

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
on January 3rd, 2024
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: Chairman Brian Bashaw, Erin Decker, Zack Rodriguez, Mark Nordigian, Laura Belsky, Jeff Wamboldt, John Franco, YIG Angela Lagunas, YIG Michael Babu

Others Present: Sheriff David Zoerner, Chief Deputy Justin Miller, Sgt. Christopher Hannah, Chris Parisey, Steve Guion

Meeting Called to Order: 5:59 p.m. by Chairman Bashaw

Citizen Comments: 6:01:

Steve Guion of 6717 144th Avenue, Kenosha:

Steve spoke on his concerns about the tonight's topic of the Casino and from an Intergovernmental Agreement perspective. Steve stated that when looking at the Intergovernmental Agreement there are aspects that are not all inclusive and protecting. Kenosha County is going to have a shortfall because the money that the Menominee Tribe is earmarking will result in tax issues. Steve stated that he felt he did a lot of analysis on this subject and one thing that concerns him is a lot of comparisons are made to Sacramento, CA. The city of Sacramento has 564k residents and approximately 10 casinos. The city of Chicago, IL and within 150 miles of Kenosha, there are 12 casinos, or 17 total casinos in 250 miles. Steve stated that the amount of money needed to secure and protect residents, police force, and emergency services, will not be enough and will ultimately fall on the taxpayers. Steve talked about crime and how he's had conversations with different alder persons in other regions and it is an issue. Steve spoke on Foxconn and Bally's Casino where their revenue fell short, and the attendance fell short of their targets. Steve stated that with the number of casinos in the area there is not going to be enough to sustain the county, it's going to have an issue, and the Intergovernmental Agreement is not enough protection. Steve stated that there will be dollars that will need to be subsidized. There is \$1 million projected years three to eight and asked if they thought they would reach that revenue. Steve stated that Kenosha has 100k people with casinos within a 150-mile radius and did not think they are going to produce those revenues. Steve asked the committee Supervisors to sit down and consider the impact and load range if the Intergovernmental Agreement is approved. Steve said the land is gone forever from a tax perspective. Steve stated that there will be Supervisors that proceed them and who will clean up the mess at the end of the day and do they want the residents of Kenosha to be dealing with it. Steve mentioned Bally's Casino being open now 24-hours a day and bussing people in to accommodate the revenue that is necessary. Steve stated he will be attending the next County Board meeting as well as he does not support this. Steve has managed budgets for 30 years and now manages a \$500 million budget and could never justify a capital and operating expense with the needs that are going to take place supporting this. Steve stated this is not in the best interest of Kenosha and asked the committee Supervisors to consider.

Supervisor Comments: 6:05: None.

Chairman Comments:

6:05: Chairman Bashaw stated that if an item came before the committee that was timely, he would consider a specialty meeting to get it done and conclude the business before time expires with the board during the Spring.

Approval of the Minutes from May 3rd, 2023: 6:06

Motion by: Decker

Seconded by: Nordigian

Approved: unanimously

Resolution from the Kenosha County Sheriff's Department:

Resolution to Adopt the 2023-2028 Kenosha County Hazard Mitigation Plan

Table Motion by: Franco

Table Seconded by: Nordigian

Table Approved: Date Not Certain but Proceeding February 6th County Board Meeting

6:07: Sergeant Christopher Hannah, of the Kenosha County Sheriff's Department, presented. The 2023-2028 Kenosha County Hazard Mitigation Plan was created with a local planning team and worked with Kenosha County Emergency Management and the Southeastern Wisconsin Regional Planning Commission (SEWRPC). This is a grant funded plan that started in 2021. The timeline has been accelerated to accept the plan to meet other grant applications within Kenosha County.

