

Minutes of the Judiciary and Law Enforcement Committee
February 17, 2017

Vice Chair Cummings called the meeting to order at 8:30 a.m.

Committee Members Present: Jennifer Grant, Jim Batzko, Steve Whittow, Mike Crowley, and Kathleen Cummings. **Absent:** Peter Wolff (Chair) and Timothy Dondlinger.

Others Present: Legislative Policy Advisor Sarah Spaeth, Inspector James Gumm, Financial Analyst Joshua Joost, Business Manager Lyndsay Johnson, Judge Jennifer Dorow, Criminal Justice Collaboration Coordinator Rebecca Luczaj, and Director of Emergency Preparedness Gary Bell. Minutes Recorded by Beth Schwartz, County Board Office.

Approve Minutes of January 13, 2017

MOTION: Crowley moved, second by Batzko to approve the minutes of January 13, 2017. Motion carried 5-0.

Executive Committee Report of January 16, 2017

Spaeth reported that the following items were discussed at the last Executive Committee meeting:

- Considered an ordinance on the delegation of authority to approve functional executive classification changes for highways in rural areas
- Heard an update on the Regional Transit Leadership Council Executive Committee
- Heard an update on the Wisconsin Workforce Development Association Board
- Heard standing committee reports from committee chairs
- Convened in closed session with respect to pending litigation, MMFHC vs. Waukesha County; FHEO Case No. 05-11-1467-8

Future Meeting Date: March 17, 2017

Discussed and Considered Ordinance 171-O-078: Amend The 2017 Sheriff's Department Budget For The Expenditure Of Seized Funds To Participating Agencies In February 2017

Johnson and Gumm discussed this ordinance which authorizes the Sheriff's Department to participate in the program to transfer federally seized property to local enforcement agencies. These assets were not allocated during the 2017 budget process and the department has now agreed to allocate a percentage of these assets to participating Metro Unit agencies in an amount not to exceed \$3,973. The department annually distributes a share of federal asset forfeiture seized funds to these participating agency communities based on their participation status at the time of each seizure. The following participating agencies will receive seizure revenues: City of Waukesha (\$835); City of New Berlin (\$826); City of Brookfield (\$826); Village of Menomonee Falls (\$826); City of Muskego (\$165); Village of Hartland (\$165); Village of Pewaukee (\$165); and Village of Elm Grove (\$165). Gumm said these lower numbers reflect a couple trends such as the use of the State seizure process and a focus on the opiate and heroin epidemic.

Spaeth explained the civil asset forfeiture reform bill which would alter fundamental aspects of the current asset forfeiture practice moving through the state legislature. One of the changes is forfeitures would have to be tied to a criminal conviction and would have to be proportional to the offense. Another change is that all proceeds from forfeitures would go to Wisconsin's school funds. Sheriff Severson wrote a letter of non-support. Spaeth said many Senators she spoke with were unaware that assets are often seized to de-incentivize the crime and break up well organized crime rings. Gumm said a lot of department programs rely on asset forfeiture money including tactical enforcement and computer forensics. The bill brings up a constitutional issue over due process.

MOTION: Grant moved, second by Crowley to approve Ordinance 171-O-078. Motion carried 5-0.

Discussed and Considered Ordinance 171-O-079: Authorize the Waukesha County Sheriff's Department To Contract With The State Of Wisconsin Department Of Transportation To Provide Traffic Enforcement Services And Modify The 2017 Sheriff's Department Budget For The Contract

Johnson and Gumm discussed the State of Wisconsin Department of Transportation (DOT) managing a construction project on Capitol Drive from Five Fields Road to Wethersfield Road in the City of Pewaukee. Capitol Drive is a major thoroughfare for traffic especially during morning and evening rush hour periods and the DOT anticipates that a police presence during the construction project could help ensure the safety, accessibility and mobility of the traveling public. The DOT also anticipates that a police presence is necessary to assist construction staff with roadway closures, lane deviations and equipment movement and has therefore requested assistance from the Sheriff's Department to provide this police presence. The sheriff's department in turn anticipates that the additional patrol requested could be provided utilizing overtime. The DOT is willing to reimburse the department for these costs incurred in the project area from April 2017 through December 2017. The ordinance modifies the Sheriff's 2017 budget to increase personnel costs by \$60,000 for approximately 1,000 hours of overtime including salary, social security, retirement, and increase interdepartmental charges from Central Fleet for \$3,000 for additional fuel and vehicle maintenance costs. Increased revenue of \$63,000 will fund these expenditures resulting in no County levy impact.

