

**MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE**

**June 2<sup>nd</sup>, 2021**

**KCAB 2<sup>ND</sup> FLOOR COUNTY BOARD COMMITTEE ROOM**

**Members Present:** Boyd Frederick, David Celebre, Jeff Wamboldt, Laura Belsky, Mark Nordigian, Sharon Pomaville, Jerry Gulley, YIG Samuel Arnold

**Others Present:** Supervisor Daniel Gaschke, Eric Klinkhammer, Justin Miller, Daniel Ruth, Doug Simpson, Ashley Lutterman, Jen Freiheit, Jordon Pouley, Billy Violet, Alyssa Werfelmann

**Meeting Called to Order:** 5:30 p.m. by Chairman Boyd Frederick

**Citizen Comments:** 5:31: None

**Supervisor Comments:**

5:31: Supervisor Celebre welcomed the new Youth in Governance Samuel Arnold. The Committee introduced themselves one-by-one.

**Chairman Comments:** 5:31: None

**Approval of the Minutes from May 5<sup>th</sup>, 2021:**

**Motion by:** Pomaville      **Seconded by:** Belsky      **Approved:** unanimously

**Memos from Human Resources:**

Request for Special Assignment Wages – Corrections and Admissions/Release Supervisors

**Motion by:** Belsky      **Seconded by:** Gulley      **Approved:** unanimously

5:32: Ashley Lutterman of Kenosha County Human Resources presented, on behalf of Clara Tappa, the Director of Kenosha County Human Resources. The Sheriff's Department continues to have high demand of overtime shifts, which creates an imbalance of overtime shifts to our officers. We are requesting continued practice to allow the Detentions Operations Supervisors to accept shift assignments, to alleviate overtime for our regular Correctional Officers. This is continued practice that has been in place at least six years since Ashley has been here. Ashley is here to present the Memorandums to the Judiciary and Law and Finance Committee for review. Supervisor Belsky asked why Ashley was asking for a renewal for something that has been in place. Ashley responded that there were sunset dates that expired, so it is re-evaluated every time it comes up for renewal. This time they are requesting not to include a sunset date on the Memorandum, but let it be an indefinite amount of time. Supervisor Belsky asked if there were any issues or procedural concerns. Ashley replied there were not any concerns, this is just a request to seek the continued support from the committee.

Supervisor Gulley asked if we have been understaffed for six years. Ashley replied no, that it ebbs and flows periodically. Sometimes they do well and have enough staffing and do not need to tap into this option, but there are times when they do. They are looking to have this option available and not need to ask the committee every time.

Supervisor Gulley asked about the pay scale and if this is a set rate. Ashley agreed that it was a set rate. Supervisor Gulley asked if a person would be making more by using the example of, if the top rate is \$50 an hour, this rate would be \$75 an hour, but if that person taking that shift made \$45 an hour, they're going to get the higher rate. Ashley replied potentially, the Admissions and Correctional Supervisors make more hourly, so they would be making the equivalent of what the most senior officer would be making. Supervisor Gulley expressed concern over no definite timeline,

that if he oversaw the budget it would be difficult for him to say, "I'm OK paying 150% indefinitely".

Supervisor Nordigian asked about ICE being removed 12-18 months ago and thought there was going to be alleviation of all this over time. Ashley agreed they had some alleviation, but with some staffing and operational changes there have been increases in overtime. She reiterated that the Memorandum had expired, they were meant to bring it up last year prior to COVID so it got delayed. Supervisor Nordigian asked if they had excess labor back then, and why it is not available now. Ashley replied attrition and staff turnover. Supervisor Nordigian asked if we are losing more officers than we are bringing in. Ashley agreed that it happens periodically.

Supervisor Nordigian asked why there is not a sunset date and it is an indefinite amount of time. Ashley replied it did have a sunset date, but they are now requesting to renew and not have one.

Supervisor Celebre asked how this was addressing long term needs and if there is a labor shortage due to attrition that's not being addressed through new hires. Ashley replied that the needs change rapidly, depending on several circumstances and having this as a stopgap allows them to not involuntarily force the officers more than they need to. The Supervisors can step-up when needed to take on additional shifts. Supervisor Celebre asked if this more frugal or justifiable to pay overtime occasionally when needed, for example during vacations, rather than going out to higher another entity. Ashley agreed and added wearing out existing staff and putting more forces on them. It alleviates the stress on existing officers and gives them a break by putting some of it on the Supervisors. This allows them to address the immediate need while working on long term needs. Supervisor Celebre clarified if this affected the Detention Center or the jail, but not on the road. Ashley agreed it affected the Detention Center and Jail only.

Supervisor Gulley asked if this is salary positions and if there was anywhere else in the county where salaried base gets this kind of opportunity. Ashley agreed it was for salaried positions but could not verify if there was anywhere else in the county that had this opportunity. Supervisor Gulley mentioned that in other departments that ebb and flow, they use their forces correctly and are motivated to hire and staff correctly, and then asked if this applied to just law enforcement. Ashley agreed it only applied to law enforcement to her knowledge.