Supervisor Belsky asked how the timeline was accelerated. Sgt. Hannah responded that the plan of work provided from SEWRPC when he became Director. The acceptance of the plan was scheduled to go in front of the County Board in April or May of 2024. Acceptance of the plan has been moved up to December 2023 or January 2024. Supervisor Belsky asked why it was moved up. Sgt. Hannah responded that in late November 2023, they were made aware that the Parks Division was requesting to apply for a BRIC grant for the Kemper Center. Part of the BRIC grant requirements is to have a current accepted plan on file and Kenosha County's plan expired in at the end of 2022. The Hazard Mitigation Plan needs to be on file before February 2024 when the application for the BRIC grant is due. Supervisor Belsky asked how much the grant is for. Sgt. Hannah replied it was for approximately \$27 million with the match in total.

Supervisor Rodriguez stated that he was going to make a motion to postpone this item until February. It wasn't until speaking with the Sheriff and Chief Deputy earlier that afternoon Supervisor Rodriguez had learned about grant deadline. Supervisor Rodriguez wanted to make a motion to postpone until February because the Judiciary and Law Enforcement Committee Agenda and public facing documents were just a two-page PDF of the resolution accepting the plan. The actual Hazard Mitigation Plan at nearly 400 pages was not available to the public. Supervisor Rodriguez stated that the link the committee received to read the plan was very secure and when attempting to forward it to his work email, he was unable to open it up to print it anywhere outside of his county email address. Supervisor Rodriguez stated that he understood the huge grant for the Kemper Center and that the Parks Division wants to see it but felt they fell short this time. Supervisor Rodriguez stated that perhaps nobody in the community wanted to read the plan but even if one person did that was enough for him to postpone the resolution item. Supervisor Rodriguez stated that it was not the first time it has happened in this committee or any other committee and if it moves forward it needs to be made available to the colleagues on the board as well as the community. Supervisor Rodriguez stated he spoke with the County Clerk's Office who told him they had the ability to add this document and was perplexed why it was not included. Supervisor Rodriguez made a motion to postpone the resolution item.

Chairman Bashaw asked if Sgt. Hannah could elaborate a little on the changes and what has been modified in this draft versus in 2022. Sgt. Hannah replied that most of the changes take place in the updated plan in the removal of certain hazards. It is now strictly natural disasters that the plan covers and does not cover man-made disasters, for example terrorism. Sgt. Hannah stated that public meetings were held as the plan was being developed. There were local planning team meetings where municipalities from all over the county and agencies were invited to attend and then opened to the public, one of which Chairman Bashaw attended. The Hazard Mitigation Plan was posted on the SEWRPC website for commenting. It has been open to the public since 2021 approximately as the development of the plan. Supervisor Rodriguez stated that his issue was that before he was on the County Board, he did not know SEWRPC existed and guessed that if he knocked on ten of doors in his district none of them would not know about SEWRPC. When the public comes to the website and looking for what their elected representatives are taking up, it is not there, and they do not know to check the SEWRPC website or who to reach out to. The public just sees the two-page resolution thinking it is a plan and one page is just for the committee signatures.

Supervisor Rodriguez made a motion to postpone the resolution item to a date undetermined. The motion was seconded by Supervisor Belsky. Supervisor Franco asked if the motion carries if the county would still be able to apply for \$27 million grant. Chairman Bashaw replied that it would still be approved in time to put the application in. Supervisor Franco asked what the due date on the grant was. Sgt. Hannah replied to the deadline for the application was February 22, 2024. Supervisor Rodriguez amended the motion to postpone the resolution item to a date not certain but proceeding the February 6th County Board meeting, so it will pass in time for the grant application.

Supervisor Wamboldt asked if the motion carries if the document can be changed after it is approved. Sgt. Hannah replied that changes can be made, and this is a revised draft that is being accepted. FEMA has changed their guidelines since the last vote in 2017. Once the County Board approves it, it will be sent to FEMA and Wisconsin Emergency Management for their approval.

Chairman Bashaw asked where the document resides after it is approved if it was on the SEWRPC website or within the office of Emergency Management. Sgt. Hannah replied that it would reside in the office

of Emergency Management and at the table Emergency Management table at the Kenosha County Center, which is available for the public to look at. Chairman Bashaw stated that he agreed with Supervisor Rodriguez if this plan would be open and available as his initial mindset was that it was a controlled document.

