

**PROCEEDINGS OF THE BROWN COUNTY
PUBLIC SAFETY COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the Brown County Public Safety Committee was held on Wednesday, January 4, 2017 at the Brown County Sheriff's Office, 2684 Development Drive, Green Bay, Wisconsin.

Present: Chair Buckley, Supervisor Clancy, Supervisor Evans, Supervisor Nicholson, Supervisor Zima
Also Present: Medical Examiner Director of Operations Barry Irmey, Sheriff John Gossage, Emergency Management Director Jerad Preston, Clerk of Courts John Vander Leest, District Attorney David Lasee, Public Safety Communications Director Cullen Peltier, other interested parties.

**Audio of this meeting is available by contacting the County Board office at 920-448-4015*

I. Call meeting to order.

The meeting was called to order by Chair Buckley at 11:00 am.

II. Approve/Modify Agenda.

Motion made by Supervisor Clancy, seconded by Supervisor Zima to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/Modify Minutes of December 7 and December 21, 2016.

Motion made by Supervisor Evans, seconded by Supervisor Clancy to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Comments from the Public. None.

1. Review minutes of:

- a. Criminal Justice Coordinating Board (October 13, 2016).
- b. Local Emergency Planning Committee (November 15, 2016).

Motion made by Supervisor Evans, seconded by Supervisor Nicholson to receive and place on file Items 1 a & b. Vote taken. MOTION CARRIED UNANIMOUSLY

Communications

2. Communication from Supervisor Buckley re: Request that the Human Services Director attend the next Public Safety meeting to explain how an inmate escaped from the secure portion of the CTC Center. *Motion at October, 2016 meeting: To hold until January.*

Motion made by Supervisor Zima, seconded by Supervisor Clancy to hold for one month. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Communication from Supervisor Schadewald re: This is my request for the committee to evaluate Montana Meth Project commercials for possible use as public service announcements in Brown County. *Motion at December meeting: To hold until the January, 2017 Public Safety meeting.*

Sheriff Gossage informed he has spoken with Supervisor Schadewald about this and they reviewed the Montana Meth Project commercials, however, Gossage feels there are other, more updated messages out there. Gossage was advised by Brad Schimmel that Wisconsin is one of the few states that was able to get a significant amount of money for the methamphetamine issues that the state is dealing with. He suggested we look to a local school that may have a communications department that may be able to put something together, and he will also work

with the Attorney General's office on this. Supervisor Evans noted that he works at an advertising agency and may be able to be of some assistance on this.

Chair Buckley mentioned that the Crime Prevention Foundation may also be able to help with funding and Gossage indicated that there may be some funds available from his department as well.

Motion made by Supervisor Clancy, seconded by Supervisor Evans to hold for one month. Vote taken. MOTION CARRIED UNANIMOUSLY

4. Communication from Supervisor Linssen re: Draft Resolution to State asking to increase penalties for 1st offense drunk driving to a criminal offense and increase penalties for subsequent offenses. Referred from December County Board.

Supervisor Zima feels this is something that needs to be studied. He has done a lot of reading on prevention and trying to get alcoholics into long-term programs. He does not feel short-term programs are very effective and chronic alcoholics will not be turned around no matter what the OWI penalties are, however, there is sometimes hope for first time offenders. There is a lot of debate about this and Zima noted that Wisconsin is one of the more lenient states when it comes to OWIs and he knows several people who have been in jail multiple times on OWI charges. He noted there is talk about building a larger jail, but feels that some sort of treatment facility may be better. Zima said there are states that have had success in turning people around, but the short-term programs are nothing more than a revolving door. There is only about a 2% cure rate and there has to be longer term treatment available, not just incarceration. Zima feels we have to look very carefully at this.

District Attorney David Lasee said the current penalty for a first time offender is a fine somewhere between \$150 and \$300 but total costs bring this up to \$750 - \$1,000. If the BAC is .15 or higher, there is an ignition interlock device required as well as an AODA assessment and a period of revocation. With attorney fees, it is not unusual for the fees and costs to come to \$5,000 or more for a first offense.

Zima asked how much mandatory treatment is required and Lasee responded that it is based on the need. For first offenses what is ordered is often a few classes but noted that there is not a lot of control over someone actually completing the punishment. If someone does not follow through with the treatment plan they do not get their license back, but there is a sizable segment of this population that will just continue to operate without a license.

Zima appreciates this communication but feels it needs to lead to a larger discussion as to what we really want to accomplish. He does not want to baby people, but wants to force them into a longer term program so people who want to turn their lives around can do so. This would include some transitional housing with limited freedom with the ultimate goal of curing the situation. He feels we have to be doing more than what we are currently doing.

