

Minutes of the Judiciary and Law Enforcement Committee – May 16, 2008

Chair Bonnie Morris called the meeting to order at 8:30 a.m.

Committee Members Present: County Board Supervisors Bonnie Morris (Chair), Kathleen Cummings, Dave Falstad, James Behrend, John Pledl, Jean Tortomasi and Peter Wolff.

Also Present: Legislative Policy Advisor Dave Krahn, Legislative Associate Karen Phillips, Emergency Preparedness Director Richard Tuma, District Attorney Brad Schimel, Clerk of Circuit Court Carolyn Evenson, Chief Deputy Clerk of Courts Diane Kelsner, Register in Probate Sally Lunde, Family Court Commissioner David Pike, Jury Coordinator Cheryl Gallo, Medical Examiner Dr. Lynda Biedrzycki, Deputy Director of Health & Human Services Don Mauer, and Juvenile Center Coordinator Mike Sturdevant.

Introduction of District Attorney Departmental Staff and Overview of Department

Schimel presented an overview of the District Attorney's Office and the Victim Witness Program. He stated his staff consists of 15.5 State funded prosecutors and approximately 30 County staff. He summarized some of the notable accomplishments of his office, particular in these specialty units:

- The Drug Unit, led by Lloyd Carter, has prosecuted a record number of cases under the Len Bias Law. The unit's exceptional work has resulted in increased asset seizures and forfeitures.
- The Sensitive Crime Unit is headed by Deb Blasius, who does an exemplary job in prosecuting difficult cases such as shaken baby allegations.

Schimel stated other important focuses of the District Attorney's Office have been alcohol and drug use prevention, computer crimes and intoxicated driver issues. He addressed the vehicle forfeiture issue and stated his belief that treatment is the most effective answer for repeat intoxicated drivers. He also addressed the idea of prosecuting first offense OWI's. Consequently, the DA's caseload would increase dramatically, which in turn would require more attorneys, jail cells, judges and court commissioners, as well as result in an increase of police time spent in court.

In closing, Schimel stated the Committee should not hesitate to call on him for discussion of any issue that may come up in the future.

Introduction of Circuit Court Services Departmental Staff and Overview of Department

Evenson outlined the responsibilities and operation of the Circuit Court Services:

- Clerk of Circuit Court Office, including Administrative Services, Criminals and Traffic Division, Family Division, and Civil and Small Claims Division
- Juvenile Court
- Court Commissioners' and Family Court Counseling
- Register in Probate

The following courts staff introduced themselves to the committee and continued with a brief overview of their individual areas: Family Court Commissioner David Pike, Register in Probate Sally Lunde, and Deputy Clerk of Courts (Criminal Traffic) Diane Kelsner.

Lunde explained that their records retention requirements range from 75-100 years. Her department has begun scanning documents rather than microfilming, which has proven to be much more cost effective while providing a better quality product.

Evenson reported for Kelly Haag, Deputy Clerk of Juvenile Court and Chief Deputy (Civil and Family) Diane Burd, who were unable to appear today.

In closing, Evenson offered the committee members a tour of the court offices, courtrooms and chambers, if interested.

Discuss and Consider 2007 Waukesha County Annual Jury Report

Evenson reviewed the highlights of the 2007 Waukesha County Annual Jury Report, including the jury selection process, quarterly and annual statistics on jury usage and juror costs, information on jury trials by branch, 2007 jury accomplishments, key performance measures, and a compilation of responses to juror exit questionnaires.

Gall further explained the juror exit questionnaire process. She stated that after fulfilling their required duties, jurors are brought back to the Jury Assembly Room to complete the questionnaires. Previously, questionnaires were distributed with a return envelope and jurors were asked to mail them back. Because of this change, the return rate has increased dramatically.

Introduction of Medical Examiner and Overview of Department

Biedrzycki outlined the duties and functions of the Medical Examiner's Office. She stated the office operates with a budget of about 1 million dollars, employing eleven staff members. She explained, through use of a flow chart, how caseload is driven by the population of Waukesha County. Of the total number of deaths per year (about 1% of the population), about 40% are reported to the Medical Examiner under state statutory requirements. She reviewed the cremation investigation process, stating the cremation fees collected are the department's largest revenue source.

Biedrzycki reviewed the Drug Overdose Statistics Chart for 2003-2007, which showed an increasing number of deaths attributed to drug overdose. Pledl asked if suicide deaths were included in these statistics. Biedrzycki stated they are included in the statistics but the number is minimal. Most of the overdose deaths were attributed to recreational drug use. She stated the drug use trends include cocaine, fentanyl, heroin, methadone and oxycodone, often used in combination.