Supervisor Belsky asked if Ashley had any statistics or reports that show what staffing levels looked like after ICE left, such as overtime and how often, to show how much is being spent, why, and where. Ashley replied she did not have that information tonight but could collect it and bring it to the next meeting. Supervisor Belsky mentioned she would be more comfortable seeing the data prior to voting. Supervisor Nordigian asked if the sunset date was annually or once every two years. Ashley replied it was every 18 months to two years. Supervisor Nordigian asked what the budgeted amount was for this Memorandum, that he would like to see that and maybe it could be addressed at budget time too. Supervisor Gulley mentioned that if they're low on full-time staff it should show on the budget and they should be okay. Supervisor Nordigian agreed that they'll predict overtime, but they don't typically do that with salaries.

Supervisor Gulley mentioned he was okay with it being a perk but didn't want to be okay with it based on staffing. Ashley thought it met a lot of the needs everyone is addressing and asking about, and agreed it was a perk for the Supervisors as additional income. It was also a perk for the Correctional Officers and ARS because they are relieving forced overtime shifts and helps with immediate staffing needs.

Supervisor Wamboldt asked how long this had been done in the past. Ashley replied at least six years since she has been with the county. Supervisor Wamboldt opened the question up to the room asking if anyone else knew for how long.

Captain Justin Miller asked Ashley if he can assist in answering some of the questions. Ashley agreed to his assistance. Captain Miller addressed Supervisor Gulley and the question he had on the 150%. Captain Miller said the overtime would be paid anyways and the Supervisors are going to make less than they do, like that of a top Correctional Officer or Direct Supervision Officer, if they

take that shift. The overtime position must be filled, but by whom is the real root of this Memorandum. Captain Miller mentioned that when he was a Detention Captain he sat in a room with the board about the issue, because when they become understaffed, and attrition is part of it, that the staff gets burnt out working multiple shifts. They were able to alleviate some of that when they went to 12-hour shifts, which was about three years ago, the model being less staff to fill more positions. Captain Miller continued that when ICE left, it didn't take away from having two jail facilities to run. There are less inmates in each dorm, and budget items like food went down, but staffing hasn't changed because there are still inmates. In the last week they lost six officers and the attrition problems they're working on speeding things up. However, the job market is very robust right now and the hiring market is thwarted by that. Captain Miller mentioned that the Supervisors will tell you it's a perk, but the root is to take the burden off the officers who are going to be ordered in for shifts anyways. There is only a certain number of hours a Supervisor can work, around 20 hours, in a pay period, so they are unable to pad their paychecks or retirements. Hiring was a huge issue in 2016-2017 and we've come full circle back to that. Supervisor Gulley commented that this underscores the need to staff properly, as this Memorandum will burn out too. Captain Miller agreed that overtime was not the answer, because they cannot even fill the overtime they have, as fast as they get officers in, they leave. Interim Captain Klinkhammer added there are 14 vacancies between the two facilities, and there's a recruitment going through right now. Captain Miller added there are 31 recruits going through background checks, and 31 for 14 vacancies was not ideal. The jail is just trying to have the proper amount of staff and the Memorandum is like a band-aid that must keep being applied because of staffing needs.

Supervisor Belsky suggested a sunset date was needed instead of it being open ended. Supervisor Gulley added that he would be interested in knowing what they're doing in the right way of recruitment and this needs to be the focus, but if this Memorandum helped retain great people, he was all for it. Supervisor Gulley asked Ashley if she would be open to a sunset date, to which she agreed.

Chairman Frederick asked if there would be a motion to table this until the next meeting. Supervisor Belsky asked for a motion just set an end date within a two-year time frame. Supervisor Gulley verified if this is what it had been in the past, to which Ashley agreed it was. Supervisor Belsky motioned to extend the Memorandum for two years. Supervisor Nordigian seconded the motion. Motion passes unanimously with no further discussion.

Supervisor Frederick asks if there is a motion on the Memorandum. Supervisor Belsky motioned, which was seconded by Supervisor Wamboldt. Motion passes unanimously with no further discussion.