Buckley referred to Judge Zuidmulder's recent presentation about implementing an OWI court which would be a step from the judge's perspective as to how to start making some changes. There are a number of considerations that need to be looked at in making a first offense a crime as this will increase the workload in the DA's office. Lasee said that if a first OWI was made a criminal offense, he would need at least two additional attorneys to keep up with the caseload. Buckley feels there may be more that can be done to first time offenders, but this would be a different conversation. Zima said by the time someone becomes a second, third or fourth offender, they are pretty much lost. Buckley feels we do need to get things in place before people are caught doing this five, six, seven times, but it has to be more comprehensive than just criminalizing the first offense.

Lasee has participated in a number of meetings on this topic and it is a complex issue that would involve a whole system approach because as mentioned by Buckley, there would be a number of repercussions to the entire system in making this change. He feels there may be benefits, but ultimately there needs to be a cultural shift. Lasee said in some areas the attitude regarding OWIs in Wisconsin is that everyone gets one and it is no big idea.

Buckley feels if this is something that is going to go to the entire Board, Supervisor Linssen would need to have a draft of how this would work. Zima suggested holding this for a month to hear from Linssen.

Supervisor Nicholson recalled that Judge Zuidmulder provided statistics on multiple OWIs at the last meeting and said that the concern is with the higher level offenders. He said he likes to help people, but we cannot help everyone in society. He feels the breweries and the advertising is where the problem stems and would suggest that this communication be received and placed on file. He noted that Linssen was very upset at the last County Board meeting because he was against Nicholson's communication regarding the judge's having discretion to seize vehicles for multiple offenses and Nicholson feels this communication is a knee jerk reaction to that.

Supervisor Evans asked if everyone who gets an OWI has to have an assessment. Lasee responded that everyone has to be assessed and then based on the outcome of the assessment a determination is made as to what the needs are. The needs are based on a number of factors, not just the OWI. Evans said nobody is in favor of drinking and driving because of the dangers and consequences, but sometimes people just make mistakes and to almost wreck someone's life because of one mistake is not something he is in favor of. He said this is a sticky wicket and he sees what Zima says regarding treatment, but he also agrees with Nicholson that this is somewhat of a knee jerk reaction because Linssen did not like Nicholson's resolution regarding seizure of vehicles. Evans also noted that Linssen is a defense attorney and may not be the appropriate party to request something like this. He is not opposed to a motion to hold this for a month so Linssen can come and give his input, but he does not want to spend a whole lot of time on this in the future.

Supervisor Clancy feels we should bring this back in a month or two. He does not think that criminalizing a first offense is appropriate. He feels that we should have some sort of conversation on this with the DA, Sheriff or Human Services to get a plan that would be helpful rather than this knee jerk reaction and he is in favor of holding this for a month.

Zima said another option may be to increase the treatment requirements to try to improve the person and provide knowledge of how to avoid similar situations in the future. He thinks additional discussions about penalties would be warranted, but not criminalizing this. He feels that some people take great pride in drinking and it is a cultural problem. Zima agreed with Nicholson that advertising glorifies drinking and over estimates the joy of it.

**Motion made by Supervisor Zima, seconded by Supervisor Clancy to hold for one month. Vote taken.
Ayes: Zima, Clancy, Evans Nays: Buckley, Nicholson MOTION CARRIED 3 to 2**

Circuit Courts, Commissioners, Probate

5. Budget Status Financial Report for November 2016.

**Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY**

Emergency Management

6. Budget Status Financial Report for November 2016.

Emergency Management Director Jerad Preston reported that the budget ended up well and they came in a little under, mainly due to not being fully staffed.

**Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY**

7. Director's Report.

Preston reported that they have finished the mass notification system and Code Red will be the vendor. He will be working with TS to get the banner on the website so people can get signed up and they will also be doing some public outreach to get people signed up.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

Public Safety Communications

8. Budget Status Financial Report for November 2016.

Public Safety Communications Director Cullen Peltier indicated that they are on target and should remain on target for the end of the year. There may be some savings from contracts and things like that, but they are still working on final numbers.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

9. Director's Report.

Peltier informed they will be fully staffed as of January 9, 2017 and they also have several people in training. With regard to the Text to 911, there has been a small snag that they are working out. The PSA is almost done and it was done free of charge. The work on the CAD project is still continuing as well.

Peltier also provided some call stats: calls continue to hover around 30,000 per month and cell phone calls account for roughly 80% of those. Peak hours are between 2:00 – 4:00 pm and peak days vary. These statistics have not changed much over the last several years.

Clancy asked if staffing differs on Packers game day and Peltier said four additional staff are added on game day, but noted that they do not get reimbursed for extra help like law enforcement does. They budget for this so it does not place a large burden on the department.