Supervisor Rodriguez made a motion to table the resolution item to a date undetermined, seconded by Supervisor Belsky. Motion passes unanimously with no further discussion.

Discussion on the Impact of Casinos on Local Law Enforcement:

6:03: Sheriff David Zoerner and Chief Deputy Justin Miller, of the Kenosha County Sheriff's Department, presented. Chairman Bashaw stated that he reached out to Sheriff Zoerner, and it extends from discussions on the floor in other committees where people are concerned and asking what the overall impact is, how to determine the potential revenue, and what are the cost impacts to actively manage.

Sheriff Zoerner stated that they did use the California example as given previously by Steve Guion. Chief Deputy Miller spoke with them, and they are not like Kenosha. Sheriff Zoerner stated that they will see an increase in crime. The Sheriff's office spoke with personnel from counties north and south of Kenosha and they can see increases in petty theft, drug increases, vice crimes, and prostitution. Prostitution is more online based now and less off streets or sidewalks. Sheriff stated he worries about the drugs and petty theft as more of a one off. The bureaus will increase in some way current crimes. Individuals getting wrapped up the addiction of gambling and seeing more white-collar crimes, such as stealing from employers.

Supervisor Belsky stated that in the presentation from the casino they mentioned they have facial recognition and license plate recognition. They have the technology for rampant auto theft and facial recognition for drug and sex trafficking. Supervisor Belsky asked if any of the places the Sheriff spoke with talked about auto theft which seems to be increasing in the area from a visual or reporting perspective. Sheriff replied that that is everywhere. Sheriff talked about the facial recognition cameras that are coming, they are plate readers that is a law enforcement, municipality, and private industry perspective and all entities can communicate. There are checks and balances on how information gets disseminated and the legality of it. Auto theft has spiked and there is an increase in joy riding. The auto theft industry is huge and there was a bust in Somers last year, but it extends worldwide including the money laundering and drugs, it's all organized. Sheriff Zoerner stated that the technology in the casinos is phenomenal, and they have a lot of money. Sheriff Zoerner stated his questions is how it is going to be staffed, the Intergovernmental Agreement, the casino talked about having their own security, and having their own off-duty officers which will not be Kenosha Sheriff's Department. Supervisor Belsky asked if it would be tribal law enforcement. Sheriff Zoerner replied they did not know. Some of the larger casinos have tribal police that do not need to call out to local agencies, but they do not know what it is going to be. There will be an increase in traffic as the casino will also be a venue. Sheriff Zoerner stated that they do not have numbers or hard statistics. There is an increase in types of crime but with that hopefully comes vast resources from the casinos themselves. Sheriff Zoerner stated that the City of Kenosha allegedly will have some assistance and the two agencies work well together.

Supervisor Nordigian asked about the Sheriff's Department consulted with the County Executive regarding the Intergovernmental Agreement in regard to having adequate money to cover and did they still feel that way. Sheriff Zoerner replied that while that was taking place, Chief Deputy made phone calls and started speaking with Sheriffs in other counties and they do not have the answer. Sheriff Zoerner added that the committee has been through one budget process with him, and he wonders if they'll ever have enough. The county could provide six more deputies and keep them all busy right now. Sheriff Zoerner stated he was not waving a white flag but here to give an honest assessment. Supervisor Nordigian clarified that the City of Kenosha was first on response and the Sheriff's Department would be second or third in depending on if the casino uses tribal officers. Sheriff Zoerner replied that it all remains to be seen yet.

Supervisor Nordigian asked what the other casino jurisdictions said about crime and human trafficking. Sheriff Zoerner stated that there is a hotel attached to the casino and it is a concern. Prostitution is the largest growing crime and worldwide it is a billion of dollars industry. Sheriff Zoerner stated that he would be remiss to pretend that it is not real and not something to be concerned about.