#### Request for Special Assignment Wages – Sworn Sergeants and Lieutenants

**Motion by:** Nordigian **Seconded by:** Wamboldt **Approved:** unanimously  
5:48: Ashley Lutterman of Kenosha County Human Resources presented, on behalf of Clara Tappa, the Director of Kenosha County Human Resources. This Memorandum is specifically for the sworn Sergeants and Lieutenants shift assignments for special events, such as Country Thunder, Amazon Fulfillment Center, and Bristol Renaissance Faire. The vendors of these special events are fully reimbursing the county for the service. The Memorandum asks to extend the additional traffic enforcement to sworn Sergeants and Lieutenants. Supervisor asked about Amazon Traffic Control and if they are reimbursing and by how much. Ashley replied they are reimbursing. Captain Miller added it is a dollar for dollar reimbursement. Supervisor Wamboldt verified that it was dollar for dollar, again. Captain Miller agreed that it was full reimbursement with no burden to the department or the county. Supervisor Gulley asked if Sergeants and Lieutenants were able to take the shifts now and receive incremental pay, or they are currently not allowed to take the shifts at all. Ashley replied that this Memorandum is something they have been renewing. Supervisor Gulley understood but asked if they can take the advanced pay or would they not be able to take the shifts at all. Ashley,

Captain Miller, and Interim Captain Klinkhammer all replied that the Sergeants and Lieutenants are not able to take those shifts. Supervisor Gulley asked specifically about Country Thunder, even though \$225k are received, if the actual costs are trued up at some point. Captain Miller agreed that they are. Supervisor Nordigian motioned to pass the Memorandum. Supervisor Wamboldt seconded the motion. Motion passes unanimously with no further discussion.

***Resolutions from the County Executive's Office:***

**Resolution Approving the Appointment of Dr. Thomas Radmer to Kenosha County Civil Service Commission**

***Motion by:*** Wamboldt    ***Seconded by:*** Gulley    ***Approved:*** unanimously  
5:51: Ashley Lutterman of Kenosha County Human Resources presented, on behalf of Clara Tappa, the Director of Kenosha County Human Resources. Effective immediately until 2025, Dr. Radmer is succeeding himself, and he's attended 36 out of 36 meetings. Supervisor Wamboldt asked how many terms he has served. Ashley replied she did not have this information on hand. Supervisor Nordigian motioned to approve the resolution. Supervisor Belsky seconded the motion. Motion passes unanimously with no further discussion.

***Resolutions from the Kenosha County Sheriff's Department:***

**Resolution Approving the 2021 WI OJA Multi-Jurisdiction Drug Task Force Grant – South East Area Drug Operations Group (S.E.A.D.O.G.)**

***Motion by:*** Wamboldt    ***Seconded by:*** Gulley    ***Approved:*** unanimously  
5:52: Captain Miller of the Kenosha County Sheriff's Department presented. Kenosha County is the lead agency to facilitate everything this year, it typically rotates. Kenosha Sheriff's Department has been awarded the continuation grant totaling \$211,792. This is comprised of \$125,176 of funding through the Wisconsin Office of Justice Assistance Systems via the federal Byrne Memorial Justice Assistance Grant Program, and \$86,616 from the Wisconsin Penalty Assessment Fund (i.e. state local match funds), to support the multi-jurisdictional drug task force that includes Kenosha, Racine, Dodge, Jefferson and Walworth Counties, so that makes up the SEADOG. This grant will attribute \$53,140 to the Kenosha County's Drug Task Force for 2021 to support investigation costs, such as, informant information, drug buys, purchase of equipment, telecommunications expenditures, and overtime expenses. Supervisor Wamboldt motions to approve the resolution. Supervisor Gulley seconded the motion. Motion passes unanimously with no further discussion.

**Resolution Approving the Activity Control License for Country Thunder East, LLC**

***Motion by:*** Nordigian    ***Seconded by:*** Wamboldt    ***Approved:*** unanimously  
5:54: Lt. Daniel Ruth of the Kenosha Sheriff's Department presented, assisted by Dr. Jen Freiheit Director and Health Officer of Kenosha Health Services. Country Thunder is scheduled for July 15<sup>th</sup> to July 18<sup>th</sup>, 2021 at the Shadow Hill Ranch in Randall, WI and Randall Township. The owner of the event is Irving One LLC, from Odessa, TX, Agent Roger Gearhart. The firm is listed as a Class B with the Town of Randall and will expire on June 30<sup>th</sup>, 2021. In previous years the Town of Randall has already approved the Class B until June 30<sup>th</sup>, 2022. The Kenosha County Department of Planning and Development received the Conditional Use Permit Application in December 2020 and approved the permit at their March 10<sup>th</sup>, 2021 meeting. Andy Buehler of Planning and Development confirmed all restrictions would be met to the Planning Development's satisfaction. The operations of the event are under the direction of Kim Blevins of Country Thunder East LLC, Madison, Tennessee. No major changes to the operation are anticipated. This year, County Thunder anticipates 25k to 35k people in attendance per day. Country Thunder has already posted \$225k as associate agency costs and Sheriff's Department costs. They have applied for the Activity Control License and has paid the fee.

