policy initiatives.

To analyze the increase in jail population and recommend alternatives to the Judiciary and Law Enforcement Committee the CJCC will consider all of the following

- *Conduct a cost benefit analysis focusing on housing out of county and building and staffing new buildout.*
- *Review historical and projected jail population trends along with triggers for overpopulation.*
- *Provide an update on the State Legislative study committee on bail and conditions of pretrial release.*
- *Development of sentencing program for Medium to medium high risk.*
- *Explore Evidence Based Programming options in the community.*
- *Work with State DOC on Classification, jail holds, after hour holds.*
- *Review of change in projected demographics.*

Fiscal Impact: **None.**

Respectfully Submitted,



Tiana Glenna
CJCC Coordinator

tg

Ordinance/18-19.082. Fact

4 -DIRECTING THE CRIMINAL JUSTICE COLLABORATING COUNCIL TO DO A
5 COMPREHENSIVE STUDY OF THE EAU CLAIRE COUNTY JAIL POPULATION AND
6 PROVIDE A REPORT TO THE COUNTY BOARD ON OR BEFORE JUNE 2019
7 ANALYZING THE INCREASE IN JAIL POPULATION AND RECOMMENDING THE
8 BEST ALTERNATIVES -

9 WHEREAS, on September 13, 2006 the Eau Claire County Board of Supervisors adopted
10 Resolution File No. 06-07/075 establishing an Eau Claire Criminal Justice Collaborating
11 Council (CJCC) in order to provide a coordinated leadership necessary to establish and foster
12 innovative, effective corrections programs for adult and juvenile offenders and to effectively
13 qualify for state and federal grants to fund such programs; and,
14

15 WHEREAS, the CJCC is uniquely qualified to analyze the reasons for and potential
16 solutions to the increasing jail population based on its use of Evidence Based Decision Making
17 (EDBM) and report its findings to the county board; and,
18

19 WHEREAS, CJCC will evaluate changes in county demographics, State level EDBM
20 efforts, process changes in prisoner classification and engage the Department of Corrections
21 (DOC) in process discussions that impact the jail population.
22

23 NOW THEREFORE BE IT RESOLVED by the Eau Claire County Board of Supervisors
24 that the CJCC is directed to do a comprehensive analysis and review of the Eau Claire County
25 jail population and provide a report to the county board on or before June 2019.
26

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39 Committee on Judiciary and Law Enforcement

40 KRZ/yk

41 Dated this _____ day of _____, 2018.

42 ORDINANC/18-19/082