

**MINUTES OF THE ONEIDA COUNTY
PUBLIC SAFETY COMMITTEE MEETING
June 16, 2016**

COMMITTEE MEMBERS PRESENT: Mitch Ives, Billy Fried, Ted Cushing, Bob Metropulos, Chairman Mike Timmons

COMMITTEE MEMBERS ABSENT: None

OTHERS PRESENT: Kathleen Belliveau (Branch I), Debra Shawl (Branch II), Denise Briggs (District Attorney's Office), Medical Examiner Larry Mathein, Brian Desmond (Corporation Counsel), Sheriff Grady Hartman, Chief Deputy Dan Hess, Jill Butzlaff (Sheriff's Office), Dave Hintz, Greg Walker (Lakeland Times), and Richard Moore (Lakeland Times)

CALL TO ORDER

Chairman Timmons called the meeting to order at 9:30 a.m. at the Oneida County Courthouse, Committee Room #2, stated the meeting notice had been posted and mailed in accordance with the Wisconsin Open Meeting Law and noted accommodations would be made for handicap accessibility.

APPROVE AGENDA

MOTION: To approve the Amended Agenda (Cushing/Metropulos, PASSED).

APPROVE PREVIOUS MEETING MINUTES

MOTION: To approve the May 19, 2016, Public Safety Committee Meeting Minutes (Metropulos/Fried, PASSED).

SCHEDULE COMMITTEE MEETING DATE(S)

The next meeting was scheduled for Monday, July 25, at 9:30 a.m.

BILLS, VOUCHERS AND LINE ITEM TRANSFERS FOR PUBLIC SAFETY DEPARTMENTS WITH NO AGENDA ITEMS

MOTION: To approve bills, vouchers, and line item transfers for Public Safety Departments (Fried/Ives, PASSED).

Deb Shawl reminded committee this was her last meeting with them, as she retires in the beginning of July.

Denise Briggs introduced two new employees for the District Attorney's Office, Assistant District Attorney Jillian Pfeifer and the summer law intern clerk Eric Klemm.

GREGG WALKER ADDRESSING OPEN RECORD CONCERNS

Gregg Walker of The Lakeland Times stated this was very important to him, whether or not the committee thinks so, to bring forth an open records complaint, hoping the committee would investigate further. Walker cited a portion of Wisconsin Open Records Law and stated that only in exceptional cases may access be denied. He then stated that was not the case in Oneida County, it was the opposite. Walker reported that every

year during Sunshine Week, Brian Desmond of Corporation Counsel has received an "F" from every reporter who has come over here to work with him. Walker reports that Desmond routinely received an "F" and in his opinion, Desmond is not representing the public the way he should. Walker suggested this committee take a look at how Desmond is taking care of open records. Walker cited the investigation at the Sheriff's Office and if Desmond was giving advice to the Sheriff's Office in regard to the situation with Lee Lech. Walker stated open records laws were crystal clear in discipline and open records. Walker stated that since the Kroeplin case, no one denies records. Walker stated the discipline records in the DNR were immediately released. Walker reported the case with Lech is closed, he resigned, and then they had to go to court. The Sheriff's Office then released 100's of pages of records.

Walker also complained about the treatment of his reporters.

Walker told the committee that they clearly needed to look at Corporation Counsel and what happened at the Sheriff's Office regarding Lech. Walker stated the Sheriff himself had stated three different things related to the release of the records, that he could not release a conclusion because he didn't have enough information, he told Clark County not to hire Lech due to an allegation of sexual assault, and then in a court document the Sheriff stated the allegations were unfounded. Walker stated that ultimately, the judge ordered release of the records, stating there was no evidence to show that the allegations were untrue.

Walker offered copies of the complete transcript Judge Nielsen's findings and the released records regarding Lech from the Sheriff's Office for the committee to review in case they had not seen them yet. (Exhibits 1A, 1B, 1C)

Walker questioned the committee if they knew that Lech and the officer who hired him, Clayton Kreitlow, were no longer employed by Clark County. Walker stated the Law Enforcement Committee in Clark County is involved in the hiring process and was fully aware of the situation in Clark County. Walker stated Kreitlow was told not to hire Lech, but did anyway and now Kreitlow has retired and Lech resigned due to the allegations brought forth.