Supervisor Wamboldt asked if Lt. Ruth or Dr. Freiheit had any concerns about Country Thunder. Dr. Freiheit replied she did have concerns, when you gather 25-35 thousand people with unknown vaccination status with a presumably low age group demographic, it is a high-risk event. Dr. Freiheit mentioned she had no authority to shut down the event, but spoke with the Country Thunder Agent, Kim Blevins, earlier that day about safer options. Dr. Freiheit is comfortable with the track they're going on, having reviewed their plan. Country Thunder will offer incentives like a discount to those who are vaccinated. Dr. Freiheit reiterated her biggest concern was vaccinations, and if they can get people vaccinated two weeks ahead of time the event will be safer, and on her risk scale this was right at the top. Dr. Freiheit said it is an experiment and we will see what comes from it. Supervisor Wamboldt asked if there were any plans in place, other than the promotion for vaccinations. Dr. Freiheit responded that there would be signage to encourage social distancing, knowing it would be impossible. There would be signage for masks, knowing people would not be wearing masks. There was a discussion about people waiting in line and where people will be gathering for 30 minutes where they will be standing very close to each other, there is potential for masks there. Dr. Freiheit and Country Thunder went through a remedy of options knowing it is difficult for an event and venue of this size.

Supervisor Wamboldt asked if there were any concerns from the Sheriff's side. Lt. Ruth replied there are concerns every year. Supervisor Wamboldt said in the past they have received "extras" for this event, such as cameras on poles and drones, and asked if there was anything new this year. Lt. Ruth replied there will be cameras again around the command post and will look around the site like last time. Lt. Ruth did walk the grounds with the site manager last month and there were improvements, prior to their request, to the drainage and the roadways. Country Thunder has purchased some of the property now, which allows them leverage on some improvements they would like to see such as culvert expansions and extra gravel for ingress and egress, they have taken down some older buildings, and poured concrete slabs to place tents. Country Thunder has made some of the changes they said they were going to. Lt. Ruth said outside of the normal concerns, like weather, there are no other major concerns.

Supervisor Gulley asked Dr. Freiheit if she knew of any events this size happening anywhere right now. Dr. Freiheit said stadiums are starting to increase in population, although there are none in Kenosha. Dr. Freiheit is working with the Bristol Renaissance Faire to improve their event. Dr. Freiheit expressed concern for Country Thunder because of three days of camping, closeness, and inebriation, and it will be an experiment. Supervisor Gulley was concerned no one attending has seen the Country Thunder plan and it's not on their website or social media sites, even for their Iowa event which is in ten days. Country Thunder may be adhering to the plan, but it decreases the likelihood of people adhering to it.

Supervisor Gulley asked how many law enforcement staff will be onsite and exposed. Lt. Ruth replied approximately 40-50. Supervisor Gulley verified that was the amount even during a staff shortage. Lt. Ruth responded this was in addition to their regular shifts. Supervisor Wamboldt verified there are other outside agencies involved. Lt. Ruth responded that many shifts cannot be filled, and the Sheriff's Department have turned to outside agencies.

Supervisor Belsky asked Dr. Freiheit how the health restrictions are similar or different than Summerfest or the State Fair and what is the health guide Country Thunder is doing. Dr. Freiheit responded that State Fair is partially in West Allis and partially in Milwaukee, both have municipal wide mandates that give their Health Officers more power and control over the State Fair. Each municipality is different on what they can or cannot impose for rules. Summerfest is postponed to September and they're working on State Fair number restrictions.

Supervisor Nordigian asked Dr. Freiheit about her comment on several stadiums opening. Supervisor Nordigian commented that quite a few of them have had 100% capacity, including Houston, Atlanta, Arizona, Cleveland, Baltimore, Boston, Kansas City, Texas, and Detroit. Of that list Atlanta, Arizona, Texas and Detroit do not have a required mask mandate that the other ones do

for the 100% open. These four are just recommended and encouraged but not required. Supervisor Nordigian expressed that this is the road to go down. The State of Texas ended their mask mandate on March 2<sup>nd</sup>, 2021 and their COVID numbers have been dropping. Their last count was 35% fully vaccinated. Supervisor Nordigian understood this example was a full state, as opposed to Kenosha County, and the state of Wisconsin is 42% fully vaccinated. Wisconsin has been at full capacity since baseball season and masks are just recommended. The Milwaukee Brewers are opening to 100% on June 25<sup>th</sup>, 2021 but there will be a mask mandate due to the city of Milwaukee. Supervisor Nordigian expressed his appreciation for the concerns, especially with many people attending every day, but 30-40 thousand people are in the stadiums. Some are season ticket holders going back repeatedly, and COVID has not been seen widespread, probably from the vaccine and people having already had COVID. The new reports coming out now say having COVID is better than getting the vaccine, if you were anything from an asymptomatic to a moderate. That article just came out of Washington University about 10 days ago. Supervisor Nordigian expressed that it looks like it's not going to be widespread, and glad Dr. Freiheit was able to talk to Kim Blevins and at least get documentation off her for any type of masks, but people are going to wear them or not. These large-scale stadiums, with massive amounts of people in them, and an overall spread has not been seen at this point since it started at the end of March 2021. Dr. Freiheit replied that she could not speak to other State numbers. Supervisor Nordigian noted that it would be seen on the news. Supervisor Gulley commented that Country Thunder was not a stadium event. Supervisor Nordigian replied that it was outside. Supervisor Gulley commented it was 35k people, a majority of whom are probably not local. They are coming in together, spending three days here, in very close proximity to one another, and then returning to other places. Which goes against all the things the CDC says you don't do right now. Dr. Freiheit agreed and reiterated why she said it was a concern and a high-risk situation. The numbers might not be seen on the media, but the local health departments are probably dealing with outbreaks from the events. Supervisor Nordigian comment that Dr. Freiheit didn't know for certain. If it's not seen in the health departments may or may not. Dr. Freiheit expressed that could be true, but guaranteed they are dealing with outbreaks.