Biedrzycki updated the committee on the autopsy services contract with Milwaukee County. She stated Dr. Peterson has assisted Milwaukee County on approximately three occasions thus far.

Discuss and Consider Ordinance 163-O-004: Accept Homeland Security-Urban Area Security Initiative FY2007 Program Funding And Modify The Emergency Preparedness 2008 Budget To Appropriate Grant Revenues And Expenditures For A Mobile Command Post

MOTION: Behrend moved, second by Cummings, to approve Ordinance 163-O-004.

Tuma explained the grant would be used for the purchase of a mobile command post. The proposed command vehicle includes technology support to manage, direct and control activities during an emergency situation within the County, or on a regional collaborative basis with Ozaukee and Washington Counties. The mobile command post will be the responsibility of the Waukesha County Sheriff's Department.

Morris explained the background information of this grant to the new committee members.

Motion carried 5-0.

Discuss and Consider Ordinance 163-O-005: Accept Homeland Security-Urban Area Security Initiative FY2006 Program Funding And Modify The Emergency Preparedness 2008 Budget To Appropriate Grant Revenues And Expenditures For A Triage Trailer And Prime Mover

Motion: Cummings moved, second by Falstad, to approve Ordinance 163-O-005.

Tuma stated this grant revenue would be used for the purchase of a triage trailer and prime mover to be used to respond to a mass casualty event. The County has an agreement with the City of Waukesha that states that the City will be responsible for operating costs of the triage trailer and the supplies/equipment within the trailer, and the County will be responsible for the operating costs associated with the prime mover. The trailer will be stored in the City of Waukesha, and the prime mover will be stored at the Communications Center.

Morris asked about the agreement with the State and the City regarding an annual mock disaster event. Tuma explained that William Stolte is the person who coordinates such events. He stated one exercise took place in January and three more are scheduled for this year.

Motion carried: 5-0.

Approve Minutes of May 2, 2008

MOTION: Behrend moved, second by Falstad, to approve the minutes of May 2, 2008, as corrected.

Motion carried 5-0.

Chair's Executive Committee Report

Morris updated the Committee on the items discussed at the May 5, 2008, meeting including the following:

- Discussed minutes of the Information Management Panel Meeting with current committee members
- Discussed minutes of the previous Executive Committee with current committee members

Future Agenda Items

- Mid-year review of the Circuit Court Operations
- Meeting with Richard Tuma at the Communications Center
- Introductions of committee members will continue at the next meeting

Meeting Approvals

MOTION: Falstad moved, second by Behrend, to approve attendance at the Alcohol and Drug Abuse Treatment Fair on May 22, 2008. Motion carried 5-0.

Future Meeting Dates

- There will be no Committee meeting on May 30, 2008.
- The next scheduled Committee meeting will be June 13, 2008.

(Morris will be out of town June 27, 2008; Cummings will be out of town June 27-July 4, 2008.)

Discuss and Consider Ordinance 163-O-006: Reauthorize The Use Of The Secure And Non-Secure Detention Facilities For Short Term Detention

Mauer explained the information as outlined in the handout: "Utilization of Short Term Detention as a Consequence of Delinquency Supervision Order Violation." He explained background information originating with a 1997 State statutory requirement. He explained this ordinance reauthorizes the Juvenile Court of Waukesha County Juvenile Division and the Department of HHS to continue use of a 72-hour hold option at the Juvenile Center to detain youth adjudged delinquent without the need for an additional court hearing. The 72-hour hold is limited to being used as consequence of violating terms of a dispositional order. This provides additional leverage as a tool for immediate consequences for juvenile offenders.

Morris clarified that this ordinance will allow the 72-hour hold option for another two-year extension. It will also continue the sunset provision until June 30, 2010.

Legislative Update

Krahn provided a legislative update regarding the following items:

- The Governor signed the Budget Repair Bill with a number of vetoes, but there should be no major impact on the counties.
- The Great Lakes Water Compact was supported overwhelmingly in the Senate and Assembly.
- There is a possibility for a veto override session to be called. At that time some State labor contracts could be approved.
- Rep. Joel Kleefisch, who is chairman of the Assembly Criminal Justice Committee, will introduce legislation making a 3rd DWI offense a felony and confiscation of vehicles for people convicted of a third offense of driving under the influence.

MOTION: Cummings moved, second by Falstad, to adjourn at 11:21 a.m. Motion carried 5-0.

Respectfully submitted,

Kathleen M. Cummings
Secretary