Walker told the committee that they need to be involved. He asked the committee if they knew who was performing the internal investigation in Oneida County. He told them the Jail Administrator was, that type of allegation and someone within the organization was performing the investigation. Walker stated someone outside of the agency should be doing that. Walker stated the committee has checks and balances that are not being used properly.

Walker stated the committee should be made aware of these types of situations. The Sheriff should come to the committee and make them aware. Walker reported these situations should not be handled internally because people know each other, they are friends or enemies, and that is why you bring in outside people.

Walker stated another statement to take a serious look at was from Lech, "If this was about me going to training and getting drunk, everybody does that." Walker states they also go to strip clubs. Walker told the committee that they need to take a serious look at what we are paying for and what is going on.

Walker stated the committee needs to investigate why a deputy has been on paid leave for close to two years. Walker stated Clark County put Lech and Kreitlow on administrative leave for two weeks, and it is now concluded.

Walker asked the committee if they were aware that Oneida County was served papers on Tuesday (June 14) and is being sued in Federal Court (jail administration case). Fried stated he was not aware.

Walker reiterated that Corporation Counsel needs to be looked at. He reported that it has been investigated before, when Larry Heath was in office and an outside investigation was performed. Walker recommended that the County Board make Corporation Counsel an elected position.

Walker told the committee that they need to look at all phases of these circumstances and believed they had the jurisdiction to do so. Walker told the committee they are the checks and balances for law enforcement and the public deserves better. We have the right to know. Walker stated these people are giving extremely powerful positions, when carrying out the law, and that is in control of one person, the Sheriff. Walker reported there are checks and balances in government and that applies to Oneida County.

Walker stated he is still waiting for records from the Sheriff's Office. He stated it is not right that they have not been given this information. Walker stated when a case is concluded, it needs to be released to the public, who conducted what, what information was found, what happened, etc. Walker stated it felt like the "good old boys" mentality.

Metropulos asked Timmons if he could ask one question. Metropulos asked Walker if the law enforcement committee in Clark County ran the investigation and assumed that was run with an outside investigator. Walker stated as far as he could tell from the article, they did. Metropulos pointed out that Timmons was not going to go out and do an investigation like that. Walker stated no.

Walker stated he did not believe this was a Civil Service Committee issue. He reported this committee should have had copies of the records the minute this occurred. Walker pointed out that Judge Nielsen made a point of that in the transcripts, about how this happens.

Fried asked Timmons if they were to hold off on making comments. Timmons stated yes, they would be addressed in Agenda Items 7, 11 and/or 12. Fried stated the perception that we are not being transparent needs to be fixed. Timmons stated that he believed Walker was speaking about Corporation Counsel and the Sheriff, not about the committee/county board. Walker stated yes. Fried stated that we want people to trust

us as elected officials and that we as a committee have a lot of confidence in our Sheriff and Corporation Counsel, and this needs to be addressed as we move forward to get on the same page.

CORPORATION COUNSEL

Explanation of the Role of Civil Service Commission & Law Enforcement Grievance Committee

Brian Desmond stated he was asked by Chairman Timmons to give a brief overview of how the Civil Service Commission and Grievance Committee works as related to law enforcement.

Desmond reported there are five members serving five-year terms. To be a member you need to be a legal residence of Oneida County and have base knowledge of Civil Services. As this applies to law enforcement, they perform an oral interview, with the candidates for deputies who take written and physical fitness tests. They then funnel an eligibility list to the Sheriff, who then performs interview. The Sheriff stated that they have changed this and they interview, Civil Services interviews, and then they compare notes to form the list. Desmond stated Civil Service also performs examinations for promotions (patrol to sergeant to detective, etc.).

Once hired under the Sheriff's Office rules, the Sheriff has control of disciplinary issues, and the ability to suspend without pay for 15 days. There are several grounds for disciplinary actions. Suspension of more than 10 days then can file with grievance committee and will decide appropriate action for violations. Ives asked if they determine the final outcome. Desmond reported yes, in approximately three weeks. Timmons stated that what Desmond explained can be found in Chapter 5 of the County Ordinance Code.