Supervisor Celebre asked Lt. Ruth how many people are anticipated to spend the night at Country Thunder. Lt. Ruth responded that it used to be a lot more than in recent years. In the past the camping areas were called 'Gen1', 'Gen2', and 'Gen3' for 'General Camping 1', 'General Camping 2', and 'General Camping 3'. Lt. Ruth commented that 'General Camping 2' has not been a part of Country Thunder for a few years now, as the actual campgrounds have not been having as many overnight stays. Lt. Ruth estimated that if Country Thunder anticipated 25k daily people, 15-20 thousand at the most would use the campsites. Even the camping that they have has not been sold out in the last couple of years. Most people are coming for the day and not staying overnight.

Supervisor Celebre referred to the 2<sup>nd</sup> paragraph, line 2 "We are committed to considering the following in order to mitigate any risk", and then verified if Kenosha Sheriff's Deputies would primarily be doing security as they do not have the workforce to enforce the COVID recommendations. Lt. Ruth agreed that was true and commented that it was difficult to predict six weeks from now. Every day there are new orders and recommendations from the CDC, for example yesterday every State and Union is now free to travel without quarantine. It is difficult to definitively say what will be six weeks from now, and that's what Country Thunder is saying in the plan, 'these are the recommendations, we are following CDC guidelines, we don't what will be but we're committed to following the CDC guidelines.'. Supervisor Belsky commented that the plan says, 'we'll consider'. Supervisor Celebre agreed and that was the point he was trying to make is that it state 'we're committed to considering the following', and the Kenosha Sheriff's Department doesn't have the workforce to enforce, for example, everyone staying six feet apart unless they're from the same family. Lt. Ruth replied that he thought everyone can agree they are unable to do that. It is an outdoor event with virtually nothing indoors except those staying in campers and tents. Supervisor Celebre asked if these recommendations are being put in sign or making boxes of masks available,

for example. Lt. Ruth replied that there is a push for social media information leading up to the event, while he understood there is nothing out for Wisconsin or Iowa right now, but the days leading up to the event. Lt. Ruth said he did not check to see what language is up for Iowa but knows it's a smaller event of only about 10k people per day. Supervisor Belsky asked when tickets go on sale for Country Thunder. Lt. Ruth replied they are on sale now. Supervisor Belsky verified they are hitting the website and Lt. Ruth agreed. Supervisor Gulley commented that Iowa is June 11<sup>th</sup>, 2021, which is in nine days, and there is nothing. Lt. Ruth asked if there is any language about COVID guidelines. Supervisor Gulley replied there is nothing on the website or social media, and he felt that the plan was not genuine. Lt. Ruth said this plan was their draft copy and by no means final, which is why he wanted Dr. Freiheit here today as she oversees all their planning as their manager. Supervisor Nordigian asked Dr. Freiheit if she will touch base with them again in the next couple weeks. Dr. Freiheit said they had not set a date, but she thought so.

Supervisor Daniel Gashke, the Chair of the Planning and Development Committee addressed Dr. Freiheit, saying Country Thunder was brought to their committee a couple months ago. The Country Thunder representative assured the committee they would work with the Health Department and follow through on any guidelines or recommendations established by the Health Department. The Planning and Development Committee gave approval of land usage such as drainage, parking, and similar items. Supervisor Gashke is following up and wondering if Dr. Freiheit believed Country Thunder has followed through on what they told the Planning and Development Committee on establishing appropriate health guidelines with the Health Department. Dr. Freiheit stated that today was their second meeting and she had reached out to them once before to talk about the plan. As much as they were talking today it is unknown what the recommendation will be in six weeks and plans will solidify as it gets closer. Supervisor Gulley motioned to approve the resolution. Supervisor Wamboldt seconded the motion. Youth In Governance voted nay, motion passes through majority with no further discussion.