Supervisor Wamboldt asked if Sheriff spoke with Kenosha Police Department's Chief Smetana, or the Police Chief in Pleasant Prairie, and if they can give insight. Sheriff Zoerner replied it depends if there is tribal police and if they have enough personnel. Sheriff Zoerner stated he cannot speak for Chief Smetana, but he does not seem overly worried about traffic. There will be traffic increases, but they are going to have more crime. Supervisor Wamboldt stated he brought it up because with his research and discussions Kenosha Police Department did not seem over all thrilled so wanted to see what the dialogue was. Sheriff Zoerner replied that

he could not speak for Chief Smetana. Sheriff Zoerner stated that he has not taken a side as a one-year Sheriff. The reality is that the department is doing good and making strides and will not state if he is for or against the casino. Sheriff Zoerner stated that if the community wants the casino and the vote for it the Sheriff's Department will do everything, they can to keep the community safe.

Youth-In-Governance Michael Babu asked if speaking with other casino jurisdictions if there have been significant increases in DUI's. Sheriff replied that there will always be increases in DUI's wherever alcohol is served so it is not something that was talked about specifically.

Supervisor Franco clarified that tribal nations have their own police force. Sheriff Zoerner replied that they do have their own police force. Supervisor Franco clarified if that meant in the casinos and within the parameters of their land and how many officers would they have. Sheriff Zoerner replied they can enforce on tribal lands their own laws and they did not know how many or if they would require outside assistance, which would depend on the size of the land and casino. Supervisor Wamboldt asked what happens if an arrest is made does the person who is apprehended come go to the county jails. Sheriff Zoerner replied he assumed they would not have a jail at the casino and so would come to the county jails. Depending on the size of the facility infrastructure, a casino would have security guards of local off-duty law enforcement. It could be mandated that there is always off-duty law enforcement on premises. Supervisor Franco stated that it's an important issue because it will stress the city and county resources.

Supervisor Wamboldt asked about the location of the casino which will be covered by the city, but the county might arrive first and if the Sheriff see this as an issue. Sheriff Zoerner replied that he did have that conversation. The city would be putting up a substation but Sheriff Zoerner cannot get into every parameter of every part of the deal because he does not have Intergovernmental Agreement. There will be a substation or a local office facility near the property so they can respond effectively. Supervisor Wamboldt stated that his concern is not with working with local law enforcement, who work well together, but that the casino may say one thing and then change it as circumstances change. Supervisor Decker said that the Intergovernmental Agreement talks about not just a portion of funding for law enforcement but for fire services too. The city has wanted a substation out there for awhile now and this is a way to fund it. Supervisor Belsky said that there is different language in the Intergovernmental Agreement that the hotel and venue are intended. Supervisor Decker added that it's not in the language that it is all done in one build. The substation would be for the City of Kenosha and would be able to help not just the casino but also the subdivisions of Whitecaps and Strawberry Creek.

Chairman Bashaw said that he invited the Sheriff, and they touched on a lot of areas of interest. Impacts on collateral aspects such as courts, detentions, the jail, if there are tribal police they initiate and handoff and still ends up in our jail or detention center and the courts to adjudicate if it's pushed out to us. Chairman Bashaw said he didn't know if it's measured in the Intergovernmental Agreement what the collateral impact would look like. Chairman Bashaw said that what he didn't see in the Intergovernmental Agreement, and why he wanted the Sheriff to speak on it, is that this is forecasting that these aspects will be accrued for and will be okay. Chairman Bashaw said that the lawyer from DA's Office that had spoken at a prior meeting said we cannot look at windfalls they are just looking at cost coverage.

Chairman Bashaw asked what the potential impact is and how broad did Sheriff assessed into nominal, medium, or out of hand, and does the Sheriff's Department have the capability in place. Chief Deputy Miller responded that the short is no. Chief Deputy Miller asked what the minimal needs were for the plan and built in the medium needs when forecasting. When Chief Deputy Miller spoke with Sacramento, they laughed because Kenosha would have one casino compared to their dozens and therefore not comparable when their department is five or six times the size of Kenosha.