Fried asked at what point is the committee privy to knowing that an employee is on suspension with or without pay, and/or to the facts of what is going on? Desmond did not know that the county had a policy for that. Fried asked if the county was in need of setting a policy. Fried stated there were discussions with other county board members who knew nothing of this either. Fried stated it would help knowing these things when it comes time to evaluate supervisors and do budgets. Fried stated a person may be up for a raise, they approve it, and then they find out all this other stuff was going on after the fact. He reported that in Building & Grounds they have a feel for where employees are at, department heads let that committee know what is going on with their staff. Fried said he has been on this committee for six years, we approve budgets to move on to the admin/county board, but with the Sheriff's Office a number of things going on with personnel, have always been told it was not our territory it was Civil Service and Labor Relations.

Ives questioned when the committee was supposed to be involved or are we supposed to be involved with the Sheriff's Office is sued? Desmond reported that once it got the court level, he did not know how much the committee could do other than just being updated. Desmond reported that when outside counsel is involved, a lot goes on in the court process that he is not necessarily involved in.

Timmons stated that in light of the conversations, it would be easier if we were notified that something happened in a department, not necessarily naming names, but being told that a deputy was being investigated for a serious allegations at minimum so that way until everything is worked out, the committee members have a hint of knowledge instead of getting their information from the newspaper or community members. Even just for information so there are no surprises. Timmons questioned if it was this committee's concern or does the issue go to Civil Service or LRES? Timmons stated there needs to be an answer so this committee understands, can keep apprised, and don't look like they are ignoring the issue. This will need to be discussed further on future agendas.

Fried asked how other counties handle this. Fried stated he did not want to micromanage and asked the Sheriff how he handled that when he served on the school board. Sheriff stated that you have to trust your administrators, and if you don't, then you need to replace them. Fried stated if the school board had disciplinary issues with teachers, they would at least know that something was going on and what path they were taking. There was discussion on how other counties handle these situations, if the committee was asking the right questions, and if this should become an agenda item. There was more discussion on how common personnel issues are, how closed session information sometimes gets out and that does no one any good. Fried stated it was hard to refute the facts when those facts were from the newspaper or a person on the street corner when they have not been given any information from the department heads. Timmons reported this was something to work on with departments for better communication policy-wise, not to divulge everything, but to keep informed and move forward in a path of openness and still respect everyone's rights and privileges. Cushing wanted to be sure that everyone got a copy of the items Walker had left for their review (Exhibits 1A, 1B, 1C).

There was discussion on when a lawsuit comes in, how you know an outside agency will help and not Corporation Counsel.

Walker stated this Federal court case means they must have found something. Desmond reported that was not true, that every case could go to Federal court. Walker stated the Lech thing is an allegation of rape, a serious allegation within the Sheriff's Office, that is not something that happens on a daily basis. Walker stated there was nothing preventing the public safety committee from looking at that.

Timmons stated that unfortunately, the committee cannot correct what has happened, but can only move forward.

MOTION: No motion made.

BILLS, VOUCHERS AND LINE ITEM TRANSFERS FOR CORPORATION COUNSEL
Presented under Agenda Item #5.

SHERIFF'S OFFICE

State Inmates

Sheriff Hartman gave an update on the numbers for State Inmates. The Jail currently is housing 11 inmates and it is expected to be at 19 later today. Cushing asked what the total was. Sheriff Hartman stated the contract was signed for up to 100. Fried asked if all the inmates were healthy. Sheriff Hartman stated yes, they were newer to the system. Ives asked if they were told how long each individual will stay. Sheriff Hartman stated no, but usually about 100 – 120 days.

MOTION: No motion, information only.

BILLS, VOUCHERS AND LINE ITEM TRANSFERS FOR SHERIFF'S OFFICE

Presented under Agenda Item #5.

PUBLIC COMMENTS

None

ITEMS FOR FUTURE AGENDA(S)

Timmons stated everything that the committee had discussed under Agenda Items 6 & 7 should come back in some form. Fried stated they needed to know about discipline issues so the committee does not appear to be transparent. Unknown if this would be open or closed session. Will know more once papers are reviewed. Fried asked that they get advice on how to handle in open/closed session, what to do, and if this should be deferred to a different committee. Cushing commented that sometimes they walk a tight rope on some issues that come up in closed session.

Timmons would like general IT in the basic agenda. There was discussion about being aware of technology becoming a huge thing, and shifting of costs from each department to the IT department.

ADJOURN

Time 10:33 a.m. MOTION: To adjourn the meeting (Fried/Timmons, PASSED).

Mike Timmons, Chairman

Andi Seidel, Committee Secretary

Bob Metropulos, Vice-Chairman