Evans recalled that scheduling has been talked about extensively in the past and asked if scheduling issues have been resolved and how things are working. Peltier responded that the new schedule implemented three years ago has been well received and noted that they continue to tweak it as needed. Turnover has been pretty decent this year; they are at 10% which is well beneath their goal of 12 – 15%. The current schedule gives everybody every other month of weekends off and they have also transitioned the supervisor group to a more favorable schedule which will provide more weekends off and a better work/life balance.

Motion made by Supervisor Zima, seconded by Supervisor Evans to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Medical Examiner

10. Budget Status Financial Report for November 2016 (unaudited).

Director of Operations Barry Irmen introduced Sue Eskola to the Committee. Eskola is the Deputy Directory of Operations in Dane County and is in Brown County fairly frequently to do training.

Irmen reported the Medical Examiner's office will be over budget by about \$100,000. He noted that they did 215 autopsies and 20 external examinations, but the agreement was for 90 autopsies and 12 – 13 external exams. Irmen also noted that Dane County staff has been in Brown County for training and that also increased the expenses. The overall budget did come in a little better than was anticipated and Irmen also noted that the 2017 budget has been adjusted accordingly so they will be in good shape.

Zima believes strongly that there needed to be more autopsies. Irmen said in Brown County the autopsy number was 164 and in 2015 the number was 69. Of the number of autopsies done in Brown County, Zima asked how many resulted in a different cause of death than what was originally thought to be the cause of death. Irmen said this is difficult to answer because now there is a complete investigation at the scene as well as a complete medical review so there is a differential built by the physicians before the autopsies. Zima said it sounds like things are being done more professionally and more correctly from the beginning. Irmen said the bar is high in Brown County as well as Door and Oconto Counties and the decisions are being made by the doctors with more complete input from the investigators in the field. Zima said he was bothered by past practices for a long time and is glad that things are being handled better now. Irmen said the County is seeing an influx in overdose deaths which could have been going undiscovered without an autopsy and toxicology and good scene investigation and good interviews with family and interaction with law enforcement officers. He also noted that there is good communication with law enforcement agencies and he feels that the Medical Examiner's office is able to provide them information that in the past they may not have received or were not aware of. The Medical Examiner's Office is part of a pie that also includes criminal justice partners, the DA's office, Human Services and crisis workers, death investigators at the scene and medical records.

Irmen continued that when they go to a death scene, law enforcement should be articulating to the doctor what the most likely cause of death is and the most likely manner. For example, if the Medical Examiner goes to a house where a fairly young person is deceased and there is drug paraphernalia in the room and no significant medical history, the Medical Examiner would think that absent other facts, the death is probably related to some kind of drug overdose. This is not likely to be wrong, but it still takes an autopsy to find it so they are basically confirming what the investigator sees and explains to the doctor. There have been cases where someone dies less than 24 hours after admission and there is not sufficient time to run a full gamut of tests. In the past, some of those cases were released because the Medical Examiner's Office did not investigate less than 24 hour deaths and Irmen knows that some overdose deaths were found in that scenario where in the past those bodies would have been released and gone to the funeral home for final disposition.

Irmen also informed there are times when not all of the information is available at the scene such as when someone cleans up drug paraphernalia or the family is not forthcoming with challenges that a loved one faced in life such as alcoholism, drug use or depression. Nicholson asked how things differ from the last administration to the current administration. Zima said the main difference seems to be that there is a more professional staff doing the work. Nicholson asked what the procedures of the past administration were but Irmen responded that he cannot speak to the past administration, but under the current administration the scene policy is based on the National Institute of Justice's best practices. The biggest difference overall is there is now a forensic pathologist who has not only doctor training, but also forensic training to recognize findings at scenes that would be of concern. In the past the investigators had lay persons who had exceptional training in treating live people, but now there is a pathologist trained to get information out of investigations at the scene about death and the findings of death.

Motion made by Supervisor Zima, seconded by Supervisor Clancy to receive and place on file Items 10 and 11. Vote taken. MOTION CARRIED UNANIMOUSLY

Supervisor Zima was excused at 11:50 am.

11. Brown County Medical Examiner Activity Spreadsheet through 12/28/2016.

See action at Item 10 above.