**6:13PM: JUDICIARY AND LAW ENFORCEMENT STOPPED THE MEETING AND MOVED DOWN THE HALL TO THE AUDITOR'S CONFERENCE ROOM. THIS WAS DUE TO A SCHEDULING CONFLICT AND ANOTHER MEETING TAKING PLACE.**

**6:14PM: THE MEETING RESUMED IN THE AUDITOR'S CONFERENCE ROOM**

***Discussion regarding use of ERC Inc.'s Emergency Restraint Chair:***

6:15: Interim Captain Eric Klinkhammer of the Kenosha County Sheriff's Department and Sgt. Doug Simpson of the Kenosha County Detentions Center lead the discussions. Int. Cpt. Klinkhammer started by describing the chair. The Emergency Restraint Chair is in use in the jail. When an inmate is resistant or is a safety risk to themselves, other inmates, or our staff we have a chair that is on wheels. The inmate is made to sit in that chair, and they are strapped with their hands, legs, thighs, and chest. The inmate is monitored while they are in the chair. They are let out for breaks if they are calm enough to do so. Officers negotiate with the inmate to get them out of the chair as soon as possible. Mostly, it's used for inmates that are suicidal or out of control or if the person is being resistant and officers cannot get them to do what they need to do.

The Emergency Restraint Chair was most recently used with Mr. Blake when he was arrested at a protest. Mr. Blake was booked into the jail and refused to say anything, and he refused to do anything the officers asked in the booking area. The booking process involves time and is open with holding cells all around it. In order to go into one of those holding cells unsupervised, or the inmate by themselves, or with other inmates, officers must take certain items from the inmate. Those items include shoes, shoelaces, belts, hooded jackets with strings, and a few other different clothing items.

Officers do that because they want the inmates to be safe in those cells. Being arrested can be very stressful and sometimes people are under the influence. Officers do not want them to hurt themselves, or the inmates who are in that cell with them. When Mr. Blake was booked, he had a belt, a hooded sweatshirt, and shoes. The staff negotiated with him, but he would simply not respond. The staff asked if he was going to resist if they took those items from him. He simply did not respond. The next option, because they cannot stand with him in the middle of holding negotiating for hours, is to make it so he is safely handled. Instead of fighting to remove his clothing, belt, and shoes, the easiest option, and most likely not to cause injury, is to put him in that restraint chair. They escorted him to that restraint chair, he sat down, and they strapped him. He was in the restraint chair and placed in a holding cell. He slept, he chanted, he sang, and he was in the chair for 7 hours, but he was checked on every 15 minutes. He was removed and allowed to use the restroom, then placed back in the chair because he still would not respond to the officers. Finally, around 7 o'clock in the morning, he agreed to be booked. He gave us his name, then he posted his bond and was released. In the corrections world, failure to do something, failure to do what is being asked, is a form of resistance. Officers don't want to fight with people. The Sheriff's Department doesn't want their officers getting hurt and the officers don't want to hurt somebody. This is the least restrictive measure, even though it seems restrictive, it's the least restrictive measure to handle somebody who is completely uncooperative. This is The Sheriff's Department for explanation of the Emergency Restraint Chair, and the event that happened at the jail on the night of the protests. For example, we have a new medical care provider, a psychologist. It is hard to find mental health people in this area, they flew in another mental health person from Atlanta, he works in Fulton County Jail. The psychologist was talking to the jail staff and he was crying because The Sheriff's Department treats our inmates so well, seriously. We don't beat people up. We don't put them in there for no reason. The Sheriff's Department does everything the least restrictive possible and our supervisors enforce that. This psychologist is a great guy, and he's worked in jails his whole life. He cannot believe how well our staff treats the inmates that are here. Int. Cpt. Klinkhammer opened for questions.

Supervisor Nordigian asked what the chair was made of, wood or metal, and if it was designed for its purpose or altered to do so. Int. Cpt. Klinkhammer replied that it was padded and comes from a company where that's the intent of the Emergency Restraint Chair. The straps are padded and checked by a medical professional that they are not on too tight to cause distress. Supervisor Nordigian asked if there was a heart rate or breathing monitor. If an inmate is left for 15 minutes and something happens while under stress or the under the influence, although not the intention.

Int. Cpt. Klinkhammer responded there are no electronic attachments and handed the training manual for the restraint chair to the committee for review. Int. Cpt. Klinkhammer mentioned the photo in the manual, so the committee knew what the chair looks like. Int. Cpt Klinkhammer commented that it has wheels if someone is fighting and they need to move from cell to cell, the cell must be cleaned, or closer to the bathroom so they can get out. The wheels allow the chair to lift and dolly a person over to an area. The Sheriff's Department has a couple of them in case the person needs to be moved to another chair for cleaning purposes. Once an inmate is in the chair they are placed in an observation and holding cell, which is monitored by camera, and they are checked on every 15 minutes to see if they are okay or want to get out. Int Cpt. Klinkhammer commented that it is the inmate's choice if they want to get out. Supervisor Nordigian asked if the 15-minute checks were documented. Int. Cpt. Klinkhammer responded yes, and it is logged with the officer's name, time, and what the inmate is doing. Supervisor Nordigian asked if there is evidence other than the log. Int. Cpt. Klinkhammer replied the whole area is monitored with a video camera, the officers have body cameras now, and there is a video camera in the cell.

