

Minutes
Eau Claire County
Committee on Judiciary and Law Enforcement
Thursday, December 06, 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, Captain Dan Bresina, Lieutenant Dave Riewestahl, Jean Gay, Eric Huse, Sarah Ferber, Kim Cronk, Audrey Nelson

Call to Order

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

Public Comment

- Sarah Ferber made public comments regarding substance abuse, addiction, and rehabilitation in the context of jail population over-crowding. Ms. Ferber spoke out against jail expansion and offered suggestions on alternatives to incarceration and treatment.
- Kim Cronk made public comments regarding the proposed resolution 18-19/082. Spoke out against jail expansion.
- Audrey Nelson spoke out against jail expansion and in favor of expanding treatment options.
- The committee received a letter from former Judge William M. Gabler, Sr.

Approve Minutes from November 01, 2018 Meeting

Supervisor McKinney moved to approve the minutes from the November 01, 2018 meeting. The minutes were adopted as published in the meeting materials via a 5-0 voice vote.

2018 3rd Quarter Fiscal Updates

Circuit Court

Jean Gay was present to address the Circuit Court fiscal update. Within budget.

Clerk of Courts

Jean Gay was present to address the Clerk of Court fiscal update. Revenue is up due to the State Debt Collection program. Revenue will likely be up for the next two years due to this program but will plateau.

Criminal Justice Collaborating Council

Tiana Glenna was not available for the meeting, but submitted a 3rd Quarter update. Questions regarding CJCC budget will be forwarded Tiana Glenna at a later date.

District Attorney

Eric Huse was present to address the District Attorney fiscal update. Will likely come within budget.

Register in Probate/Clerk of Juvenile Court

Jean Gay was present to address to the Register in Probate/Clerk of Juvenile Court fiscal update. Right on target. Will come in under budget.

Eau Claire County Sheriff's Office Updates

- a. 3rd Quarter Fiscal Update
 - a. Captain Bresina gave the fiscal update. Doing everything they can to control budget. Overtime, out of county housing, and medical issues with inmates are areas of concern but overall within budget. Currently only one job vacancy in jail. Overtime is budgeted on a 3 year average. Looking at additional grant funding options.
- b. Jail Population Update
 - a. Lt. Riewestahl spoke about the current jail population. 220 secure inmates, 85% of capacity. High so far this month: 245 inmates which is 95% of capacity. 7 inmates are housed out of

county currently. \$160,000 YTD in out of county housing expenses but waiting on November/December invoices. Will push \$200,000 this year. \$214,000 saved/not spent by keeping secure inmates in Huber center. Social Worker recently began working with jail inmates who will be transitioning out of the jail and into the public.

File No. 18-19/078 Resolution Urging Increase for State Public Defender Compensation Rate

Supervisor Buchanan moved to adopt the resolution and present to the full County Board. **Approved** 5-0 voice vote.

File No. 18-19/082 Resolution Directing CJCC to Complete Jail Population Study

Vice-Chairperson Wilkie moved to adopt the resolution and present to the full County Board. **Approved** via 5-0 voice vote.

Future Meeting Date

The next committee meeting is scheduled for Thursday, January 03 at 4:00 PM.

Future Agenda Items

- Sheriff's Office
 - ECCJ Population Update
 - Protective Status Legislation
 - Fees and Service Charges for Inmates
- Marijuana/THC Forfeiture
- Homelessness/Affordable Transitional Housing
- Weekend Court/Night Court Availability

Adjourn

The meeting was adjourned by Chairperson Miller at 5:33 PM.

Respectfully Submitted:

Eric Huse

Eric Huse
Committee Clerk

4 - RESOLUTION URGING THE STATE OF WISCONSIN TO INCREASE COMPENSATION
5 FOR DEFENSE
6 COUNSEL ASSIGNED BY THE STATE PUBLIC DEFENDER -
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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
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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,
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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,
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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
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34 WHEREAS, other counties in Wisconsin are passing resolutions similar to this one,
35 including, Dunn, Barron, Burnett and La Crosse; and
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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.
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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.
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Sara Malley

Donald DeLise

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Sandra McKinney

Steve Pageni
Committee on Judiciary and Law

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Dated this 6th day of December, 2018.

ORDINANC/18-19/078

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,
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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,
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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.
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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.
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29 _____
30 *Sue Miller*
31 _____
32 *Donald Wilkie*
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34 *[Signature]*
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36 *Jarvis McKinney*
37 _____
38 *Steve Ryan*
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40 Committee on Judiciary and Law Enforcement

41 KRZ/yk

42 Dated this 6th day of December, 2018.

ORDINANC/18-19/082