12. Possible discussion regarding Door and Oconto county contracts.

Buckley asked if there would be a need for closed session on this due to the contract aspect. Irmen responded that at this time this discussion can take place in open session. He said he has talked to both Oconto and Door Counties and both seem interested. What this would do for Brown County is create additional revenue, but the

number would be a closed session issue. This would also put Brown County in a position to have more full-time staff by using some of the additional revenue and some of the per diem money. The per diem investigators would be hourly investigators. Three fourths of the schedule in the rotation would be covered by full-time staff. There are a lot of advantages to this, one being that people are looking for full-time jobs with benefits and this would mean that people would likely be more committed to the process. This would also make it easier to hold the employees responsible for the work product. The remaining shifts would be covered by part-time staff. In the model, the investigator who is on call would be on call from the Green Bay Office so response times would vary, but in the Brown County area would probably be reduced because the person is already awake, dressed and ready to go. Currently the outside counties are being staffed with Brown County investigators about 75-80% of the time. There are significant advantages to this and this will also make training easier in the Medical Examiner's office because there will be better retention and the people will be able to exercise their skillsets on a regular basis and will be sharper. They recognize that they need to reduce the amount of staff that Dane County has in Brown County for training. At this time, they are trying to not compromise the level of service and investigations and this is the cost. Irmen feels that MOUs for consideration with the two counties will be forthcoming. He noted that the Oconto County oversight committee is in favor of this depending on what the dollar amount is. Irmen feels this would be good for all three counties.

Irmen said he does not regularly attend meetings in Door County because their communication is primarily with administration and they seem to be satisfied because they are on board with this suggestion. He does go to meetings in Oconto County and they also seem pleased and a lot of positive comments were made and they are on board with this also. Buckley encouraged Irmen to make it to a Door County meeting to introduce himself as the process moves forward and he said he will do this. Buckley also asked Irmen what they would be looking for in an investigator. Irmen responded that a good medicolegal investigator would either have background in law enforcement or the medical field. If they have one or the other, they can generally be trained for the one that is missing. Those who have law enforcement experience know how to interview people and probably have a sense of when people are being less than truthful and they also have the skillset to talk to people and not fumble when they are trying to obtain information. If there is a medical background, there is an understanding of anatomy, physiology and how the body works.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

13. Medical Examiner's Report.

Irmen informed that they have hired for the deputy lead position that had been vacant. The new hire should be starting at the end of the month and is a forensic anthropologist. He feels she will be a definite asset and has a high level of training. He also noted that one of the part-time people they hired is also a forensic anthropologist and he feels the office is definitely on the right track in that they have people who are committed and have valuable education.

Clancy complimented Irmen on his good communication skills and said he feels Irmen has elevated the Medical Examiner's office to a higher level than it has ever been.

Motion made by Supervisor Evans, seconded by Supervisor Nicholson to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

District Attorney

14. DA budget carryover requests.

District Attorney David Lasee asked that this matter be held for one month.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to hold for one month. Vote taken. MOTION CARRIED UNANIMOUSLY

15. District Attorney's Report.

Lasee noted that he received three resignations in December so they are down three attorneys. All of the resignations were for situational or circumstantial issues and not systemic with the office. He is working to fill these positions as soon as possible and has already extended one offer. He noted that they have had some pretty good applicants for the positions and hopes they are all filled by the end of January.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

Clerk of Courts

16. Budget Status Financial Report for November 2016.

Clerk of Courts John Vander Leest noted that the budget looks good and should be close to being met.

See action at Item 17 below.

17. Clerk of Court's Report.

Vander Leest informed that his Chief Deputy, Donna Martzahl, has given a retirement notice effective February 1, 2017. She has been with the County 43 years and Vander Leest is in the process of filling the position. He has interviewed several people and is waiting to see if there are additional applicants.

He noted that 2017 will be a busy year with the commencement of e-filings and he will keep the Committee updated on this process.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file Items 16 and 17. Vote taken. MOTION CARRIED UNANIMOUSLY

Sheriff

18. Budget Status Financial Report for November 2016.

Sheriff Gossage said the Department is on track to make the budget within 1%. His staff did a great job of making sure that expenses and revenues were falling in line although he noted that there are still some revenues and expenses coming in for 2016, but he is confident they will be within 1% of the budget.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

19. Sheriff's Report.

Gossage reported the jail is currently at 87% capacity. This is a palatable number and the jail runs most efficiency at about 89-90%. He noted that judges have a tendency to sentence more people after the holidays so there could be a spike in the numbers in January and February. He also indicated there were 21 OWI arrests over the holidays. Gossage said Packers games also bring some increased work for the Sheriff's Department but the Packers do reimburse them for the games.

Gossage continued that he will be going to Madison tomorrow to address the protective status issue that was placed on hold. He will also be working with the Wisconsin Counties Association on this and noted he is determined to get this accomplished because they continue to lose good staff. He also noted the deputy who was injured in a crash recently is doing well and will be back soon. Gossage also informed they continue to patrol Fonferek's Glen, but there have not been any issues out there this winter.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

Other

20. Audit of bills.

Motion made by Supervisor Evans, seconded by Supervisor Clancy to pay the bills. Vote taken. **MOTION CARRIED UNANIMOUSLY**

21. Such other matters as authorized by law. None.

22. Adjourn.

Motion made by Supervisor Evans, seconded by Supervisor Clancy to adjourn at 12:10 pm. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio
Recording Secretary