Chief Deputy Miller said that he built in everything including the venue and hotel, but if everything comes to fruition and they will have tribal police it was not discussed. Chief Deputy Miller added that while using tribal police is possible it is not likely as there have been no aspects discussed in the presentations. Sheriff Zoerner agreed and added that with the size of the venue it is more likely to be local law enforcement. Supervisor Franco asked how many law enforcement would be needed at the casino. Sheriff Zoerner replied that the answer is all time. Chief Deputy Miller added that they just had the discussion that there needs to be always someone physically in the casino to allow officers to work. The liability is not worth it and at first glance they would not allow it, as they don't want their officers carrying a gun in a casino, and if they must stop a felony they get into an officer-involved shooting while off duty or does that then put them on-duty and putting the county at risk. Chairman Bashaw asked if it is sovereign lands they would also be enforcing their laws. Chief Deputy Miller replied that when talking about sovereign laws versus state laws they're not

different. They fall under a different statute and authority but they are more or less the same. Chief Deputy Miller added that when talking about off-duty officers can they even enforce laws on the casino land or are they just a glorified security guard. Chief Deputy Miller stated that they tell their off-duty officers they cannot carry their department gun or to display their badges. There are a lot of issues that an officer is just a good witness, if their weapon is used, they are on their own civil liability. If an officer acts in the authority of a law enforcement officer, they are now on duty with the Kenosha County Sheriff's Department and that is a liability imposed on the county. Chief Deputy Miller added that there is a lot of discussion if that's the route that is going to happen.

Supervisor Franco asked if the officers would have to be off-duty or can they bring on-duty officers. Chief Deputy Miller responded that at that point you are contracted police, like how Kenosha Sheriff's Department contracts with the Village of Salem Lakes, they would be a casino contract and is unsure if the City of Kenosha has looked into it yet. Supervisor Wamboldt clarified that it would be the Kenosha Sheriff's Department but the City of Kenosha.

Chairman Bashaw stated that there are many layers and there are collateral repercussions that we don't account for. Chairman Bashaw stated he asked what the minimum requirements is and not the worst-case scenario. Chairman Bashaw asked about the traffic numbers at approximately 2,500 additional vehicles in the area and is it the City or County of Kenosha that patrols that specific area between Highway 50 and Route 158. Sheriff Zoerner replied that they are already out in those locations, and it is both the City of Kenosha Police Department and the Kenosha County Sheriff's Department. Supervisor Belsky commented that the impact would carryover to Somers, Paris, Pleasant Prairie, especially at the north end because of the ramp to Highway 94. Supervisor Belsky stated that she knew Somers wasn't happy that they are not getting anything out of chargeback as they are paying for additional services to the Kenosha County Sheriff's Department.

Chairman Bashaw asked about other enforcement needs, strategies, and impacts with the casino being tied to another hotel with potential racketeering or other major crimes, and if there is any other collateral or areas within the detective's department or special bureau that needs addressing. Chief Deputy Miller replied that he built in the detectives and an additional bomb technician as part of the answer. The casino is a venue so it will need sweeping and they do not currently have a canine EOD dog. The resources have to be approved by the FBI, so they are unable to just add the additional K9 without approval from the Federal Government. Chief Deputy Miller added that it comes with strings attached as a regional bomb squad, once the K9 is approved it can be pulled anywhere it is needed as a federally funded dog.

Chairman Bashaw stated that the reason asked the Sheriff to speak was due to the issues that came up in other meetings. Sheriff Zoerner replied that he agreed to come and have a discussion tonight even though he does not have all the answers. Chairman Bashaw stated that it is his personal opinion that they are not voting as a County Board for or against the casino, but as a financial vote, protecting the interests of the residents, and making sure they are doing their due diligence.

Any Other Business Allowed by Law: 6:07: None.

Meeting Adjourned: 6:45: on motion by Supervisor Nordigian; seconded by Supervisor Decker.

A recording of the meeting is available online at kenoshacounty.org

Respectfully Submitted,



Alyssa Werfelmann