Supervisor Gulley commented that when Supervisor Rose mentioned the Emergency Restraint Chair at the County Board Meeting, he was bringing it up from a case-law, potential liability aspect, and looking at what's happened in other areas. Supervisor Gulley commented that



from the research he had done the chair felt like being in a “time out” and verified with Int. Cpt. Klinkhammer that if an inmate is an immediate risk to themselves or others it is meant to prevent that. Supervisor Gulley felt that the situation Int. Cpt. Klinkhammer used was different then described and asked if the inmate is in the chair predicated on being a risk because of his shoes, once he’s in the chair can an officer remove the belt and shoes. Int. Cpt. Klinkhammer responded that once the straps are down, clothing cannot be removed. Supervisor Gulley agreed that the hoodie mentioned earlier could not be removed, but the shoes and the belt could have been. Int. Cpt. Klinkhammer agreed those items could have been removed. Supervisor Gulley mentioned that other policies he read, in addition to law enforcement 15-minute check, there was a scheduled medical check by an EMT every four hours. Int. Cpt. Klinkhammer deferred the question to Sgt. Doug Simpson, the Jail Administrative Sergeant, with 28 years of experience in the Kenosha County Jail and with expertise on the policies. Sgt. Simpson stated that upon placement in the restraint chair the inmates are always screened by a medical professional and qualified practitioner. Every two hours there are restroom breaks or water breaks, and every time the inmate is screened by a medical professional.

Supervisor Celebre asked about discerning the why, using the example of Mr. Blake ‘this is defiant, this is obstructing through omission’, as opposed to someone who has a heart condition ‘this person is having a stroke’ for example. Supervisor Celebre asked if there is something that would preclude the ability to identify what the reason is. Supervisor Rose said half a million dollars was paid out in his case example, is an LPN as qualified as an MD, as opposed to a Deputy or Sergeant. Sgt. Simpson replied that all Correctional Officers are trained first responders and they will check and tag off to the next level of professional. The LPNs and RNs are qualified EMTs, but they’re not there to be medical professionals. Supervisor Celebre asked if all the precautions are met, then what was led to a payout of a half million dollars, was something missed during the screening process. Supervisor Gulley corrected that the half million-dollar payout was a national case Supervisor Rose was quoting, not something local.

Int. Cpt. Klinkhammer commented that the chair was used sparingly. Supervisor Rose added that it is not a punitive measure at all, it’s preventative. Supervisor Nordigian verified it is for safety measures. Sgt. Simpson agreed, it is a protective safety chair. It is written in the policy that the chair cannot be used for any type of punitive or motivational tool. It is strictly protective and safety, to keep people from hurting themselves.

Supervisor Celebre asked if an officer is always distinguishing between a person having an epileptic seizure and not being responsive, so therefore not being deserving of the chair. Cpt. Miller replied that there’s an immediate medical screening the second they’re put in the chair. If they were having some sort of medical episode, the medical professional would be able to determine whether it is defiant behavior or a medical episode.

Sgt. Simpson commented, to segue off and answer the question more thoroughly, the level of resistance that he saw was proacted by two different levels. An inmate who is having that medical issue they’re not responsive, they’re not capable of any motor of resistance at all, they’re unconscious or in a coma so they cannot resist. Then you have a non-responsiveness inmate, which is what I think we primarily saw in this instance. The next level of resistance in that continuum is dead-weight tactics. This is an inmate laying on the ground and won’t do what this gentleman did, which is walk around and willingly go from one location to another. There are 10 levels of resistance all the way up to a weapon, and trying to kill someone is the top level.

Supervisor Belsky asked if at breaks or checks he was periodically asked to remove the items again. Int. Cpt. Klinkhammer responded yes, they did. Supervisor Belsky asked if no response was received. Int. Cpt. Klinkhammer responded that he was asked ‘take your belt off, we’ll let you up. If you cooperate, we’ll let you of the chair.’ Supervisor Belsky asked if anyone attempted to remove the items from him. Int. Cpt. Klinkhammer replied they did not attempt to do this. Supervisor Pomaville asked how long it would have taken him to be booked had he not resisted over 7 hours. Int.

Cpt. Klinkhammer guesstimated that at 11pm during the week he would've been out of the jail with an hour and a half but could not guarantee it.

Supervisor Pomaville asked what they had policy-wise for people who might be experiencing mental health episodes. Sgt. Simpson replied there are extensive mental health screening processes during the intake and available during any time of their incarceration. When a mental health professional is available, they are involved in the process. The Sheriff's Department is obligated by law to protect a person from harming themselves when experiencing mental distress. Often someone under the influence of alcohol or with mental health issues will end up in this chair, to get them stabilized and out as quickly as possible. Int. Cpt. Klinkhammer noted there are three or four policies regarding mental health and mental health episodes, and how to screen inmates or react to the person when they're having an incident in the jail. These policies are followed, and officers do not deviate, as we do not want a lawsuit if somebody hurts themselves in our care. Supervisor Pomaville asked if the Emergency Restraint Chair was part of the policy. Int. Cpt. Klinkhammer responded yes, there is a procedure and 'Use of Restraints' policy that covers the chair. Supervisor Pomaville commended The Sheriff's Department for regularly participating in CIT training. Int. Cpt. Klinkhammer added that the psychologist was not brought up earlier as a "look at us.", but because it surprised even them. They work with these people all the time and when he said that it spread like wildfire because the staff really do a good job. It is a stressful workplace.