MOTION: Batzko moved, second by Grant to approve Ordinance 171-O-079. Motion carried 5-0.

Heard an Overview of Evidence Based Decision Making (EBDM)

Dorow and Luczaj presented an overview of EBDM, a collaborative effort between federal, state and local governments. The National Institute of Corrections goal is to create a framework for justice systems that will result in improved system outcomes including true collaborative partnerships, systematic use of research, and shared vision of desired outcomes. The key justice system decision points are arrest, pretrial status, diversion/deferred prosecution charging, plea, sentencing, local and state institutional intervention and release/parole, local and state reentry planning, probation and parole interventions, community treatment interventions, violation response, and discharge.

There are four EBDM principles. One is that professional judgement of criminal justice system decision makers is enhanced when informed by evidence-based knowledge. Two is every interaction within the criminal justice system offers an opportunity to contribute to harm reduction. Three is systems achieve better outcomes when they operate collaboratively. Four is the criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis and use of data and information. From 2008-2013 EBDM underwent three phases including framework development, planning process and implementation. Phases four through six were designed to prepare the teams within the state for the planning phase and engage activities at the state level in multiple jurisdictions. These phases began in 2013 and phase six, implementation, will end in December 2017.

The State has several EBDM change targets including behavior response, developing model policies/practices, diversion/enhance behavior change interventions, professional development and training, risk assessment tools and evidence-based processes, and system wide collaboration. For these targets several workgroups were formed. The pretrial workgroup implemented an OWI risk assessment tool to assign a level of supervision based on low, moderate and high-risk defendants in Intoxicated Driver Intervention Programs, and evaluated and made changes to general pretrial supervision protocol to ensure pretrial best practice standards were met. The care processing workgroup identified and reduced processing delays, explored and implemented pretrial conferencing, and explored pre-change diversion opportunities. The mental health workgroup implemented mobile crisis assessment, increased Crisis Intervention Team training for law enforcement, explored the

creation of respite care facility in the County, and improved the jail release/discharge planning process for mentally ill offenders. The victims' rights workgroup increased the collection of restitution for victims of crime in the County, and increased the opportunity for victims' meaningful participation in the justice system. Crowley asked how often the EBDM policy team meets which Dorow said monthly and the meetings are open to the public. Batzko asked how Wisconsin was accepted into the program and Luczaj said it had to do with the needs of the County. Dorow invited committee members to participate and expressed her appreciation for the support from the Board.

Heard an Update and Received a Tour of the Communications Center

Bell provided an overview of the Communications Center. The building will expand to incorporate all the participants within the county who use the dispatch, and in turn expand administrative functions. Menomonee Falls recently made the transition to County Dispatch. Records management systems still need to be switched over. Zaborowski asked how many communities have joined County Dispatch, to which Bell said only five have not joined.

Spaeth discussed how during the past 10 years, efforts to enact Next Generation 911 (NG911) services have been underway across the country and Wisconsin is behind. With the transition from analog to digital NG911 emergency responders will be able to receive emergency communications via text and video messages. Wisconsin has no access to ESInet due to the cost of implementation and lack of a network across the state. This transition is a timely matter due to the fact that hardware and software used by the telecommunications industry to provide 911 throughout Wisconsin is rapidly becoming obsolete. Bell said by 2020, all current 911 system hardware and software will be obsolete or cost prohibitive to maintain. The ESInet is also the best option to deal with the cyber security threats present in the transition from an analog to a digital 911 system. Spaeth said the Communications Center will be hosting representatives from the state to push funding for this necessary project.

Bell led the committee on a tour of the Communications Center.

MOTION: Crowley moved, second by Zaborowski to adjourn the meeting at 10:00 a.m. Motion carried 5-0.

Respectfully submitted,

Jennifer Grant
Secretary