Supervisor Gulley commented the example was described as passive resistant, "I'm not taking my shoes or my belt off". Supervisor Gulley asked how often the chair is used for that versus someone who is having a substance abuse episode. Int. Cpt. Klinkhammer replied that the incident is a rare application. Sgt. Simpson added the staff is extensively trained in professional communication, "we're going to talk to you, frame it to you, explain the process to you, and allow you to make the choice as to what happens". The officers are not really determining and not responding to the level of resistance that we see. Officers will explain the process, who have extensive training in communication, and this is just one aspect of it. Supervisor Gulley commented that it is unfortunately a very publicized aspect.

Cpt. Miller replied that the unique aspect to this example, is when people come into the jail, they've been identified to some point by the time they get to the intake area. There is something called FastID which checks to see if they've been incarcerated in the Wisconsin system. With no return on FastID, he didn't have a hard ID on him, other than did someone know Mr. Blake. Cpt. Miller commented that he would not have known what he looked like. Supervisor Gulley verified that no one knew that it was Jacob Blake's Uncle. Int. Cpt. Klinkhammer replied they must positively identify the person. Supervisor Nordigian added that they must treat everyone the same. Int. Cpt. Klinkhammer commented that they cannot rely on a Facebook, for example, to ID. Cpt. Miller reiterated that in this case there was no positive identification of the individual, and after working on the road for ten years there was maybe only one person, he could not ID by the time they got to the jail. Whether the inmate provided a name and it matched physical descriptors, that was good enough. At this point, in this example, there was no speaking at all, no talking, no back and forth, and nobody in his party identified him. Int. Cpt. Klinkhammer added that the officers do not want to get goaded into doing something. Supervisor Celebre asked him to elaborate. Int. Cpt. Klinkhammer replied someone in high profile, that comes in and tries to get attention, the officers are not going to buy into it.

Supervisor Belsky commented that if the wrong ID was made, the Sheriff's Department would be criticized for that. Int. Cpt. Klinkhammer replied that the publicity if an officer tried to take his belt off, he fought with the officers, then there's a pile of officers on top of him because they're trying to remove his belt. All these things are running through the Supervisor's head as they are doing the booking. Supervisor Belsky commented that was why The Sheriff's Department follow procedures. Int. Cpt. Klinkhammer hypothesized they take off his belt, then he raises his hand and the officer perceives that as a threat, then he's thrown to the ground and gets injured in the jail. That is

what goes through every officer's mind on the road and when they're doing these bookings. Those officers knew what this was about.

Supervisor Gulley commented that Supervisor Rose's comments were less about the individual and more about the use of the chair. Supervisor Gulley asked to receive the 'Use of Restraints' policy so the loop can be closed and get back to Supervisor Rose, to which Int. Cpt. Klinkhammer agreed.

Supervisor Celebre asked without ID that could potentially be false arrest. Int. Cpt Klinkhammer replied yes, he was booked in as John Doe. Supervisor Gulley commented that they did know who he was. Int. Cpt. Klinkhammer replied that they did know, but not until he tells the officers who he is. There are criteria used and all that is going through the officers who arrested him. Int. Cpt. Klinkhammer hypothesized the officer thinks 'Oh, this is...', then puts him in the car, what if he is beaten up because he's Jacob Blake's Uncle, then they get him to the booking area and something happens there because we're trying to make him safe to go into a cell. All this is going through the mind of the Supervisor and he doesn't want to get blamed for it.

Supervisor Celebre asked if body cameras were in place at the time of the rest. Int. Cpt. Klinkhammer replied no, but there is surveillance footage of the entire incident.

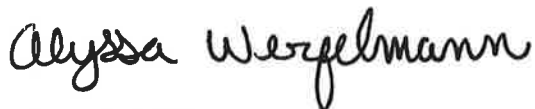
Int. Cpt. Klinkhammer asked if body cameras were on the agenda, as they are changing it. Chairman Frederick replied it is not on the agenda and the body camera policies have not come back to them yet, maybe next month.

***Any Other Business Allowed by Law:*** 6:38: None

***Meeting Adjourned:*** 6:38: on motion by Belsky; seconded by Pomaville

A recording of the meeting is available online at [kenoshacounty.org](http://kenoshacounty.org)

Respectfully Submitted,

A handwritten signature in black ink that reads "Alyssa Werfelmann". The signature is written in a cursive, flowing style.

Alyssa Werfelmann